At a Regular Meeting of the Orange County Board of Supervisors held on Tuesday, August 22, 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 Crystal D. Hale. 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. Marshall, which carried by a vote of 5-0, the Board adopted the agenda, as modified. Ayes: Johnson, White, Marshall, Hale, 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. 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, Hale, 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
44230001-45410	Rentals - Equipment	$ 0.00	$ 40,400.00	$ 40,400.00
30052010-39900	Appropriated Fund Balance	(2,857,804.69)	(40,400.00)	(2,898,204.69)
30045004-35975	FA - DCJS for Sheriff	(24,467.65)	8,512.82	(15,954.83)
43120006-46800	Forfeited Asset Expenses	45,201.65	(8,512.82)	36,688.83
30033505-33100	Fundraiser - Office on Youth	(470.00)	(308.00)	(778.00)
45370101-46000	Office Supplies	2,170.00	308.00	2,478.00
30033505-33105	Vending Machine Proceeds	(121.00)	(284.00)	(405.00)
45370101-43300	Vending Items for Resale	414.00	284.00	698.00
30033505-33115	Child Abuse Prev. Fundraise	0.00	(1,575.00)	(1,575.00)
45370101-46800	Child Abuse Prevention	829.00	1,575.00	2,404.00
30033505-33575	Donations - Yth Sub Ab Prog	0.00	(6,160.00)	(6,160.00)
45371001-46000	Office Supplies	705.00	6,160.00	6,865.00
30033506-33250	Michael's Gift Donations	(1,080.00)	(40.00)	(1,120.00)
45370102-46800	Michael's Gift Expenses	13,373.00	40.00	13,413.00
30033515-31675	GBES - Fundraising	(2,473.00)	(4,424.00)	(6,897.00)
45342102-46520	Fundraising Supplies	500.00	4,424.00	4,924.00
30033515-31700	GBES - Field Trip	(1,503.00)	(102.00)	(1,605.00)
45342102-46800	GBES Sp. Events Expenses	3,476.00	102.00	3,578.00
30033515-31750	OES - Fundraising	(1,316.00)	(2,549.00)	(3,865.00)
45342202-46520	Fundraising Supplies	1,000.00	2,100.00	3,100.00

45342202-46800	OES Sp. Events Expenses	1,357.00	449.00	1,806.00
30033515-31775	OES - Field Trip	(1,041.00)	(108.00)	(1,149.00)
45342202-46800	OES Sp. Events Expenses	1,357.00	108.00	1,465.00
30033515-31785	LGES - Fundraising	(982.00)	(2,240.00)	(3,222.00)
45342302-46520	Fundraising Supplies	500.00	1,200.00	1,700.00
45342302-46800	LGES Childcare Expenses	1,882.00	1,040.00	2,922.00
30033515-31790	LGES - Field Trip	(1,400.00)	(264.00)	(1,664.00)
45342302-46800	LGES Childcare Expenses	1,882.00	264.00	2,146.00
30033515-31797	LES - Fundraising	(1,047.00)	(1,657.00)	(2,704.00)
45342402-46520	Fundraising Supplies	500.00	1,000.00	1,500.00
45342402-46800	LES Childcare Expenses	720.00	657.00	1,377.00
30045006-35775	State - Airport Grant	(9,920.00)	(1,140.00)	(11,060.00)
48170001-43370	Grounds Maintenance	183,883.15	1,140.00	185,023.15
30045006-35775	State - Airport Grant	(9,920.00)	(1,221.00)	(11,141.00)
48170001-43370	Grounds Maintenance	183,883.15	1,221.00	185,104.15
30045006-35775	State - Airport Grant	(9,920.00)	(2,236.00)	(12,156.00)
48170001-43370	Grounds Maintenance	183,883.15	2,236.00	186,119.15
43220012-46840	Vol. Fire Chiefs Association	736,528.00	105,000.00	841,528.00
49150010-45900	Contingency	156,707.00	(105,000.00)	51,707.00
TOTALS		**$ (1,402,714.24)**	**$ 0.00**	**$ (1,402,714.24)**

