

BOARD OF SUPERVISORS MINUTES

DECEMBER 7, 2021

At a Regular Meeting of the Orange County Board of Supervisors held on Tuesday, December 7, 2021, beginning at 5:00 p.m., in the Meeting Room of the Gordon Building, 112 West Main Street, Orange, Virginia. Present: James P. Crozier, Chairman; R. Mark Johnson, Vice Chairman; James K. White; Keith F. Marshall; and Lee H. Frame. Also present: Theodore L. Voorhees, County Administrator; Thomas E. Lacheney, County Attorney; and Alyson A. Simpson, Chief Deputy Clerk.

RE: ADOPTION OF AGENDA

On the motion of Mr. Frame, seconded by Mr. Johnson, which carried by a vote of 5-0, the Board adopted the agenda, as presented. Ayes: Johnson, White, Marshall, Crozier, Frame. Nays: None.

RE: SPECIAL PRESENTATIONS AND APPEARANCES

RE: BUSINESS SPOTLIGHT

Jamie Collins, Co-Owner of Pinnacle Physical Therapy, appeared before the Board to spotlight his business.

The Board thanked Mr. Collins for his presentation.

RE: PRESENTATION OF A CERTIFICATE OF APPRECIATION TO TERESA BURRUSS

Chairman Crozier presented a Certificate of Appreciation to Teresa Burruss in recognition of her 28 years of service to the County.

Collectively, the Board thanked Ms. Burruss for her dedicated service and congratulated her on her retirement.

RE: INTRODUCTION OF RYAN DEWYEAE

Stephanie Straub, Assistant County Administrator for Operations, introduced Ryan Dewyea, newly-hired Public Works Director, to the Board.

The Board welcomed Mr. Dewyea.

RE: VIRGINIA DEPARTMENT OF TRANSPORTATION QUARTERLY UPDATE

E. Alan Saunders, Louisa Resident Engineer, provided an update to the Board on VDOT activities. He reported on SmartScale projects; projects currently in development; projects under construction; resurfacing efforts; completed and ongoing traffic engineering studies; safety and operational improvements; land use and development activities; and overall maintenance activities.

Discussion ensued among the Board regarding: the request for Through Truck Restriction on Route 600 (Mt. Sharon Road); and consistent application of speed limit signs on Route 621.

The Board thanked Mr. Saunders for his presentation.

RE: ANNUAL PRESENTATION FROM DOGWOOD VILLAGE

Pam Doshier, Dogwood Village Administrator, gave an annual presentation to the Board, which included information on the following: awards that had been presented to staff and Dogwood Village; donations from the community and local businesses; admissions statistics; activities created during the pandemic to keep residents engaged and to allow visits with family; the rise in the cost of goods and operations of the facility; stimulus funds that were received; staffing

challenges; testing efforts; outbreak and vaccination statistics; and new programs currently being developed for residents.

Discussion ensued among the Board regarding: financial losses that had been experienced during the pandemic; and the dedication of the staff and team at Dogwood Village.

The Board thanked Ms. Doshier for her presentation.

RE: CONSENT AGENDA

On the motion of Mr. Frame, seconded by Mr. Johnson, which carried by a vote of 5-0, the Board adopted the Consent Agenda, as presented.

RE: FY22 BUDGET AMENDMENTS (SUPPLEMENTALS AND TRANSFERS)

As part of the Consent Agenda, the Board approved the following budget amendments, as presented:

ACCOUNT NUMBER	ACCOUNT DESCRIPTION	PREVIOUS BUDGET	BUDGET CHANGE	AMENDED BUDGET
30031000-31175	GovDeals - Sale of Surplus	\$ (1,300.00)	\$ (7,600.00)	\$ (8,900.00)
43120001-43360	Vehicle Repair/Maintenance	114,478.00	7,600.00	122,078.00
30023001-31575	Sheriff Firing Range Fees	(2,800.00)	(44.00)	(2,844.00)
43120001-43350	Other Repair/Maintenance	14,311.00	44.00	14,355.00
41231001-41111	Wages - Regular	273,605.00	(7,000.00)	266,605.00
49210001-45625	Misc. - Claims & Losses	0.00	7,000.00	7,000.00
30030002-33625	Donations - Triad	(6,255.06)	(525.00)	(6,780.06)
43177002-46800	Guardian Pendant Expenses	4,844.00	525.00	5,369.00
30030002-33625	Donations - Triad	(6,255.06)	(1,250.00)	(7,505.06)
43177003-46800	Project Lifesaver Expenses	1,884.06	1,250.00	3,134.06
30030006-33500	Donations - Animal Shelter	(6,183.00)	(2,324.00)	(8,507.00)
43520003-43115	Prof. Serv. - Emergency Vet	150,194.00	2,324.00	152,518.00
TOTALS		\$ 536,522.94	\$ 0.00	\$ 536,522.94

RE: HEALTH DEPARTMENT BUDGET; FY21 SETTLEMENT AND FY22 REQUEST

As part of the Consent Agenda, the Board approved the rolling of remaining local funds in the amount of \$14,511 from FY21 to FY22 for the Rappahannock-Rapidan Health District's local contribution from Orange County, as presented.

