At a Regular Meeting of the Orange County Board of Supervisors held on Tuesday, April 25, 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

By consensus, the Board agreed to defer STA 22-04 / ZTA 22-02, the matter scheduled for Public Hearing #1, indefinitely.

On the motion of Mr. Crozier, seconded by Mr. Frame, 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

There were no Special Presentations and Appearances at this time.

RE: CONSENT AGENDA

On the motion of Mr. Crozier, seconded by Mr. Frame, 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
30026501-32425	Friends of the Lib. Donations	$ (9,130.51)	$ (600.00)	$ (9,730.51)
47310001-46016	Dig. Content for Public Use	36,700.00	600.00	37,300.00
30026501-32400	Orange Library - Lost Books	(553.93)	(545.86)	(1,099.79)
30026501-32475	Wilderness Lib. - Lost Books	(237.58)	(208.82)	(446.40)
30026501-32525	G'ville Library - Lost Books	(115.89)	(171.73)	(287.62)
47310001-46466	Books - Refunds	832.93	545.86	1,378.79
47311001-46466	Books - Refunds	255.58	208.82	464.40
47312001-46466	Books - Refunds	329.89	171.73	501.62
30033502-33250	Miscellaneous	(9,335.00)	(1,500.00)	(10,835.00)
43120003-46800	Comm. Policing Expenses	9,601.64	1,500.00	11,101.64
30030006-33500	Donations - Animal Shelter	(31,766.25)	(1,260.00)	(33,026.25)
43520003-43115	Prof. Serv. - Emergency Vet	195,723.25	1,260.00	196,983.25
30030002-33625	Donations - Triad	(9,180.00)	(535.00)	(9,715.00)
43177002-46800	Guardian Pendant Expenses	12,187.00	535.00	12,722.00
30023001-31575	Sheriff Firing Range Fees	(2,000.00)	(152.00)	(2,152.00)
43120001-43350	Other Rep. / Maint. - Range	6,580.00	152.00	6,732.00

30030002-33625	Donations - Triad	(9,180.00)	(500.00)	(9,680.00)
43177001-46800	Triad Expenses	2,500.00	500.00	3,000.00
30052001-39900	Appropriated Fund Balance	(7,402,860.29)	(6,100.00)	(7,408,960.29)
41231001-43200	Contract Services - Other	53,108.00	6,100.00	59,208.00
43550002-46500	Other Operating Supplies	10,000.00	(1,700.00)	8,300.00
43120001-48170	Computer Hardware	106,000.00	1,700.00	107,700.00
30030006-33500	Donations - Animal Shelter	(31,766.25)	(894.00)	(32,660.25)
43520003-43115	Prof. Serv. - Emergency Vet	195,723.25	894.00	196,617.25
30030002-33625	Donations - Triad	(9,180.00)	(2,200.00)	(11,380.00)
43177003-46800	Project Lifesaver Expenses	9,994.00	2,200.00	12,194.00
30047005-37010	Federal Grant - Misc.	0.00	(50,000.00)	(50,000.00)
49400003-48015 C1338	Shelter Trailer	0.00	50,000.00	50,000.00
30046009-37011	Federal Grant - Misc.	0.00	(6,418.87)	(6,418.87)
30045041-35825	State Miscellaneous	0.00	(1,454.94)	(1,454.94)
43231011-41200	Wages - Overtime	344,082.00	(684.68)	343,397.32
45311001-41200	Wages - Overtime	39,672.00	(1,175.05)	38,496.95
43550002-46500	Other Operating Supplies	10,000.00	9,733.54	19,733.54
49310012-47100	Transfer to General Fund	0.00	1,700.00	1,700.00
30051001-39275	Trans. from Fire/EMS Fund	0.00	(1,700.00)	(1,700.00)
30051016-39265	Trans. In - Fire/EMS Fund	0.00	(1,175.05)	(1,175.05)
49310009-47275	Transfers Out - VPA	0.00	1,175.05	1,175.05
66660024-48090 S0581	UES Walkway Enclosure	0.00	534,722.00	534,722.00
66660025-48090 S0582	LES Walkway Enclosure	0.00	598,000.00	598,000.00
49415002-48090 S0577	Construction / Improvements	2,000,000.00	(1,132,722.00)	867,278.00
TOTALS		**$ (4,482,016.16)**	**$ 0.00**	**$ (4,482,016.16)**

RE: AMENDMENT TO THE COUNTY ADMINISTRATOR'S EMPLOYMENT CONTRACT

As part of the Consent Agenda, the Board approved the amended Employment Contract with the County Administrator, as presented.