RE: FY24 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
30030002-33625	Donations - Triad	$ 0.00	$ (1,000.00)	$ (1,000.00)
43177001-46800	Triad Expenses	1,600.00	1,000.00	2,600.00
49420001-48100	Obstruct Removal RW26	0.00	31,000.00	31,000.00
30052009-39900	Appropriated Fund Balance	0.00	(620.00)	(620.00)
30045006-35775	State - Airport Grant	(193,244.00)	(2,480.00)	(195,724.00)
30046002-37025	Federal Airport Grant	(59,000.00)	(27,900.00)	(86,900.00)
30045006-35775	State - Airport Grant	(193,244.00)	(4,066.00)	(197,310.00)
48170001-43370	Grounds Maintenance	53,000.00	4,066.00	57,066.00
44320001-45500	Training Expenses - Other	5,000.00	2,900.00	7,900.00
45360002-43200	Contract Services - Other	0.00	500.00	500.00
45360002-46000	DCJS 2nd Grant Program	0.00	120.00	120.00
45371002-46800	After Prom Expenses	0.00	2,341.00	2,341.00
45370102-46800	Michael's Gift Expenses	0.00	10,210.00	10,210.00
44320001-43350	Other Repairs / Maintenance	345,706.00	21,574.00	367,280.00
41241001-41322	Wages - Part-Time	10,050.00	5,592.00	15,642.00
41241001-43505	Printing - Tax Tickets	18,250.00	3,043.00	21,293.00

41310001-46000	Office Supplies	700.00	5,000.00	5,700.00
41310001-46005	Election Equipment	0.00	14,500.00	14,500.00
41222001-42900	Organizational Development	20,000.00	15,000.00	35,000.00
41252001-43420	GIS Program Expenses	2,000.00	1,176.00	3,176.00
41211005-43100	Professional Services - Oth.	9,000.00	18,646.00	27,646.00
41211005-43200	Contract Services - Other	50,363.00	6,773.00	57,136.00
41211005-46025	Marketing Expenses	10,500.00	4,000.00	14,500.00
47312001-46466	Books - Refunds	0.00	201.00	201.00
47312001-45530	Travel - Meals & Lodging	0.00	45.00	45.00
47312001-48140	Furniture & Fixtures	600.00	450.00	1,050.00
47310001-43210	Data Processing Server	91,690.00	14,000.00	105,690.00
47310001-43210	Data Processing Server	91,690.00	4,430.00	96,120.00
47310001-46466	Books - Refunds	0.00	450.00	450.00
47311001-46466	Books - Refunds	0.00	179.00	179.00
48120001-43350	Repairs & Maintenance	0.00	11,326.00	11,326.00
42140001-46500	Other Oper. Supp. - Other	5,000.00	4,551.00	9,551.00
43120003-46800	Comm. Policing Expenses	3,500.00	5,899.00	9,399.00
43177001-46800	Triad Expenses	1,600.00	4,086.00	5,686.00
43177002-46800	Guardian Pendant Expenses	0.00	5,306.00	5,306.00
43177003-46800	Project Lifesaver Expenses	0.00	3,763.00	3,763.00
30052001-39900	Appropriated Fund Balance	(2,423,569.00)	(182,225.00)	(2,605,794.00)
43290001-43385	Maintenance Contracts	75,000.00	8,000.00	83,000.00
43290001-45150	Utilities - Internet	20,545.00	641.00	21,186.00
43290001-45230	Comms. - Telephone	45,600.00	2,400.00	48,000.00
43231011-46505	Protective Equipment	43,890.00	17,996.00	61,886.00
30052019-39900	Appropriated Fund Balance	(711,531.00)	(29,037.00)	(740,568.00)
48160003-43600	VTC Grant Expenses	0.00	20,000.00	20,000.00
42160001-41322	Wages - Part-Time	0.00	45,240.00	45,240.00
42160001-42100	FICA & Medicare	32,345.00	3,461.00	35,806.00
42111001-43030	Jurors & Witness Comp.	26,000.00	7,400.00	33,400.00
30052001-39900	Appropriated Fund Balance	(2,423,569.00)	(29,889.00)	(2,453,458.00)
42160002-48110	EDP Equipment	0.00	(26,212.00)	(26,212.00)
45370101-46800	Child Abuse Prevention	0.00	559.00	559.00
45370101-46806	School Supplies Program	0.00	793.00	793.00
30052001-39900	Appropriated Fund Balance	(2,423,569.00)	(1,352.00)	(2,424,921.00)
30045065-35880	Virginia Tourism Corp Grant	0.00	(20,000.00)	(20,000.00)
43120001-43360	Vehicle Repairs / Maint.	146,222.05	16,036.00	162,258.05
43120006-46800	Forfeited Asset Expenses	0.00	41,763.00	41,763.00
30052002-39900	Appropriated Fund Balance	0.00	(62,878.00)	(62,878.00)
42210002-46800	Forfeited Asset Expenses	0.00	21,115.00	21,115.00
30052001-39900	Appropriated Fund Balance	(2,423,569.00)	(295,000.00)	(2,718,569.00)
41231001-41111	Wages - Regular	349,262.00	(61,036.00)	288,226.00
41231001-42100	FICA & Medicare	26,624.00	(4,601.00)	22,023.00
41231001-42210	Retirement	32,347.00	(5,652.00)	26,695.00
41231001-42310	Medical Insurance	59,647.00	(10,473.00)	49,174.00

