At a Regular Meeting of the Orange County Board of Supervisors held on Tuesday, February 13, 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. Marshall, seconded by Ms. Hale, which carried by a vote of 5-0, the Board adopted the agenda, as presented. Ayes: Johnson, Van Hoven, Marshall, Hale, Nicol. Nays: None.

RE: SPECIAL PRESENTATIONS AND APPEARANCES

RE: BUSINESS SPOTLIGHT

Amy Sellars, Owner of Atha Yoga, appeared before the Board to spotlight her business.

The Board thanked Ms. Sellars for her presentation.

RE: PRESENTATION FROM THE LIBRARY BOARD OF TRUSTEES

Dave Kraus, Chairman of the Library Board, introduced himself and the other members of the Library Board of Trustees and presented a video that had been produced by the Library Board to highlight all of the services and programs offered in the Orange County Public Libraries.

The Board thanked Mr. Kraus for his presentation.

RE: CONSENT AGENDA

On the motion of Mr. Marshall, seconded by Mr. Van Hoven, 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
30045004-35975	FA - DCJS for Sheriff	$ (1,735.00)	$ (283.00)	$ (2,018.00)
43120006-46800	Forfeited Asset Expenses	46,153.00	283.00	46,436.00
30045004-35975	FA - DCJS for Sheriff	(1,735.00)	(149.00)	(1,884.00)
43120006-46800	Forfeited Asset Expenses	46,153.00	149.00	46,302.00
30026501-32400	Orange Library - Lost Books	0.00	(879.00)	(879.00)
30026501-32475	Wilderness Lib. - Lost Books	0.00	(409.00)	(409.00)
30026501-32525	G’ville Library - Lost Books	0.00	(388.00)	(388.00)
47310001-46466	Books - Refunds	450.00	879.00	1,329.00
47311001-46466	Books - Refunds	179.00	409.00	588.00
47312001-46466	Books - Refunds	201.00	388.00	589.00
44240001-43240	Leachate Management	200,000.00	200,000.00	400,000.00

49460001-48220	Closure Reserves - Cells 1-5	2,029,556.00	(200,000.00)	1,829,556.00
49400007-48090	Security/ADA Upgrade	13,283.00	(13,283.00)	0.00
49400120-48015	Gordon Bldg. Renovations	130,000.00	13,283.00	143,283.00
49400007-48015	Main Library Flooring	3,743.00	(3,743.00)	0.00
49400120-48015	Sedwick Bldg. Renovations	930,000.00	3,743.00	933,743.00
49400007-48050	Gordon Bldg. Sec. Cameras	30,000.00	(30,000.00)	0.00
49400120-48015	Gordon Bldg. Renovations	130,000.00	30,000.00	160,000.00
49400005-48015	Fire Alarm - Animal Shelter	10,175.00	(9,170.31)	1,004.69
43551001-48015	Building Improvements	58,465.35	9,170.31	67,635.66
49400005-48320	Paving Driveway/Parking Lot	50,000.00	(12,150.00)	37,850.00
43551001-48015	Building Improvements	58,465.35	12,150.00	70,615.35
49400005-48150	Washer & Dryer - Shelter	19,500.00	(10,380.17)	9,119.83
43551001-48015	Building Improvements	58,465.35	10,380.17	68,845.52
49400007-48120	Animal Shelter Bldg. Asst.	30,000.00	(9,237.34)	20,762.66
43551001-48015	Building Improvements	58,465.35	9,237.34	67,702.69
49400007-48190	HVAC Equipment - Shelter	30,000.00	(3,515.43)	26,484.57
43551001-48015	Building Improvements	58,465.35	3,515.43	61,980.78
30033501-33250	Miscellaneous	(30,500.00)	(1.00)	(30,501.00)
43120001-46360	Police Supplies - Firearms	11,026.96	1.00	11,027.96
49310006-47311	Trans to 2016 Bond CI Proj.	0.00	47,026.00	47,026.00
30051011-39312	Trans from Cap. Proj. Fund	0.00	(47,026.00)	(47,026.00)
49310006-47290	Transfer to COVID Fund	0.00	44,453.25	44,453.25
30051020-39312	Trans from Cap. Proj. Fund	0.00	(44,453.25)	(44,453.25)
TOTALS		**$ 3,968,776.71**	**$ 0.00**	**$ 3,968,776.71**

RE: ADOPTION OF THE DECEMBER 19, 2023 REGULAR MEETING MINUTES

As part of the Consent Agenda, the Board adopted the December 19, 2023 Regular Meeting minutes, as presented.