RE: ADDITIONAL APPOINTMENTS TO THE YOUTH COUNCIL

As part of the Consent Agenda, the Board appointed the following additional members to the Youth Council for the 2021-2022 School Year:

11th Grade

Natalie Bullock

Peyton Courtney

RE: ADOPTION OF THE OCTOBER 26, 2021 REGULAR MEETING MINUTES

As part of the Consent Agenda, the Board adopted the October 26, 2021 Regular Meeting minutes, as presented.

RE: ADOPTION OF THE NOVEMBER 17, 2021 REGULAR MEETING MINUTES

As part of the Consent Agenda, the Board adopted the November 17, 2021 Regular Meeting minutes, as presented.

RE: NEW BUSINESS

RE: LEASE-PURCHASE OF A TANKER TRUCK

Amanda Amos, Contract and Procurement Specialist, stated that the Capital Improvements Plan (CIP) included Project C1236 for the lease-purchase of a tanker truck for Lake of the Woods Volunteer Fire and Rescue Company and the FY22 Adopted Budget contained the funds to purchase said truck. She explained that a selection committee had been formed to review the various types of trucks, pricing components, and cooperative contracts the County could utilize. After much review, Atlantic Emergency Solutions offered a 2023 Pierce Tanker Truck, meeting all of the requested components, through Cooperative Contract No. FS12-19 with HGAC.

Discussion ensued among the Board regarding: clarification that the apparatus would be owned by the County, but located at Lake of the Woods; specs for the electronic components of the truck; and the 9- to 12-month lead time on delivery.

On the motion of Mr. Frame, seconded by Mr. Johnson, which carried by a vote of 5-0, the Board authorized the use of HGAC Cooperative Contract No. FS12-19 with Atlantic Emergency Solutions for the lease-purchase of a 2023 Pierce Tanker Truck in the amount of \$548,826, contingent upon approved bank financing, as presented.

Ayes: Johnson, White, Marshall, Crozier, Frame. Nays: None.

RE: AMENDMENT TO CHAPTER 34 (FLOOD HAZARD REDUCTION) OF THE ORANGE COUNTY CODE OF ORDINANCES

Joshua Gillespie, Planning and Development Services Director, presented information to the Board regarding an ordinance amendment related to Floodplain Management, which was currently regulated in Chapter 34 of the Orange County Code of Ordinances. He explained that, as part of the latest Flood Insurance Rate Maps (FIRM) adoption process, the Virginia Department of Conservation and Recreation (DCR) reviewed local floodplain management programs for compliance. As such, DCR had provided staff with a model ordinance for localities that had been pre-cleared to meet National Flood Insurance Program (NFIP) and Code of Virginia requirements. Mr. Gillespie indicated that staff had reviewed the model ordinance and he presented the ordinance to the Board for its review, noting it must be adopted and in place by May 3, 2022. He added that, once the Board agreed, DCR had to review the draft ordinance before Planning Commission and Board of Supervisors public hearings could be scheduled, and that the ordinance would ultimately be sent to FEMA for final review and approval.

Discussion ensued among the Board regarding: establishment of overlay districts; defining "flood districts" in the ordinance; the need to reference the FIRM maps; removing irrelevant language from the model ordinance; other amendments to the model ordinance that were above the minimum standards; community outreach and notification efforts; and additional inspection, record, and costs incurred to the County and property owners.

By consensus, the Board requested that staff make the appropriate changes to the model ordinance language and bring them back for consideration at the next meeting.

RE: WATCH FOR CHILDREN SIGN REQUEST FROM FRAZERS LANDING SUBDIVISION

Alyson Simpson, Chief Deputy Clerk, explained that, through its Neighborhood Traffic Program, the Virginia Department of Transportation (VDOT) offered opportunities for neighborhoods, acting through their local governing bodies, to address traffic concerns on their local streets, one of which was requesting Watch for Children signs. VDOT required that these requests come directly from the local governing body and, in the case of sign requests, the County would enter into an agreement with VDOT and would be responsible for purchasing, installing, repairing, and maintaining the signs. Ms. Simpson noted that, since the County did not budget for signs, maintenance, etc. on any roads, the Board had previously taken the position that these requests would be zero-cost to the County.

