At a Regular Meeting of the Orange County Board of Supervisors held on Tuesday, April 11, 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: BUSINESS SPOTLIGHT

This item was struck from the agenda.

RE: INTRODUCTION FROM *JUST ORANGE* CIVIC YOUTH GROUP

Laura Carter, Co-Founder of *Just Orange* Civic Youth Group, introduced members of the group, who shared the purpose of the group to encourage youth of the County to become more involved and civically-engaged.

The Board thanked Ms. Carter for her 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
49400001-48115 C1266	Disaster Recovery	$ 97,545.00	$ (35,000.00)	$ 62,545.00
49400003-48165 C1234	Brush Fire Truck	698,840.00	35,000.00	733,840.00
30022001-31125	Rental Of County Property	(2,400.00)	(1,850.00)	(4,250.00)
49400120-48015 C1321	Modena Building Renos	530,000.00	1,850.00	531,850.00
30051011-39100	Transfer From General Fund	0.00	(1,850.00)	(1,850.00)
49310001-47311	Transfer to 2016 Bond Proj.	0.00	1,850.00	1,850.00
TOTALS		**$ 1,323,985.00**	**$ 0.00**	**$ 1,323,985.00**

RE: NEW BUSINESS

RE: PRESENTATION OF THE DRAFT FY2024-FY2028 CAPITAL IMPROVEMENTS PLAN

Amanda Amos, Contract and Procurement Specialist, presented the Draft FY24-FY28 Capital Improvements Plan (CIP) to the Board for discussion. She reviewed the projects that were new and projects that were included in the first year of the CIP. Ms. Amos indicated that the Plan included debt service payments and projects that were aligned with the Board's Financial Policies.

Discussion ensued among the Board regarding: clarification that the Knox Box project was for apparatus, not for buildings; clarification on the proposed study for the Unionville Fire Station project; the projects that were included in Phase 3 of the Schools' Performance Contracting; promoting CTE projects; clarification on the electronic poll books replacement cycle project; the idea the County would be better served by advancing the Government Center project sooner versus spending funds on renovations; and the budgetary impacts of moving the Government Center project up from FY25 to FY24.

Mr. Crozier made a motion to move the Government Center project from Year 2 (FY25) of the Capital Improvements Plan up to Year 1 (FY24). Mr. Frame seconded for discussion purposes.

Discussion ensued among the Board regarding: how the size of the Government Center would be determined; which departments would move to the Government Center; the Board's responsibility to define the process and expectations for the Government Center; what expenses the CIP project was intended to cover; using available funds for the renovation projects to advance the Government Center; and the need to take the concepts discussed this evening, look at the scope and funding for the Government Center project, and present an update at a future meeting.

On the motion of Mr. Crozier, seconded by Mr. Frame, which carried by a vote of 5-0, the Board authorized staff to advance the Government Center project from Year 2 (FY25) of the Capital Improvements Plan up to Year 1 (FY24), as discussed.

By consensus, the Board requested the Capital Improvements Plan (CIP), as revised, be presented for adoption at the Regular Meeting on Tuesday, April 25, 2023.

RE: APPOINTMENTS TO THE JUVENILE AND DOMESTIC RELATIONS COURT CITIZENS ADVISORY COUNCIL

Alyson Simpson, Chief Deputy Clerk, reported that the Board had adopted a resolution to create the Juvenile and Domestic Relations Court Citizens Advisory Council and appointed its five initial members in 2020. Since that time, two of the Board's five positions had been vacated. She requested the Board's consideration to appoint Susan Aylor to the position vacated by Bill Berry, and to appoint Kaci Daniel to the position vacated by Sheriff Mark Amos.

Discussion ensued among the Board regarding: whether the Commonwealth's Attorney should have representation on the Council given the other responsibilities of her office; the composition of the appointees by the Juvenile and Domestic Relations Court Judge; and whether there were others appointed who also had a direct role in the justice system.

On the motion of Mr. Frame, seconded by Mr. White, which carried by a vote of 5-0, the Board appointed Susan Aylor, Executive Director of Special Education and Student Services, and Kaci Daniel, Extension Agent and Unit Coordinator, to the Juvenile and Domestic Relations Court Citizens Advisory Council representing Orange County Public Schools and the Orange County Extension Office, respectively, as presented.