RE: ADOPTION OF THE JANUARY 2, 2024 ORGANIZATIONAL MEETING MINUTES

As part of the Consent Agenda, the Board adopted the January 2, 2024 Organizational Meeting minutes, as presented.

RE: ADOPTION OF THE JANUARY 20, 2024 RETREAT MINUTES

As part of the Consent Agenda, the Board adopted the January 20, 2024 Retreat minutes, as presented.

RE: ADOPTION OF THE JANUARY 23, 2024 WORKSESSION MINUTES

As part of the Consent Agenda, the Board adopted the January 23, 2024 Worksession minutes, as presented.

RE: ADOPTION OF THE JANUARY 23, 2024 REGULAR MEETING MINUTES

As part of the Consent Agenda, the Board adopted the January 23, 2024 Regular Meeting minutes, as presented.

RE: NEW BUSINESS

RE: T-HANGAR PHASE II PROJECT UPDATE AND REQUEST FOR SUPPLEMENTAL APPROPRIATION

Stephanie Straub, Assistant County Administrator for Operations, explained that work had been completed over the last two years to develop a way to fund the construction of County-owned T-hangars at the Airport, as the project had been included as "unfunded" in the Airport CIP for over a decade. Working with consultants, a funding plan was devised to utilize a combination of Bipartisan Infrastructure Law (BIL) allocations, State grants, and Federal non-primary entitlement funds (NPE), with minimal local funds required. Ms. Straub indicated the project was then updated in the Airport CIP for two phases - engineering and site work (Phase I) and construction (Phase II).

Ms. Straub noted that Phase I work had already begun, as the Board allocated funding in the FY24 budget. Additionally, staff had recently met with the FAA, the Virginia Department of Aviation, and Delta Airport Consultants to update the Airport CIP, at which time the project estimates and funding sources were revised to best leverage funding opportunities and grant schedules. As a result, Ms. Straub explained that staff was requesting early approval of Phase II (to begin in FY24 versus FY25) in order to capitalize on favorable funding cycles and due dates with the FAA and the Department of Aviation (deadline of March 1, 2024, versus July 1, 2024). She added this would ensure maximum use of non-County funds to complete the project.

In order to accomplish the accelerated project start date, Ms. Straub explained that a supplemental appropriation from the General Fund in the amount of $292,429 was necessary as a means to adhere to the desired funding and grant cycles. She provided a summary of the overall estimated cost of the project, noting that only about 10% of the project was local funds.

On the motion of Mr. Nicol, seconded by Mr. Marshall, which carried by a vote of 5-0, the Board gave its support to advancing Phase II of the Airport T-Hanger project from FY25 to FY24, understanding the Capital Improvements Plans would be updated accordingly and the requested supplemental appropriation would be presented for approval at the next meeting, as presented.

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

RE: OLD BUSINESS

RE: PROPOSED REVISIONS TO THE EMERGENCY OPERATIONS PLAN (EOP)

Nathan Mort, Fire and EMS Chief, explained that staff had previously presented revisions to the Emergency Operations Plan (EOP) in August 2023. He noted the revisions were presented in accordance with Section 44-146.19.E of the Code of Virginia, which required the Plan to be reviewed, revised (as necessary), and re-adopted by resolution every four years.

Chief Mort stated that since the EOP was last presented, staff had met with Chairman Johnson to address some concerns and additional changes. As such, the final draft of the Emergency Operations Plan, as revised, was now presented for reconsideration by the Board.

Discussion ensued among the Board regarding: the dam annexation classification process; the purpose of the dam annexation; and the situational awareness created by including all known dams in the Emergency Operations Plan.

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

RESOLUTION TO ADOPT THE ORANGE COUNTY EMERGENCY OPERATIONS PLAN, AS REVISED IN JANUARY 2024

WHEREAS, the Board of Supervisors of Orange County, Virginia recognizes the need to prepare for, respond to, and recover from natural and man-made disasters; and

WHEREAS, the County of Orange has a responsibility to provide for the safety and well-being of its citizens and visitors; and

WHEREAS, the County of Orange has established and appointed the Chief of Fire and Emergency Medical Services (EMS) as Emergency Services Coordinator;

NOW, THEREFORE, BE IT RESOLVED, on this 13th day of February, 2024, that the Orange County Board of Supervisors hereby officially adopts the Emergency Operations Plan, as revised in January 2024; and

BE IT FURTHER RESOLVED, that the Emergency Services Coordinator, or his designee, are hereby tasked and authorized to maintain and revise, as necessary, the Plan document over the next four-year period, or until such time it be ordered to come before the Board of Supervisors for adoption again.