RE: ADOPTION OF THE MARCH 28, 2023 REGULAR MEETING MINUTES

As part of the Consent Agenda, the Board adopted the March 28, 2023 Regular Meeting minutes, as presented.

RE: ADOPTION OF THE APRIL 11, 2023 WORKSESSION MINUTES

As part of the Consent Agenda, the Board adopted the April 11, 2023 Worksession minutes, as presented.

RE: ADOPTION OF THE APRIL 11, 2023 REGULAR MEETING MINUTES

As part of the Consent Agenda, the Board adopted the April 11, 2023 Regular Meeting minutes, as presented.

RE: NEW BUSINESS

RE: AGREEMENT WITH CULPEPER COUNTY FOR A COOPERATIVE PARTNERSHIP GRANT TO THE OPIOID ABATEMENT AUTHORITY

Theodore L. Voorhees, County Administrator, explained that staff was requesting the Board's consideration of an agreement with Culpeper County for a Cooperative Partnership Grant to the Opioid Abatement Authority, which would also include Fauquier, Madison, and Rappahannock Counties as cooperative partners. He added that, if approved, Culpeper County would be authorized to execute the Cooperative Partnership Grant application and any documents in connection therewith and would serve as fiscal agent, should the grant be awarded.

Mr. Voorhees stated that the requested grant proceeds would be used to fund a new overdose response program administered by the Rappahannock-Rapidan Community Services Board. He indicated the overall goal of the program was to establish first responder and peer partnerships, to increase peer engagement with emergency departments, and to provide access to peer recovery services at first opportunity following a substance use incident. Mr. Voorhees noted these grant funds were available as a result of the various opioid settlements that had been reached to-date and the desired use was aligned with combating substance abuse.

Discussion ensued among the Board regarding: whether there was multi-year funding available to continue the initiative; and the fact this was the beginning of the grant process and there would be more settlements forthcoming and future grant opportunities available as well.

On the motion of Mr. Frame, seconded by Mr. Crozier, which carried by a vote of 5-0, the Board approved the Agreement with Culpeper County for a Cooperative Partnership Grant to the Virginia Opioid Abatement Authority, as presented.

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

RE: OLD BUSINESS

RE: ADOPTION OF THE ORDINANCE FOR TAX RATES FOR CALENDAR YEAR 2023 *(CARRIED OVER FROM THE APRIL 18, 2023 PUBLIC HEARING)*

Theodore L. Voorhees, County Administrator, reminded the Board that Ms. Bradley had presented the proposed tax rates at its Public Hearing on April 18, 2023, and that it would be appropriate for the Board to consider taking action on the ordinance to adopt the rates at this time.

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 TO ESTABLISH TAX LEVIES FOR THE TAX YEAR
BEGINNING JANUARY 1, 2023

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 Tuesday, April 18, 2023, to receive public comment;

NOW, THEREFORE, BE IT ORDAINED, on this 25th day of April, 2023, that the Orange County Board of Supervisors hereby establishes the tax levies for the County of Orange, Virginia, as follows, for the tax year beginning January 1, 2023:

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.: <u>$0.61 per $100.00 of assessed valuation</u> (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.: <u>$0.14 per $100.00 of assessed valuation</u>.

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

TANGIBLE PERSONAL PROPERTY - AUTOMOBILES AND TRUCKS, pursuant to §58.1-3000 VA Code Ann. and classified by §58.1-3506.1 VA Code Ann., including automobiles and trucks: <u>$3.85 per $100.00 of assessed valuation</u>.

TANGIBLE PERSONAL PROPERTY - REGULAR, pursuant to §58.1-3000 VA Code Ann. and classified by §58.1-3500 through -3506.1 VA Code Ann., including but not limited to, motorcycles and other motor vehicles, but excluding automobiles and trucks included in other categories, watercraft and boats, aircraft, forest harvesting machinery and farm machinery, and business tangible personal property: <u>$3.75 per $100.00 of assessed valuation</u> (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: <u>$2.20 per $100.00 of assessed valuation</u>.

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

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

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

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

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: <u>$2.62 per $100.00 of assessed valuation</u>.

FARM MACHINERY, pursuant to §58.1-3505(8) and (10) VA Code Ann.: <u>$0.00 per $100.00 of assessed valuation</u>.

MACHINERY AND TOOLS, pursuant to §58.1-3507 VA Code Ann.: <u>$1.831 per $100.00 of assessed valuation</u>.

