

BOARD OF SUPERVISORS MINUTES**MAY 28, 2024**

At a Regular Meeting of the Orange County Board of Supervisors held on Tuesday, May 28, 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; Andrew McRoberts, Interim 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: 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
30030006-33500	Donations - Animal Shelter	\$ (17,910.00)	\$ (896.00)	\$ (18,806.00)
43520003-43115	Prof. Serv. - Emergency Vet	18,150.00	896.00	19,046.00
30052001-39900	Appropriated Fund Balance	(4,751,606.41)	(65,518.00)	(4,817,124.41)
41221501-43150	Prof. Serv. - Legal	304,089.00	65,518.00	369,607.00
30045009-37100	Byrne Grant	0.00	(2,016.00)	(2,016.00)
43120007-46350	Police Supplies	0.00	2,016.00	2,016.00
41232001-48260	Motor Vehicles & Equipment	72,200.00	(72,200.00)	0.00
49310001-47312	To Capital Projects Fund	1,094,791.00	72,200.00	1,166,991.00
30051003-39100	Transfer from General Fund	(1,064,791.00)	(72,200.00)	(1,136,991.00)
49400006-48260	Vehicle Repl. Revolv. Fund	82,903.00	72,200.00	155,103.00
41251001-45230	Telephone Services	160,350.00	37,252.00	197,602.00
30051001-39290	Trans. from COVID-19 Fund	(16,100.00)	(37,252.00)	(53,352.00)
43551001-48180	Computer Software	40,187.08	(37,252.00)	2,935.08
49310015-47100	Transfer to General Fund	16,100.00	37,252.00	53,352.00
30045006-35775	State - Airport Grant	(1,437,314.00)	(1,140.00)	(1,438,454.00)
48170001-43370	Grounds Maintenance	159,832.48	1,140.00	160,972.48
TOTALS		\$ (5,339,118.85)	\$ 0.00	\$ (5,339,118.85)

RE: ADOPTION OF THE MAY 14, 2024 WORKSESSION MINUTES

As part of the Consent Agenda, the Board adopted the May 14, 2024 Worksession minutes, as presented.

RE: ADOPTION OF THE MAY 14, 2024 REGULAR MEETING MINUTES

As part of the Consent Agenda, the Board adopted the May 14, 2024 Regular Meeting minutes, as presented.

RE: OLD BUSINESS

RE: CREATION OF THE ORANGE LIVESTOCK ADVISORY COMMISSION

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

RESOLUTION TO CREATE THE ORANGE LIVESTOCK ADVISORY COMMISSION

WHEREAS, pursuant to §15.2-1411 of the Code of Virginia, 1950, as amended (the "Code"), the Board of Supervisors of the County of Orange, Virginia (the "Board of Supervisors") may appoint such advisory boards, committees, and commissions as it deems necessary to advise the governing body with regard to any matter of concern to the locality; and

WHEREAS, the Board of Supervisors recognizes the importance of its rich heritage in being an agricultural community. The agricultural industry is the very essence for the survival of mankind by producing crops, livestock, fisheries, and forestry. Farmers work hard to produce these goods and services; this is not only a means of income but a lifestyle for many. Various factors have an adverse effect on the production of these agricultural products, such as extreme weather or drought conditions, natural disasters, insects, wildlife, disease, and more; and

WHEREAS, while those factors can be difficult to mitigate, the agricultural community, the citizens of the County of Orange, Virginia (the "County"), and the law enforcement communities recognize the importance of ensuring that human factors are minimized in providing for the proper care and protection of livestock; and

WHEREAS, the Board of Supervisors is dedicated to ensuring that livestock producers have the tools and resources needed to properly care for their animals and, in an attempt to assist with this endeavor, the Board sees the opportunity to bring an invaluable resource to the livestock producing and law enforcement communities, specifically for livestock; and

WHEREAS, the County has extremely experienced and reputable farmers within and surrounding the community, as well as extremely experienced law enforcement officers and the County recognizes the need for these two resources to collaborate to keep the agricultural industry in the County as healthy and sustainable as possible; and