41231001-42400	Group Life Ins.	4,683.00	(818.00)	3,865.00
41231001-42500	Disability Insurance	1,754.00	(306.00)	1,448.00
41231001-42710	Workers Comp.	182.00	(31.00)	151.00
41231001-43200	Contract Services - Other	55,125.00	(30,250.00)	24,875.00
41232001-41111	Wages - Regular	0.00	266,513.00	266,513.00
41232001-42100	FICA & Medicare	0.00	18,831.00	18,831.00
41232001-42210	Retirement	0.00	24,681.00	24,681.00
41232001-42310	Medical Insurance	0.00	45,256.00	45,256.00
41232001-42400	Group Life Insurance	0.00	3,574.00	3,574.00
41232001-42500	Disability Insurance	0.00	1,337.00	1,337.00
41232001-42710	Worker's Compensation	0.00	138.00	138.00
41232001-43155	Appraisal Services	150,000.00	(150,000.00)	0.00
41232001-43200	Contract Services - Other	0.00	30,000.00	30,000.00
41232001-43500	Printing & Binding - Other	0.00	2,500.00	2,500.00
41232001-45210	Communications - Postage	0.00	1,909.00	1,909.00
41232001-45330	Insurance - Motor Vehicles	0.00	1,100.00	1,100.00
41232001-45420	Copier Lease	0.00	5,000.00	5,000.00
41232001-45510	Travel - Mileage Tolls & Park	0.00	80.00	80.00
41232001-45520	Travel - Public Carriers	0.00	650.00	650.00
41232001-45530	Travel - Meals & Lodging	0.00	1,000.00	1,000.00
41232001-45540	Travel - Tuition & Reg.	0.00	980.00	980.00
41232001-45610	Dues & Memberships	0.00	720.00	720.00
41232001-46000	Office Supp. - Other	0.00	1,650.00	1,650.00
41232001-46010	Office Supp. - Computer HW	0.00	23,410.00	23,410.00
41232001-46015	Office Supp. - Computer SW	0.00	45,318.00	45,318.00
41232001-46100	Vehicle Supp. - Fuel	0.00	4,320.00	4,320.00
41232001-46105	Vehicle Supp. - Other	0.00	1,000.00	1,000.00
41232001-46500	Other Oper. Supplies	0.00	6,000.00	6,000.00
41232001-48260	Motor Vehicles & Equipment	0.00	72,200.00	72,200.00
30044002-35650	Comp Board - Tech. Trust	0.00	(79,509.00)	(79,509.00)
42160002-48110	EDP Equipment	0.00	79,509.00	79,509.00
30046003-37010	Federal Grant - BJA	0.00	(512,465.00)	(512,465.00)
30034001-34100	Cir. Ct. Judge - Ex. Reimb.	(29,273.00)	(31,839.00)	(61,112.00)
30052001-39900	Appropriated Fund Balance	(2,423,569.00)	(63,677.00)	(2,487,246.00)
42150001-46800	Program Expenses	0.00	460,879.00	460,879.00
42150001-46800	Program Expenses	0.00	51,586.00	51,586.00
42150001-46840	Cty. Contributions - Drug Ct.	0.00	31,839.00	31,839.00
42150001-46840	Cty. Contributions - Drug Ct.	0.00	63,677.00	63,677.00
47312001-45540	Tuition / Registration	335.00	128.00	463.00
48170001-43325	Mowing Services	6,000.00	1,780.00	7,780.00
48170001-43370	Grounds Maintenance	53,000.00	12,796.00	65,796.00
30052009-39900	Appropriated Fund Balance	0.00	(14,576.00)	(14,576.00)
TOTALS		**$(11,455,326.95)**	**$ 0.00**	**$ (11,455,326.95)**