Ms. Simpson stated that staff had received a request from the Frazers Landing Property Owners Association (POA) to install a Watch for Children sign on Pennfields Drive, located off Terrys Run Road, which led into the Frazers Landing Subdivision. She added that VDOT had reviewed the request and determined it met the criterion for a Watch for Children sign. Further, Ms. Simpson indicated the requestor had been advised that, should the Board agree to request the sign from VDOT, the POA would have to enter into a separate agreement with the County to be responsible for purchasing, installing, repairing, and maintaining the sign for the life of the sign, to which the POA Board of Directors agreed.

By consensus, the Board 1) authorized the County Attorney to prepare the agreement between the County and the Frazers Landing POA; 2) authorized the County Administrator to execute said agreement with the Frazers Landing POA on behalf of the County; and 3) authorized staff to enter into the agreement with VDOT for installation of the requested sign, only after the agreement with the POA had been executed, as presented.

RE: PUBLIC HEARING #1; SUP 21-03: CENTRAL VIRGINIA ELECTRIC COOPERATIVE

Joshua Gillespie, Planning and Development Services Director, presented the staff report and Special Use Permit (SUP) request from Central Virginia Electric Cooperative, which included information on the location and specifications of the subject property, the request to allow the installation of a fiber facility hub on Tax Map No. 57-1-15A, the proposed conditions, and the recommendation of approval from the Planning Commission.

At 6:21 p.m., Chairman Crozier called the Public Hearing to order to receive comments on the following:

SUP 21-03

The Board of Supervisors will consider a Special Use Permit application from Central Virginia Electric Cooperative (CVEC) to allow the installation of a fiber facility hub on property located on Litchfield Drive in the Lee Industrial Park to serve CVEC customers. The property is identified as Tax Map Parcel 57-1-15A, contains 1.02 acres, and is zoned General Industrial (I-2). The property is situated in the Economic Development Recommended Future Land Use category, as described in the Orange County Comprehensive Plan.

There being no speakers, Chairman Crozier closed the Public Hearing at 6:21 p.m.

On the motion of Mr. White, seconded by Mr. Marshall, which carried by a roll call vote of 5-0, the Board adopted the following ordinance, as presented:

**ORDINANCE APPROVING SUP 21-03 TO ALLOW THE INSTALLATION OF A FIBER FACILITY HUB
ON TAX MAP NO. 57-1-15A, REQUESTED BY CENTRAL VIRGINIA ELECTRIC COOPERATIVE**

WHEREAS, Central Virginia Electric Cooperative applied for a Special Use Permit to allow the installation of a fiber facility hub on property referenced as Tax Map No. 57-1-15A, containing approximately 1.024 acres, pursuant to Section 70-543 (14) of the Orange County Zoning Ordinance; and

WHEREAS, the Planning Commission advertised and held a Public Hearing on the request on October 21, 2021; and

WHEREAS, the Planning Commission considered whether the proposed Special Use Permit would further the purposes of the Comprehensive Plan and the Zoning Ordinance; threaten the public health, safety, or welfare; be compatible with its surroundings; would impact the environment or any natural, scenic, or historic assets of the County; or would result in substantial detriment to the surrounding property; and

WHEREAS, the Planning Commission reviewed the request and determined that the request was consistent with the considerations above and, as such, recommended approval of the request to the Board of Supervisors, as presented during its Public Hearing; and

WHEREAS, the Board of Supervisors advertised and conducted a Public Hearing on the request on December 7, 2021; and

WHEREAS, after deliberation, the Board of Supervisors has determined that public necessity, convenience, general welfare, and/or good zoning practice support approval of this Special Use Permit request, as presented during its Public Hearing;

NOW, THEREFORE, BE IT ORDAINED, on this 7th day of December, 2021, that the Orange County Board of Supervisors hereby approves SUP 21-03 to allow the installation of a fiber facility hub on property referenced as Tax Map No. 57-1-15A, subject to the four (4) conditions and two (2) sub-conditions as set forth in the attachment, as presented.

Ayes: Johnson, White, Marshall, Crozier, Frame. Nays: None.

Conditions for Approval

As adopted in Ord. No. 211207 - PH1
by the Orange County Board of Supervisors
on December 7, 2021

SUP 21-03: Central Virginia Electric Cooperative

To allow the installation of a fiber facility hub

Tax Map No. 57-1-15A

The conditions of this Special Use Permit ("SUP") shall apply to the properties identified on County Tax Map No. 57-1-15A, as well as any future division or consolidation of said property, unless otherwise specified herein. Compliance is the responsibility of the applicant, owners, and assigns. The following conditions are intended to offset and mitigate potential impacts of the proposed use, and to render the application consistent with the applicable provisions of the Comprehensive Plan and the Zoning Ordinance. If the conditions of the SUP or the information on the SUP plans or application are in conflict with one another or with the Zoning Ordinance, the more restrictive shall apply, unless specifically modified, waived, or otherwise specified in these conditions. Violation of these conditions, in whole or in part, may be cause for the revocation of the SUP, pursuant to §15.2-2309(7) of the Code of Virginia.