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

RE: MEMORANDUMS OF UNDERSTANDING WITH CONSTITUTIONAL OFFICERS

Theodore L. Voorhees, County Administrator, explained that draft Memorandums of Understanding with each of the Constitutional Officers had been presented to the Board for consideration at the previous meeting on January 23, 2024, at which time there were concerns with some of the language in the agreements. As such, action to approve the MOUs was deferred.

Mr. Voorhees noted that the MOUs were presented for reconsideration by the Board at this time. He indicated the only change to the agreements, as compared to the previous meeting, was the updated language concerning personnel records for the employees in the Commonwealth's Attorney's Office, as discussed.

Discussion ensued among the Board regarding: Supervisor Nicol's concern with the Commissioner of the Revenue's ability to delegate duties to a non-employee; concerns with the vagueness of the language in the Commonwealth's Attorney's agreement; and the overall purpose of the agreements.

On the motion of Mr. Marshall, seconded by Mr. Van Hoven, which carried by a vote of 5-0, the Board approved the Memorandum of Understanding with the Treasurer and authorized the Chairman to execute the agreement on behalf of the Board, as presented.

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

On the motion of Mr. Nicol, seconded by Mr. Van Hoven, which carried by a vote of 5-0, the Board approved the Memorandum of Understanding with the Clerk of the Circuit Court and authorized the Chairman to execute the agreement on behalf of the Board, as presented.

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

On the motion of Mr. Van Hoven, seconded by Ms. Hale, which carried by a vote of 5-0, the Board approved the Memorandum of Understanding with the Commissioner of the Revenue and authorized the Chairman to execute the agreement on behalf of the Board, as presented.

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

On the motion of Mr. Marshall, seconded by Mr. Nicol, which carried by a vote of 5-0, the Board approved the Memorandum of Understanding with the Sheriff and authorized the Chairman to execute the agreement on behalf of the Board, as presented.

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

On the motion of Mr. Van Hoven, seconded by Mr. Marshall, which carried by a vote of 4-1, with Mr. Nicol voting against, the Board approved the Memorandum of Understanding with the Commonwealth's Attorney and authorized the Chairman to execute the agreement on behalf of the Board, as presented.

Ayes: Johnson, Van Hoven, Marshall, Hale. Nays: Nicol.

By consensus, the Board directed staff to include the Memorandum of Understanding with the Sheriff concerning Animal Control on the next agenda on February 27, 2024.

RE: SMART SCALE ROUND 6; UPDATED PROJECT RECOMMENDATION

Theodore L. Voorhees, County Administrator, stated that the Board had previously received Smart Scale project recommendations from VDOT (Route 3 / Route 1059 intersection and Route 3 / Locust Grove Post Office intersection), but had agreed to forego said recommendations. Instead, the Board recommended three other intersections be submitted for consideration (Route 522 / Route 650; Route 20 / Route 621; and Route 522 / Route 621). However, Mr. Voorhees reported that when staff forwarded those recommendations to VDOT, a response was received that those projects could not be promoted to application at this time because project proposals had to be at a certain level of "pre-development" in order to enter the project queue. He added that any previously-submitted Smart Scale project that was not funded, but met pre-development guidelines, could still be recommended. As such, staff suggested that the Route 20 / Route 611 intersection project be submitted, citing that the project previously scored well and remained a need.

By consensus, the Board requested that staff submit the Route 20 / Route 611 (Zoar Road) intersection project for consideration in Smart Scale Round 6, as presented.

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

Theodore L. Voorhees, County Administrator, indicated the Board had previously been presented a Memorandum of Understanding (MOU) with the School Board, the purpose of which was to outline the terms between the County and the School Board for the cooperative use of both County and School facilities. At the time, Supervisor Marshall requested that language be included in the MOU concerning use of school facilities as polling places and the need for equal access to those facilities by all candidates. As such, action on the MOU was deferred.

Mr. Voorhees noted that since the MOU was last presented to the Board, staff had been engaged with Superintendent Hornick and Donna Harpold, Director of Elections and General Registrar, regarding incorporating appropriate language. Staff learned that the Schools and the Electoral Board were the approving parties of the MOUs related to use of the schools as polling places. Mr. Voorhees explained that appropriate language for incorporation into the polling place MOUs had been agreed to and revision of the existing MOUs would be addressed by the parties outside of this MOU. Accordingly, the proposed Facility Use Memorandum of Understanding was now presented for reconsideration by the Board.