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

RE: AGREEMENT WITH GREENE COUNTY REGARDING WATER SERVICE FOR ORANGE COUNTY RESIDENTS

Theodore L. Voorhees, County Administrator, explained that, as part of the transition process of Greene County withdrawing from the Rapidan Service Authority (RSA), it was discovered there were 13 residences in Orange County that were served by a water line that originated in Greene County. Because these residences were not considered by the formerly-adopted Withdrawal Agreement and were physically located miles away from a water line that was part of the RSA water system that served Orange County, Greene County had requested the Board of Supervisors' consideration of an agreement regarding water service for these residences. Mr. Voorhees noted that said agreement would establish that the 13 residences would remain Orange County residents, but would be served by the Greene County water system, including being subject to the rates and billing established by Greene County, among other terms.

Discussion ensued among the Board regarding: confirmation of the number of affected residences; whether there were other areas affected that should be included as part of this agreement; and necessary updates to the map exhibit.

By consensus, the Board deferred action on this matter until its Regular Meeting on Tuesday, May 9, 2023.

RE: MEMORANDUM OF UNDERSTANDING WITH THE BROADBAND AUTHORITY (DBA FIBERLYNC)

Theodore L. Voorhees, County Administrator, presented a Memorandum of Understanding between the Board of Supervisors and the Broadband Authority regarding certain management and operational services, noting this was requested by the Broadband Authority. He stated that, if the agreement were adopted, it would establish the responsibilities of the County and the responsibilities of the Authority, as they related to said management and operational services, including human resources, payroll, and general accounting functions.

Discussion ensued among the Board regarding: the fact this agreement would basically bring the FiberLync employees back over as County employees.

On the motion of Mr. Crozier, seconded by Mr. Marshall, which carried by a vote of 5-0, the Board adopted the Memorandum of Understanding between the Board of Supervisors and the Broadband Authority regarding certain management and operational services, as presented.

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

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

There were no Informational Items at this time.

RE: APPOINTMENTS TO BOARDS, COMMISSIONS, AND COMMITTEES

By consensus, the Board appointed Gregory Hebler as an At-Large Member on the Board of Building Code Appeals, filling an unexpired five-year term, 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 April 2023, May 2023, and June 2023.

RE: SCHEDULE A PUBLIC HEARING FOR ZTA 23-03

By consensus, the Board authorized staff to advertise for and schedule a public hearing for ZTA 23-03 on Tuesday, April 25, 2023, as presented.

RE: SCHEDULE A PUBLIC HEARING FOR REZ 22-03

By consensus, the Board authorized staff to advertise for and schedule a public hearing for REZ 22-03 on Tuesday, April 25, 2023, as presented.

RE: SCHEDULE A PUBLIC HEARING FOR ZTA 23-01

By consensus, the Board authorized staff to advertise for and schedule a public hearing for ZTA 23-01 on Tuesday, May 9, 2023, as presented.

RE: SCHEDULE A PUBLIC HEARING FOR SUP 23-01

By consensus, the Board authorized staff to advertise for and schedule a public hearing for SUP 23-01 on Tuesday, May 9, 2023, as presented.

RE: PUBLIC HEARING #1; AMENDMENT TO BUILDING PERMIT AND INSPECTION FEES

Glenda Bradley, Deputy County Administrator, explained that, as part of the annual budget process, Board of Supervisors consideration was requested on amendments to building permit and inspection fees. She indicated that State Code required said fees to be adopted or amended by ordinance of the local governing body, following a public hearing. Ms. Bradley noted the fees had not been adjusted since 2010.

Discussion ensued among the Board regarding: who was involved in the review and update process; and the desire to examine the comparative data used to make the proposed recommendations.

At 6:05 p.m., Chairman Johnson called the Public Hearing to order to receive comments on the following:

AMENDMENT TO BUILDING PERMIT AND INSPECTION FEES

Pursuant to §36-105 of the Code of Virginia, the Board of Supervisors will consider an amendment to the Building Permit and Inspection Fees, which were last updated in 2010. Said amendment would increase some of the fees by an average of 21.7%, effective July 1, 2023, while some of the fees would remain unchanged.

There being no speakers, Chairman Johnson closed the Public Hearing at 6:05 p.m.

Further discussion ensued among the Board regarding: the need to see a side-by-side comparison of the current fees versus the proposed fees and the comparative data used before making a decision.