WHEREAS, the Board of Supervisors wishes to establish the Orange Livestock Advisory Commission to be a resource to livestock producing farmers and to animal control officials needing assistance on livestock cases or concerns;

NOW, THEREFORE, BE IT RESOLVED, on this 28th day of May, 2024, that the Orange County Board of Supervisors hereby finds and determines that it is in the best interest of the County to establish said Livestock Advisory Commission and that:

1. Pursuant to §15.2-1411 of the Code of Virginia, 1950, as amended, the Board of Supervisors hereby creates the Orange Livestock Advisory Commission ("OLAC").
2. The mission of the OLAC is to provide knowledge, experience, opinions, and resources to the livestock producing community and to law enforcement officials in the County to keep the agricultural industry as healthy and sustainable as possible.
3. Members of the OLAC may be called upon for assistance in matters pertaining to the health and welfare of livestock from County residents who own livestock.

4. OLAC members will provide advice and assistance to animal control officials during investigation of livestock matters. Members may also be asked to come to locations of any incident or matter of immediate concern for assistance.
5. The OLAC shall have up to seven (7) members. The Board of Supervisors will appoint the OLAC members with advice from the Sheriff.
6. OLAC members will serve at the pleasure of the Board of Supervisors and may be relieved at any time for any reason.
7. OLAC members shall serve for two-year terms. OLAC members shall not have term limits.
8. OLAC members may resign with 60 days' notice to the Board of Supervisors.
9. OLAC members shall serve without compensation.
10. OLAC members may submit actual expenses incurred while serving on the OLAC to the County Administrator. The Board of Supervisors may approve reimbursement on a discretionary basis. The County is not obligated to reimburse any submitted expenses.
11. The OLAC shall serve as an advisory board, not a policy board; therefore, it can make recommendations but not set policy.
12. The initial members of the OLAC shall be:
 - a. Wells Waugh
 - b. Ryan Gibson
 - c. Bob Chambers
 - d. Jay Eustler
 - e. Bobby Pace
 - f. William Biscoe
13. OLAC shall hold an organizational meeting within 90 days of this resolution.
14. OLAC shall submit proposed bylaws to the Board of Supervisors within 120 days of this resolution.
15. County staff shall assist members of the OLAC as directed by the County Administrator or their designee.

BE IT FURTHER RESOLVED, that all actions taken in furtherance of the creation of the Orange Livestock Advisory Commission and the appointment of its members are hereby ratified and confirmed.

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

RE: NEW BUSINESS

RE: ADOPTION OF THE AUXILIARY LIST FOR SECONDARY ROADS

Alyson Simpson, Chief Deputy Clerk, stated that, since the Board had completed its annual process for review and adoption of the Secondary Six-Year Plan, it was appropriate for the Board to also re-adopt its Auxiliary List. She reminded the Board the Auxiliary List was a reference list for projects to be considered or added to the Secondary Six-Year Plan in future years or as additional funding became available. Ms. Simpson noted that Hawfield Road and Liberty Mills Road had been removed from the list since they were added to the Plan this year, but there were no other changes.

On the motion of Ms. Hale, seconded by Mr. Marshall, which carried by a vote of 5-0, the Board adopted the Auxiliary List for Secondary Roads, as presented.

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

RE: SPECIAL PRESENTATIONS AND APPEARANCES

RE: PRESENTATION OF A RESOLUTION OF APPRECIATION FOR PHILIP FRAZER

Chairman Johnson read the Resolution of Appreciation and presented a signed, framed copy to Philip Frazer in recognition of his years of service on the Health Center Commission.

RE: MATTERS FOR DISCUSSION OR CONSIDERATION

RE: SPEED ENFORCEMENT CAMERA PROPOSAL

This item was deferred until the next Regular Meeting on June 11, 2024.

RE: EXPIRATION OF SPECIAL USE PERMITS

Josh Frederick, Planning and Zoning Services Manager, stated that the Board had previously discussed a potential amendment to the Zoning Ordinance to adjust the periods of validity and expiration for approved Special Use Permits (SUPs). He noted that property owners currently had two (2) years to initiate a use approved via SUP or the SUP was automatically voided, as set forth in Sec. 70-144 of the Zoning Ordinance.