On the motion of Ms. Hale, seconded by Mr. Nicol, which carried by a vote of 5-0, the Board authorized the Chairman to execute the Memorandum of Understanding (MOU) with the Orange County School Board regarding facility use, as presented.

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

RE: DEPARTMENT DIRECTOR / CONSTITUTIONAL OFFICER REPORTS

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

RE: COUNTY ATTORNEY'S REPORT

The County Attorney had nothing to report on at this time.

RE: COUNTY ADMINISTRATOR'S REPORT

Theodore L. Voorhees, County Administrator, reported on an impending change in the manufacturing of police cruisers, stating that the Dodge Chargers most commonly used would no longer be manufactured to police cruiser specifications in the future. He presented the Board with an opportunity to advance the purchase of the replacement vehicles scheduled for inclusion in the FY25 budget while also realizing cost savings. Mr. Voorhees explained that, if approved, staff would be authorized to purchase the replacement vehicles now, versus in FY25, while Dodge Chargers were still available, which would delay the increased costs associated with the new police cruisers by one year. In addition to saving on the price of the replacement vehicles, some of the existing upfitting equipment could be transferred to the Dodge Chargers to be purchased now, which would also save funds.

Discussion ensued among the Board regarding: the type and expected cost of the vehicles to be used as police cruisers going forward; the expected increase in the cost to upfit a police cruiser going forward; expected cost savings to purchase replacement vehicles now versus waiting until FY25; and how the old vehicles would be disposed.

By consensus, the Board gave its support to advancing the purchase of replacement vehicles for the Sheriff's Office from FY25 to FY24, understanding the Capital Improvements Plan would be updated accordingly and the necessary supplemental appropriation would be presented for approval at an upcoming meeting, as discussed and presented.

RE: BOARD COMMENT

There was no Board Comment at this time.

RE: INFORMATIONAL ITEMS

The Board received the following correspondence for its information:

- Emergency Communications Center (ECC) Semi-Annual Report
- Pilot Program for Fleet Procurement / Leasing
- Health Center Commission Meeting Minutes; October 27, 2023

RE: APPOINTMENTS TO BOARDS, COMMISSIONS, AND COMMITTEES

By consensus, the Board appointed Kent Higginbotham as the Rotating At-Large Member on the Central Virginia Regional Jail Board, filling an unexpired one-year term, with said term commencing immediately, and expiring on June 30, 2024.

RE: CALENDAR

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

RE: SCHEDULE A PUBLIC HEARING FOR ZTA 23-04

By consensus, the Board authorized staff to advertise for and schedule a public hearing for ZTA 23-04 on Tuesday, February 27, 2024, as presented.

RE: <u>SCHEDULE A PUBLIC HEARING FOR REZ 24-00221</u>

By consensus, the Board authorized staff to advertise for and schedule a public hearing for REZ 24-00221 on Tuesday, February 27, 2024, as presented.

RE: <u>CLOSED MEETING</u>

At 6:09 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 employed or retained by the public body regarding specific legal matters requiring the provision of legal advice by such counsel concerning siting agreements. - *§2.2-3711(A)(8) of the Code of Virginia*

- Discussion of the award of a public contract involving the expenditure of public funds, including interviews of bidders or offerors, and discussion of the terms or scope of such contract, where discussion in an open session would adversely affect the bargaining position or negotiating strategy of the public body concerning an Interim County Attorney. - *§2.2-3711(A)(29) of the Code of Virginia*

WHEREAS, pursuant to §§2.2-3711 (A)(8) and (A)(29) 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 Ms. Hale, seconded by Mr. Marshall, 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: <u>CERTIFICATION OF CLOSED MEETING</u>

At 7:19 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: <u>ACTION FOLLOWING CLOSED MEETING</u>

On the motion of Ms. Hale, seconded by Mr. Marshall, which carried by a vote of 5-0, the Board authorized a contract with Sands Anderson PC for interim legal services, effective immediately.

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

RE: <u>ADJOURN</u>

On the motion of Mr. Nicol, seconded by Ms. Hale, which carried by a vote of 5-0, the Board adjourned the meeting at 7:19 p.m. Ayes: Johnson, Van Hoven, Marshall, Hale, Nicol. Nays: None.

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