RE: RENEWAL OF THE CONTRACT WITH TYLER TECHNOLOGIES FOR CLOUD SERVICES FOR MUNIS AND ENGERGOV

As part of the Consent Agenda, the Board authorized staff to renew the contract with Tyler Technologies (MUNIS-03-13FRC) for cloud services for both Munis and Energov for one (1) year, through June 30, 2024, per the terms of the master contract, as presented.

RE: NEW BUSINESS

RE: AWARD OF THE CONTRACT FOR THE AIRPORT FENCE RELOCATION PROJECT

Stephanie Straub, Assistant County Administrator for Operations, explained this project was the culmination of a long-term project over the last several years to put in place the 30:1 approach glide slope for Orange County Airport Runway 26. She noted that, because of the topography of the Runway 26 approach, the eight-foot perimeter fence extended up into the lower limits of the approach airspace, thus creating the need to move the fence in order to eliminate the intrusion into the approach airspace.

Ms. Straub stated the original perimeter fence was installed in 2006 and was completed to elevations that supported the instrument approaches used by pilots at that time. However, with newer GPS-based approach technology, obstructions were to be lower than with the previous technologies. Therefore, this project would relocate 750 feet of existing fence away from the new approach airspace in order to allow for the new LPV instrument approach to be established.

Ms. Straub reported that staff had bid out the fence relocation services and Synchronized Construction was the lowest bidder. To complete the project, the cost to Orange County was estimated to be $3,884, which represented about 2% of the total project cost, with the FAA and the Virginia Department of Aviation funding the other 98%.

Discussion ensued among the Board regarding: clarification that both the fence height and the fence location were being adjusted.

On the motion of Mr. Marshall, seconded by Mr. Frame, which carried by a vote of 5-0, the Board awarded the contract for the Airport fence relocation project to Synchronized Construction, per the project scope and bid specifications, as presented.

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

RE: CONSIDERATION OF AN ADJUSTMENT TO THE PERSONAL PROPERTY TAX RATE FOR 2023

Glenda Bradley, Deputy County Administrator, explained that Orange County received electronic files from the Department of Motor Vehicles (DMV) in order to identify the vehicles garaged in Orange County for personal property taxation. She added that the Commissioner of the Revenue then contracted with J.D. Power (formerly NADA) for the valuation of those vehicles.