COMPUTER EQUIPMENT & PERIPHERALS USED IN A DATA CENTER, pursuant to §58.1-3506(A)(43) VA Code Ann.: <u>$1.25 per $100.00 of assessed valuation</u>.

HEAVY CONSTRUCTION EQUIPMENT, pursuant to §58.1-3508.2 VA Code Ann.: <u>$2.20 per $100.00 of assessed valuation</u>.

FOREST HARVESTING MACHINERY, pursuant to §58.1-3508 VA Code Ann.: $0.00 per $100.00 of assessed valuation.

MERCHANTS' CAPITAL, pursuant to §58.1-3000 and §58.1-3509 *et seq.* VA Code Ann.: $0.40 per $100.00 of assessed valuation.

MOTOR VEHICLE LICENSE TAX, pursuant to §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.

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

RE: ADOPTION AND APPROPRIATION OF THE OPERATING AND CAPITAL BUDGET FOR FISCAL YEAR 2024 *(CARRIED OVER FROM THE APRIL 18, 2023 PUBLIC HEARING)*

Theodore L. Voorhees, County Administrator, reminded the Board that Ms. Bradley had presented the proposed budget at its Public Hearing on April 18, 2023, and that it would be appropriate for the Board to consider taking action on the resolution to adopt and appropriate the budget at this time.

Mr. Frame made a motion to restore the funding to The Arts Center in Orange for Fiscal Year 2024, but the motion died for lack of a second.

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

RESOLUTION TO ADOPT AND APPROPRIATE THE FISCAL YEAR 2024 OPERATING AND CAPITAL BUDGETS

WHEREAS, the Fiscal Year 2024 Budget has been duly prepared and presented to the Board of Supervisors; and

WHEREAS, various budget discussions have been conducted; and

WHEREAS, the Board of Supervisors conducted a duly-advertised Public Hearing on Tuesday, April 18, 2023, to receive public comment; and

WHEREAS, the Board of Supervisors has considered the services required and desired by the citizens of Orange County;

NOW, THEREFORE, BE IT RESOLVED, on this 25th day of April, 2023, that the Orange County Board of Supervisors hereby approves and adopts the Fiscal Year 2024 Budget, as presented, and appropriates all funds as set forth in the Budget with the limitations and instructions included herein; and

BE IT FURTHER RESOLVED, as follows:

1. Estimates of revenues are approved in total and appropriations are hereby authorized at the functional level within the General Fund.

2. Estimates of revenues are approved in total and appropriations for remaining Governmental funds are approved in total for each fund, including the Law Library Fund, Virginia Public Assistance Fund, Fire and EMS Levy Fund, County Capital Projects Fund, Debt Service Fund, School Operating Fund, School Other Funds, and Insurance Internal Service Fund.

3. Estimates of revenues are approved in total and appropriations for Enterprise funds are approved in total for each fund, including the Airport Fund and the Landfill Fund.

4. Appropriations designated for the COVID-19 Response Fund and capital projects within the County and School Capital Projects Funds, Airport Fund, and Landfill Fund will not lapse at the end of the fiscal year, but shall remain appropriated until the completion of the project or until the Board of Supervisors, by appropriate resolution, changes or eliminates the appropriation.

5. Federal, State, and Charges for Services for all School Funds and Social Services revenues are hereby appropriated for expenditures only up to the amounts actually received from Federal, State, and Charges for Services sources.

6. Enterprise funds, including the Airport Fund and the Landfill Fund, are authorized to operate as determined by activity levels, within constraints of actual revenues and available surplus, and budget modifications approved by the Board of Supervisors.

7. The Board of Supervisors will establish the Personal Property Tax Relief Act (PPTRA) percentage for the 2023 tax year in August, 2023, by separate resolution.

8. The County Administrator may increase appropriations for non-budgeted revenue for insurance recoveries for County vehicles and other property for which County funds have been expended to make repairs and for worker's compensation reimbursements, up to $30,000 per incident or claim.

9. The County Administrator may appropriate both revenue and expenditures from donations made to support County programs up to $500. Any remaining balance of a restricted donation at the fiscal year end will be re-appropriated into the subsequent fiscal year.

10. The County Administrator is charged with the responsibility for the quarterly reporting of revenues and expenditures compared to the adopted budget as amended, to the Board of Supervisors.

