

BOARD OF SUPERVISORS MINUTES**JUNE 14, 2022**

At a Regular Meeting of the Orange County Board of Supervisors held on Tuesday, June 14, 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 modified. Ayes: Johnson, White, Marshall, Crozier, Frame. Nays: None.

RE: SPECIAL PRESENTATIONS AND APPEARANCES**RE: BUSINESS SPOTLIGHT**

Sherrie Page, Owner, and Terri Hockett, Manager, of My Sister's Closet, appeared before the Board to spotlight their business.

The Board thanked Ms. Page and Ms. Hockett for their presentation.

RE: CONSENT AGENDA

On the motion of Mr. Crozier, seconded by Mr. Frame, 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
30034001-34100	Recovered Costs	\$ (47,076.00)	\$ 20,000.00	\$ (27,076.00)
42150001-46840	Drug Treatment Court	60,000.00	(20,000.00)	40,000.00
30046008-37218	Cat. Aid - Fed. - COVID-19	0.00	(8,154.00)	(8,154.00)
49310015-47265	COVID-19 Fund - Transfers	0.00	8,154.00	8,154.00
30051002-39290	Transfers In - DSS	0.00	(8,154.00)	(8,154.00)
45321001-45742	Public Assistance	11,600.00	8,154.00	19,754.00
TOTALS		\$ 24,524.00	\$ 0.00	\$ 24,524.00

RE: FY22 BUDGET AMENDMENTS FOR ORANGE COUNTY PUBLIC SCHOOLS

As part of the Consent Agenda, the Board approved a supplemental appropriation and budget amendment for FY22 for Orange County Public Schools in the amount of \$731,072.23 in the Elementary and Secondary School Emergency Relief (ESSER) Fund; \$84,485.98 in the School Cafeteria Fund; and \$57,361.67 in the Adult Education Fund, which represented additional State and Federal grant revenue that had been received, as presented.

RE: APPROVAL OF THE AGREEMENT WITH THE COMMONWEALTH'S ATTORNEY

As part of the Consent Agenda, the Board approved the agreement between the Board of Supervisors and the Commonwealth's Attorney, and authorized the Chairman to execute said agreement on behalf of the Board of Supervisors, as presented.

RE: ADOPTION OF THE MAY 24, 2022 WORKSESSION MINUTES

As part of the Consent Agenda, the Board adopted the May 24, 2022 Worksession minutes, as presented.

RE: ADOPTION OF THE MAY 24, 2022 REGULAR MEETING MINUTES

As part of the Consent Agenda, the Board adopted the May 24, 2022 Regular Meeting minutes, as presented.

RE: NEW BUSINESS

RE: ADDITIONAL FUNDING FOR SCHOOL RESOURCE OFFICERS (SROs)

Theodore L. Voorhees, County Administrator, explained that, as a result of recent events and because of citizen concerns, the Chairman had met with the School Board Chair, representatives from the Sheriff's Office, and County Administration, in order to discuss school security. Because School Resource Officer (SRO) positions were only in use at the two Middle Schools and the High School, the consensus was to recommend an expansion of the existing SRO program to include an SRO in every school, at the Taylor Education Administration Complex (TEAC), and a floating position to cover absences. Mr. Voorhees stated this would result in eight additional SRO positions, who would be like any other sworn deputy sheriff, outfitted with all the required equipment and assigned a vehicle. He noted that during summer months, school holidays, and other times when schools were closed, the SROs would become "regular" deputies and thus augment the Sheriff's Office staffing.

Mr. Voorhees presented the financial impact, which included a total additional first year cost of \$1,120,092 and annual recurring costs of \$621,484. He also noted that equipment and vehicle replacements would require future expenses periodically, depending on useful life. Mr. Voorhees indicated that General Fund Balance was the suggested funding source for FY23.

Discussion ensued among the Board regarding: the implementation timeline; the fact the additional expenditure represented about 1.5 cents on the tax rate; use of a rolling implementation to get SROs in the schools as soon as they could be recruited; and the need to recognize physical issues at the schools related to security that would also need to be addressed in the Capital Improvements Plan in addition to the increased staffing.

On the motion of Mr. Crozier, seconded by Mr. Marshall, which carried by a roll call vote of 5-0, the Board approved the recommendations outlined above to add eight (8) full-time deputy sheriff positions, with accompanying equipment and vehicles, in order to expand the County's existing School Resource Officer (SRO) program to all Orange County schools, and authorized staff to prepare an amendment to the FY23 Operating Budget for the anticipated expenses using Appropriated General Fund Balance as the funding source, as presented.

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

RE: OLD BUSINESS

RE: REZ 22-01: COMPLETE CARE OF VA

Chairman Johnson noted a request had been received from the applicant to defer.