Ms. Bradley stated that the supporting tax rate for automobiles, trucks, and motorcycles was calculated in the Spring using the filtered data available at that time. However, over the course of the last several months, the Commissioner's Office had worked to manually research additional records to determine the garage location and, as a result, some of the vehicles that had previously been "filtered out" were added back into the system for taxation. In addition, the DMV information was sent to J.D. Power again in June, which resulted in a substantial increase in values, beyond what was estimated at the time of tax rate and budget adoption.

Ms. Bradley explained that, based on the updated motor vehicles and their assessed values, the Board may wish to reconsider the tax rate of $3.85 that was previously adopted. She indicated that a tax rate of $3.40 would generate approximately the same amount of revenue.

Ms. Bradley added that, because the tax rates were originally adopted by ordinance, any amendment would also need to be in the form of an ordinance. However, with the Personal Property Tax Book deadline quickly approaching, the County Attorney recommended adopting an amended ordinance under the emergency provision of the Code of Virginia, then holding the required public hearing and ratifying the emergency ordinance at the Regular Meeting on September 12, 2023.

Discussion ensued among the Board regarding: the fact that the change in the number of vehicles taxed had a bigger impact in this situation than the change in assessed values; the fact that the "strict filter" used to collect the data from DMV had ruled out too many vehicles; the number of citizen issues with personal property tax bills in recent years and the need to begin with a "clean" database in order to avoid so many discrepancies; the fact that the data from DMV and the garage location of some of the vehicles had not yet been confirmed at the time of budget adoption; the provision that allowed automobiles, trucks, and motorcycles to be taxed separately from other personal property, which would sunset in 2025; tax rate changes versus tax bill changes; and the idea to adopt a tax rate somewhere in the middle of the current rate and the equalized rate in order to recognize organic growth and to provide for an incremental increase.

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

EMERGENCY ORDINANCE TO AMEND 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; and

WHEREAS, tax levies were adopted by the Board of Supervisors on April 25, 2023, based on estimated personal property values at that time; and

WHEREAS, values for certain personal property have substantially exceeded those estimates, resulting in the need for amendment to the originally-adopted rates;

NOW, THEREFORE, BE IT ORDAINED, on this 22nd day of August, 2023, that the Orange County Board of Supervisors, in accordance with §58.1-3012 of the Code of Virginia, hereby amends the originally-adopted tax levies for the County of Orange, as reflected in red strikethrough and green underlined text below, 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.: $0.61 per $100.00 of assessed valuation (subject to County land use tax ordinance and ordinance granting tax relief for the elderly and handicapped).

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

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

~~TANGIBLE PERSONAL PROPERTY - AUTOMOBILES, TRUCKS, AND MOTORCYCLES, pursuant to §58.1-3000 VA Code Ann. and classified by §58.1-3506.48 VA Code Ann., including automobiles, trucks, and motorcycles: $3.85 per $100.00 of assessed valuation.~~

TANGIBLE PERSONAL PROPERTY - AUTOMOBILES, TRUCKS, AND MOTORCYCLES, pursuant to §58.1-3000 VA Code Ann. and classified by §58.1-3506.48 VA Code Ann., including automobiles, trucks, and motorcycles: $3.60 per $100.00 of assessed valuation.

TANGIBLE PERSONAL PROPERTY - REGULAR, pursuant to §58.1-3000 VA Code Ann. and classified by §58.1-3500 through -3506.1 VA Code Ann., including but not limited to, other motor vehicles, but excluding automobiles, trucks, and motorcycles included in other categories, watercraft and boats, aircraft, forest harvesting machinery and farm machinery, and business tangible personal property: $3.75 per $100.00 of assessed valuation (subject to County ordinance granting exemption for pollution control equipment).

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

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

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

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

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

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

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

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

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

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

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.

BE IT FURTHER ORDAINED, that this ordinance is adopted in accordance with the emergency provision of §15.2-1427 of the Code of Virginia, with said ordinance to be ratified following a duly-advertised public hearing on September 12, 2023.

