

BOARD OF SUPERVISORS MINUTES**JANUARY 23, 2024**

At a Regular Meeting of the Orange County Board of Supervisors held on Tuesday, January 23, 2024, 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, Vice Chairman; Eduward M. Van Hoven; 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. Nicol, seconded by Mr. Marshall, which carried by a vote of 5-0, the Board adopted the agenda, as modified. Ayes: Johnson, Van Hoven, Marshall, Hale, Nicol. Nays: None.

RE: SPECIAL PRESENTATIONS AND APPEARANCES**RE: PRESENTATION FROM TAXING AUTHORITY CONSULTING SERVICES (TACS)**

John Rife, Partner with Taxing Authority Consulting Services (TACS), gave a brief presentation to the Board regarding delinquent tax collection efforts in Orange County.

The Board thanked Mr. Rife for his presentation.

RE: CONSENT AGENDA

On the motion of Ms. Hale, seconded by Mr. Marshall, which carried by a vote of 5-0, the Board adopted the Consent Agenda, as presented.

Ayes: Johnson, Van Hoven, Marshall, Hale, Nicol. Nays: None.

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
30030003-33550	Donations - Comm. Policing	\$ 0.00	\$ (3,500.00)	\$ (3,500.00)
43120003-46800	Comm. Policing Expenses	9,399.00	3,500.00	12,899.00
30030002-33625	Donations - Triad	(8,367.00)	(500.00)	(8,867.00)
43177003-46800	Project Lifesaver Expenses	7,413.00	500.00	7,913.00
30030002-33625	Donations - Triad	(8,367.00)	(700.00)	(9,067.00)
43177001-46800	Triad Expenses	6,686.00	700.00	7,386.00
30030006-33500	Donations - Animal Shelter	(4,796.00)	(2,101.00)	(6,897.00)
43520003-43115	Prof. Serv. - Emergency Vet	5,101.00	2,101.00	7,202.00
30030006-33500	Donations - Animal Shelter	(4,796.00)	(1,696.00)	(6,492.00)
43520003-43115	Prof. Serv. - Emergency Vet	5,101.00	1,696.00	6,797.00
30045004-33250	Miscellaneous	0.00	(2,655.00)	(2,655.00)
43120006-46800	Forfeited Asset Expenses	42,776.00	2,655.00	45,431.00
30045004-35975	FA - DCJS for Sheriff	(1,013.00)	(722.00)	(1,735.00)
43120006-46800	Forfeited Asset Expenses	42,776.00	722.00	43,498.00

30046008-37219	ARPA - LATCF	0.00	(50,000.00)	(50,000.00)
43551006-45900	Contingency - ARPA	347,145.00	50,000.00	397,145.00
30034005-34030	Sheriff OT Reimbursement	(2,624.00)	(2,023.00)	(4,647.00)
43120001-41200	Wages - Overtime	230,609.00	2,023.00	232,632.00
30052001-39900	Appropriated Fund Balance	(3,831,010.41)	(348,190.00)	(4,179,200.41)
41221001-43100	Prof. Serv. - Real Estate	0.00	348,190.00	348,190.00
30034001-34030	Recovered Costs - General	(160,740.00)	(2,625.00)	(163,365.00)
42160001-41500	Wages - Bonus	0.00	2,438.00	2,438.00
42160001-42100	FICA & Medicare	35,806.00	187.00	35,993.00
30030006-33500	Donations - Animal Shelter	(4,796.00)	(5,462.00)	(10,258.00)
43520003-43115	Prof. Serv. - Emergency Vet	5,101.00	5,462.00	10,563.00
TOTALS		\$ (3,288,596.41)	\$ 0.00	\$ (3,288,596.41)

RE: FY24 BUDGET AMENDMENTS FOR WAGE INCREASES

As part of the Consent Agenda, the Board approved the budget amendments for FY24 for implementation of the 2% wage increase recently approved by the Board, as presented.

RE: MEMORANDUM OF AGREEMENT WITH THE VOLUNTEER FIRE CHIEFS' ASSOCIATION REGARDING TRANSFER OF THE FIRE TRAINING CENTER

As part of the Consent Agenda, the Board approved the Memorandum of Agreement with the Volunteer Fire Chiefs' Association regarding transfer of the Orange County Fire Training Center, as presented.

