At a Regular Meeting of the Orange County Board of Supervisors held on Tuesday, May 24, 2022, beginning at 5:00 p.m., in the Meeting Room of the Public Safety Building, 11282 Government Center Drive, Orange, Virginia. Present: R. Mark Johnson, Chairman; James P. Crozier, 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. Crozier, 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

There were no Special Presentations or Appearances at this time.

RE: CONSENT AGENDA

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

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

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
30044002-35650	Comp Bd. - Tech. Trust Fnd	$ 0.00	$ (19,014.00)	$ (19,014.00)
42160002-48110	EDP Equipment	0.00	19,014.00	19,014.00
49310006-47740 C1025	Contribution to FiberLync	1,000,000.00	1,000,000.00	2,000,000.00
30051003-39290	Trans. from COVID-19 Fund	(1,000,000.00)	(1,000,000.00)	(2,000,000.00)
43551006-45900	Contingency	1,673,867.00	(1,000,000.00)	673,867.00
49310015-47312	Trans. to Cty. Capital Project	1,000,000.00	1,000,000.00	2,000,000.00
30030006-33500	Donations - Animal Shelter	(33,476.00)	(612.00)	(34,088.00)
43520003-43115	Prof. Serv. - Emergency Vet	177,487.00	612.00	178,099.00
TOTALS		**$ 2,817,878.00**	**$ 0.00**	**$ 2,817,878.00**

RE: ADOPTION OF THE APRIL 26, 2022 SPECIAL MEETING MINUTES

As part of the Consent Agenda, the Board adopted the April 26, 2022 Special Meeting minutes, as presented.

RE: ADOPTION OF THE APRIL 26, 2022 REGULAR MEETING MINUTES

As part of the Consent Agenda, the Board adopted the April 26, 2022 Regular Meeting minutes, as presented.

RE: <u>ADOPTION OF THE MAY 10, 2022 WORKSESSION MINUTES</u>

As part of the Consent Agenda, the Board adopted the May 10, 2022 Worksession minutes, as presented.

RE: <u>ADOPTION OF THE MAY 10, 2022 REGULAR MEETING MINUTES</u>

As part of the Consent Agenda, the Board adopted the May 10, 2022 Regular Meeting minutes, as presented.

RE: <u>NEW BUSINESS</u>

RE: <u>CHILDCARE STAFF FEE DISCOUNTS</u>

Alisha Vines, Office on Youth Director, explained that the Board had previously approved a discount for staff for childcare fees for the current school year (2021-2022). She stated that staff at the childcare sites received a 100% discount where other County and School employees received a 50% discount. Ms. Vines noted that usage of the discounts had been monitored since the Board's approval last year and, as discussed, would be revisited at the end of the school year.

Ms. Vines provided a report of the childcare staff, County employees, and School employees that had been utilizing the discount, noting it was a welcomed benefit to both the existing employees and the new hires. Because of the success of the discount, she requested the Board's consideration to continue both the 100% discount for childcare staff as well as the 50% discount for other County and School employees. Ms. Vines indicated there would be little financial impact, and the discount would not have a negative impact on site capacity.

On the motion of Mr. Crozier, seconded by Mr. Frame, which carried by a vote of 5-0, the Board approved the ongoing continuation of the 100% discount for childcare staff as well as the 50% discount for other County and School employees for all "regular" fees, excluding late fees, full-day supplemental fees, monthly registration fees, etc., until such time the Board votes to change the discounts, as presented.

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

RE: <u>ADOPTION OF THE AUXILIARY LIST FOR SECONDARY ROADS</u>

Alyson Simpson, Chief Deputy Clerk, stated that, since the Board had completed its annual process for review and adoption of the Secondary Six-Year Plan, it would be appropriate for the Board to adopt its Auxiliary List. She reminded the Board the Auxiliary List was a reference list for projects to be considered or added to the Secondary Six-Year Plan in future years or as additional funding became available. Ms. Simpson noted that she was not aware of any changes to be made to the Auxiliary List since it was last adopted in June, 2021.

Discussion ensued among the Board regarding: changing the order of the projects on Reynolds Road and Tannery Road.

By consensus, the Board adopted the Auxiliary List for Secondary Roads, as modified.

