

BOARD OF SUPERVISORS MINUTES**FEBRUARY 14, 2023**

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

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

Lena Murray, Owner of Blue Ridge Studio of Fine Arts, appeared before the Board to spotlight her business.

The Board thanked Ms. Murray for her presentation.

RE: PRESENTATION OF A CERTIFICATE OF APPRECIATION TO BOB MCCONNELL

Chairman Johnson presented a Certificate of Appreciation to Robert "Bob" McConnell in recognition of his contributions to the Economic Development Authority.

The Board thanked Mr. McConnell for his dedicated service to the County.

RE: VIRGINIA DEPARTMENT OF TRANSPORTATION QUARTERLY UPDATE

Scott Thornton, Louisa Residency Administrator, provided an update to the Board on VDOT activities. He reported on overall maintenance activities; the status of Smart Scale projects and applications; and traffic studies and special requests.

The Board thanked Mr. Thornton for his presentation.

RE: CONSENT AGENDA

On the motion of Mr. Frame, seconded by Mr. White, 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
30023001-31575	Sheriff Firing Range Fees	\$ (500.00)	\$ (1,500.00)	\$ (2,000.00)
43120001-43350	Other Repairs/Maintenance	5,080.00	1,500.00	6,580.00

30046003-37010	Federal Grant	0.00	(549,842.00)	(549,842.00)
30034001-34100	Cir. Ct. Judge - Exp. Reimb.	(27,879.00)	(71,839.00)	(99,718.00)
30052001-39900	Appropriated Fund Balance	(7,292,808.29)	(63,677.00)	(7,356,485.29)
42150001-46800	Program Expenses	0.00	494,858.00	494,858.00
42150001-46800	Program Expenses	0.00	54,984.00	54,984.00
42150001-46840	Cty. Contributions - Drug Ct.	40,000.00	71,839.00	111,839.00
42150001-46840	Cty. Contributions - Drug Ct.	40,000.00	63,677.00	103,677.00
41241001-43205	Contr. Serv. - Bills (BRCTB)	16,086.00	19,789.00	35,875.00
30016005-30360	Cigarette Taxes	(103,004.00)	(19,789.00)	(122,793.00)
30033501-33250	Miscellaneous	(43,557.00)	(3,000.00)	(46,557.00)
43231011-45500	Training Exp. - Instructors	25,000.00	3,000.00	28,000.00
30052001-39900	Appropriated Fund Balance	(7,292,808.29)	(31,250.00)	(7,324,058.29)
48130001-43100	Prof. Services - Other	13,750.00	31,250.00	45,000.00
30030006-33500	Donations - Animal Shelter	(14,879.25)	(5,525.00)	(20,404.25)
43520003-43115	Prof. Serv. - Emergency Vet	185,084.25	5,525.00	190,609.25
30046008-37219	APRPA - LATCF	0.00	(50,000.00)	(50,000.00)
43551006-45900	Contingency	140,411.00	50,000.00	190,411.00
30026501-32425	Friends of Library Donations	(5,569.68)	(2,750.00)	(8,319.68)
47311001-48140	Furniture & Fixtures	237.03	2,750.00	2,987.03
41231001-41322	Wages - Part-Time	0.00	10,484.00	10,484.00
41231001-42100	FICA & Medicare	24,588.00	803.00	25,391.00
41231001-42710	Workers Comp.	216.00	7.00	223.00
49150001-41903	Reserve for Benefits	82,170.00	(11,294.00)	70,876.00
44230001-41111	Wages - Regular	224,291.00	(34,949.00)	189,342.00
44230001-42100	FICA & Medicare	18,300.00	(2,142.00)	16,158.00
44230001-42100	FICA & Medicare	18,300.00	(501.00)	17,799.00
44230001-42210	Retirement	20,772.00	(3,237.00)	17,535.00
44230001-42310	Medical Insurance	49,056.00	(8,491.00)	40,565.00
44230001-42310	Medical Insurance	49,056.00	(228.00)	48,828.00
44230001-42400	Group Life Insurance	3,009.00	(469.00)	2,540.00
44230001-42500	Disability Insurance	1,089.00	(133.00)	956.00
44230001-42500	Disability Insurance	1,089.00	(30.00)	1,059.00
44230001-42710	Workers Comp.	10,847.00	(1,505.00)	9,342.00
44210002-41111	Wages - Regular	154,370.00	34,949.00	189,319.00
44210002-42100	FICA & Medicare	11,927.00	2,142.00	14,069.00
44210002-42100	FICA & Medicare	11,927.00	501.00	12,428.00
44210002-42210	Retirement	14,296.00	3,237.00	17,533.00
44210002-42310	Medical Insurance	20,081.00	8,491.00	28,572.00
44210002-42310	Medical Insurance	20,081.00	228.00	20,309.00
44210002-42400	Group Life Insurance	2,069.00	469.00	2,538.00
44210002-42500	Disability Insurance	724.00	133.00	857.00
44210002-42500	Disability Insurance	724.00	30.00	754.00
44210002-42710	Workers Comp.	111.00	1,505.00	1,616.00
30030002-33455	Triad Grants - Miscellaneous	0.00	(3,000.00)	(3,000.00)
43177003-46800	Project Lifesaver Expenses	6,494.00	3,000.00	9,494.00

