

BOARD OF SUPERVISORS MINUTES**JULY 12, 2022**

At a Regular Meeting of the Orange County Board of Supervisors held on Tuesday, July 12, 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. Crozier, seconded by Mr. White, 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**

Ricky and Lorrie Bryant, Owners of The Barn at 678, appeared before the Board to spotlight their business.

The Board thanked Mr. and Mrs. Bryant for their presentation.

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: FY23 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 - GF	\$ (47,879.00)	\$ 20,000.00	\$ (27,879.00)
42150001-46840	Drug Treatment Court	60,000.00	(20,000.00)	40,000.00
43120001-41111	Sheriff's Office	2,309,122.00	457,469.00	2,766,591.00
43120001-42100	Sheriff's Office	198,711.00	18,480.00	217,191.00
43120001-42100	Sheriff's Office	198,711.00	6,380.00	205,091.00
43120001-42210	Sheriff's Office	214,332.00	40,744.00	255,076.00
43120001-42310	Sheriff's Office	292,135.00	67,928.00	360,063.00
43120001-42310	Sheriff's Office	292,135.00	1,824.00	293,959.00
43120001-42500	Sheriff's Office	8,961.00	1,672.00	10,633.00
43120001-42500	Sheriff's Office	8,961.00	299.20	9,260.20
43120001-42710	Sheriff's Office	50,423.00	12,447.60	62,870.60
43120001-46530	Sheriff's Office	16,000.00	6,400.00	22,400.00
43120001-46350	Sheriff's Office	30,000.00	8,000.00	38,000.00
43120001-46360	Sheriff's Office	0.00	9,600.00	9,600.00
43120001-46360	Sheriff's Office	0.00	8,800.00	8,800.00
43120001-46350	Sheriff's Office	30,000.00	17,600.00	47,600.00

43120001-46350	Sheriff's Office	30,000.00	3,200.00	33,200.00
43120001-46350	Sheriff's Office	30,000.00	10,400.00	40,400.00
43120001-43385	Sheriff's Office	19,772.00	29,600.00	49,372.00
43120001-43385	Sheriff's Office	19,772.00	28,800.00	48,572.00
43120001-43385	Sheriff's Office	19,772.00	11,408.00	31,180.00
41251001-46010	Information Technology	25,000.00	20,800.00	45,800.00
43120001-45230	Sheriff's Office	56,700.00	8,640.00	65,340.00
43120001-46365	Sheriff's Office	12,500.00	5,600.00	18,100.00
30052001-39900	Appropriated Fund Bal. - GF	(3,036,670.00)	(1,120,091.80)	(4,156,761.80)
49310001-47312	Transfers Out - GF	4,419,049.00	344,000.00	4,763,049.00
49400013-48260	C1018 County Cap. Project	295,000.00	344,000.00	639,000.00
30051003-39100	Transfers In - Cty. Cap. Proj.	(4,419,049.00)	(344,000.00)	(4,763,049.00)
TOTALS		\$ 1,133,458.00	\$ 0.00	\$ 1,133,458.00

RE: RESOLUTION OF SUPPORT FOR SMARTSCALE APPLICATIONS

As part of the Consent Agenda, the Board adopted the following resolution, as presented:

RESOLUTION OF SUPPORT FOR PROJECTS SUBMITTED TO ROUND 5 (FY24)
OF THE SMART SCALE PRIORITIZATION PROCESS

WHEREAS, on April 6, 2014, the General Assembly of Virginia approved an Act to amend the Code of Virginia by adding Article 1.1 of Chapter 1 of Title 33.1, a section numbered 33.1-23.5:5, commonly referred to as the Smart Scale Prioritization Process, which requires that projects requesting funding through the Six-Year Improvement Plan (SYIP) be scored and prioritized; and

WHEREAS, Orange County, in coordination with the Virginia Department of Transportation (VDOT), has identified the following four (4) projects to submit for funding through the FY2024-2030 Six-Year Improvement Program (SYIP):

Route 3 / Post Office Intersection Improvements,
Route 3 / Route 20 Intersection Improvements,
Route 3 / Lake of the Woods (Goodwin Drive) Improvements, and
Route 20 / Route 601 Intersection Improvements;

NOW, THEREFORE, BE IT RESOLVED, on this 12th day of July, 2022, that the Orange County Board of Supervisors hereby supports submission of the four (4) projects, as identified above, as part of the Smart Scale Prioritization Process.