By consensus, the Board deferred action on REZ 22-01 (Complete Care of VA) until its Regular Meeting on Tuesday, August 9, 2022.

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

Theodore L. Voorhees, County Administrator, shared a presentation with the Board regarding implementation of the Munis mobile applications for workflow and employee leave requests. He also indicated that online permitting processes and a consolidated online citizen portal would be available soon.

RE: BOARD COMMENT

There was no Board Comment at this time.

RE: INFORMATIONAL ITEMS

The Board received the following correspondence for its information:

- VDOT Monthly Report for May

RE: APPOINTMENTS TO BOARDS, COMMISSIONS, AND COMMITTEES

By consensus, the Board appointed John Rhett as a Member of the Barboursville Village Overlay District (BVOD) Advisory Committee for an unexpired two-year term, with said term commencing immediately and expiring on September 30, 2022.

By consensus, the Board re-appointed Bob Wilbanks as the District Three Representative on the Board of Zoning Appeals for a five-year term, with said term commencing July 1, 2022, and expiring on June 30, 2027.

RE: CALENDAR

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

RE: SCHEDULE A PUBLIC HEARING FOR STA 21-01 (PRIVATE ROAD STANDARDS)

By consensus, the Board authorized staff to advertise for and schedule a public hearing for STA 21-01 (Private Road Standards) on Tuesday, June 28, 2022, as presented.

RE: SCHEDULE A PUBLIC HEARING FOR SUP 22-04 (SOL MADISON)

By consensus, the Board authorized staff to advertise for and schedule a public hearing for SUP 22-04 (Sol Madison) on Tuesday, July 12, 2022, as presented.

RE: SCHEDULE A PUBLIC HEARING FOR REZ 22-02 (SABRA, LLC)

By consensus, the Board authorized staff to advertise for and schedule a public hearing for REZ 22-02 (Sabra, LLC) on Tuesday, July 12, 2022, as presented.

RE: SCHEDULE A PUBLIC HEARING FOR A SITING AGREEMENT FOR SUP 22-04

By consensus, the Board authorized staff to advertise for and schedule a public hearing for the Siting Agreement for SUP 22-04 on Tuesday, July 12, 2022, as presented.

RE: PUBLIC HEARING #1; VACATION OF PARTS OF CERTAIN SUBDIVISION AND LOT LINE ADJUSTMENT PLATS FOR WILDERNESS SHORES

Thomas Lacheney, County Attorney, explained that Tricord had requested the Board's consideration to vacate certain undeveloped portions of the Wilderness Shores subdivision so said portions could be re-platted in a new configuration. He indicated the maximum number of lots for the subdivision would be maintained.

At 5:40 p.m., Chairman Johnson called the Public Hearing to order to receive comments on the following:

VACATION OF PARTS OF CERTAIN SUBDIVISION AND LOT LINE ADJUSTMENT PLATS

The Board of Supervisors will consider a proposed ordinance to vacate parts of the following subdivision and/or lot line adjustment plats for the Wilderness Shores Subdivision, located in the Gordon Magisterial District: (1) Part of plat recorded in Plat Cabinet M, Slots 46–53, comprising Lots 986R–1012R, and adjoining right-of-way in Section Eight and adjoining 6.2406 acre portion of Common Area “C”; (2) Parts of plat recorded in Plat Cabinet M, Slots 54–69, comprising Lots 375R–404R, Lots 464R–466R, Lots 519R–548R, Lots 585R–763R, Lots 1013R–1030R, adjacent Common Areas E, G & H, and eastern 26+/- acre part of Common Area N, and immediately adjacent ingress/egress easements and rights-of-way; and (3) Part of plat recorded in Plat Cabinet B, Slot 85, containing Lot 352. The vacation of each respective portion would be effective concurrent with the County's approval of the corresponding lot line adjustment and/or (re)subdivision plat(s) for future section(s) in Wilderness Shores.

There being no speakers, Chairman Johnson closed the Public Hearing at 5:40 p.m.

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

ORDINANCE TO VACATE PARTS OF CERTAIN SUBDIVISION AND LOT LINE ADJUSTMENT PLATS FOR WILDERNESS SHORES

WHEREAS, Lot 352, Wilderness Shores Subdivision, was created by a Plat of Subdivision recorded in Plat Book 2, Pages 19 through 32 (inclusive), and Plat Cabinet B, Slots 85 – 98 (inclusive); and

WHEREAS, a Plat of Vacation & Lot Line Adjustment for Wilderness Shores Sections Five, Six, & Eight, Gordon Magisterial District, Orange Co., Va., dated August 4, 2006, revised November 29, 2006, was recorded on May 11, 2007, in Plat Cabinet M, Slots 46 – 53 (inclusive) of the land records of the Clerk's Office of the Circuit Court of Orange County, Virginia; and

