At a Regular Meeting of the Orange County Board of Supervisors held on Tuesday, December 19, 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; Keith F. Marshall; Crystal D. Hale; and J. Bryan Nicol. Absent: James K. White, Vice Chairman. 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. Marshall, seconded by Mr. Nicol, which carried by a vote of 4-0, with Mr. White being absent, the Board adopted the agenda, as presented. Ayes: Johnson, Marshall, Hale, Nicol. Nays: None. Absent: White.

RE: SPECIAL PRESENTATIONS AND APPEARANCES

RE: PRESENTATION OF THE ANNUAL COMPREHENSIVE FINANCIAL REPORT (ACFR) FOR FY2022-FY2023

Andrea Nichols, CPA, Director with PBMares, LLP, provided an overview of the County's Independent Auditor's Report for Fiscal Year 2022-2023, as required by Code. Ms. Nichols reviewed highlights from the Audit Report, indicating that an unmodified opinion had been issued.

The Board thanked Ms. Nichols for her presentation.

RE: CONSENT AGENDA

On the motion of Mr. Marshall, seconded by Ms. Hale, which carried by a vote of 4-0, with Mr. White being absent, the Board adopted the Consent Agenda, as presented.

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

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
30026501-32425	Friends of the Lib. Donations	$ (6,029.12)	$ (587.00)	$ (6,616.12)
47311001-46462	Books - Adult - Oth. Vendors	5,614.00	43.00	5,657.00
47312001-46462	Books - Adult - Oth. Vendors	1,704.00	44.00	1,748.00
47311001-46800	Library Program Expenses	5,395.00	500.00	5,895.00
30024502-31450	Amb. and Rescue Services	(1,775,339.00)	(9,300.00)	(1,784,639.00)
43231011-41200	Wages - Overtime	352,467.00	9,300.00	361,767.00
30052001-39900	Appropriated Fund Balance	(3,235,859.32)	(564,448.09)	(3,800,307.41)
30052001-39900	Appropriated Fund Balance	(3,235,859.32)	(30,703.00)	(3,266,562.32)
49310001-47205	To School Operating Fund	23,209,216.00	564,448.09	23,773,664.09
49310001-47205	To School Operating Fund	23,209,216.00	30,703.00	23,239,919.00
TOTALS		**$ 38,530,525.24**	**$ 0.00**	**$ 38,530,525.24**

RE: FY24 BUDGET AMENDMENTS FOR ORANGE COUNTY PUBLIC SCHOOLS

As part of the Consent Agenda, the Board approved a supplemental appropriation for FY24 for Orange County Public Schools in the amount of $135,907 in the Operating Fund and $140,534 in the Head Start Fund, which represented additional Federal revenue above the original budgeted amounts, and further approved the re-appropriation of FY23 funds to the FY24 Operating Fund in the amount of $637,685 and to the FY24 ESSER Fund in the amount of $550,526, as presented.

RE: ADDITIONAL APPOINTMENTS TO THE YOUTH COUNCIL

As part of the Consent Agenda, the Board appointed the additional recommended Youth Council members for the 2023-2024 School Year, as presented.

RE: FACILITY USE MEMORANDUM OF UNDERSTANDING (MOU) WITH THE ORANGE COUNTY SCHOOL BOARD

This item was struck from the Consent Agenda and moved to New Business.

RE: RENEWAL OF THE CONTRACT WITH SHI FOR EMAIL AND OFFICE 365 SUBSCRIPTIONS

As part of the Consent Agenda, the Board authorized staff to renew the contract with SHI (Contract # VA-200114-SHI) for email and Office 365 subscriptions for a one-year term, per the terms and conditions of the master agreement, as presented.

RE: RATIFY PREVIOUS ACTION TO LIFT THE COUNTYWIDE BURN BAN

As part of the Consent Agenda, the Board ratified the previous action of the County Administrator to lift the Countywide Burn Ban, effective at noon on Monday, December 11, 2023, as presented.

RE: ADOPTION OF THE NOVEMBER 15, 2023 REGULAR MEETING MINUTES

As part of the Consent Agenda, the Board adopted the November 15, 2023 Regular Meeting minutes, as presented.

RE: ADOPTION OF THE DECEMBER 5, 2023 WORKSESSION MINUTES

As part of the Consent Agenda, the Board adopted the December 5, 2023 Worksession minutes, as presented.