RE: RESOLUTION TO EXTEND THE DUE DATE FOR SUPPLEMENTAL TAX BILLS

As part of the Consent Agenda, the Board adopted the following resolution, as presented:

RESOLUTION TO EXTEND THE DUE DATE FOR SUPPLEMENTAL TAX BILLS FOR 2023

WHEREAS, in accordance with §58.1-3916 of the Code of Virginia, the governing body of any county, city, or town may, by ordinance, provide dates for filing returns, set penalties and interest, and the like, related to the enforcement and collection of local taxes; and

WHEREAS, the governing body may further provide, by resolution, for reasonable extensions of time, not to exceed 90 days, for the payment of real estate and personal property taxes and for filing returns on tangible personal property, machinery and tools, and merchants' capital, and the business, professional, and occupational license tax, whenever good cause exists; and

WHEREAS, the change in contractor and transition to an in-house Reassessment Department have impacted the ability of County staff to receive the valuation data necessary to generate and mail the supplemental tax bills for new construction in a timely manner;

NOW, THEREFORE, BE IT RESOLVED, on this 23rd day of January, 2024, that the Orange County Board of Supervisors hereby extends the due date for said supplemental tax bills for 2023 from February 5, 2024, to April 15, 2024, with no interest or penalty; and

BE IT FURTHER RESOLVED, that said extension, without interest or penalty, is applicable to supplemental tax bills only, and does not apply to any other tax bills; and

BE IT FINALLY RESOLVED, that the Board of Supervisors directs the Commissioner of the Revenue to print the extended due date of April 15, 2024, on the supplemental tax bills, as to avoid any confusion with the original due date.

RE: ADOPTION OF THE DECEMBER 19, 2023 REGULAR MEETING MINUTES
This item was struck from the agenda.

RE: ADOPTION OF THE JANUARY 2, 2024 ORGANIZATIONAL MEETING MINUTES
This item was struck from the agenda.

RE: NEW BUSINESS

RE: MEMORANDUMS OF UNDERSTANDING WITH CONSTITUTIONAL OFFICERS

Theodore L. Voorhees, County Administrator, explained that, for many years, the elected Constitutional Officers had entered into Memorandums of Understanding with the Board of Supervisors concerning applicability of the County's Personnel Policies in order to establish a uniform personnel system for all employees. He added that the agreement also defined the explicit authority of each of the Constitutional Officers to control the operations of their respective offices in accordance with the Code of Virginia.

Mr. Voorhees stated, in keeping with past practice, it would be appropriate to enter into new agreements at this time in order to recognize the newly-elected Officers and to align the agreement effective dates with the terms of the Officers. He presented the draft Memorandums of Understanding to the Board for consideration, noting there were several requested changes.

Discussion ensued among the Board regarding: clarification on the "designee" language requested by the Commissioner; concerns with the changes requested by the Commonwealth's Attorney; and the history and significance of these agreements in the past.

By consensus, the Board agreed for staff to further examine these agreements and the requested changes and to present the matter for reconsideration at a future meeting.

RE: REZ 24-00219; APPLICATION FROM SIGNATURE SERIES DEVELOPMENT, LLC TO AMEND THE PROFFERS FOR REZ 20-01 CONCERNING SITE SIGNAGE

Eric Bittner, Planner, indicated that Signature Station was a Planned Unit Development (PUD) which had a rezoning (REZ 20-01) approved in February 2023 with proffered conditions. He stated the current rezoning application (REZ 24-00219) was a proffer amendment to provide for signs within the Signature Station project, which were currently prohibited due to the wording of the proffers approved with REZ 20-01.

Mr. Bittner explained that staff had reviewed the proffer amendment and had no issues regarding the proposal. He added that Section 15.2-2302(B) of the Code of Virginia permitted the Board of Supervisors to waive the requirement for a public hearing for this proffer amendment because the amendment did not affect conditions of use or density. Additionally, Section 70-193 of the Zoning Ordinance provided that no recommendation was required by the Planning Commission unless the Board chose to refer the application to the Commission. As such, this application was eligible to have the public hearing waived and did not require review by the Planning Commission.

Mr. Bittner noted staff was seeking direction from the Board on how to proceed with this rezoning application.

Discussion ensued among the Board regarding: the fact that change to site signage was not considered use of the property; development of the sign guidelines for the subject site; consistency of the proposed sign guidelines with the rest of the Route 3 Corridor; and inclusion of both residential and commercial site signage.