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

RE: <u>RESOLUTION FOR THE PERSONAL PROPERTY TAX RELIEF ACT (PPTRA) FOR 2023</u>

Sara Keeler, Finance Director, explained that, in accordance with County Code, each year, staff, in consultation with the Commissioner of the Revenue and the Treasurer, determined the extent to which Personal Property Tax Relief Act (PPTRA) funds from the State would provide relief to Orange County taxpayers.

Ms. Keeler reported that staff had reviewed the actual personal property tax revenues to be received in Tax Year 2023 and compared those to the budgeted PPTRA funds expected from the State. However, with the change to the personal property tax rate approved in the previous agenda item, she would need to complete a new calculation. Staff noted the resolution for PPTRA could still be adopted by the Board, subject to the calculation based on the new tax rate of $3.60.

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

RESOLUTION TO ADOPT THE PERSONAL PROPERTY TAX RELIEF ACT (PPTRA) FOR 2023

WHEREAS, the Personal Property Tax Relief Act of 1998, Va. Code Section 58.1-3523 et seq. (“PPTRA”), was substantially modified by the enactment of Chapter 1 of the Acts of Assembly, 2004 Special Session I (Senate Bill 5005), and the provisions of Item 503 of Chapter 951 of the 2005 Acts of Assembly (the 2005 revisions to the 2004-06 Appropriations Act, hereinafter cited as the “2005 Appropriations Act”); and

WHEREAS, these legislative enactments require the County to take affirmative steps to implement these changes, and to provide for the computation and allocation of relief provided pursuant to the PPTRA, as revised; and

WHEREAS, these legislative enactments provide for the appropriation to the County, commencing in 2006, of a fixed sum to be used exclusively for the provision of the tax relief to owners of qualifying personal use vehicles that are subject to the personal property tax (“PPT”) on such vehicles; and

WHEREAS, on December 13, 2005, the Orange County Board of Supervisors adopted an ordinance to provide for the implementation of the 2004-2005 changes to the Personal Property Tax Relief Act of 1998-Specific Relief; and

WHEREAS, the Commissioner of the Revenue, Treasurer, and Finance Director have calculated that the revenue to be received by the County from the State for PPTRA equates to approximately 23.19% for Tax Year 2023;

NOW, THEREFORE, BE IT RESOLVED, on this 22nd day of August, 2023, that the Orange County Board of Supervisors hereby establishes the following:

In accordance with the current State requirements for PPTRA, any qualifying vehicle sitused within the County commencing January 1, 2023, shall receive personal property tax relief in the following manner:

1. Personal use vehicles valued at $1,000 or less will be eligible for 100% tax relief;

2. Personal use vehicles valued at $1,001 to $20,000 will be eligible for 23.19% tax relief;

3. Personal use vehicles valued at $20,001 or more shall only receive 23.19% tax relief on the first $20,000 of value; and

4. All other vehicles which do not meet the definition of “qualifying” (business use vehicles, farm use vehicles, motor homes, etc.) will not be eligible for any form of tax relief under this program.

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

RE: OLD BUSINESS

RE: PARKS AND RECREATION FIELD HOUSE / COMMUNITY CENTER; DISCUSSION AND NEXT STEPS

Stephanie Straub, Assistant County Administrator for Operations, stated that staff had previously received approval from the Board of Supervisors to begin implementation of the Parks and Recreation Road Map. She reviewed the projects included in the Road Map and highlighted the progress over the last several months. Ms. Straub indicated the Recreation Center / Field House was budgeted in FY24 for architectural and engineering services in the amount of $300,000. Staff requested guidance regarding the Board’s expectations for the project and permission to engage with a firm to help begin the concept planning and architectural drawings. Staff also requested permission to work within the budget to conduct soil testing of potential project sites.

Discussion ensued among the Board regarding: thoughts that the initial project site was now considered problematic; ideal site acreage; soil testing and soil conditions; the need to determine an appropriate site before proceeding any further and expending any funds; issues with water on-site; and the possibility of examining costs related to the Public Safety Building to gauge the site work that was necessary to commence construction.