RE: ADOPTION OF THE DECEMBER 5, 2023 REGULAR MEETING MINUTES

As part of the Consent Agenda, the Board adopted the December 5, 2023 Regular Meeting minutes, as presented.

RE: NEW BUSINESS

RE: PURCHASE OF FIRE APPARATUS FOR MINE RUN VOLUNTEER FIRE COMPANY

Amanda Amos, Contract and Procurement Specialist, explained that the FY24 Capital Improvements Plan (CIP) contained Project C1235 for the lease-purchase of a rescue engine for the Mine Run Volunteer Fire Company.

Ms. Amos stated that a Selection Committee was formed to review the various types of trucks, pricing components, and cooperative contracts that could be utilized. After much review, Atlantic Emergency Solutions was selected for a 2027 Pierce Rescue Engine that met all of the components being requested, through a Cooperative Contract (Contract # FS12-19) with the Houston-Galveston Area Council (HGAC).

Ms. Amos indicated that funding for this project in the amount of $1,229,921 was budgeted in Project C1235 for a ten-year lease-purchase estimate. She added that, because of the extended delivery date, financing would be secured closer to delivery of the apparatus, although the purchase would be authorized at this time.

Discussion ensued among the Board regarding: whether the purchase price would be paid over a ten-year period; and the added costs for financing and interest.

On the motion of Mr. Marshall, seconded by Ms. Hale, which carried by a vote of 4-0, with Mr. White being absent, the Board authorized staff to purchase a 2027 Pierce Rescue Engine for Mine Run Volunteer Fire Company from Atlantic Emergency Solutions utilizing Cooperative Contract # FS12-19 with Houston-Galveston Area Council (HGAC) based on funds approved in Project C1235 of the Capital Improvements Plan, understanding that lease-purchase financing would be secured and finalized closer to the delivery of the apparatus, as presented.

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

RE: <u>PURCHASE OF FIRE APPARATUS FOR GORDONSVILLE VOLUNTEER FIRE COMPANY</u>

Amanda Amos, Contract and Procurement Specialist, explained that the FY24 Capital Improvements Plan (CIP) contained Project C1235 for the lease-purchase of a rescue engine for the Gordonsville Volunteer Fire Company.

Ms. Amos stated that a Selection Committee was formed to review the various types of trucks, pricing components, and cooperative contracts that could be utilized. After much review, Atlantic Emergency Solutions was selected for a 2028 Pierce unit that met all of the components being requested and those additional components desired by Gordonsville VFC, through a Cooperative Contract (Contract # FS12-23) with the Houston-Galveston Area Council (HGAC).

Ms. Amos noted that the total cost of this unit was approximately $1,745,686. Gordonsville Volunteer Fire Company had agreed to pay $600,000 of this amount up front in order to fund the necessary down payment required before December 31, 2023, in order to secure the discount of $75,000, which was already reflected in the approximate cost. Ms. Amos added the County would be responsible for $1,229,921 to match County funds anticipated to be spent on Mine Run Volunteer Fire Company's apparatus.

Ms. Amos indicated that funding for the County's portion of this project in the amount of $1,229,921 was budgeted in Project C1235 for a ten-year lease-purchase estimate. She added that, because of the extended delivery date, financing would be secured closer to delivery of the apparatus, although the purchase would be authorized at this time. Ms. Amos stated that the County would make any necessary reimbursements to Gordonsville VFC once financing had been secured and finalized.

Discussion ensued among the Board regarding: the need for Gordonsville VFC to pay for the cost of any additional financing over the County's funding amount; ownership of the apparatus to be retained by the County; and the timeline for build and delivery of the apparatus.

On the motion of Mr. Marshall, seconded by Mr. Nicol, which carried by a vote of 4-0, with Mr. White being absent, the Board authorized staff to purchase a 2028 Pierce unit for Gordonsville Volunteer Fire Company from Atlantic Emergency Solutions utilizing Cooperative Contract # FS12-19 with Houston-Galveston Area Council (HGAC) based on funds approved in Project C1235 of the Capital Improvements Plan, understanding that lease-purchase financing would be secured and finalized closer to the delivery of the apparatus, and further understanding that the County would make any necessary reimbursements to Gordonsville VFC upon completion of the financing, as presented.