11. Where funding is included for the acquisition of certain projects and equipment by debt financing within the FY24-FY28 Adopted Capital Improvements Plan and in the FY24 Adopted Annual Budget, the Board of Supervisors hereby declares its official intent under Treasury Regulations Section 1.150-2 that it reasonably expects to reimburse its original expenditures for such acquisitions from the proceeds of the subsequent applicable debt obligation. It is expected that the expenditures will be paid from the County's General Fund and other available sources.

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

ADOPTED BUDGET

FISCAL YEAR JULY 1, 2023 TO JUNE 30, 2024

GENERAL FUND		
Revenues:		
Local Sources	$	59,989,833
Commonwealth		9,075,550
Federal Government		154,447
Transfers from Other Funds		111,439

General Fund Reserves		2,423,569
Total Revenues	**$**	**71,754,838**
Expenditures:		
General Government Administration	$	5,855,347
Judicial Administration		2,881,802
Public Safety		11,089,932
Public Works		1,992,484
Health & Welfare		5,450,479
Education		43,600
Parks, Recreation & Culture		2,037,809
Community Development		2,138,088
Non-Departmental		225,292
Transfers to Other Funds		40,040,005
Total Expenditures	**$**	**71,754,838**

LAW LIBRARY FUND

Revenues:		
Local Sources	$	7,000
Reserves		892
Total Revenues	**$**	**7,892**
Total Expenditures	**$**	**7,892**

VIRGINIA PUBLIC ASSISTANCE FUND

Revenues:		
Commonwealth	$	1,218,074
Federal Government		2,165,456
Transfer from General Fund		1,858,509
Total Revenues	**$**	**5,242,039**
Total Expenditures	**$**	**5,242,039**

FIRE & EMS LEVY FUND

Revenues:		
Local Sources	$	8,830,290
Commonwealth		204,577
Federal Government		86,500
Reserves		711,531
Total Revenues	**$**	**9,832,898**

Expenditures:		
Fire & EMS Expenses	$	7,957,605
Transfers to Other Funds		1,875,293
Total Expenditures	**$**	**9,832,898**

COUNTY CAPITAL PROJECTS FUND		
Revenues:		
Transfer from General Fund	$	1,064,791
Transfer from Fire & EMS Fund		369,839
Financing Proceeds		3,418,504
Reserves		900,333
Total Revenues	**$**	**5,753,467**
Expenditures:		
Capital Expenses	$	5,153,134
Transfers to Other Funds		600,333
Total Expenditures	**$**	**5,753,467**

DEBT SERVICE FUND		
Revenues:		
Transfer from General Fund	$	7,888,237
Transfer from Fire & EMS Fund		1,505,454
Transfer from Capital Project Fund		600,333
Total Revenues	**$**	**9,994,024**
Total Expenditures	**$**	**9,994,024**

AIRPORT FUND		
Revenues:		
Local Sources	$	407,195
Transfer from General Fund		314,461
Commonwealth		193,244
Federal Government		59,000
Total Revenues	**$**	**973,900**
Total Expenditures	**$**	**973,900**

LANDFILL FUND		
Revenues:		
Local Sources	$	580,000

Commonwealth		11,635
Transfer from General Fund		3,205,934
Total Revenues	**$**	**3,797,569**
Total Expenditures	**$**	**3,797,569**

ORANGE COUNTY PUBLIC SCHOOLS OPERATING FUND

Revenues:		
Transfer from General Fund	$	23,209,216
Commonwealth		37,580,140
Federal Government		3,261,315
Financing Proceeds		1,014,260
Other		96,192
Total Revenues	**$**	**65,161,123**
Expenditures:		
School Operating Fund	$	64,531,334
Transfers to Other Funds		629,789
Total Expenditures	**$**	**65,161,123**

ORANGE COUNTY PUBLIC SCHOOLS OTHER FUNDS

Revenues:		
Transfer from General Fund	$	2,498,857
Transfer from School Operating Fund		629,789
Commonwealth		272,030
Federal Government		4,869,615
Other		96,000
Financing Proceeds		5,650,000
Reserves		70,211
Total Revenues	**$**	**14,086,502**
Expenditures:		
School Cafeteria Fund	$	3,101,541
School Headstart Fund		1,677,204
School Adult Education Fund		458,900
School Textbook Fund		700,000
School Debt Service Fund		1,720,191
School Capital Project Fund		6,428,666
Total Expenditures	**$**	**14,086,502**

INSURANCE INTERNAL SERVICE FUND		
Revenues:		
Contributions from Other Funds	$	11,641,306
Total Revenues	**$**	**11,641,306**
Expenditures:		
Health Claims and Administrative Expenses	$	11,529,867
Transfer to Other Funds		111,439
Total Expenditures	**$**	**11,641,306**

Grand Total Expenditures	**$**	**198,245,558**
Less Transfers		(54,786,726)
Total Consolidated Budget	**$**	**143,458,832**

RE: ADOPTION OF THE FY24-FY28 CAPITAL IMPROVEMENTS PLAN

Amanda Amos, Contract and Procurement Specialist, explained that the Capital Improvements Plan for FY2024-FY2028 had been presented for review and discussion at the Regular Meeting on April 11, 2023. She indicated that, at this time, it would be appropriate for the Board to adopt said Capital Improvements Plan.

