At a Regular Meeting of the Orange County Board of Supervisors held on Wednesday, November 15, 2023, beginning at 6:00 p.m., at the Lake of the Woods Clubhouse, 205 Lake of the Woods Parkway, Locust Grove, Virginia. Present: R. Mark Johnson, Chairman; James K. White, Vice Chairman; Keith F. Marshall; Crystal D. Hale; and J. Bryan Nicol. 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. White, seconded by Mr. Marshall, which carried by a vote of 5-0, the Board adopted the agenda, as presented. Ayes: Johnson, White, Marshall, Hale, Nicol. Nays: None.

RE: SPECIAL PRESENTATIONS AND APPEARANCES

RE: MESSAGE FROM LAKE OF THE WOODS ASSOCIATION

Rick Rappoport, President of the Lake of the Woods Board of Directors, welcomed the Board of Supervisors to Lake of the Woods for its annual meeting and shared opening remarks. He thanked the Board of Supervisors for attending and for its service to the community.

The Board thanked Mr. Rappoport for his presentation and for hosting the meeting.

RE: CONSENT AGENDA

On the motion of Mr. Marshall, seconded by Mr. White, which carried by a vote of 4-0-1, with Mr. Nicol abstaining, the Board adopted the Consent Agenda, as presented.

Ayes: Johnson, White, Marshall, Hale. Nays: None. Abstentions: Nicol.

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 |
|---|---|---|---|---|
| 47310001-46417 | A/V Material - Juvenile | $ 3,358.00 | $ 750.00 | $ 4,108.00 |
| 47310001-46452 | Books - Juvenile - Oth. Vend | 6,020.00 | 500.00 | 6,520.00 |
| 47310001-46457 | Books - Yng. Ad. - Oth Vend | 1,427.00 | 500.00 | 1,927.00 |
| 47310001-46462 | Books - Adult - Oth. Vendors | 8,854.12 | 1,250.00 | 10,104.12 |
| 47310001-46475 | Library Supplies | 2,350.00 | 2,700.00 | 5,050.00 |
| 47310001-48140 | Furniture & Fixtures | 3,040.00 | 4,250.00 | 7,290.00 |
| 47311001-46417 | A/V Material - Juvenile | 3,163.50 | 750.00 | 3,913.50 |
| 47311001-46452 | Books - Juvenile - Oth. Vend | 4,763.50 | 500.00 | 5,263.50 |
| 47311001-46457 | Books - Yng. Ad. - Oth Vend | 1,138.50 | 500.00 | 1,638.50 |
| 47311001-46462 | Books - Adult - Oth. Vendors | 4,614.00 | 1,000.00 | 5,614.00 |
| 47311001-48140 | Furniture & Fixtures | 5,000.00 | 5,000.00 | 10,000.00 |
| 47312001-46417 | A/V Material - Juvenile | 1,363.50 | 738.00 | 2,101.50 |
| 47312001-46452 | Books - Juvenile - Oth. Vend | 2,613.50 | 500.00 | 3,113.50 |

| | | | | |
|---|---|---|---|---|
| 47312001-46457 | Books - Yng. Ad. - Oth Vend | 648.50 | 500.00 | 1,148.50 |
| 47312001-46462 | Books - Adult - Oth. Vendors | 1,604.00 | 100.00 | 1,704.00 |
| 47312001-48140 | Furniture & Fixtures | 1,050.00 | 4,660.00 | 5,710.00 |
| 30045060-35950 | State Share - Libraries | (197,121.00) | (24,198.00) | (221,319.00) |
| **TOTALS** | | **$ (146,112.88)** | **$ 0.00** | **$ (146,112.88)** |

RE: FY24 BUDGET AMENDMENTS FOR ORANGE COUNTY PUBLIC SCHOOLS

As part of the Consent Agenda, the Board approved a supplemental appropriation and budget amendment for FY24 for Orange County Public Schools in the amount of $799,613 in the Operating Fund and $1,773,909 in the ESSER Fund, which represented additional State revenue above the original budgeted amounts, as presented.