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

RE: FACILITY USE MEMORANDUM OF UNDERSTANDING (MOU) WITH THE ORANGE COUNTY SCHOOL BOARD

Amanda Amos, Contract and Procurement Specialist, provided a draft Memorandum of Understanding with the Orange County School Board concerning facility use. She noted the purpose of the MOU was to outline the terms between the County and the School Board for the cooperative use of both County and School facilities for programming and use by both parties.

Discussion ensued among the Board regarding: inclusion of language regarding use of school facilities as voting precincts and allowing equal access of said precincts to all candidates; and whether or not this concern was already addressed in the precinct site agreements entered and managed by the Electoral Board.

By consensus, the Board agreed for staff to research the concern regarding use of school facilities as voting precincts and equal access to all candidates, and to bring this matter back at a future meeting for discussion and consideration.

RE: OLD BUSINESS

RE: VIRGINIA OUTDOORS FOUNDATION; REQUESTS FOR COMPREHENSIVE PLAN CONSISTENCY REVIEWS FOR EASEMENTS REQUESTED BY J. SHELDON CLARK

Josh Frederick, Planning and Zoning Services Manager, stated that, in discussing the Board's policy regarding staff opining on requests pertaining to the consistency of conservation easements with the Comprehensive Plan, the Board had requested that the two particular easement from J. Sheldon Clark be brought back at this meeting with a staff analysis.

Mr. Frederick cited Section 10.1-1010 (E) of the Code of Virginia concerning the validity and enforcement of conservation easements so long as those easements conformed to the Comprehensive Plan at the time the easement was granted. He added that the Recommended Future Land Use map within the Comprehensive Plan had historically been used as the metric to make this determination of consistency, as Agricultural 1 (A1) specifically mentioned conservation areas and public/private easements. Mr. Frederick indicated that no other future land use classification mentioned conservation in this regard. Given that the Comprehensive Plan offered no additional guidance or consideration for conservation easements outside of A1, inclusion within the A1 classification had historically been used as the primary determining factor for consistency.

As requested, Mr. Frederick provided a basic staff analysis of both subject properties for the J. Sheldon Clark easements, and opened the floor for Board discussion and direction.

Discussion ensued among the Board regarding: the practice of previous Boards of Supervisors to refrain from taking a position on conservation easements as they were not viewed as being beneficial to the County; the possibility of taking Board action on the current easement requests while also developing a policy to address future requests; the desire to discuss the philosophy with the full Board, including the incoming member; and the idea that the Comprehensive Plan was not a static document and should not be used as a place-in-time determination for future plans.

Further discussion ensued regarding: the possible need to update the Comprehensive Plan to address conservation easements; the concern with making a single exception for the current easement requests when the policy discussion and decision should happen first; the difficulty with obtaining necessary right-of-way on conservation easement property; and the fact that easements lasted far beyond any short-term or long-term plans.

By consensus, the Board deferred action indefinitely until a worksession could take place at a future meeting to discuss the policy of the Board related to conservation easements and consistency with the Comprehensive Plan.

RE: AWARD OF CONTRACT FOR DESIGN AND BUILD OF AMBULANCES

Amanda Amos, Contract and Procurement Specialist, explained that staff recently released a solicitation for the design and purchase of Type I Ambulances. The Request for Proposal was advertised on the County's website, in The Orange Review, and on eVA (Virginia's e-procurement website), and a total of two (2) responses were received, both of which were reviewed by the Selection Committee.

Ms. Amos stated that the Selection Committee reviewed the proposals, interviewed both companies, and felt it best to award a contract to Atlantic Emergency Solutions. Atlantic Emergency Solutions could provide Road Rescue Ultramedic Type I Ambulances built on a 2026 Dodge 5500 4x4 chassis with a build time of approximately 28 to 30 months from the date of order. Ms. Amos noted Atlantic Emergency Solutions provided many customizable options, could meet expectations, had stellar references, and put great value in their products and services.

Ms. Amos reported there were questions received at the previous meeting regarding the Type I Ambulance design and purchase. For clarification, she explained staff was requesting to enter into a contract with Atlantic Emergency Solutions, following which staff was requesting to lease-purchase three (3) Road Rescue Ultramedic Type I Ambulances, as specified above. She stated that funds had been budgeted in CIP Project C1065, which consisted of $540,000 cash transfer from the COVID Fund with the remaining balance to be funded via lease-purchase.