On the motion of Mr. White, seconded by Mr. Crozier, which carried by a vote of 5-0, the Board deferred action on this matter until its Regular Meeting on Tuesday, May 9, 2023.

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

RE: <u>PUBLIC HEARING #2; AMENDMENT TO CIGARETTE TAX ORDINANCE</u>

Theodore L. Voorhees, County Administrator, explained that, as part of the annual budget process, Board of Supervisors consideration was requested to amend the cigarette tax levied for Orange County. He indicated that, if adopted, the increase would not be effective until July 1, 2023.

Discussion ensued among the Board regarding: the fact this was not to be considered as long-term revenue as the revenue would likely taper off over the years.

At 6:11 p.m., Chairman Johnson called the Public Hearing to order to receive comments on the following:

<u>AMENDMENT TO CIGARETTE TAX ORDINANCE</u>

Pursuant to §58.1-3830 of the Code of Virginia, the Board of Supervisors will consider an amendment to the cigarette tax adopted in Section 58-451 of the Orange County Code of Ordinances. Said amendment would increase the cigarette tax rate to $0.40 for each pack sold (containing 20 cigarettes or less), effective July 1, 2023.

There being no speakers, Chairman Johnson closed the Public Hearing at 6:11 p.m.

Discussion ensued among the Board regarding: more information on trends and empirical data when the cigarette tax rate increases; impacts on low-income residents; whether an increase of a lower amount would be considered; and the effects on cigarette sales and smoking usage.

On the motion of Mr. Frame, seconded by Mr. White, which carried by a roll call vote of 4-1, with Mr. Marshall voting against, the Board adopted the following ordinance, as presented:

ORDINANCE ADOPTING AN AMENDMENT TO ARTICLE X (CIGARETTE TAX), SECTION 58 (TAXATION), OF THE ORANGE COUNTY CODE OF ORDINANCES CONCERNING THE CIGARETTE TAX RATE, EFFECTIVE JULY 1, 2023

WHEREAS, Board of Supervisors consideration was requested to amend the cigarette tax rate levied in Section 58-451 of the Orange County Code of Ordinances; and

WHEREAS, the Board of Supervisors advertised and conducted the required Public Hearing on the amendment on Tuesday, April 11, 2023; and

WHEREAS, the Board of Supervisors hereby supports the proposed amendment, as presented during the Public Hearing;

NOW, THEREFORE, BE IT ORDAINED, on this 11th day of April, 2023, that the Orange County Board of Supervisors hereby approves the amendment to the cigarette tax rate levied in Section 58-451 of the Orange County Code of Ordinances, as presented and shown below, effective July 1, 2023.

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

Amendments to the Orange County Code of Ordinances

As adopted in Ord. No. 230411 – PH2
by the Orange County Board of Supervisors
on April 11, 2023

Chapter 58 - Taxation

Article X - Cigarette Tax

[…]

Sec. 58-451 - Levy and rate.
A tax upon the sale or use of cigarettes within the County is hereby imposed, at a rate of ~~$0.12~~ $0.40 for each pack (containing 20 cigarettes or less) sold, stored, or received. The tax payable for each pack sold or used within the County shall be paid but once.

[…]

RE: PUBLIC HEARING #3; AMENDMENT TO TAX RELIEF VALUES

Theodore L. Voorhees, County Administrator, explained that, as part of the annual budget process, Board of Supervisors consideration was requested to amend the tax relief values for certain elderly and disabled persons. He indicated that, if adopted, the increase in allowable net worth may allow more citizens to qualify for certain tax relief.

Discussion ensued among the Board regarding: when the net income and net worth values were last adjusted.

At 6:19 p.m., Chairman Johnson called the Public Hearing to order to receive comments on the following:

AMENDMENT TO TAX RELIEF VALUES
The Board of Supervisors will consider an amendment to Chapter 58 (Taxation), Article III (Exemptions) of the Orange County Code of Ordinances regarding Exemptions for Certain Elderly and Disabled Persons. Said amendment would increase the qualification for granting an exemption to $150,000 and $200,000. The tables for Financial Worth Range to calculate the amount of exemption would also be adjusted accordingly.

There being no speakers, Chairman Johnson closed the Public Hearing at 6:19 p.m.