By consensus, the Board agreed to refer the application to the Planning Commission for public hearing and recommendation before being presented to the Board for public hearing and consideration.

RE: OLD BUSINESS

RE: SMART SCALE ROUND 6; PROJECT RECOMMENDATIONS

Josh Frederick, Planning and Zoning Services Manager, explained that the Board had previously received a presentation from VDOT regarding project submissions for Smart Scale Round 6 funding. He reminded the Board that VDOT had made two project recommendations for intersection improvements at Route 3 / Route 1059 and Route 3 / Locust Grove Post Office. Mr. Frederick indicated that the Board had committed to providing a recommended project list to VDOT by February 1, 2024.

Discussion ensued among the Board regarding: opposition to applying for Smart Scale funding for the projects recommended by VDOT, particularly the R-Cut at the Lake of the Woods entrance; and other intersection improvements that could be considered based on crash data, need, and identification in the Comprehensive Plan.

By consensus, the Board requested that staff refer the following project recommendations to VDOT for application for Smart Scale Round 6 funding:

- Intersection improvements at Route 522 / Route 650 (Independence Road)
- Intersection improvements at Route 20 / Route 621 (Pine Stake Road)
- Intersection improvements at Route 522 / Route 621 (Pine Stake Road)

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

Mr. Nicol thanked Stephanie Straub, Assistant County Administrator for Operations, for her recent work and responsiveness to correct a situation at the Lake of the Woods compactor site.

RE: INFORMATIONAL ITEMS

The Board received the following correspondence for its information:

- CSA Monthly Report
- Finance Quarterly Report; First Quarter FY24
- Social Services Quarterly Report

RE: APPOINTMENTS TO BOARDS, COMMISSIONS, AND COMMITTEES

By consensus, the Board appointed Adam Bryington as the District Two Representative on the Economic Development Authority, filling the unexpired four-year term of Jack Rickett, with said term commencing immediately, and expiring on December 31, 2025.

By consensus, the Board re-appointed Christy Moriarty as a Member of the Tourism Advisory Committee for a two-year term, with said term commencing January 1, 2024, and expiring on December 31, 2025.

By consensus, the Board re-appointed Anna Pillow as a Member of the Tourism Advisory Committee for a two-year term, with said term commencing January 1, 2024, and expiring on December 31, 2025.

By consensus, the Board re-appointed Denise Benedetto as a Member of the Tourism Advisory Committee for a two-year term, with said term commencing January 1, 2024, and expiring on December 31, 2025.

By consensus, the Board appointed Valerie Smith as a Member of the Tourism Advisory Committee for a two-year term, with said term commencing immediately, and expiring on December 31, 2025.

By consensus, the Board expressed its interest in formally dissolving the Airport Commission.

RE: CALENDAR

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

RE: SCHEDULE A PUBLIC HEARING FOR SUP 23-05

By consensus, the Board authorized staff to advertise for and schedule a public hearing for SUP 23-05 on Tuesday, February 27, 2024, as presented.

RE: PUBLIC HEARING #1; STA 23-02

Josh Frederick, Planning and Zoning Services Manager, presented the staff report regarding proposed amendments to the Subdivision Ordinance, 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 6:01 p.m., Chairman Johnson called the Public Hearing to order to receive comments on the following:

STA 23-02

The Board of Supervisors will consider County-initiated amendments to Sections 54-121 and 54-122 of the Subdivision Ordinance. Said amendments would clarify public road and private road requirements, would exempt family subdivisions from road upgrade requirements, and would exclude driveways (i.e., two-lot subdivisions) and family subdivisions from road maintenance agreement requirements.

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

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:

ORDINANCE APPROVING AMENDMENTS TO CHAPTER 54 (SUBDIVISION), ARTICLE VIII (ROAD AND ACCESS STANDARDS), OF THE ORANGE COUNTY CODE OF ORDINANCES

WHEREAS, Planning Commission action was previously initiated on amendments to Chapter 54 (Subdivision), Article VIII (Road and Access Standards), of the Orange County Code of Ordinances concerning road maintenance agreement requirements for two-lot subdivisions and private road family subdivisions, as well as road upgrade requirements; 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 December 7, 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 January 23, 2024; 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 23rd day of January, 2024, that the Orange County Board of Supervisors hereby **approves** the proposed amendments to Chapter 54 (Subdivision), Article VIII (Road and Access Standards), of the Orange County Code of Ordinances concerning road maintenance agreement requirements for two-lot subdivisions and private road family subdivisions, as well as road upgrade requirements, as presented and shown below.