Mr. Frederick added that, per the Zoning Ordinance, the Board currently had the ability to extend the period of validity as part of the SUP approval process. Planning staff also routinely advised SUP applicants of the two-year timeframe and further advised applicants to request a longer period should the two years be insufficient for their project.

The Board had expressed a desire to potentially extend the period of validity set forth in the Zoning Ordinance for a timeframe longer than two years, but had asked staff to research how other localities in the region regulated this. Mr. Frederick provided a summary of the research, noting that the current two-year timeframe for SUP expiration was relatively permissive.

Discussion ensued among the Board regarding: the frequency of which SUPs were voided because of the two-year timeframe; the fact that the Zoning Ordinance did not currently allow for the Board or staff to extend an SUP without going through the entire application process again; appreciation of the research conducted by staff; the desire to allow for applicants to request an extension from the Board while leaving the automatic two-year timeframe in place; the possibility of including a text amendment in the rewrite of the Zoning Ordinance; the potential for administrative extensions, which would streamline the renewal process; and the "diligent pursuit" principle used to determine when a project had started.

By consensus, the Board agreed to leave the current regulations concerning SUP expirations as-is for the time being, understanding that a potential text amendment may be considered as part of the overall Zoning Ordinance rewrite.

RE: POLICY FOR SIGNAGE ON SPECIFIC COUNTY PROPERTY

Theodore L. Voorhees, County Administrator, presented a draft policy for discussion and consideration by the Board regarding limiting the posting of signage on specific County property, namely the Sedwick Building and the Office of Voter Registration and Elections. He explained there were periods of time when an abundance of election signs were placed on this specific property, which varied in size and style. The signs often posed a safety risk by blocking views for motorists and pedestrians and also presented challenges for maintenance staff caring for the grounds. As such, Mr. Voorhees recommended implementing the policy he drafted and presented.

Discussion ensued among the Board regarding: overall concern with the length of the extended election periods in general; and an adjustment to the allowable size of the signs to permit four (4) square feet instead of just 18" x 24".

By consensus, the Board authorized the County Administrator to move forward with implementation of the Policy for Signage on County Property, as modified, to be effective following completion of the current primary election on June 19, 2024.

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:

- Finance Quarterly Report; Third Quarter FY24
- Social Services Quarterly Report
- VDOT Monthly Report for May

RE: APPOINTMENTS TO BOARDS, COMMISSIONS, AND COMMITTEES

By consensus, the Board re-appointed Keith Marshall as an At-Large Orange County Member on the Rapidan Service Authority for a four-year term, with said term commencing June 25, 2024, and expiring on June 24, 2028.

Supervisor Nicol expressed support of Supervisor Marshall being re-appointed to the Rapidan Service Authority, but stressed the importance of also having representation from District Five.

By consensus, the Board appointed Jane Neubig as the District Five Representative on the Library Board for a four-year term, with said term commencing July 1, 2024, and expiring on June 30, 2028.

RE: CALENDAR

The Board received copies of its calendar of meetings for the months of May 2024, June 2024, and July 2024.

RE: PUBLIC COMMENT

At 5:49 p.m., Chairman Johnson opened the floor for public comment.

There being no speakers, public comment was closed at 5:49 p.m.

RE: CLOSED MEETING

At 5:50 p.m., Mr. McRoberts 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 zoning ordinances, zoning enforcement appeals, and tax assessment claims. - §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 zoning ordinances, zoning enforcement appeals, and tax assessment claims. - §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 aforesated matters in Closed Meeting.

On the motion of Mr. Van Hoven, 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: CERTIFICATION OF CLOSED MEETING

At 6:56 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. Van Hoven, seconded by Ms. Hale, which carried by a vote of 5-0, the Board adjourned the meeting at 6:56 p.m. Ayes: Johnson, Van Hoven, Marshall, Hale, Nicol. Nays: None.

R. Mark Johnson, Chairman

Theodore L. Voorhees, County Administrator