By consensus, the Board authorized staff to move forward with analyzing potential sites for the Recreation Center / Field House, including soil testing using a firm on contract, and to present the findings and recommendations at a future meeting.

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

Chairman Johnson welcomed Crystal Hale, interim District Four Supervisor, to the Board.

Supervisor Frame announced he would be stepping down from his position on the Board of Supervisors as of September 30, 2023. Collectively, the Board thanked Mr. Frame for his many years of service and shared their memories of serving with him, noting his dedication and diligence.

RE: INFORMATIONAL ITEMS

There were no Informational Items at this time.

RE: APPOINTMENTS TO BOARDS, COMMISSIONS, AND COMMITTEES

By consensus, the Board appointed Cameron Hamilton as a Member of the Tourism Advisory Committee, filling the unexpired two-year term of Charlotte Cole, with said term commencing immediately, and expiring on December 31, 2024.

By consensus, the Board re-appointed Spencer Getz as the District One Representative on the Youth Commission for a four-year term, with said term commencing October 1, 2023, and expiring on September 30, 2027.

By consensus, the Board appointed Steven Hein as an At-Large Member on the Health Center Commission, filling the unexpired four-year term of Jim White, with said term commencing October 1, 2023, and expiring on February 28, 2026.

By consensus, the Board appointed Keith Marshall as an At-Large Member on the Rapidan Service Authority, filling the unexpired four-year term of Lee Frame, with said term commencing October 1, 2023, and expiring on June 24, 2024.

RE: CALENDAR

The Board received copies of its calendar of meetings for the months of August 2023, September 2023, and October 2023.

RE: SCHEDULE A PUBLIC HEARING FOR REZ 23-03

By consensus, the Board authorized staff to advertise for and schedule a public hearing for REZ 23-03 on Tuesday, September 12, 2023, as presented.

RE: SCHEDULE A PUBLIC HEARING FOR REZ 23-05

By consensus, the Board authorized staff to advertise for and schedule a public hearing for REZ 23-05 on Tuesday, September 12, 2023, as presented.

RE: SCHEDULE A PUBLIC HEARING FOR REZ 23-06

By consensus, the Board authorized staff to advertise for and schedule a public hearing for REZ 23-06 on Tuesday, September 12, 2023, as presented.

RE: PUBLIC HEARING #1; VACATION OF A SUBDIVISION PLAT

Eric Bittner, Planner, presented the staff report and request to vacate a subdivision plat from Matthew Coyle, on behalf of North Star Homes, LLC. Mr. Bittner stated that the approved plat currently included a dedication of right-of-way for public use, as the road serving the subdivision was previously required to be public; however, the applicant desired to develop a private road instead, which was now allowable in County Code. As such, the applicant applied for the vacation of the existing subdivision plat so the land could be re-platted to include the private road instead.

At 6:01 p.m., Chairman Johnson called the Public Hearing to order to receive comments on the following:

VACATION OF SUBDIVISION PLAT

The Board of Supervisors will consider a request from Matthew Coyle to vacate a plat for “Edgar Subdivision,” pursuant to Section 15.2-2272 of the Code of Virginia. The subject property, owned by North Star Homes, LLC, is identified as Tax Map Parcels 52-3-1 through 52-3-5 and is located along Route 607

(Carpenters Mill Road), Barboursville, near the Greene County boundary. Said plat is recorded as Instrument 210006335 in Plat Cabinet R, Pages 231 and 232, in the Circuit Court Clerk's Office.

There being no speakers, Chairman Johnson closed the Public Hearing at 6:01 p.m.