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

ORDINANCE ADOPTING AMENDMENTS TO ARTICLE III (EXEMPTIONS), SECTION 58 (TAXATION), OF THE ORANGE COUNTY CODE OF ORDINANCES CONCERNING TAX EXEMPTIONS FOR CERTAIN ELDERLY AND DISABLED PERSONS

WHEREAS, Board of Supervisors consideration was requested to amend the net worth values for tax exemptions for certain elderly and disabled persons, as contained in Chapter 58 (Taxation), Article III (Exemptions), of the Orange County Code of Ordinances; and

WHEREAS, the Board of Supervisors advertised and conducted the required Public Hearing on the amendments on Tuesday, April 11, 2023; and

WHEREAS, the Board of Supervisors hereby supports the proposed amendments, as presented during the Public Hearing;

NOW, THEREFORE, BE IT ORDAINED, on this 11th day of April, 2023, that the Orange County Board of Supervisors hereby approves the amendments to the net worth values for tax exemptions for certain elderly and disabled persons, as contained in Chapter 58 (Taxation), Article III (Exemptions), of the Orange County Code of Ordinances, as presented and shown below.

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

Amendments to the Orange County Code of Ordinances

As adopted in Ord. No. 230411 – PH3
by the Orange County Board of Supervisors
on April 11, 2023

Chapter 58 - Taxation

Article III - Exemptions

Division 3 - Exemptions for Certain Elderly and Disabled Persons

Sec. 58-133 - Qualifications for Grant of Exemption
The exemption provided in this division shall be granted to persons who meet the following provisions:

[…]

(e) (1) If the title to the property for which the exemption is claimed is held solely by the applicant, or together with the spouse of the applicant, with no other joint owners, then the net combined financial worth, including the present value of equitable interests, as of December 31 of the immediately preceding calendar year, of the applicant and of the spouse of the applicant, excluding the value of the dwelling and the land, not exceeding two (2) acres upon which the dwelling is situated, shall not exceed $~~120,000~~ 150,000; or

(2) If the title to the property for which the exemption is claimed is held by the applicant and one or more other individuals, and the net combined financial worth of all such joint owners, including the present value of all equitable interests and computed without any exclusion for the dwelling or for any other asset as of December 31 of the immediately preceding calendar year, does not exceed $~~170,000~~ 200,000, the exemption for the dwelling that otherwise would have been provided shall be prorated by multiplying the amount of the exemption by a fraction that has, as a numerator, the percentage of ownership interest in the dwelling held by all qualifying applicants and, as a denominator, 100 percent.

Sec. 58-135 - Calculation of Amount of Exemption
The persons qualifying for and claiming an exemption under this division shall be relieved of that portion of the real estate tax levied on the qualifying dwelling and land in the amount calculated in accordance with the following schedule:

Exemption percentage schedule if qualifying under Section 58-133(e)(1):

Range of Income	Financial Worth Range				
	~~$0.00 - $24,000~~ $0.00 - $30,000	~~$24,001 - $48,000~~ $30,001 - $60,000	~~$48,001 - $72,000~~ $60,001 - $90,000	~~$72,001 - $96,000~~ $90,001 - $120,000	~~$96,001 - $120,000~~ $120,001 - $150,000

$0.00 - $18,750	90%	80%	70%	60%	50%
$18,751 - $25,625	80%	70%	60%	50%	40%
$25,626 - $32,500	70%	60%	50%	40%	30%
$32,501 - $39,375	60%	50%	40%	30%	20%
$39,376 - $50,000	50%	40%	30%	20%	10%

Exemption percentage schedule if qualifying under Section 58-133(e)(2):

Range of Income	Financial Worth Range				
	~~$0.00 - $34,000~~ $0.00 - $40,000	~~$34,001 - $68,000~~ $40,001 - $80,000	~~$68,001 - $102,000~~ $80,001 - $120,000	~~$102,001 - $136,000~~ $120,001 - $160,000	~~$136,001 - $170,000~~ $160,001 - $200,000
$0.00 - $18,750	90%	80%	70%	60%	50%
$18,751 - $25,625	80%	70%	60%	50%	40%
$25,626 - $32,500	70%	60%	50%	40%	30%
$32,501 - $39,375	60%	50%	40%	30%	20%
$39,376 - $50,000	50%	40%	30%	20%	10%

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 6:20 p.m. Ayes: Johnson, White, Marshall, Crozier, Frame. Nays: None.

R. Mark Johnson, Chairman

Theodore L. Voorhees, County Administrator