30051006-39100	Transfer from General Fund	(2,727,011.00)	51,685.00	(2,675,326.00)
49310001-47513	To Landfill Fund	2,727,011.00	(51,685.00)	2,675,326.00
TOTALS		\$(13,569,770.23)	\$ 0.00	\$ (13,569,770.23)

RE: ADOPTION OF THE JANUARY 24, 2023 WORKSESSION MINUTES

As part of the Consent Agenda, the Board adopted the January 24, 2023 Worksession minutes, as presented.

RE: ADOPTION OF THE JANUARY 24, 2023 REGULAR MEETING MINUTES

As part of the Consent Agenda, the Board adopted the January 24, 2023 Regular Meeting minutes, as presented.

RE: NEW BUSINESS

RE: PROPOSED ZONING TEXT AMENDMENT CONCERNING SETBACKS IN LAKE OF THE WOODS

Josh Frederick, Planning and Zoning Services Manager, explained that the Board had recently discussed initiating an amendment to the Zoning Ordinance to address an issue stemming from the lot arrangement in the portion of Lake of the Woods adjacent to Route 3, specifically where Sec. 70-646 of the Zoning Ordinance required a building setback of 100' from the right-of-way of Route 3. He added that Lake of the Woods was platted in the late 1960s, with the 100' setback requirement being adopted subsequent to that, which impacted several lots in Sections 11 and 13 of Lake of the Woods, making some of those lots unbuildable.

Mr. Frederick stated that, in order to rectify the issue, staff recommended an amendment to Sec. 70-646 of the Zoning Ordinance to reduce the setback requirement for the individual residential lots in Lake of the Woods that abutted Route 3. He provided the recommended amendment language for the Board's discussion, noting that it would be appropriate for the Board to consider initiating Planning Commission action on the amendments, if so desired.

Discussion ensued among the Board regarding: which lot line the amended setback would apply to (side, rear, etc.); concerns with other areas of the County also affected by the various 100' setbacks; the need to look at specific areas on a case-by-case basis versus reducing the setbacks across the entire County; and the fact that the County created these non-conformities with setbacks in certain areas of the County and, therefore, should be willing to help address the issue.

By consensus, the Board initiated Planning Commission action on the proposed Zoning Text Amendment (ZTA 23-01) concerning setbacks in Lake of the Woods, as presented.

RE: CONSENT AGREEMENT BETWEEN VIRGINIA RESOURCES AUTHORITY (VRA), RAPIDAN SERVICE AUTHORITY (RSA), AND GREENE COUNTY CONCERNING GREENE COUNTY'S WITHDRAWAL FROM RSA

Theodore L. Voorhees, County Administrator, explained that staff was recently made aware of a Consent Agreement between the Virginia Resources Authority, the Rapidan Service Authority, and Greene County concerning Greene County's withdrawal from RSA. He indicated that, while Orange County was not a party to the agreement, legal counsels representing the parties had settled on a recommendation that Orange and Madison Counties would execute said agreement as "receipt acknowledged" only. Mr. Voorhees added that approval of this agreement by the parties was a necessary step towards keeping the withdrawal process moving forward. He

provided a copy of the Consent Agreement and proposed resolution for the Board's review and consideration.

Discussion ensued among the Board regarding: the purpose of the proposed resolution; authorization of the Chairman to execute the Consent Agreement; a change in legal representation for the RSA-related matter; and the fact that "receipt acknowledged" was only for notification purposes to Orange and Madison Counties and was a required step to keep the process going.

