

BOARD OF SUPERVISORS MINUTES**SEPTEMBER 27, 2022**

At a Regular Meeting of the Orange County Board of Supervisors held on Tuesday, September 27, 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; and Lee H. Frame. Absent: Keith F. Marshall. 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 4-0, with Mr. Marshall being absent, the Board adopted the agenda, as presented. Ayes: Johnson, White, Crozier, Frame. Nays: None. Absent: Marshall.

RE: SPECIAL PRESENTATIONS AND APPEARANCES**RE: UPDATE FROM THE CENTRAL VIRGINIA PARTNERSHIP FOR ECONOMIC DEVELOPMENT (CVPED)**

Helen Cauthen, President of the Central Virginia Partnership for Economic Development, provided an update to the Board, which included information on the following: the mission of the CVPED; leadership at the Partnership and support from Orange County; programs of work and results of said work; goals of attracting, retaining, and aligning talent; the initiatives of the Tech Talent Retention Grant; and Partnership investors.

The Board thanked Ms. Cauthen for her presentation.

RE: CONSENT AGENDA

On the motion of Mr. Crozier, seconded by Mr. Frame, which carried by a vote of 4-0, with Mr. Marshall being absent, the Board adopted the Consent Agenda, as presented.

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

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
30030006-33500	Donations - Animal Shelter	\$ (1,274.00)	\$ (1,130.00)	\$ (2,404.00)
43520003-43115	Prof. Serv. - Emergency Vet	173,779.00	1,130.00	174,909.00
30030006-33500	Donations - Animal Shelter	(1,274.00)	(1,195.00)	(2,469.00)
43520003-43115	Prof. Serv. - Emergency Vet	173,779.00	1,195.00	174,974.00
30045010-35825	ICAC Program Proceeds	0.00	(7,000.00)	(7,000.00)
43120010-46800	Int. Crimes Against Children	0.00	7,000.00	7,000.00
TOTALS		\$ 345,010.00	\$ 0.00	\$ 345,010.00

RE: ADOPTION OF THE SEPTEMBER 13, 2022 REGULAR MEETING MINUTES

As part of the Consent Agenda, the Board adopted the September 13, 2022 Regular Meeting minutes, as presented.

RE: NEW BUSINESS

There were no matters for New Business at this time.

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

There was no Board Comment at this time.

RE: INFORMATIONAL ITEMS

The Board received the following correspondence for its information:

- CSA Monthly Report
- Parks and Recreation Quarterly Report
- Library Semi-Annual Report
- VDOT Monthly Report for August

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 September 2022, October 2022, and November 2022.

RE: PUBLIC HEARING #1; REDUCTION TO PERSONAL PROPERTY TAX RATE

Theodore L. Voorhees, County Administrator, explained that the Board had previously taken action at its meeting on September 13, 2022, to adopt an emergency ordinance to further reduce the personal property tax rate on automobiles, trucks, and motorcycles for Tax Year 2022. He noted this public hearing was required in order for the Board to take action on adopting the final ordinance to reduce the rate.

Chairman Johnson remarked that the reason for considering a further reduction to the personal property tax rate this year was because of the massive inflation currently being reported in the values of used vehicles.

At 5:12 p.m., Chairman Johnson called the Public Hearing to order to receive comments on the following:

REDUCTION TO PERSONAL PROPERTY TAX RATE

Pursuant to §58.1-3012 of the Code of Virginia, the Board of Supervisors will consider an ordinance to amend the personal property tax rate for autos, trucks, and motorcycles, which was previously adopted by ordinance on April 26, 2022. Said ordinance proposes to reduce the personal property tax rate for autos, trucks, and motorcycles from \$3.50 per \$100 assessed valuation down to \$3.25 per \$100 assessed valuation for Tax Year 2022.

There being no speakers, Chairman Johnson closed the Public Hearing at 5:12 p.m.

On the motion of Mr. Crozier, seconded by Mr. Frame, which carried by a roll call vote of 4-0, with Mr. Marshall being absent, the Board adopted the following ordinance, as presented:

ORDINANCE TO AMEND TAX LEVIES FOR THE TAX YEAR BEGINNING JANUARY 1, 2022

WHEREAS, notice was advertised of proposed tax levies pursuant to §§15.2-1427, 58.1-3007, and 58.1-3604 of the Code of Virginia; and

WHEREAS, the Board of Supervisors conducted a duly-advertised Public Hearing on April 12, 2022, to receive public comment; and

WHEREAS, tax levies were adopted by the Board of Supervisors on April 26, 2022, based on estimated property values at that time; and

WHEREAS, values for certain personal property have substantially exceeded those estimates, resulting in the need for further amendments to the adopted rates; and

WHEREAS, the Board of Supervisors previously adopted an emergency ordinance on September 13, 2022, to reduce the personal property tax rate for autos, trucks, and motorcycles; and

WHEREAS, in order to adopt the final ordinance, the Board of Supervisors has conducted a duly-advertised Public Hearing on September 27, 2022, to receive public comment;

NOW, THEREFORE, BE IT ORDAINED, on this 27th day of September, 2022, that the Orange County Board of Supervisors, in accordance with §58.1-3012 of the Code of Virginia, hereby amends the original adopted tax levies for the County of Orange, Virginia, as follows, for the tax year beginning January 1, 2022:

REAL ESTATE, pursuant to §58.1-3000 VA Code Ann., including equalized public service corporation real estate as defined by §58.1-2605 VA Code Ann., including a manufactured home as defined by §36-85.3 VA Code Ann.: \$0.61 per \$100.00 of assessed valuation (subject to County land use tax ordinance and ordinance granting tax relief for the elderly and handicapped).

