

BOARD OF SUPERVISORS MINUTES**JANUARY 24, 2023**

At a Regular Meeting of the Orange County Board of Supervisors held on Tuesday, January 24, 2023, 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; Lee H. Frame, Vice Chairman; James K. White; Keith F. Marshall; and James P. Crozier. 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: INTRODUCTION OF PAUL WEBER, AIRPORT OPERATIONS MANAGER**

Stephanie Straub, Assistant County Administrator for Operations, introduced Paul Weber, newly-hired Airport Operations Manager, who shared a few comments about himself and his professional background.

The Board welcomed Mr. Weber to Orange County.

RE: QUARTERLY UPDATE FROM THE VOLUNTEER FIRE CHIEFS ASSOCIATION

Chief Jeff Mendonca, President of the Volunteer Fire Chiefs Association, provided a quarterly update to the Board on behalf of the Association, which included information on the following: the production status of new apparatus; the upcoming training graduates; ongoing training and professional development efforts; continued work on recruitment and retention with First Responding; and statistics on volunteer membership.

Discussion ensued among the Board regarding: the responsible party for inspecting and accepting the new apparatus; and development of a central library to store the various apparatus manuals and reference materials.

The Board thanked Chief Mendonca for the update.

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
30034005 34030	Sheriff - OT Reimbursement	\$ (1,129.00)	\$ (2,405.00)	\$ (3,534.00)
43120001 41200	Wages - Overtime	218,257.00	2,405.00	220,662.00

30045004 35975	For. Assets - DCJS Sheriff	(1,991.31)	(4,597.00)	(6,588.31)
43120006 46800	Forfeited Asset Expenses	22,725.31	4,597.00	27,322.31
30045004 35975	For. Assets - DCJS Sheriff	(1,991.31)	(388.00)	(2,379.31)
43120006 46800	Forfeited Asset Expenses	22,725.31	388.00	23,113.31
30045003 35750	For. Assets - DCJS CA	(423.90)	(3,620.00)	(4,043.90)
42210002 46800	Forfeited Asset Expenses	13,988.90	3,620.00	17,608.90
30026501 32400	Orange Library - Lost Books	0.00	(553.93)	(553.93)
30026501 32475	Wilderness Lib. - Lost Books	0.00	(237.58)	(237.58)
30026501 32525	G'ville Library - Lost Books	0.00	(115.89)	(115.89)
47310001 46466	Books - Refunds	279.00	553.93	832.93
47311001 46466	Books - Refunds	18.00	237.58	255.58
47312001 46466	Books - Refunds	214.00	115.89	329.89
30030006 33500	Donations - Animal Shelter	(14,729.25)	(7,110.00)	(21,839.25)
43520003 43115	Prof. Serv. - Emergency Vet	184,934.25	927.00	185,861.25
49400007 48150 C1198	Security Camera System	36,750.95	6,183.00	42,933.95
30030006 33500	Donations - Animal Shelter	(14,729.25)	(1,819.00)	(16,548.25)
43520003 43115	Prof. Serv. - Emergency Vet	184,934.25	1,819.00	186,753.25
30024502 31450	Ambulance & Rescue Serv.	(1,514,721.00)	(8,400.00)	(1,523,121.00)
43231011 41200	Wages - Overtime	335,682.00	8,400.00	344,082.00
49310001 47312	To County Capital Projects	4,863,049.00	6,183.00	4,869,232.00
30051003 39100	Transfer from General Fund	(4,863,049.00)	(6,183.00)	(4,869,232.00)
TOTALS		\$ (529,206.05)	\$ 0.00	\$ (529,206.05)

RE: AMENDMENTS TO THE TOURISM ADVISORY COMMITTEE BYLAWS

As part of the Consent Agenda, the Board adopted the amendments to the Tourism Advisory Committee bylaws, as presented.

RE: ADOPTION OF THE JANUARY 10, 2023 REGULAR MEETING MINUTES

As part of the Consent Agenda, the Board adopted the January 10, 2023 Regular Meeting minutes, as presented.