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

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

RE: NEW BUSINESS

RE: REGIONAL LEGISLATIVE PROGRAM FOR 2024

Theodore L. Voorhees, County Administrator, explained that, for the last several years, the member localities in the Rappahannock-Rapidan Planning District (RRRC) had contracted for support on legislative matters before the General Assembly. Annually, each jurisdiction presented any new or ongoing issues to Eldon James and Assoc., who had been selected to perform this support work. Mr. Voorhees noted that Eldon James advised on the issues and provided updates and advocacy support during the General Assembly sessions. As a result of the input from the member localities, the draft Regional Legislative Program for the upcoming General Assembly session was provided to the Board for its review and consideration.

Discussion ensued among the Board regarding: the language related to public hearing requirements for easements; and the need to clarify said language and include reference to “routine” type easements only.

On the motion of Mr. White, seconded by Ms. Hale, which carried by a vote of 5-0, the Board provided its endorsement of the Regional Legislative Program, as discussed.

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

RE: LETTER OF SUPPORT FOR INCREASED STATE FUNDING FOR RRRC

Theodore L. Voorhees, County Administrator, reported that, aside from a small increase several years ago, the State funding provided to Planning District Commissions (PDCs) has remained flat for over a decade. The Rappahannock-Rapidan Regional Commission (RRRC), the Planning District Commission for which Orange County is a member, has requested the Board’s consideration to submit a letter to the Governor in support of increased State funding for PDCs in the upcoming biennial budget. Mr. Voorhees presented a draft letter of support to the Board.

On the motion of Mr. Nicol, seconded by Mr. Marshall, which carried by a vote of 5-0, the Board authorized the Chairman to execute the requested letter of support, as presented.

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

RE: <u>OLD BUSINESS</u>

There were no matters for Old Business at this time.

RE: <u>DEPARTMENT DIRECTOR / CONSTITUTIONAL OFFICER REPORTS</u>

There were no Department Director or Constitutional Officer Reports at this time.

RE: <u>COUNTY ATTORNEY'S REPORT</u>

RE: <u>NON-DISCLOSURE AGREEMENTS</u>

Thomas Lacheney, County Attorney, stated that the County had received a large Freedom of Information Act (FOIA) request several months ago, and one of the items held back as part of that request was certain non-disclosure agreements (NDAs). He indicated that, based on the current state of the issues covered by those NDAs, there was no reason to continue holding them back. Therefore, Mr. Lacheney requested permission from the Board to release the NDAs.

On the motion of Ms. Hale, seconded by Mr. Nicol, which carried by a vote of 5-0, the Board authorized the County Attorney to release said Non-Disclosure Agreements, as requested.

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

RE: <u>COUNTY ADMINISTRATOR'S REPORT</u>

Theodore L. Voorhees, County Administrator, stated that several of the neighboring jurisdictions had been declared primary drought disaster areas. Since Orange County was an adjacent locality, that provided certain benefits to farmers who may have been impacted by the drought. Mr. Voorhees indicated that efforts would be made to communicate the available information throughout the community.

RE: <u>BOARD COMMENT</u>

Chairman Johnson mentioned actions that were recently taken by surrounding localities governing open fires as a result of the ongoing drought. He provided the Board with the ordinance adopted by Madison County and opened the floor for discussion on potential action.

Discussion ensued among the Board regarding: the fact that 100% of the County was either in drought condition or abnormally dry condition; the need to examine the available options and take action sooner than later; and the immediate option available to implement a burn ban, which would not require an ordinance amendment and public hearing.

On the motion of Ms. Hale, seconded by Mr. Nicol, which carried by a vote of 5-0, the Board implemented a Countywide Burn Ban, effective immediately and until further notice, as discussed.