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

RESOLUTION ACKNOWLEDGING RECEIPT OF THE CONSENT AGREEMENT BETWEEN
GREENE COUNTY AND VIRGINIA RESOURCES AUTHORITY REGARDING GREENE
COUNTY'S WITHDRAWAL FROM RAPIDAN SERVICE AUTHORITY

WHEREAS, Rapidan Service Authority ("RSA") is an authority established and operating under the Virginia Water and Waste Authorities Act, Virginia Code § 15.2-5100 et seq. and Greene County and the Counties of Orange and Madison are participating localities of RSA pursuant to §§ 15.2-5102 and 15.2-5103, by concurrent resolutions adopted in June, 1969; and

WHEREAS, on July 28, 2020, the Board of Supervisors of Greene County adopted a Resolution calling for the Boards of Supervisors of Orange and Madison Counties to consent to Greene County's withdrawal from RSA pursuant to § 15.2-5112; and

WHEREAS, on April 13, 2021, the Orange County Board of Supervisors and the Madison County Board of Supervisors each adopted resolutions consenting to Greene County's withdrawal from RSA pursuant to § 15.2-5112; and

WHEREAS, on May 25, 2021, Orange County and Madison County entered into a Memorandum of Agreement regarding withdrawal of Greene County from RSA and this Memorandum of Agreement provides for the governance of RSA after Greene County's withdrawal; and

WHEREAS, in a letter dated October 29, 2021, Virginia Resources Authority ("VRA") conditionally consented to the withdrawal of Greene County from RSA under certain conditions; and

WHEREAS, on June 14, 2022, Greene County, Orange County, Madison County, and RSA entered into a Withdrawal and Transition Agreement setting forth the terms and conditions by which Greene County will withdraw from RSA, including but not limited to, the transfer of facilities and equipment from RSA to Greene County and the transition of water and sewer services for the residents of Greene County; and

WHEREAS, one of the conditions of the Withdrawal and Transition Agreement is that Greene County will submit a request to VRA for final approval of Greene County's withdrawal from RSA and Greene County shall provide evidence reasonably satisfactory to confirm VRA's final approval of the withdrawal; and

WHEREAS, Greene County has represented that it has met the terms of VRA's conditional approval of withdrawal, including but not limited to, establishing a water and sewer department, hiring water and sewer operators, and drafting and passing a water and sewer ordinance including a rate structure; and

WHEREAS, Greene County has represented that it has completed substantial parts of the withdrawal process and is prepared to complete said process by drafting deeds for the transfer of land, is ready to request a Certificate of Withdrawal from the State Corporation Commission, and

is ready to receive a transfer of all water and wastewater permits issued by the Department of Health and the Virginia Department of Environmental Quality once it is appropriate to do so; and

WHEREAS, Greene County and VRA have each executed the Consent Agreement referenced as Exhibit A; and

WHEREAS, the Greene County Board of Supervisors, by Resolution adopted on December 13, 2022, made the above representations and stated its commitment to running a water and sewer system and its support for the Consent Agreement and completing the withdrawal process; and

WHEREAS, Greene County and VRA have requested that Orange County and Madison County, the remaining participating localities of RSA, acknowledge receipt of the Consent Agreement;

NOW, THEREFORE, BE IT RESOLVED, on this 14th day of February, 2023, that the Orange County Board of Supervisors does hereby acknowledge receipt of the Consent Agreement; and

BE IT FURTHER RESOLVED, that the Orange County Board of Supervisors does hereby authorize its Chairman to acknowledge receipt of the Consent Agreement, on behalf of the entire Board of Supervisors, by signing it under the "Receipt Acknowledged" endorsement clause.

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

RE: OLD BUSINESS

RE: REZ 20-01 (SIGNATURE SERIES DEVELOPMENT, LLC)

Eric Bittner, Planner, indicated the Board had previously conducted its public hearing for REZ 20-01, which was held in December, 2022, after which the matter had been deferred until January 24, 2023, and then again until February 14, 2023. He stated that since the time of the last meeting, a revised proffer statement and escrow agreement had been received from the applicant, both of which were provided to the Board for consideration at this time.

Discussion ensued among the Board regarding: the total amount of proposed commercial development; the guarantee of four (4) acres of commercial development through the proposed escrow agreement; clarification on whether an additional public hearing was required; selection of the escrow agent; and review of the materials by the County Attorney.