RE: NEW BUSINESS

RE: REQUEST FOR DEBARMENT OF EDIFICE SOLUTIONS, LLC

Stephanie Straub, Assistant County Administrator for Operations, explained that the County had entered into a contract with Edifice, LLC, d/b/a Edifice Solutions, on November 6, 2018, for construction services for the Orange County Public Safety Building. In accordance with the contract, a performance and payment bond was issued and presented to the County.

Ms. Straub stated that construction activities spanned from 2018 to 2022 and were marred with errors, faulty communication, lack of professionalism, and lack of resources, resulting in numerous logistical hurdles for staff. She noted that, in April 2022, Everest, the surety company, notified the County that Edifice had assigned to Everest all of its rights under the contract. Multiple disputes between the parties had arisen, including, but not limited to, the amount owed by the County to Edifice and the County's claims against Edifice pertaining to the project. Ms. Straub

indicated that, as such, in January 2023, Everest and the County signed an agreement resulting in a final settlement of the contract.

Ms. Straub explained that, over the course of four years, staff expressed concerns about the project, including, but not limited to: poor workmanship, unsatisfactory materials, lackadaisical project management, and overall inconsistent and troublesome business practices. As such, at this time, staff respectfully requested that Edifice, LLC, d/b/a Edifice Solutions, and any successor company formed with the same resources, owners, or stockholders, be considered for debarment by the Board of Supervisors, pursuant to the Orange County Procurement and Debarment Policies and Section 2.2-4321 of the Virginia Public Procurement Act. Ms. Straub stated the debarment period would be no shorter than ten years from the date of debarment approval, after which the contractor could submit a formal request to the County for consideration of reinstatement, an action that would require a vote by the Board of Supervisors.

Discussion ensued among the Board regarding: whether this action precluded Edifice from working on County projects as subcontractors as well.

On the motion of Mr. Crozier, seconded by Mr. White, which carried by a vote of 5-0, the Board approved the debarment of Edifice, LLC, d/b/a Edifice Solutions, and any successor company formed with the same resources, owners, or stockholders, for a period of no shorter than ten years from the date of debarment approval, pursuant to the Orange County Procurement and Debarment Policies and Section 2.2-4321 of the Virginia Public Procurement Act, as presented.

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

RE: THE ARTS CENTER IN ORANGE GRANT

Theodore L. Voorhees, County Administrator, explained that, as part of the FY23 Budget process, a grant was applied for on behalf of The Arts Center in Orange and was received from the Virginia Commission for the Arts. He indicated the grant award of \$4,500 required a \$4,500 local match. Mr. Voorhees added that funds were typically disbursed in two installments: the first being the \$4,500 local match and the second being the \$4,500 in State funds and, to date, the \$4,500 in local funds had been paid. He stated that it had been requested that the State grant funds be returned to the Virginia Commission for the Arts at this time, which would have no financial impact on the County.

Discussion ensued among the Board regarding: clarification that this grant represented "passthrough" funding only and that there were no requirements imposed on the County as part of this grant application.

On the motion of Mr. Marshall, seconded by Mr. White, which carried by a vote of 4-1, with Mr. Frame voting against, the Board authorized the return of the \$4,500 grant from the Virginia Commission for the Arts, as presented.

Ayes: Johnson, White, Marshall, Crozier. Nays: Frame.

RE: OLD BUSINESS

RE: REZ 20-01 (SIGNATURE SERIES DEVELOPMENT, LLC) (Deferred from Public Hearing on December 20, 2022)

Eric Bittner, Planner, explained this matter had been deferred from its Public Hearing on December 20, 2022, in order to allow for the applicants to revise their proffers, specifically as they related to creation of an escrow agreement regarding the development of the proposed commercial pad sites. He indicated that staff did not have additional comments to provide at this time.

Thomas Lacheney, County Attorney, explained he had been working with the applicant's legal counsel regarding said escrow agreement, but there were matters included in the proposed escrow agreement that needed to be discussed or decided by the Board before the agreement could be finalized and before the updated proffer statement could be submitted.