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

Collectively, the Board discussed the regulations of the burn ban, enforcement of the burn ban, and the need to discuss the potential for a longer-term ordinance at a future meeting.

Supervisors Nicol and Hale shared their personal comments on being recently elected to the Board of Supervisors and their experience during the campaign. Chairman Johnson thanked all those, both candidates and voters, who were a part of the recent election.

RE: <u>INFORMATIONAL ITEMS</u>

The Board received the following correspondence for its information:

- CSA Monthly Report

- Office on Youth Quarterly Report
- VDOT Monthly Report for October

RE: APPOINTMENTS TO BOARDS, COMMISSIONS, AND COMMITTEES

On the motion of Mr. Johnson, seconded by Mr. Nicol, which carried by a vote of 5-0, the Board re-appointed Alisha Vines as an At-Large Member on the Skyline Community Action Partnership for a three-year term, with said term commencing January 1, 2024, and expiring on December 31, 2026.

On the motion of Mr. Johnson, seconded by Mr. Nicol, which carried by a vote of 5-0, the Board appointed Jesse Gwinn as the District Two Representative on the Social Services Advisory Board, filling an unexpired four-year term, with said term commencing immediately, and expiring on June 30, 2027.

On the motion of Mr. Johnson, seconded by Mr. Nicol, which carried by a vote of 5-0, the Board appointed Christine Singhass as an At-Large Member on the Youth Commission, filling an unexpired four-year term, with said term commencing immediately, and expiring on September 30, 2024.

On the motion of Mr. Johnson, seconded by Mr. Nicol, which carried by a vote of 5-0, the Board appointed Sean Hughes as an At-Large Member on the Youth Commission, filling an unexpired four-year term, with said term commencing immediately, and expiring on September 30, 2026.

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

By consensus, the Board appointed Teri Vickery as the District Five Representative on the Planning Commission, filling the unexpired four-year term of Bryan Nicol, with said term commencing immediately, and expiring on March 31, 2024.

RE: CALENDAR

The Board received copies of its calendar of meetings for the months of November 2023, December 2023, and January 2024.

RE: SCHEDULE A PUBLIC HEARING FOR VACATION OF A PLAT (ARMSTRONG)

By consensus, the Board authorized staff to advertise for and schedule a public hearing for vacation of a plat (Armstrong) on Tuesday, December 5, 2023, as presented.

RE: PUBLIC HEARING #1; REZ 23-08

Eric Bittner, Planner, presented the staff report and request for Rezoning from Craig Hartman, on behalf of Foothills Property Management, LLC, which included information on the location and specifications of the subject property, the request to rezone a portion of property from Limited Residential (R-1) to General Commercial (C-2) for the purpose of performing a boundary line adjustment into an adjacent parcel, and the recommendation of approval from the Planning Commission.

Craig Hartman, Applicant, shared brief remarks on the intended purpose of the Rezoning.

At 6:47 p.m., Chairman Johnson called the Public Hearing to order to receive comments on the following:

REZ 23-08

The Board of Supervisors will consider an application from Craig Hartman, on behalf of Foothills Property Management, LLC, to rezone a portion of property on the northwest side of the intersection of Spotswood Trail (Route 33) and Constitution Highway (Route 20), Barboursville, from Limited Residential (R-1) to General Commercial (C-2), for the purpose of performing a boundary line adjustment into an adjacent parcel.

There being no speakers, Chairman Johnson closed the Public Hearing at 6:47 p.m.