COUNTY-WIDE FIRE AND EMS DISTRICT, pursuant to §27.23.1 VA Code Ann.: \$0.14 per \$100.00 of assessed valuation.

MOBILE HOMES CLASSIFIED AS PERSONAL PROPERTY, as defined by §36-85.3 VA Code Ann. and pursuant to §58.1-3506(A)(10) VA Code Ann.: \$0.75 per \$100.00 of assessed valuation.

~~TANGIBLE PERSONAL PROPERTY—AUTOS AND TRUCKS, pursuant to §58.1-3000 VA Code Ann. and classified by §58.1-3506.1 VA Code Ann., including automobiles and trucks: \$3.50 per \$100.00 of assessed valuation.~~

TANGIBLE PERSONAL PROPERTY - AUTOS, TRUCKS, AND MOTORCYCLES, pursuant to §58.1-3000 VA Code Ann. and classified by §58.1-3506.48 VA Code Ann., including automobiles, trucks, and motorcycles: \$3.25 per \$100.00 of assessed valuation.

TANGIBLE PERSONAL PROPERTY - REGULAR, pursuant to §58.1-3000 VA Code Ann. and classified by §58.1-3500 through -3506 VA Code Ann., including tractor trailers (non-interstate), trailers, mobile offices, non-farming equipment, storage homes and signs, and excluding personal property classifications included in separate categories, such as automobiles, trucks, and motorcycles, watercraft and boats, aircraft, forest harvesting machinery and farm machinery, and business tangible personal property: \$3.75 per \$100.00 of assessed valuation (subject to County ordinance granting exemption for pollution control equipment).

BUSINESS TANGIBLE PERSONAL PROPERTY, pursuant to §58.1-3506(A)(26) VA Code Ann., including furniture, equipment, trade fixtures, hand-powered tools, office machines, business mobile telephones, books, signs, and other tangible personal property used in business except for automobiles or trucks, which will be taxed as tangible personal property: \$2.20 per \$100.00 of assessed valuation.

PROGRAMMABLE COMPUTER EQUIPMENT AND PERIPHERALS USED IN A TRADE OR BUSINESS, pursuant to §58.1-3506(A)(27) VA Code Ann.: \$2.20 per \$100.00 of assessed valuation.

AIRCRAFT, pursuant to §58.1-3506(A)(2), (3), (4) and (5) VA Code Ann.: \$0.00 per \$100.00 of assessed valuation.

WATERCRAFT AND BOATS, pursuant to §58.1-3506(A)(1)(a), (1)(b), (12), (28), (29), (35) and (36) VA Code Ann.: \$2.09 per \$100.00 of assessed valuation.

PRIVATELY OWNED MOTOR HOMES USED FOR RECREATIONAL PURPOSES, pursuant to §58.1-3506(A)(30) VA Code Ann.: \$2.62 per \$100.00 of assessed valuation.

ALL OTHER RECREATIONAL VEHICLES, pursuant to §58.1-3506 (A)(18), §58.1-3506(B) VA Code Ann., including but not limited to, privately owned camping and travel trailers, and certain trailers used for the transportation of horses: \$2.62 per \$100.00 of assessed valuation.

FARM MACHINERY, as defined by §58.1-3505(8) and (10) VA Code Ann.: \$0.00 per \$100.00 of assessed valuation.

MACHINERY AND TOOLS, as defined by §58.1-3507 VA Code Ann.: \$1.831 per \$100.00 of assessed valuation.

HEAVY CONSTRUCTION EQUIPMENT, as defined by §58.1-3508.2 VA Code Ann.: \$2.20 per \$100.00 of assessed valuation.

FOREST HARVESTING MACHINERY, as defined by §58.1-3508 VA Code Ann.: \$0.00 per \$100.00 of assessed valuation.

MERCHANTS CAPITAL, as defined by §58.1-3000, §58.1-3509 *et seq.* VA Code Ann.: \$0.40 per \$100.00 of assessed valuation.

MOTOR VEHICLE LICENSE TAX, as defined by §46.2-752 VA Code Ann. and §62-36 *et seq.* Orange County Code: \$35.00 per year for cars and trucks, and \$21.00 per year for motorcycles.

BE IT FURTHER ORDAINED, that this ordinance hereby ratifies the emergency ordinance previously adopted by the Board of Supervisors on September 13, 2022.

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

RE: PUBLIC COMMENT

At 5:13 p.m., Chairman Johnson opened the floor for public comment.

There being no speakers, public comment was closed at 5:13 p.m.

RE: CLOSED MEETING

At 5:14 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 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 near the Sedwick Building. - *§2.2-3711(A)(3) of the Code of Virginia*
- Discussion concerning a prospective business or industry or the expansion of an existing business or industry where no previous announcement has been made of the business' or industry's interest in locating or expanding its facilities in the community. - *§2.2-3711(A)(5) 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 Passarello lawsuit. - *§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 A&K Blvd. - *§2.2-3711(A)(8) of the Code of Virginia*

WHEREAS, pursuant to §§2.2-3711 (A)(3), (A)(5), (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. White, which carried by a vote of 4-0, with Mr. Marshall being absent, the Board adopted the resolution authorizing Closed Meeting, as presented. Ayes: Johnson, White, Crozier, Frame. Nays: None. Absent: Marshall.

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, Crozier, Frame. Nays: None. Absent: Marshall.

RE: ADJOURN

On the motion of Mr. Frame, seconded by Mr. Crozier, which carried by a vote of 4-0, with Mr. Marshall being absent, the Board adjourned the meeting at 6:44 p.m. Ayes: Johnson, White, Crozier, Frame. Nays: None. Absent: Marshall.

R. Mark Johnson, Chairman

Theodore L. Voorhees, County Administrator