RE: ADOPTION OF THE JUNE 28, 2022 REGULAR MEETING MINUTES

As part of the Consent Agenda, the Board adopted the June 28, 2022 Regular Meeting minutes, as presented.

RE: NEW BUSINESS

RE: APPROVAL OF THE COOPERATIVE CONTRACT WITH THE VIRGINIA SHERIFF'S ASSOCIATION VEHICLE PROCUREMENT PROGRAM FOR SHERIFF'S OFFICE REPLACEMENT VEHICLES

Amanda Amos, Contract and Procurement Specialist, explained that the Virginia Sheriff's Association's Vehicle Procurement Program had established cooperative contracts for use by

public bodies in order to achieve competitive pricing on police rated and special service vehicles. She added that the Association's program helped eliminate duplication of effort through the creation of these statewide contracts.

Ms. Amos indicated that staff recommended use of Cooperative Contract # 22-05-0917 with the Virginia Sheriff's Association, which would be used to purchase ten (10) 2022 Ford Police Interceptor Utility AWD vehicles as well as four (4) 2022 Dodge Chargers for use by the Sheriff's Office. She stated that pricing for the Interceptors started around \$34,800 and started around \$28,900 for the Chargers and that funding for the replacement vehicles was appropriated in the Capital Improvements Plan under Project C1018.

Discussion ensued among the Board regarding: supply chain issues that were causing delays in the receipt of new vehicles.

On the motion of Mr. Frame, seconded by Mr. Marshall, which carried by a vote of 5-0, the Board authorized staff to utilize Cooperative Contract # 22-05-0917 with the Virginia Sheriff's Association's Vehicle Procurement Program for the purchase of Sheriff's Office replacement vehicles using funding from Project C1018 in the Capital Improvements Plan, as presented.

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

RE: APPROVAL OF THE AGREEMENT FOR THE VOIP PHONE SYSTEM

Amanda Amos, Contract and Procurement Specialist, indicated that the County's current software that managed the VoIP (Voice Over Internet Protocol) phone system would be discontinued from support in August 2022. She noted that Realistic Computing, Inc. (RCI) was the vendor that provided the current software and they had a replacement software the County could upgrade to in order to keep the current phone system operating. Ms. Amos stated that RCI was the only vendor that provided said software that was compatible with the current phone system, so a sole source award was completed and approved.

Ms. Amos reported that the new software had a three-year life cycle, which would allow staff time to evaluate the County's VoIP system needs. The cost totaled \$201,664, which was appropriated in the Capital Improvements Plan under Project C1003.

Discussion ensued among the Board regarding: how long the County had the current system and software; frustration with the short notice provided by the current vendor on the end of life of the current software; the cost of the current system and software; whether there was a back-up plan or other near-term options to consider; and hardware and software compatibility.

On the motion of Mr. Crozier, seconded by Mr. Frame, which carried by a vote of 5-0, the Board authorized staff to enter into an agreement with Realistic Computing, Inc. for the purchase and implementation of the VoIP phone system software upgrade using funding from Project C1003 in the Capital Improvements Plan, as presented.

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

RE: REQUEST FOR A SPEED AND SAFETY STUDY ON THE IDENTIFIED PORTION OF ROUTE 621 (MINE RUN ROAD)

Alyson Simpson, Chief Deputy Clerk, explained that Supervisor White had recently received concerns from a resident of Route 621 (Mine Run Road) regarding the speed and safety of many travelers on said road, specifically on the segment from Route 692 (Saint Just Road) east to Pastoral Meadows Lane. She noted the resident had requested the Board's consideration for completion of a speed and safety study by the Virginia Department of Transportation (VDOT) along the identified portion of Route 621. Said study should include, but not be limited to, changes in

speed limit, additional speed limit and/or safety signage, and pavement markings where not currently present. Ms. Simpson noted the study could be requested by adoption of a resolution and staff would then request that VDOT present its findings and recommendations upon completion.