RE: <u>OLD BUSINESS</u>

RE: <u>REZ 22-01; COMPLETE CARE OF VA *(CARRIED OVER FROM THE MAY 10, 2022 PUBLIC HEARING)*</u>

Kyra Davis, Planner, explained this Rezoning request had been deferred from its Public Hearing on May 10, 2022. She noted the applicant had worked with staff on developing revised proffers in order to address the Board's various concerns, which she presented to the Board for its discussion and consideration.

Discussion ensued among the Board regarding: a summary of the changes to the proposed proffers, as requested by the applicant.

Supervisor Marshall made a motion to approve the Rezoning request, as presented, but the motion died for lack of a second.

Further discussion ensued among the Board regarding: concerns with outdoor storage on the property; the desire to see the existing site lighting brought into compliance with the County's ordinances; issues with the "limited retail" language in the proffers; and the desire to see the proffers tightened, particularly as they relate to outdoor storage, site lighting, and uses, before obtaining support from a majority of the Board.

On the motion of Mr. Frame, seconded by Mr. White, which carried by a vote of 5-0, the Board further deferred action on REZ 22-01 until its next meeting on June 14, 2022.

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

RE: ADOPTION OF THE FY23-FY27 CAPITAL IMPROVEMENTS PLAN

Amanda Amos, Contract and Procurement Specialist, presented the Capital Improvements Plan for FY23-FY27 to the Board for consideration. She explained that the changes, as requested at the Regular Meeting on May 10, 2022, had been incorporated and the Plan was ready for adoption at this time.

Discussion ensued among the Board regarding: the fact that the County had to budget for Opticom devices as they could no longer be purchased through Virginia Department of Transportation (VDOT) funding; and the addition of an ambulance replacement project for Lake of the Woods Fire and Rescue using the $90,000 that had already been approved in the FY23 Operating Budget.

On the motion of Mr. Frame, seconded by Mr. Crozier, which carried by a roll call vote of 5-0, the Board adopted the Capital Improvements Plan for Fiscal Years 2023-2027, as modified.

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

RE: IDENTIFICATION OF EXPENDITURE OF THE PER-MEGAWATT ANNUAL PAYMENTS FOR SUP 22-01 (SWEET SPRING SOLAR)

Alyson Simpson, Chief Deputy Clerk, explained that the Board of Supervisors had previously held its public hearing for SUP 22-01 (Sweet Spring Solar), voting to approve the Special Use Permit and adopt the Ordinance of Approval. She noted that Condition 4a, as contained in the Ordinance of Approval, required the Board to identify where the annual per-megawatt payment from the project would be directed. However, that was not discussed or decided at the public hearing. As such, in order to finalize the Ordinance of Approval, Ms. Simpson stated that the Board needed to decide where to direct the annual per-megawatt payment. She indicated the options, as agreed by the applicant, were Fire and EMS, Forestry and Conservation Programs, and Parks, Recreation, and Open Space.

Discussion ensued among the Board regarding: the estimated amount of the payments.

On the motion of Mr. Crozier, seconded by Mr. White, which carried by a vote of 5-0, the Board chose to direct the annual per-megawatt payment, as identified in Condition 4a of Ord. No. 220510-PH3 for Sweet Spring Solar, towards Parks, Recreation, and Open Space, as presented.

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

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

RE: BOARD OF SUPERVISORS' TWO-YEAR STRATEGIC PRIORITIES; FY 2022 THIRD QUARTER UPDATE

Theodore L. Voorhees, County Administrator, provided a quarterly update on the Board's Two-Year Strategic Priorities, reviewing the progress that had been made on each priority to-date and highlighting achievements related to each priority.

The Board took the information regarding its Two-Year Strategic Priorities under advisement, and there was no action taken at this time.

RE: ADOPTION OF THE BOARD OF SUPERVISORS' TWO-YEAR STRATEGIC PRIORITIES FOR FY 2023 – FY 2024

Theodore L. Voorhees, County Administrator, indicated that the Board held a retreat in February, at which time its Strategic Priorities were reviewed and discussed. He explained that a new set of two-year priorities had been developed as a result of said discussion, noting that substantially completed priorities had been removed from the list. Mr. Voorhees presented the new Strategic Priorities for FY 2023 and FY 2024 for the Board's consideration.

Discussion ensued among the Board regarding: the achievements related to the provision of Broadband throughout the County.