Discussion ensued among the Board regarding: appreciation to County staff for submitting realistic requests for capital improvements.

On the motion of Mr. Frame, seconded by Mr. White, which carried by a roll call vote of 5-0, the Board adopted the FY2024-FY2028 Capital Improvements Plan, as presented.

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

There was no Board Comment at this time.

RE: INFORMATIONAL ITEMS

The Board received the following correspondence for its information:

- CSA Monthly Report
- Economic Development Quarterly Report

- Social Services Quarterly Report
- Culpeper Soil and Water Conservation District Minutes; March 7, 2023
- Health Center Commission Meeting Minutes; January 20, 2023
- VDOT Monthly Report for April

RE: APPOINTMENTS TO BOARDS, COMMISSIONS, AND COMMITTEES

By consensus, the Board re-appointed Jim Crozier as an At-Large (Orange County) Representative on the Rapidan Service Authority for a four-year term, with said term commencing June 25, 2023, and expiring on June 24, 2027.

RE: CALENDAR

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

RE: PUBLIC COMMENT

At 5:19 p.m., Chairman Johnson opened the floor for public comment.

There being no speakers, public comment was closed at 5:19 p.m.

RE: CLOSED MEETING

At 5:20 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 matter:

- 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 zoning violation. - *§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 aforestated matters in Closed Meeting.

On the motion of Mr. Frame, seconded by Mr. Crozier, 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 6:29 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: PUBLIC HEARING #1; STA 22-04 / ZTA 22-02

By previous consensus, the Board deferred this matter indefinitely.

RE: PUBLIC HEARING #2; ZTA 23-03

Eric Bittner, Planner, presented the staff report regarding proposed amendments to the Zoning Ordinance concerning structure height within the alternative form provision of the PDM zoning district, which had previously been initiated and discussed by the Board. He reviewed the proposed language, indicating that the Planning Commission's vote had resulted in a recommendation of approval.

At 6:32 p.m., Chairman Johnson called the Public Hearing to order to receive comments on the following:

ZTA 23-03

The Board of Supervisors will consider an amendment to Sec. 70-567C and Sec. 70-567F of the Zoning Ordinance that would conditionally allow greater structure height within the alternative form provision of Sec. 70-567C(e) of the Zoning Ordinance.

There being no speakers, Chairman Johnson closed the Public Hearing at 6:32 p.m.

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 AMENDMENTS TO SECTION 70 (ZONING), ARTICLE IV (DISTRICT REGULATIONS), OF THE ORANGE COUNTY CODE OF ORDINANCES CONCERNING BUILDING HEIGHTS IN THE PLANNED DEVELOPMENT - MIXED-USE (PDM) ZONING DISTRICT

WHEREAS, Planning Commission action was previously initiated on amendments to Section 70 (Zoning), Article IV (District Regulations), of the Orange County Code of Ordinances concerning building heights in the Planned Development - Mixed-Use (PDM) zoning district; and

WHEREAS, the recommended language for the text amendments was prepared, which was presented to the Planning Commission for consideration; and

WHEREAS, the Planning Commission advertised and conducted a Public Hearing on the proposed text amendments on April 6, 2023; and

WHEREAS, after discussing the proposed text amendments, the Planning Commission recommended approval of the proposed text amendments to the Board of Supervisors, as presented during its meeting; and

WHEREAS, the Board of Supervisors advertised and conducted a Public Hearing on the proposed text amendments on April 25, 2023; and

WHEREAS, following discussion at the Public Hearing, the Board of Supervisors hereby supports the proposed text amendments, as presented during its Public Hearing; and

WHEREAS, public necessity, convenience, general welfare, and/or good planning and zoning practice also support approval of the proposed text amendments, as presented during the Public Hearing;