1. Controlling Documents – Controlling documents shall be the conditions as set forth herein and the documents submitted with the application dated August 3, 2021 (Concept Plan), August 9, 2021 (Application and Attachments), and August 11, 2021 (Narrative).
2. Compliance – Use and development of the subject properties shall be in substantial conformance with these conditions. The Zoning Administrator shall determine "substantial conformance." The property owner / operator shall be responsible for obtaining all required

County licenses, site plan approvals, building permits, health permits, VDOT permits, zoning permits, stormwater permits, and erosion & sediment control permits.

3. Uses – This SUP shall allow the development of a site with communications hut to serve as a hub for fiber optic cable, as generally shown on the concept plan and described in the application. If the property is subdivided in the future, this SUP shall become invalid.
4. Standards and Conditions –
 - a. In addition to compliance with dark sky standards, exterior lights shall only be illuminated when activated by motion sensors.
 - b. Fencing shall be developed and maintained as general shown on the concept plan.

RE: PUBLIC COMMENT

At 6:23 p.m., Chairman Crozier opened the floor for public comment.

The following individual spoke:

- Denise Hanson, 26483 Pennfields Drive

There being no further speakers, public comment was closed at 6:28 p.m.

RE: RECESS

The Board recessed its meeting at 6:29 p.m.

RE: RECONVENE

The Board reconvened its meeting at 7:05 p.m.

RE: OLD BUSINESS

There were no matters for Old Business at this time.

RE: DEPARTMENT DIRECTOR / CONSTITUTIONAL OFFICER REPORTS

There were no Department Director or Constitutional Officer Reports at this time.

RE: COUNTY ATTORNEY'S REPORT

The County Attorney had nothing to report on at this time.

RE: COUNTY ADMINISTRATOR'S REPORT

The County Administrator had nothing to report on at this time.

RE: BOARD COMMENT

Supervisor Johnson commented on this date representing the 80th anniversary of the attack at Pearl Harbor. He also shared sentiments on the recent passing of Bob Dole. Given this was the last regularly scheduled Board meeting to take place in the Meeting Room of the Gordon Building, Mr. Johnson shared some history on the Board's meeting locations.

Collectively, other members of the Board also reflected on the anniversary of Pearl Harbor.

RE: INFORMATIONAL ITEMS

The Board received the following correspondence for its information:

- CSA Monthly Report
- Office on Youth Quarterly Report
- Parks and Recreation Quarterly Report
- Finance Quarterly Report
- VDOT Monthly Report for December
- FY23 Annual Operating and Capital Budget Preparation; Preliminary Budget Considerations

RE: APPOINTMENTS TO BOARDS, COMMISSIONS, AND COMMITTEES

By consensus, the Board appointed William Logan as an At-Large Representative on the Thomas Jefferson Area Community Criminal Justice Board for a three-year term, with said term commencing January 1, 2022, and expiring on December 31, 2024.

By consensus, the Board appointed Thomas Pratt as an At-Large Representative on the Rappahannock-Rapidan Community Services Board, filling the unexpired three-year term of Clifton Barnes, with said term commencing immediately, and expiring on December 31, 2024.

By consensus, the Board re-appointed R. Mark Johnson as the District One Representative on the Orange County Broadband Authority, with said term commencing January 1, 2022, and expiring on December 31, 2023.

By consensus, the Board re-appointed James K. White as the District Two Representative on the Orange County Broadband Authority, with said term commencing January 1, 2022, and expiring on December 31, 2023.

By consensus, the Board appointed Keith F. Marshall as the District Three Representative on the Orange County Broadband Authority, with said term commencing January 1, 2022, and expiring on December 31, 2023.

By consensus, the Board re-appointed James P. Crozier as the District Four Representative on the Orange County Broadband Authority, with said term commencing January 1, 2022, and expiring on December 31, 2023.

By consensus, the Board re-appointed Lee H. Frame as the District Five Representative on the Orange County Broadband Authority, with said term commencing on January 1, 2022, and expiring on December 31, 2023.

RE: CALENDAR

The Board received copies of its calendar of meetings for the months of December 2021, January 2022, and February 2022.

RE: ADJOURN

On the motion of Mr. Frame, seconded by Mr. Johnson, which carried by a vote of 5-0, the Board adjourned the meeting at 7:15 p.m. Ayes: Johnson, White, Marshall, Crozier, Frame. Nays: None.

James P. Crozier, Chairman

Theodore L. Voorhees, County Administrator