Discussion ensued among the Board and the applicants regarding: components of the escrow agreement to be settled; the need for a revised proffer statement to be submitted, including reference to the escrow agreement, for consideration by the Board; the total number of lots in the proposed residential development and the amount from each lot that would be deposited to the escrow account; whether the proposed amount was sufficient to prepare the pad sites; the responsibilities of the escrow agent and how deposits would be made at closing and how draw downs would occur in order to complete the pad site work; whether the pad sites were appropriately sized; and language to be included if the applicants were to default on the escrow agreement.

By consensus, the Board deferred action on REZ 20-01 until its Regular Meeting on Tuesday, February 14, 2023.

RE: DEPARTMENT DIRECTOR / CONSTITUTIONAL OFFICER REPORTS

RE: PROPOSED AMENDMENTS TO THE CODE OF ORDINANCES REGARDING SHORT-TERM RENTALS AND ACCOMMODATIONS INTERMEDIARIES' REPORTING REQUIREMENTS

Renee Pope, Commissioner of the Revenue, stated that lodging providers were previously the sole entity responsible for collecting and remitting the transient occupancy tax for short-term rentals. However, the Code of Virginia was recently amended so that *accommodations intermediaries*, such as VRBO and Airbnb, were now charged with collecting and remitting the tax. The amended Code of Virginia also required the intermediaries to provide a monthly listing of host/property addresses and gross receipts to the locality.

Ms. Pope explained that the current Orange County Code of Ordinances did not include language that reflected the amended Code of Virginia regarding accommodations intermediaries and their requirements for filing. As such, amendments to the Code of Ordinances had been prepared by the County Attorney and were presented to the Board for discussion.

By consensus, the Board authorized staff to advertise for and schedule a public hearing to consider the amendments to the Code of Ordinances concerning accommodations intermediaries and their reporting requirements as they relate to short-term rentals, on Tuesday, February 28, 2023, as presented.

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 Marshall announced the recent opening of a new art studio in the Town of Orange and suggested support by the Board of Supervisors in the future.

Supervisor Frame indicated that Dogwood Village had recently achieved a five-star rating. He also requested consideration of a text amendment, which would address setback issues with uniquely-shaped wedge lots in Lake of the Woods.

By consensus, the Board suggested that Mr. Frame work with Planning and Zoning Services staff regarding the text amendment to address setbacks in Lake of the Woods so the recommended language could be presented for Board discussion at the next Regular Meeting on February 14, 2023.

RE: INFORMATIONAL ITEMS

The Board received the following correspondence for its information:

- CSA Monthly Report
- Finance Quarterly Report
- Social Services Quarterly Report
- Culpeper Soil and Water Conservation District Minutes; December 13, 2022
- VDOT Monthly Report for December

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 January 2023, February 2023, and March 2023.

RE: SCHEDULE A PUBLIC HEARING FOR REZ 22-04 (WRIGHT)

This item was struck from the agenda.

RE: SCHEDULE A PUBLIC HEARING FOR CONVEYANCE OF AN EASEMENT TO FIBERLYNC

By consensus, the Board authorized staff to advertise for and schedule a public hearing to consider conveyance of an easement to FiberLync on Tuesday, February 28, 2023, as presented.

RE: PUBLIC COMMENT

At 5:40 p.m., Chairman Johnson opened the floor for public comment.

The following individuals spoke:

- Roger Schweikert, 9164 James Madison Highway, Orange
- Alan Daniel, Resident of Lake of the Woods
- Laura Daniel, Resident of Lake of the Woods
- Ed Harvey, President of The Arts Center in Orange
- Cary Holladay, 7092 Rapidan Road, Rapidan
- Bob Potts, Resident of Orange

There being no further speakers, public comment was closed at 5:55 p.m.

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 5:55 p.m. Ayes: Johnson, White, Marshall, Crozier, Frame. Nays: None.

R. Mark Johnson, Chairman

Theodore L. Voorhees, County Administrator