Ayes: Johnson, Van Hoven, Marshall, Hale, Nicol. Nays: None.

Amendments to the Orange County Code of Ordinances

**As adopted in Ord. No. 240123 – PH1
by the Orange County Board of Supervisors
on January 23, 2024**

Chapter 54 – Subdivision

Article VIII – Road and Access Standards

Division 2 – Standards for Roads and Access

Sec. 54-121 – Approval, Construction, and Maintenance Standards

Roads and driveways shall be constructed and maintained as follows:

[...]

- (b) Public Roads. ~~Any~~ Except as permitted in subsection (c) below, any road serving more than ~~two~~ ~~(2)~~ seven (7) lots shall be constructed to meet the current VDOT standards (including, but not limited to, the Secondary Street Acceptance Requirements, VDOT Road and Bridge Standards, and VDOT Road Design Manual), including the dedication of the rights-of-way for public use. Any existing road upon which property is divided such that the road cumulatively serves more than seven (7) ~~eleven (11) or more~~ lots shall be improved to meet these standards. Such a road improvement shall be from the existing point of connection to the public road network up to and

including the frontage of the subdivided lot(s), to include all existing lots that may exist in between. However, any such existing road upon which lots are created via family subdivision is exempt from any requirement to upgrade said road to meet requirements set forth in this section.

[...]

(d) Private Roads.

- (1) Any road created to serve ~~one (1) or two (2) lots, or any~~ a family subdivision of at least three (3) and up to seven (7) lots, may be ~~privately~~ constructed and maintained at the discretion of the owners so long as all lots have a minimum right-of-way of twenty (20) feet to be used as access to a public road. Any existing road upon which lots are created via family subdivision is exempt from any requirement to upgrade said road to meet requirements set forth in this section.

[...]

Sec. 54-122 – Road Maintenance Agreements for New Private Roads

- (a) A road maintenance agreement, which specifies the perpetual responsibilities, procedures, and standards related to any private road easement/right-of-way, to exclude those for family subdivisions or a driveway, as defined, shall be submitted along with an application for plat review. This agreement shall be reviewed and approved by the County Attorney and the Subdivision Agent, and subsequently recorded in the Circuit Court along with the approved plat. The Subdivision Agent shall make available a draft agreement template for use by subdividers, which may be modified at will by the Subdivision Agent or County Attorney. Any such agreement shall include, at a minimum, provisions related to the following:

[...]

RE: PUBLIC COMMENT

At 6:03 p.m., Chairman Johnson opened the floor for public comment.

The following individuals spoke:

- Tom Schlegel, 5176 Harvest Lane, Barboursville
- Lisa Mountjoy, 25157 Old Office Road, Culpeper
- Marie Harper, 7575 Moormont Road, Rapidan

There being no further speakers, public comment was closed at 6:09 p.m.

RE: CLOSED MEETING

At 6:10 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 Landfill and the Commissioner of the Revenue. - §2.2-3711(A)(1) 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 Unionville Brewery and Board of Supervisors' meeting notices. - §2.2-3711(A)(8) of the Code of Virginia

- 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 Germanna Housing and Gerald Hoy. - §2.2-3711(A)(7) of the Code of Virginia

WHEREAS, pursuant to §§2.2-3711 (A)(1), (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. Van Hoven, seconded by Ms. Hale, which carried by a vote of 5-0, the Board adopted the resolution authorizing Closed Meeting, as presented. Ayes: Johnson, Van Hoven, Marshall, Hale, Nicol. Nays: None.

RE: CERTIFICATION OF CLOSED MEETING

At 7:49 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, Van Hoven, Marshall, Hale, Nicol. Nays: None.

RE: ADJOURN

On the motion of Mr. Nicol, seconded by Mr. Marshall, which carried by a vote of 5-0, the Board adjourned the meeting at 7:49 p.m. Ayes: Johnson, Van Hoven, Marshall, Hale, Nicol. Nays: None.

R. Mark Johnson, Chairman

Theodore L. Voorhees, County Administrator