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

ORDINANCE TO VACATE A SUBDIVISION PLAT OF PROPERTY OWNED BY NORTH STAR HOMES, LLC IN THE BARBOUR MAGISTERIAL DISTRICT OF ORANGE COUNTY, VIRGINIA, PURSUANT TO SECTION 15.2-2272 OF THE CODE OF VIRGINIA

WHEREAS, in September, 2021, a subdivision plat prepared by David C. Blankenbaker, Certified Land Surveyor, dated April 16, 2021, was approved by Orange County; and

WHEREAS, said subdivision plat, titled Edgar Subdivision, is recorded as Instrument 210006335 in Plat Cabinet R, Pages 231 and 232, in the Orange County Circuit Court Clerk's Office, and is hereby made part of this ordinance by reference; and

WHEREAS, Matthew Coyle, on behalf of North Star Homes, LLC, applied for the Board of Supervisors' consideration to vacate said subdivision plat as it included a 50' right-of-way that had been dedicated to public use to serve the five (5) lots, which was no longer a requirement of the Orange County Subdivision Ordinance; and

WHEREAS, since the Orange County Subdivision Ordinance had been amended in 2022 to allow for private roads to serve up to seven (7) lots, the applicant has requested to vacate the existing subdivision plat in its entirety so the subject property can be subdivided and re-platted for five (5) lots with a private 50' easement for access, subject to a Road Maintenance Agreement; and

WHEREAS, as the primary purpose of the vacation of the existing subdivision plat, it appears that no inconvenience will result to others from the vacation of said right-of-way dedicated to public use; and

WHEREAS, the Board of Supervisors advertised and conducted the required Public Hearing on the request on Tuesday, August 22, 2023;

NOW, THEREFORE, BE IT ORDAINED, on this 22nd day of August, 2023, that the Orange County Board of Supervisors hereby vacates the subdivision plat prepared by David C. Blankenbaker, Certified Land Surveyor, dated April 16, 2021, titled Edgar Subdivision, as recorded as Instrument 210006335 in Plat Cabinet R, Pages 231 and 232, in the Orange County Circuit Court Clerk's Office, pursuant to Section 15.2-2272 of the Code of Virginia; and

BE IT FURTHER ORDAINED, that a certified copy of this ordinance be recorded in the same manner as deeds and land records are recorded and indexed in the Circuit Court Clerk's Office.

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

RE: PUBLIC COMMENT

At 6:04 p.m., Chairman Johnson opened the floor for public comment.

There being no speakers, public comment was closed at 6:04 p.m.

RE: CLOSED MEETING

At 6:05 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 pertaining to actual or probable litigation, where such consultation in open meeting would adversely affect the negotiating or litigating posture of the public body concerning Wilderness Crossing, Gerald Hoy, a Convenience Center, the Sheriff's Office, White-Thurber, Germanna Heights, and Route 33 Auto Repair. *- §2.2-3711(A)(7) of the Code of Virginia*

- Consultation with legal counsel employed or retained by the public body regarding specific legal matters requiring the provision of legal advice by such counsel concerning Willistown Lane and A&M Auto. *- §2.2-3711(A)(8) of the Code of Virginia*

WHEREAS, pursuant to §§2.2-3711 (A)(7) and (A)(8) of the Code of Virginia, such discussions may occur in Closed Meeting;

NOW, THEREFORE, BE IT RESOLVED, that the Orange County Board of Supervisors hereby authorized discussion of the aforestated matters in Closed Meeting.

On the motion of Mr. Frame, seconded by Mr. White, which carried by a vote of 5-0, the Board adopted the resolution authorizing Closed Meeting, as presented. Ayes: Johnson, White, Marshall, Hale, Frame. Nays: None.

RE: <u>CERTIFICATION OF CLOSED MEETING</u>

At 7:11 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, Hale, Frame. Nays: None.

RE: <u>ADJOURN</u>

On the motion of Mr. Frame, seconded by Mr. White, which carried by a vote of 5-0, the Board adjourned the meeting at 7:11 p.m. Ayes: Johnson, White, Marshall, Hale, Frame. Nays: None.

____
R. Mark Johnson, Chairman

____
Theodore L. Voorhees, County Administrator