NOW, THEREFORE, BE IT ORDAINED, on this 25th day of April, 2023, that the Orange County Board of Supervisors hereby approves the amendments to Section 70 (Zoning), Article IV (District Regulations), of the Orange County Code of Ordinances concerning building heights in the Planned Development - Mixed-Use (PDM) zoning district, 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. 230425 – PH2
by the Orange County Board of Supervisors
on April 25, 2023

Chapter 70 – Zoning

Article IV – District Regulations

Division 13 – Planned Development - Mixed-Use (PDM)

[…]

Sec. 70-567C – Development Plans

[…]

e) Alternative Form. Any overall development plan or master plan for a PDM district may integrate or consolidate, remove, or modify any guidance or requirement as set forth herein provided such alternative form supports and furthers the PDM district as set forth in Section 70-567A (Purpose and Intent) subject to the following:
   1. Such integration or consolidation, removal, or modification, along with information supporting the alternative form, shall be included as part of the zoning map amendment submittal requirements specified in Article II of this Ordinance.
   2. Sections 70-567D(a), 70-567E(e)(1), and 70-567F~~(a)~~(d)(e) are not eligible for removal or modification.
   3. Section 70-567F(a) is eligible for modification, but proposed heights above 45' will only be allowed for specifically identified and proffered uses.

[…]

Sec. 70-567F – Building Standards

a) Maximum height. Forty-five (45) feet, unless otherwise permitted via a Special Exception, a ~~or via~~ Special Use Permit for telecommunications facilities, or as allowed in Sec. 70-567C.

[…]

RE: PUBLIC HEARING #3; REZ 22-03 (WILDERNESS CROSSING)

Eric Bittner, Planner, presented the staff presentation and request for Rezoning from Kenny Dotson, of KEG III Associates, which included information on the following: an overview of the proposed project; a site description, including the physical location, the underlying zoning of the subject parcels, location within the GWAP, and the on-site mines; a brief summary of environmental impacts, water availability, impacts on public health, safety, and welfare, historic impacts, effects on County services, recreational facilities, fiscal and economic impacts, transportation impacts, interior road networks, pedestrian transportation, and multi-modal transportation; a review of compatibility with surroundings; consistency with the GWAP and the Comprehensive Plan; and staff comments on the application. He concluded his report by noting the recommendation of approval from the Planning Commission.

Charlie Payne, agent for the applicant, gave a presentation, which included information on the following: a project overview; a summary of the GWAP; how the development met the various goals and objectives of the GWAP; the proposed land uses; a summary of the project's frontage along Route 3; the proposed Land Use Plan and Chart; the proffered Design Standards; buffering along Route 3; fiscal impacts; a review of the project's proffer statement; buffering of historic Pilgrim Church; dedication to open space and recreational uses; transportation and intersection improvements; the project's Transportation Plan, Master Plan, and Utilities Plan; and mitigation and remediation of the on-site mines.

Discussion ensued among the Board regarding: the importance of the water reservoir to the project moving forward; the need to have available and safe water to support the project; the need to make planning for water resources a part of the early planning of the project; the importance of economic development opportunities to the project; why the economic opportunity zones were proffered to potentially allow residential development if not commercially-developed within a certain period of time; the structure of the proffers to ensure economic development attractiveness; the impact of economic development on the County's ledger versus the impact of residential development; phasing of the development from the front of the property to the rear of the property; the fact that existing development would be protected, but that future development could be limited by the availability of water; and the agent's thought that residential development may not be viable in the rear acreage of the property.

At 7:32 p.m., Chairman Johnson called the Public Hearing to order to receive comments on the following:

REZ 22-03
The Board of Supervisors will consider an application from Kenny Dotson, of KEG III Associates, to rezone property located along north Germanna Highway (Route 3), between Rapidan Road and the Spotsylvania County / Orange County boundary, and between Germanna Highway and the Rapidan River, to Planned Development - Mixed-Use (PDM). The proposal includes the creation of six land use types, mixed-use development, and proffered conditions. The subject properties and their current zoning are Tax Map Parcels: 13-16 and 13-5B, currently zoned Agriculture (A) and General Commercial (C-2); 24-90, currently zoned General Commercial (C-2) and Limited Residential (R-1) Conditional; 13-70, currently zoned Agriculture (A), General Industrial (I-2) Conditional, and General Commercial (C-2); 13-10, 13-110, 13-130, 13-60, 13-6C, 13-6B, 13-6A, 13-30, 14-10, 13-20, 13-3A, 13-16B, 24-20, and 24-2A, currently zoned Agriculture (A); and 13-190 and 13-20, currently zoned General Industrial (I-2) Conditional. The total area of the proposed development is ± 2,618.4 acres and is part of Sub-Area 4 of the Germanna-Wilderness Area Plan.