Discussion ensued among the Board regarding: the most recent study requested on Mine Run Road and timing of this new study request.

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

RESOLUTION REQUESTING THAT THE VIRGINIA DEPARTMENT OF TRANSPORTATION
(VDOT) CONDUCT A SPEED AND SAFETY STUDY ON THE IDENTIFIED PORTION OF
ROUTE 621 (MINE RUN ROAD) IN ORANGE COUNTY, VIRGINIA

WHEREAS, it is the intention of the Orange County Board of Supervisors to protect the health, safety, and welfare of all its citizens; and

WHEREAS, the Board of Supervisors has received a request for a speed and safety study on Route 621 (Mine Run Road), specifically on the segment from Route 692 (Saint Just Road) east to Pastoral Meadows Lane, as travelers appear to be using speeds in excess of the current road conditions; and

WHEREAS, the Board feels that posting the appropriate speed limit, safety signage, and pavement markings would significantly improve the safety on this roadway for all residents and travelers;

NOW, THEREFORE, BE IT RESOLVED, on this 12th day of July, 2022, that the Orange County Board of Supervisors hereby requests that the Virginia Department of Transportation conduct a speed and safety study on the identified portion of Route 621 (Mine Run Road) in Orange County, Virginia, as described above.

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

RE: REQUEST FOR A SPEED AND SAFETY STUDY ON THE IDENTIFIED PORTION OF
ROUTE 669 (MARQUIS ROAD)

Alyson Simpson, Chief Deputy Clerk, explained that Supervisor White had recently received concerns from a resident of Route 669 (Marquis Road) regarding the speed and safety of many travelers on said road, specifically on the segment from Route 650 (Independence Road) south to Route 629 (Lahore Road), and regarding the increased amount of tractor trailer traffic. She noted the resident had requested the Board's consideration for completion of a speed and safety study by the Virginia Department of Transportation (VDOT) along the identified portion of Route 669. Said study should include, but not be limited to, changes in speed limit, additional speed limit and/or safety signage, and pavement markings where not currently present. Ms. Simpson noted the study could be requested by adoption of a resolution and staff would then request that VDOT present its findings and recommendations upon completion.

Discussion ensued among the Board regarding: the most recent study requested on Marquis Road and timing of this new study request.

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

RESOLUTION REQUESTING THAT THE VIRGINIA DEPARTMENT OF TRANSPORTATION
(VDOT) CONDUCT A SPEED AND SAFETY STUDY ON THE IDENTIFIED PORTION OF
ROUTE 669 (MARQUIS ROAD) IN ORANGE COUNTY, VIRGINIA

WHEREAS, it is the intention of the Orange County Board of Supervisors to protect the health, safety, and welfare of all its citizens; and

WHEREAS, the Board of Supervisors has received a request for a speed and safety study on Route 669 (Marquis Road), specifically on the segment from Route 650 (Independence Road) south to Route 629 (Lahore Road), as travelers appear to be using speeds in excess of the current road conditions; and

WHEREAS, the Board feels that posting the appropriate speed limit, safety signage, and pavement markings would significantly improve the safety on this roadway for all residents and travelers;

NOW, THEREFORE, BE IT RESOLVED, on this 12th day of July, 2022, that the Orange County Board of Supervisors hereby requests that the Virginia Department of Transportation conduct a speed and safety study on the identified portion of Route 669 (Marquis Road) in Orange County, Virginia, as described above.

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

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

Theodore L. Voorhees, County Administrator, shared that an event was held at Booster Park recently for all employees to kick-off the Cultural Initiative. He noted he had received many positive comments from employees for the Board's implementation of the Class and Compensation Study.