On the motion of Mr. Johnson, seconded by Mr. Marshall, which carried by a roll call vote of 4-0-1, with Mr. Nicol abstaining, the Board adopted the following ordinance, as presented:

ORDINANCE APPROVING REZ 23-08 TO REZONE A PORTION OF PROPERTY, APPROXIMATELY 0.039 ACRES, FROM LIMITED RESIDENTIAL (R-1) TO GENERAL COMMERCIAL (C-2), REQUESTED BY CRAIG HARTMAN, ON BEHALF OF FOOTHILLS PROPERTY MANAGEMENT

WHEREAS, Craig Hartman, on behalf of Foothills Property Management, LLC, has requested the rezoning of a portion of property on the northwest side of the intersection of Spotswood Trail and Constitution Highway, Barboursville, identified as Tax Map No. 54-126B, totaling approximately 0.039 acres, from Limited Residential (R-1) to General Commercial (C-2), for the purpose of performing a boundary line adjustment into an adjacent parcel, pursuant to Section 70-191 et seq. of the Orange County Zoning Ordinance; and

WHEREAS, Gordon Maupin, personal representative of the Estate of Mary Maupin, owns the 2.95-acre parcel, addressed as 5343 Spotswood Trail, and has entered into a contract to sell the 0.039-acre portion to Foothills Property Management, LLC; and

WHEREAS, the Planning Commission advertised and conducted a Public Hearing on the request on October 19, 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 unduly impact the environment or natural, scenic, or historic assets of the County; and 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 November 15, 2023; and

WHEREAS, following the Public Hearing and discussion, the Board of Supervisors hereby supports the 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 15th day of November, 2023, that the Orange County Board of Supervisors hereby approves REZ 23-08 to rezone a portion of property on the northwest side of the intersection of Spotswood Trail and Constitution Highway, Barboursville, identified as Tax Map No. 54-126B, totaling approximately 0.039 acres, from Limited Residential (R-1) to General Commercial (C-2), for the purpose of performing a boundary line adjustment into an adjacent parcel, subject to the Legal Summary as set forth below, as presented during the Public Hearing.

Ayes: Johnson, White, Marshall, Hale. Nays: None. Abstentions: Nicol.

**Legal Summary**

**As adopted in Ord. No. 231115 - PH1**
**by the Orange County Board of Supervisors**
**on November 15, 2023**

**REZ 23-08: Craig Hartman, on behalf of Foothills Property Management, LLC**

*From Limited Residential (R-1) to General Commercial (C-2)*

*Tax Map No. 54-126B*

This Legal Summary for this zoning map amendment (Rezoning) shall apply to the portion of property identified on County Tax Map No. 54-126B, as well as any future division or consolidation of said property, unless otherwise specified herein. Compliance is the responsibility of the applicant, owners, and assigns.

If this Legal Summary or the information on the Rezoning plans or application are in conflict with one another or with the Zoning Ordinance, the more restrictive shall apply, unless specifically modified, waived, or otherwise specified. Violation of this Legal Summary, in whole or in part, may be cause for the revocation of the Rezoning, pursuant to §15.2-2309(7) of the Code of Virginia.

1. Controlling Documents – Controlling documents shall be the Legal Summary as set forth herein and the documents submitted with the application dated September 22, 2023, including the Concept Plan dated August 8, 2022.

2. Compliance – Use and development of the subject property shall be in substantial conformance with this Legal Summary. The Zoning Administrator shall determine "substantial conformance." The property owner shall be responsible for obtaining all required County licenses, site plan approvals, building permits, health permits, VDOT permits, zoning permits, stormwater permits, and erosion & sediment control permits. The property owner shall be responsible for complying with all local, State, and Federal laws and regulations as may be applicable to this development.

3. Uses – This Rezoning shall permit development, as generally described in the application documents.

RE: PUBLIC COMMENT

At 6:49 p.m., Chairman Johnson opened the floor for public comment.

There being no speakers, public comment was closed at 6:49 p.m.

RE: ADJOURN

On the motion of Ms. Hale, seconded by Mr. White, which carried by a vote of 5-0, the Board adjourned the meeting at 6:49 p.m. Ayes: Johnson, White, Marshall, Hale, Nicol. Nays: None.

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R. Mark Johnson, Chairman Theodore L. Voorhees, County Administrator