The following individuals spoke:

- Gary MacFadden, 108 Lee Circle, Locust Grove
- Rick Rappoport, 101 Woodland Trail, Locust Grove
- Brit Lewis, 2511 Meeting House Road, Locust Grove
- Nicole Pappas, 115 Pleasant Grove Road, Locust Grove
- Tom Neubig, 101 Harbourview Drive, Locust Grove
- Paul Moog, 29199 Quarter Moon Lane, Rhoadesville
- Kathleen Marcus, Resident of Spotsylvania
- Gary Marcus, Resident of Spotsylvania
- Marco Devito, 105 Trails End Road, Locust Grove
- Anne Tower, 103 Trails End Road, Locust Grove
- Tom Eiden, 120 Skyline Road, Locust Grove
- John Lafley, 600 Gold Valley Road, Locust Grove
- Jennifer Heinz, 209 Freedom Road, Locust Grove
- Vicki Tarallo, 205 Skyline Road, Locust Grove
- Don McCown, Representative of the Piedmont Environmental Council
- Kyle Hart, Representative of the National Parks Conservation Association
- Max Hokit, Representative of the American Battlefield Trust
- Jack Phend, 107 Jefferson Avenue, Locust Grove

- William Lukaczyk, 223 Harpers Ferry Drive, Locust Grove
- Bill Speiden, 12046 Blue Hill Drive, Somerset
- Lynne Lewis, 236 Peliso Avenue, Orange
- Zack Burkett, 14162 Marquis Road, Unionville
- Marcia Landau, 14162 Marquis Road, Unionville

The Board took a brief recess at 8:42 p.m.

The Board reconvened at 8:57 p.m.

The following individuals spoke:

- Janis Rieley, 153 Larkspur Lane, Locust Grove
- Julie Bolthouse, Representative of the Piedmont Environmental Council
- Tim Talbott, Representative of the Central Virginia Battlefields Trust
- Bill Frazer, 140 Madison Circle, Locust Grove
- D.J. Anglin, 11152 St. Just Road, Unionville
- Joe and Barb Cotton, 11527 Robins Ridge Road, Unionville
- Bob Hoh, 132 Madison Circle, Locust Grove
- Deborah Harvey, 228 Birchside Circle, Locust Grove
- Dave Davies, 101 Windy Lane, Locust Grove
- Nathan Greeno, 108 Trails End Road, Locust Grove
- James Collins, 12384 Merriewood Drive, Somerset
- Jim McMahon, 542 Harrison Circle, Locust Grove
- Beth Parnicza, Representative of the National Park Service

There being no further speakers, Chairman Johnson closed the Public Hearing at 9:40 p.m.

The Board took a brief recess at 9:41 p.m.

The Board reconvened at 9:50 p.m.

Supervisor Crozier commented on the following: the property that was sold by the National Park Service in the Germanna-Wilderness Area several years ago; the fact that the water and sewer system in Lake of the Woods was inherited by the Rapidan Service Authority and was inferior when it was installed; the gold mine located in the bottom of the lake at Lake of the Woods that was filled with concrete; the fact there was no oversight when Lake of the Woods was built; enforcement of the County's light ordinance in the proposed project; the fact that Spotsylvania County routed heavy truck traffic for a solar project through Orange County, which destroyed local roads, and for which Orange County filed a lawsuit; and clarification that Spotsylvania was in a different VDOT district than Orange and never consulted on other projects.

Supervisor Frame commented on the following: the applicant's commitment to test the entire site for contaminants, versus just specific areas around the mines; the fact there was sufficient water for the development, as the Rapidan Service Authority was adding capacity for 1 million gallons per day; the fact that development could be limited by water availability until an impoundment became available, if there were commercial or industrial plans that resulted in high water users; use of water availability (connection) fees from new residences that could be used to develop an appropriate impoundment; funds available from the development for a water study, as opposed to the cost falling on County taxpayers or Rapidan Service Authority ratepayers; limits on the amount of development if a water impoundment was not available; priority of the existing water users and priority of human consumption of water over other elements; not accepting land for a park or school site if it was contaminated, thus the reason for requiring the contaminant testing in advance; receipt of about 200 written comments, with 115 of those from Lake of the Woods residents, meaning that many residents were not concerned enough about the development to submit a public comment; the County's ordinance to address light pollution; the proffered condition to address sound pollution, even without a sound ordinance; and the opposition from the National Park Service, the Battlefield Trust, and the Piedmont Environmental Council.