On the motion of Mr. Crozier, seconded by Mr. Frame, which carried by a vote of 5-0, the Board adopted its Two-Year Strategic Priorities for FY 2023 and FY 2024, as presented.

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

RE: BOARD COMMENT

Supervisor Crozier commented on staff's abilities, accomplishments, and dedication throughout the COVID-19 Pandemic, remarking on how proud he was to have the best workforce and citizens.

RE: INFORMATIONAL ITEMS

The Board received the following correspondence for its information:

- CSA Monthly Report
- Office on Youth Quarterly Report
- Finance Quarterly Report

RE: APPOINTMENTS TO BOARDS, COMMISSIONS, AND COMMITTEES

There were no appointments at this time.

RE: CALENDAR

The Board received copies of its calendar of meetings for the months of May 2022, June 2022, and July 2022.

RE: SCHEDULE A PUBLIC HEARING FOR THE VACATION OF PORTIONS OF CERTAIN WILDERNESS SHORES LOT LINE ADJUSTMENT PLATS

By consensus, the Board authorized staff to advertise for and schedule a public hearing to consider the vacation of portions of certain Wilderness Shores Lot Line Adjustment Plats as part of its Regular Meeting on Tuesday, June 14, 2022, as presented.

RE: PUBLIC COMMENT

At 5:42 p.m., Chairman Johnson opened the floor for public comment.

There being no speakers, public comment was closed at 5:42 p.m.

RE: CLOSED MEETING

At 5:43 p.m., Mr. Lacheney read the following motion authorizing Closed Meeting:

WHEREAS, the Orange County Board of Supervisors desired to discuss in Closed Meeting the following matters:

- Discussion, consideration, or interviews of prospective candidates for employment; assignment, appointment, promotion, performance, demotion, salaries, disciplining, or resignation of specific public officers, appointees, or employees of the public body concerning Administration. *- §2.2-3711(A)(1) of the Code of Virginia*

- Discussion or consideration of the acquisition of real property for a public purpose, where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the public body concerning property in Unionville. *- §2.2-3711(A)(3) of the Code of Virginia*

- Consultation with legal counsel pertaining to actual or probable litigation, where such consultation in open meeting would adversely affect the negotiating or litigating posture of the public body concerning Public Works. *- §2.2-3711(A)(7) of the Code of Virginia*

- Briefings by staff members or consultants pertaining to actual or probable litigation, where such consultation or briefing in open meeting would adversely affect the negotiating or litigating posture of the public body concerning the Rapidan Service Authority (RSA) litigation. *- §2.2-3711(A)(7) of the Code of Virginia*

- Consultation with legal counsel employed or retained by the public body regarding specific legal matters requiring the provision of legal advice by such counsel concerning an SUP violation and a proffer amendment. *- §2.2-3711(A)(8) of the Code of Virginia*

WHEREAS, pursuant to §§2.2-3711 (A)(1), (A)(3), (A)(7), and (A)(8) of the Code of Virginia, such discussions may occur in Closed Meeting;

NOW, THEREFORE, BE IT RESOLVED, that the Orange County Board of Supervisors hereby authorized discussion of the aforestated matters in Closed Meeting.

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

RE: CERTIFICATION OF CLOSED MEETING

At 7:24 p.m., Ms. Simpson read the following resolution certifying Closed Meeting:

WHEREAS, the Orange County Board of Supervisors has, this day, adjourned into Closed Meeting in accordance with a formal vote, and in accordance with the provisions of the Virginia Freedom of Information Act; and

WHEREAS, the Freedom of Information Act requires certification that such Closed Meeting was conducted in conformity with the law;

NOW, THEREFORE, BE IT RESOLVED, that the Orange County Board of Supervisors hereby certified that, to the best of each member's knowledge, i) only public business matters lawfully exempted from open meeting requirements under the Freedom of Information Act were discussed in the Closed Meeting to which this certification applied, and ii) only such public business matters as were identified in the motion by which the said Closed Meeting was convened were heard, discussed or considered by it.

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

RE: ADJOURN

On the motion of Mr. Frame, seconded by Mr. Crozier, which carried by a vote of 5-0, the Board adjourned the meeting at 7:24 p.m. Ayes: Johnson, White, Marshall, Crozier, Frame. Nays: None.

R. Mark Johnson, Chairman	Theodore L. Voorhees, County Administrator