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 presented:

ORDINANCE APPROVING REZ 20-01 TO REZONE APPROXIMATELY 75.8 ACRES FROM
GENERAL COMMERCIAL (C-2) CONDITIONAL AND MULTIFAMILY RESIDENTIAL (R-4)
CONDITIONAL TO PLANNED DEVELOPMENT - MIXED USE (PDM) CONDITIONAL,
REQUESTED BY SIGNATURE SERIES DEVELOPMENT, LLC

WHEREAS, Signature Series Development, LLC has requested the rezoning of property at the intersection of Germanna Highway (Route 3) and Somerset Ridge Road (Route 708), Locust Grove, identified as Tax Map No. 4-3, totaling approximately 75.8 acres, from General Commercial (C-2) Conditional and Multifamily Residential (R-4) Conditional to Planned Development - Mixed Use (PDM) Conditional, pursuant to Section 70-191 *et seq.* and Section 70-567A *et seq.* of the Zoning Ordinance; and

WHEREAS, the Planning Commission advertised and conducted a Public Hearing on the request in October 2020 and initially recommended approval based on the proffers presented at that time; and

WHEREAS, the applicant submitted revised proffers for the Planning Commission's review, which were considered at its meeting on October 6, 2022; and

WHEREAS, the Planning Commission considered whether the proposed Rezoning, as revised, 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 determined the proposed Rezoning, as revised, would not further the purposes of the Comprehensive Plan and the Zoning Ordinance and, as such, recommended denial of the revised request to the Board of Supervisors; and

WHEREAS, the Board of Supervisors advertised and conducted a Public Hearing on the request on December 20, 2022, but deferred action until its meeting on January 24, 2023, and then again until its meeting on February 14, 2023, as the applicant considered amendments to their proffers; and

WHEREAS, revised proffers and an escrow agreement, identified as an addendum to the proffers, were received on February 8, 2023 (dated February 7, 2023); and

WHEREAS, following additional discussion, the Board of Supervisors hereby supports the Rezoning request, as modified following its Public Hearing; and

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

NOW, THEREFORE, BE IT ORDAINED, on this 14th day of February, 2023, that the Orange County Board of Supervisors hereby approves REZ 20-01 to rezone property at the intersection of Germanna Highway (Route 3) and Somerset Ridge Road (Route 708), Locust Grove, identified as Tax Map No. 4-3, totaling approximately 75.8 acres, from General Commercial (C-2) Conditional and Multifamily Residential (R-4) Conditional to Planned Development - Mixed Use (PDM) Conditional, subject to the Legal Summary and the proffers dated February 7, 2023, as attached to the original Ordinance retained in the County Administrator's Office, as modified following the Public Hearing; and

BE IT FURTHER ORDAINED, that this Rezoning and the Legal Summary and proffers shall supersede and replace the action taken and the proffers previously adopted for the subject property as part of REZ 11-01.

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

The County Administrator had nothing to report on at this time.

RE: BOARD COMMENT

Supervisor White commented on a recent meeting with the Sheriff's Office and stakeholders regarding cattle, specifically as it related to the seizure of cattle. He indicated it was recommended to form an advisory committee, to be appointed by the Board of Supervisors, which could be a resource to assist the Sheriff's Office during these situations.

By consensus, the Board authorized staff to begin the work necessary to form a livestock advisory committee, as discussed.

Supervisor Frame announced that he would not be seeking re-election this fall for an additional term on the Board of Supervisors.

RE: INFORMATIONAL ITEMS

The Board received the following correspondence for its information:

- Emergency Communications Center Semi-Annual Report
- Orange County Economic Development and Tourism Annual Report for 2022
- Health Center Commission Minutes; September 23, 2022

RE: APPOINTMENTS TO BOARDS, COMMISSIONS, AND COMMITTEES

By consensus, the Board appointed Gary Greenhalgh as the Orange County Representative on the Germanna Community College Board for a four-year term, with said term commencing on July 1, 2023, and expiring on June 30, 2027.

By consensus, the Board appointed Edwin Yowell as the District One Representative on the Economic Development Authority, filling the unexpired four-year term of Bob McConnell, with said term commencing immediately, and expiring on December 31, 2025.

RE: CALENDAR

The Board received copies of its calendar of meetings for the months of February 2023, March 2023, and April 2023.

RE: CLOSED MEETING

At 5:47 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:

- 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 Freedom of Information Act (FOIA) disclosures, conservation easements, and conflicts of interest. - *§2.2-3711(A)(8) of the Code of Virginia*

WHEREAS, pursuant to §2.2-3711 (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 aforesaid matters in Closed Meeting.

On the motion of Mr. Crozier, 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 6:35 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 6:35 p.m. Ayes: Johnson, White, Marshall, Crozier, Frame. Nays: None.

R. Mark Johnson, Chairman

Theodore L. Voorhees, County Administrator