Ms. Amos added that the overall price for one ambulance was approximately $405,000. As outlined, funds were budgeted in the CIP with a mix of cash and lease-purchase estimated over a three-year term. She stated, due to extended delivery dates, financing would be secured closer to delivery of the units, although the purchases would be authorized at this time.

Discussion ensued among the Board regarding: whether the unit price would be locked in with award of the contract; the addition of finance and interest costs; and build times.

On the motion of Mr. Nicol, seconded by Ms. Hale, which carried by a vote of 4-0, with Mr. White being absent, the Board authorized staff to enter into a contract with Atlantic Emergency Solutions for the design and purchase of Type I Ambulances for a one-year term, with the option for an additional four renewals, as presented.

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

On the motion of Mr. Nicol, seconded by Ms. Hale, which carried by a vote of 4-0, with Mr. White being absent, the Board authorized the design and purchase of three Road Rescue Ultramedic Type I Ambulances from Atlantic Emergency Solutions, totaling approximately $405,000 each, as presented.

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

On the motion of Mr. Nicol, seconded by Ms. Hale, which carried by a vote of 4-0, with Mr. White being absent, the Board authorized the lease-purchase of the outstanding approximate amount of $675,000, contingent upon approved bank financing, after the COVID Fund cash transfer of $540,000, understanding that financing would be secured and finalized closer to the delivery of the units, as presented.

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

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
- Parks and Recreation Quarterly Report
- FY25 Annual Operating and Capital Budget Preparation; Preliminary Considerations
- VDOT Monthly Report for December

RE: APPOINTMENTS TO BOARDS, COMMISSIONS, AND COMMITTEES

By consensus, the Board re-appointed Mason "Bo" Clark as an At-Large Member on the Parks and Recreation Foundation for a three-year term, with said term commencing January 1, 2024, and expiring on December 31, 2026.

By consensus, the Board re-appointed Robert Anthony as an At-Large Member on the Parks and Recreation Foundation for a three-year term, with said term commencing January 1, 2024, and expiring on December 31, 2026.

By consensus, the Board re-appointed Mark Johnson as the District One Member on the Broadband Authority for a two-year term, with said term commencing January 1, 2024, and expiring on December 31, 2025.

By consensus, the Board appointed Ed Van Hoven as the District Two Member on the Broadband Authority for a two-year term, with said term commencing January 1, 2024, and expiring on December 31, 2025.

By consensus, the Board re-appointed Keith Marshall as the District Three Member on the Broadband Authority for a two-year term, with said term commencing January 1, 2024, and expiring on December 31, 2025.

By consensus, the Board appointed Crystal Hale as the District Four Member on the Broadband Authority for a two-year term, with said term commencing January 1, 2024, and expiring on December 31, 2025.

By consensus, the Board appointed J. Bryan Nicol as the District Five Member on the Broadband Authority for a two-year term, with said term commencing January 1, 2024, and expiring on December 31, 2025.

RE: CALENDAR

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

RE: SCHEDULE A PUBLIC HEARING FOR STA 23-02

By consensus, the Board authorized staff to advertise for and schedule a public hearing for STA 23-02 on Tuesday, January 23, 2024, as presented.

RE: PUBLIC COMMENT

At 5:58 p.m., Chairman Johnson opened the floor for public comment.

There being no speakers, public comment was closed at 5:58 p.m.

RE: CLOSED MEETING

At 5:59 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:

- Discussion, consideration, or interviews of prospective candidates for employment; assignment, appointment, promotion, performance, demotion, salaries, disciplining, or resignation of specific public officers, appointees, or employees of the public body concerning the County Attorney, Commonwealth's Attorney, and Real Estate Assessment. - *§2.2-3711(A)(1) of the Code of Virginia*

WHEREAS, pursuant to §2.2-3711 (A)(1) 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. Johnson, seconded by Mr. Marshall, which carried by a vote of 4-0, with Mr. White being absent, the Board adopted the resolution authorizing Closed Meeting, as presented. Ayes: Johnson, Marshall, Hale, Nicol. Nays: None. Absent: White.

RE: CERTIFICATION OF CLOSED MEETING

At 7:52 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, Marshall, Hale, Nicol. Nays: None. Absent: White.

RE: ADJOURN

On the motion of Mr. Marshall, seconded by Ms. Hale, which carried by a vote of 4-0, with Mr. White being absent, the Board adjourned the meeting at 7:52 p.m. Ayes: Johnson, Marshall, Hale, Nicol. Nays: None. Absent: White.

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