RE: BOARD COMMENT

Supervisor Frame noted that a local business member had recently resigned as Orange County's representative on the Piedmont Workforce Development Board, in case his colleagues had any recommendations for a new appointee. He also shared that he would be participating in the work group for the Department of Professional and Occupational Regulation regarding structural integrity and maintenance of infrastructure for communities.

Collectively, the Board thanked its Historian, Chairman Johnson, for the work he had done on gathering the historic portraits for past members of the Board of Supervisors. They also commented on how nice the gallery of photos looked on display in the Meeting Room.

RE: INFORMATIONAL ITEMS

The Board received the following correspondence for its information:

- Virginia Alcohol Safety Action Program (VASAP) Annual Report for 2021
- Health Center Commission Minutes; March 25, 2022

RE: APPOINTMENTS TO BOARDS, COMMISSIONS, AND COMMITTEES

By consensus, the Board appointed Steven Blahut as the District Five Representative on the Social Services Board, filling the unexpired four-year term of Carla Everhart, with said term commencing immediately and expiring on June 30, 2026.

RE: CALENDAR

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

RE: RATIFY THE SCHEDULING OF A PUBLIC HEARING FOR GREENE COUNTY'S WITHDRAWAL FROM THE RAPIDAN SERVICE AUTHORITY

By consensus, the Board ratified the scheduling of a public hearing for Greene County's withdrawal from the Rapidan Service Authority on Tuesday, August 9, 2022, as presented.

RE: PUBLIC HEARING #1; REZ 22-02 (SABRA, LLC)

Kyra Davis, Planner, presented the staff report and Rezoning request from Sabra, LLC, which included information on the location and specifications of the subject property, the request to rezone Tax Map No. 12-39 in order to amend the C-2 proffered conditions limiting the property's use, the proposed proffers, and the summary from the Planning Commission meeting.

Mansour Azimipour, applicant, commented on the requested Rezoning, remarking he felt the proposed medical center was the best use of the subject property and that said use would provide the best economic impact for the County and the community.

Discussion ensued among the Board regarding: the types of medical services that would be provided; and the fact the center would be affiliated with Mary Washington Hospital.

At 5:39 p.m., Chairman Johnson called the Public Hearing to order to receive comments on the following:

REZ 22-02

The Board of Supervisors will consider an application from Sabra, LLC to rezone property at the intersection of Germanna Highway (Route 3) and Somerville Road (Route 711), Locust Grove, in order to amend the proffers to allow for a medical center. The property is identified as Tax Map Parcel 12-39, contains 7.58 acres, and is zoned Commercial (C-2) Conditional. The property is situated in the Germanna-Wilderness Area Plan (GWAP) Recommended Future Land Use category, as described in the Orange County Comprehensive Plan.

There being no speakers, Chairman Johnson closed the Public Hearing at 5:39 p.m.

Supervisor Crozier made a motion to approve the Rezoning request as C-2 versus C-2 Conditional.

Thomas Lacheney, County Attorney, remarked that approval as C-2 zoning would not be in compliance with the way the Rezoning was advertised, as the legal ad was for C-2 Conditional zoning to allow for an amendment to the previous proffers.

Discussion ensued among the Board regarding: discrepancies between the legal ad for the Public Hearing and the application submitted by Mr. Azimipour; the letter to the applicant from Mr. Smitherman, Interim Director of Planning and Development Services, regarding clarification of the proffers; and the need for the applicant to reaffirm his written proffer statement in order to be compliant with the legal ad and move forward with C-2 Conditional zoning.

Mr. Azimipour reaffirmed his written proffer statement, dated April 4, 2022, for the subject property to be used as a medical center.

Supervisor Crozier revised his previous motion, making a replacement motion to approve the requested Rezoning, as presented. The revised motion was seconded by Supervisor Frame.