WHEREAS, a Plat of Vacation & Lot Line Adjustment for Wilderness Shores Southside & Revised Parcel D, Gordon Magisterial District, Orange Co., Va., dated September 1, 2006, revised November 30, 2006, was recorded on May 11, 2007, in Plat Cabinet M, Slots 54 – 69 (inclusive) of the land records of the Clerk's Office of the Circuit Court of Orange County, Virginia; and

WHEREAS, certain parts of the aforesaid platted areas of the Wilderness Shores Subdivision have been owned and developed by different individuals and/or entities over a period of time; and

WHEREAS, Section 15.2-2272 of the Code of Virginia 1950, as amended, and Section 54-68 of the Orange County Subdivision Ordinance, provide for vacating part(s) of a recorded plat after a lot(s) shown thereon has been sold; and

WHEREAS, the Board of Supervisors has the authority, pursuant to Section 15.2-2272(2) of the Code of Virginia 1950, as amended, and Section 54-68 of the Orange County Subdivision Ordinance, to adopt an ordinance to vacate a part of a recorded plat; and

WHEREAS, the Board of Supervisors has advertised said proposed ordinance in accordance with Section 15.2-2204 of the Code of Virginia 1950, as amended;

NOW, THEREFORE, BE IT ORDAINED, on this 14th day of June, 2022, that the Orange County Board of Supervisors, pursuant to Section 15.2-2272(2) of the Code of Virginia 1950, as amended, and Section 54-68 of the Orange County Subdivision Ordinance, hereby vacates the following parts and/or portions of recorded plats for the Wilderness Shores Subdivision, located in the Gordon Magisterial District:

- (1) The part of the Wilderness Shores Plat of Subdivision comprising Lot 352, as recorded in Plat Book 2, Pages 19 through 32 (inclusive), and Plat Cabinet B, Slots 85 – 98 (inclusive); and
- (2) The part of the Plat of Vacation & Lot Line Adjustment for Wilderness Shores Sections Five, Six, & Eight, Gordon Magisterial District, Orange Co., Va., dated August 4, 2006, revised November 29, 2006, recorded on May 11, 2007, in Plat Cabinet M, Slots 46 – 53 (inclusive) of the land records of the Clerk's Office of the Circuit Court of Orange County, Virginia, comprising Lots 986R – 1012R of Section Eight, together with three areas of the immediately adjoining portions of Common Area "C", containing 0.3461 acres and 0.3124 acres and 5.5821 acres, more or less, (excluding the 50' wide part of Gosling Lane adjoining Lot 408R, Section 3, Wilderness Shores), and provided the existing 50' Ingress/Egress & Public Utility Easement recorded as Instrument No. 040000984 among the aforesaid land records by which the Rapidan Service Authority has been granted easement rights as stated therein shall not be diminished, impaired, modified and/or vacated by this ordinance; and
- (3) The part of the Plat of Vacation & Lot Line Adjustment for Wilderness Shores Southside & Revised Parcel D, dated September 1, 2006, revised November 30, 2006, recorded on May 11, 2007, in Plat Cabinet M, Slots 54 – 69 (inclusive) of the land records of the Clerk's Office of the Circuit Court of Orange County, Virginia, comprising Lots 375R – 404R, Lots 464R – 466R, Lots 519R – 548R, Lots 585R – 763R, Lots 1013R – 1030R, and immediately adjacent Common Areas E, G, H, and the easternmost 26.3737+/- acre remainder of Common Area F (now known as Common Area "N"), and ingress/egress easements and rights-of-way immediately on or immediately adjoining those Lots or Common Areas, excluding the 50' wide portion of Misty Meadow Lane adjoining Common Area "F", and provided (a) the existing 50' Ingress/Egress & Public Utility Easement recorded as Instrument No. 040000984 among the aforesaid land records by which the Rapidan Service Authority has been granted easement rights as stated therein, and (b) the existing Deed of Easement (Ingress/Egress) recorded as Instrument No. 200003313 among the aforesaid land records by which the owners of Tax Map Parcel 13-10 (aka the Weedon Parcel), shall not be diminished, impaired, modified and/or vacated by this ordinance,

with the vacation of each respective part described above to be effective concurrent with County approval(s) and recording of corresponding lot line adjustment and/or (re)subdivision plat(s) for each of the above referenced lots and common areas in future section(s) of Wilderness Shores; and

BE IT FURTHER ORDAINED, that pursuant to Section 15.2-2276 of the Code of Virginia 1950, as amended, after the effective date of this ordinance, a certified copy of this ordinance is to be recorded in the Office of the Clerk of the Circuit Court of Orange County, Virginia, indexed to Deed Book 217, Page 565, and in Plat Cabinet B, Slots 85 – 98 (inclusive), and to Instrument No. 070004632, and in Plat Cabinet M, Slots 46 – 53 (inclusive), and to Instrument No. 070004633 and in Plat Cabinet M, Slots 54-69 (inclusive), pursuant to Section 15.2-2272(2) of the Code of Virginia 1950, as amended; and

BE IT YET FURTHER ORDAINED, that this ordinance shall become effective thirty (30) days after its adoption, unless an appeal pursuant to Virginia Code Section 15.2-2272(2) is filed within that time period, in which case, the ordinance shall become effective as directed by a court of competent jurisdiction.