Supervisor White commented on the following: designation of the subject area as the development area of the County since the very first Comprehensive Plan in 1976; the various attempts over the years to study the subject area and determine what would make sense and would be beneficial to the community; creation of the Germanna-Wilderness Area Plan (GWAP); the common theme of creating a development that achieved a balance between residential and commercial or industrial, which was a priority of the GWAP and was in the best interest of the community; statistics of the proposed development (acreage of residential, open space, and commercial or industrial) to create the desired mixed-use; the fact that, if approved, the developers would not be able to do whatever they wanted, as there were many steps, reviews, and permits along the way; the many proffers that dealt with the areas of concern, such as water, traffic, tax impacts, schools, and mines; the checkpoints put in place in the proffers before any site plans could even be approved; and the true decision at hand being whether or not the County remained engaged in the development process as progress continued to be made.

Supervisor Marshall commented on the following: respect for the developer; the accommodating and acceptance of new residents in the Orange County community; acknowledgement that there were some issues with the project, but that there was also a lot of opportunity with the project; capitalizing on the opportunities and working to diminish any problems; the size of this project compared to the size of the County; and, based on personal concerns, not being in a position to support the project at this time.

Chairman Johnson commented on the following: the history of the Route 3 Corridor Study, which was submitted to the Planning Commission in 1990; the property owners' vision for the property, which dated back to the 1990s; the Germanna Corridor Plan from the late 1990s; the process of developing the GWAP, which began ten years ago and included a lengthy public process; the Route 3 Arterial Management Plan commissioned by VDOT in 2017 and the associated public town hall process; and the fact that Orange County had designated Route 3 as the growth area of the County for over 35 years, indicating none of the development had been proposed in secret.

On the motion of Mr. Crozier, 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 APPROVING REZ 22-03 TO REZONE APPROXIMATELY 2,618.47 ACRES TO PLANNED DEVELOPMENT - MIXED USE (PDM) CONDITIONAL, REQUESTED BY KEG III ASSOCIATES, LLC

WHEREAS, Kenny Dotson, on behalf of KEG III Associates, LLC, has requested the rezoning of property along Germanna Highway (Route 3), between Rapidan Road and the Spotsylvania / Orange County boundary, and between Germanna Highway and the Rapidan River, Locust Grove, specifically identified as Tax Map Nos. 13-2, 13-3, 13-3A, 13-5B, 13-6, 13-6A, 13-6B, 13-6C, 13-7, 13-10, 13-11, 13-13, 13-16, 13-16B, 13-19, 13-20, 14-1, 24-2, 24-2A, and 24-9, totaling approximately 2,618.47 acres, from Agriculture (A), General Commercial (C-2), Limited Residential (R-1) Conditional, and General Industrial (I-2) Conditional to Planned Development - Mixed Use (PDM) Conditional; and

WHEREAS, the Planning Commission advertised and conducted a Public Hearing on the request on March 23, 2023, but deferred action until its meeting on April 6, 2023; 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 determined that the request was consistent with the considerations above, and, as such, recommended approval of the request to the Board of Supervisors, as presented during its Public Hearing; and

WHEREAS, the Board of Supervisors advertised and conducted a Public Hearing on the request on April 25, 2023; and

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

NOW, THEREFORE, BE IT ORDAINED, on this 25th day of April, 2023, that the Orange County Board of Supervisors hereby approves REZ 22-03 to rezone property along Germanna Highway (Route 3), between Rapidan Road and the Spotsylvania / Orange County boundary, and between Germanna Highway and the Rapidan River, Locust Grove, specifically identified as Tax Map Nos. 13-2, 13-3, 13-3A, 13-5B, 13-6, 13-6A, 13-6B, 13-6C, 13-7, 13-10, 13-11, 13-13, 13-16, 13-16B, 13-19, 13-20, 14-1, 24-2, 24-2A, and 24-9, totaling approximately 2,618.47 acres, from Agriculture (A), General Commercial (C-2), Limited Residential (R-1) Conditional, and General Industrial (I-2) Conditional to Planned Development - Mixed Use (PDM) Conditional, subject to the Legal Summary and the proffers dated April 24, 2023, as attached to the original Ordinance retained in the County Administrator's Office, as presented during 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 certain subject properties as part of REZ 95-12 and REZ 88-09.

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

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 10:16 p.m. Ayes: Johnson, White, Marshall, Crozier, Frame. Nays: None.

R. Mark Johnson, Chairman

Theodore L. Voorhees, County Administrator