Further discussion ensued among the Board regarding: the fact the parcel would now technically be split-zoned since the applicant had recently recorded a plat to consolidate two parcels into one parcel; the location and layout of the proposed medical center on the property; issues caused by the lot consolidation; the carryover of the “old” proffers to this new application; encouragement to the applicant to clean-up some of the old proffers that may no longer be relevant; the need for the applicant to cooperate with Planning Services staff when requests were made; and potential issues or concerns with a broader zoning or uses if the applicant were to request straight C-2 zoning in the future.

The Board requested the record reflect that the new (revised) proffer for a medical center applied only to the remaining 2.1 acres that was previously known as Tax Map No. 12-42, but became part of Tax Map No. 12-39 as part of the applicant’s recent lot consolidation.

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 ordinance, as presented:

ORDINANCE APPROVING REZ 22-02 TO REZONE APPROXIMATELY 7.58 ACRES FROM GENERAL COMMERCIAL (C-2) CONDITIONAL TO GENERAL COMMERCIAL (C-2) CONDITIONAL IN ORDER TO AMEND THE EXISTING PROFFERS LIMITING THE PROPERTY’S USE, REQUESTED BY A&K DEVELOPMENT CORP, ON BEHALF OF SABRA, LLC

WHEREAS, A&K Development Corp., on behalf of Sabra, LLC, has requested the rezoning of property at the intersection of Germanna Highway (Route 3) and Somerville Road (Route 711), Locust Grove, identified as Tax Map No. 12-39, totaling approximately 7.58 acres, from General Commercial (C-2) Conditional to General Commercial (C-2) Conditional in order to amend the existing proffers limiting the property’s use, pursuant to Section 70-191 *et seq.* and Section 70-193(f) of the Zoning Ordinance; and

WHEREAS, the Planning Commission advertised and conducted a Public Hearing on the request on June 2, 2022; and

WHEREAS, the Planning Commission considered whether the proposed Rezoning would further the purposes of the Comprehensive Plan and the Zoning Ordinance; would not threaten the public health, safety, or welfare; would be compatible with its surroundings; would not impact the environment or any natural, scenic, or historic assets of the County; or would not result in substantial detriment to the surrounding property; and

WHEREAS, the Planning Commission reviewed the request and offered a motion for a recommendation of approval contingent upon an acceptable Traffic Impact Analysis (TIA), with said motion failing as a result of a tie vote and with no subsequent motions being offered, which, according to the Planning Commission Bylaws, resulted in no action or recommendation; and

WHEREAS, the Board of Supervisors advertised and conducted a Public Hearing on the request on July 12, 2022; and

WHEREAS, following discussion, the Board of Supervisors hereby supports the request, as presented during its Public Hearing; and

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

NOW, THEREFORE, BE IT ORDAINED, on this 12th day of July, 2022, that the Orange County Board of Supervisors hereby approves REZ 22-02 to rezone property at the intersection of Germanna Highway (Route 3) and Somerville Road (Route 711), Locust Grove, identified as Tax Map No. 12-39,

totaling approximately 7.58 acres, from General Commercial (C-2) Conditional to General Commercial (C-2) Conditional in order to amend the existing proffers limiting the property's use, subject to the Legal Summary, the proffers dated April 4, 2022, June 6, 2011, and June 12, 1996, and the zoning exhibit, as presented; and

BE IT FURTHER ORDAINED, that this Rezoning and the proffers supersede and replace the action taken and the proffers previously adopted for the subject property as part of REZ 94-12, REZ 96-05, and PROF MOD 11-03.

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

RE: CLOSED MEETING

At 6:19 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 the Airport. - §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 the Town of Orange. - §2.2-3711(A)(3) 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 Fire and EMS services. - §2.2-3711(A)(8) of the Code of Virginia

WHEREAS, pursuant to §§2.2-3711 (A)(1), (A)(3), 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 aforesated matters in Closed Meeting.

On the motion of Mr. Frame, seconded by Mr. White, 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 7:05 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 7:05 p.m. Ayes: Johnson, White, Marshall, Crozier, Frame. Nays: None.

R. Mark Johnson, Chairman

Theodore L. Voorhees, County Administrator