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

RE: CLOSED MEETING

At 5:44 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
- 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 the Rapidan Service Authority. - §2.2-3711(A)(7) of the Code of Virginia

WHEREAS, pursuant to §§2.2-3711 (A)(1) and (A)(7) 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. White, 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 6:44 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: ACTION FOLLOWING CLOSED MEETING

RE: CONCURRENT RESOLUTION OF THE BOARDS OF SUPERVISORS OF ORANGE COUNTY, MADISON COUNTY, AND GREENE COUNTY, VIRGINIA, APPROVING THE WITHDRAWAL AND TRANSITION AGREEMENT FOR THE GREENE COUNTY WITHDRAWAL FROM THE RAPIDAN SERVICE AUTHORITY

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

WHEREAS, Orange County ("Orange"), Madison County ("Madison"), and Greene County ("Greene"), Virginia (collectively, "the Counties"), are the participating localities of the Rapidan Service Authority (the "RSA"), and

WHEREAS, on April 5, 2021, the Board of Supervisors of Greene signified its desire to withdraw from the RSA, by adopting a resolution under Virginia Code § 15.2-5112(B); and

WHEREAS, in its April 5, 2021 resolution, the Board of Supervisors of Greene also called for unanimous consent to the withdrawal by Orange and Madison under § 15.2-5112(A); and

WHEREAS, on April 13, 2021, the Board of Supervisors of Madison adopted a resolution unanimously consenting to the withdrawal of Greene on the condition that Greene provide evidence that the bond holders of Greene and the RSA consent to the withdrawal, and that the withdrawal follow the approvals and protocols set forth in § 15.2-5112; and

WHEREAS, also on April 13, 2021, the Board of Supervisors of Orange adopted a resolution unanimously consenting to the withdrawal of Greene from the RSA pursuant to § 15.2-5112 and supporting the initiation of the process for the proper separation of Greene from the RSA, subject to Orange and Madison entering into an agreement to configure the RSA board with an Orange majority after Greene's departure; and

WHEREAS, on May 25, 2021, Madison and Orange entered into a Memorandum of Agreement agreeing that prior to Greene's withdrawal from participation in the RSA, the Boards of Supervisors of Greene, Madison, and Orange will adopt a concurrent resolution to amend the Articles so that, effective upon Greene's withdrawal, the RSA's governing board shall consist of five representatives, three of whom shall be appointed by Orange, and two of whom shall be appointed by Madison; and

WHEREAS, the Orange, Madison and Greene Boards of Supervisors adopted Resolutions dated May 10, 2022 addressing the terms for Greene's withdrawal from the RSA and directing the preparation of the Withdrawal and Transition Agreement.

WHEREAS, the RSA Board adopted a Resolution dated May 19, 2022 addressing the terms for Greene's withdrawal from the RSA.

WHEREAS, the attached Withdrawal and Transition Agreement has been prepared.

WHEREAS, the Orange, Madison, and Greene Boards of Supervisors find the attached Withdrawal and Transition Agreement to be acceptable for the resolution of the pending dispute and completion of Greene's withdrawal from the RSA.

WHEREAS, the Orange, Madison and Greene Boards of Supervisors call upon the RSA Board of Members to adopt its own resolution approving the Withdrawal and Transition Agreement on or before June 16, 2022.

NOW, THEREFORE, BE IT RESOLVED that by concurrent resolution of their respective Boards of Supervisors, each of the Counties does hereby approve the attached Withdrawal and Transition Agreement, and calls upon the RSA Board of Members to adopt its own resolution approving the Withdrawal and Transition Agreement on or before June 16, 2022.

IN WITNESS THEREOF, the Boards of Supervisors of Orange, Madison, and Greene have adopted this concurrent resolution approving the Withdrawal and Transition Agreement and calling upon the RSA Board of Members to adopt its own resolution approving the Withdrawal and Transition Agreement on or before June 16, 2022.

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 6:45 p.m. Ayes: Johnson, White, Marshall, Crozier, Frame. Nays: None.

R. Mark Johnson, Chairman

Theodore L. Voorhees, County Administrator