At a Regular Meeting of the Orange County Board of Supervisors held on Tuesday, June 25, 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; and Alyson A. Simpson, Chief Deputy Clerk.

RE: ADOPTION OF AGENDA

On the motion of Ms. Hale, seconded by Mr. Nicol, 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

There were no Special Presentations and Appearances at this time.

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
30052001-39900	Appropriated Fund Balance	$ (4,825,224.41)	$ (69,661.00)	$ (4,894,885.41)
41221501-43150	Prof. Services - Legal	369,607.00	69,661.00	439,268.00
30030006-33500	Donations - Animal Shelter	(20,797.00)	(874.00)	(21,671.00)
43520003-43115	Prof. Serv. - Emergency Vet	20,972.00	874.00	21,846.00
30033501-33250	Miscellaneous	(30,501.00)	(1.00)	(30,502.00)
43120001-46360	Police Supplies - Firearms	11,027.96	1.00	11,028.96
30023001-31575	Sheriff Firing Range Fees	0.00	(1,500.00)	(1,500.00)
43120001-43350	Other Repair/Maint. - Range	4,580.00	1,500.00	6,080.00
30045001-35825	State Miscellaneous	0.00	(2,454.00)	(2,454.00)
42210001-45530	Travel - Meals & Lodging	0.00	2,454.00	2,454.00
30046006-37020	Cat. Aid - Federal - CSA	(82,190.00)	(8,505.00)	(90,695.00)
30045055-36125	Cat. Aid - State - CSA	(1,972,554.00)	(204,138.00)	(2,176,692.00)
30052001-39900	Appropriated Fund Balance	(4,825,224.41)	(160,888.00)	(4,986,112.41)
45351001-43270	Res. Congregate Care	300,000.00	(53,581.00)	246,419.00
45351001-43275	Foster Care	600,000.00	214,000.00	814,000.00
45351001-43276	Congregate Care Ed. Serv.	350,000.00	108,033.00	458,033.00
45351001-43277	SpEd (IEP) Priv. Day Place.	1,200,000.00	96,511.00	1,296,511.00
45351001-43280	Comm. Based Services	890,196.00	(33,000.00)	857,196.00

45351001-43285	SpEd Wrap	21,856.00	21,568.00	43,424.00
45351001-43290	Community Based Services	28,277.00	20,000.00	48,277.00
TOTALS		**$ (7,959,974.86)**	**$ 0.00**	**$ (7,959,974.86)**

RE: RENEWAL OF THE CONTRACT WITH R.M. SODERQUIST FOR LANDFILL OPERATIONS

Discussion ensued among the Board regarding: the purpose of renewing this contract if the plan was to move the Landfill operations in-house; staff's review of the feasibility and implementation of moving Landfill operations in-house; and potential need to continue working with the contractor at this time.

On the motion of Mr. Marshall, seconded by Mr. Van Hoven, which carried by a vote of 5-0, the Board authorized staff to renew the contract with R.M. Soderquist (Contract RMS-00-20AC) for Landfill operations for a one-year term, representing the fifth of ten (10) possible renewals, as presented.

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

RE: OLD BUSINESS

RE: ADOPTION OF THE FY25-FY29 CAPITAL IMPROVEMENTS PLAN (CIP)

Amanda Amos, Contract and Procurement Specialist, presented the FY25-FY29 Capital Improvements Plan (CIP) to the Board for adoption, noting the Draft was previously presented to the Board at its meeting on June 11, 2024.

Discussion ensued among the Board regarding: the financial commitment to the projects in the first year of the CIP; the fact that projects in the "out years" could change and were up for discussion; and the desire to have a worksession to discuss the projects in the CIP.

On the motion of Ms. Hale, seconded by Mr. Johnson, which carried by a vote of 5-0, the Board adopted the FY25-FY29 Capital Improvements Plan (CIP), as presented.

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

RE: NEW BUSINESS

There were no matters for New Business at this time.

RE: MATTERS FOR DISCUSSION OR CONSIDERATION

RE: ZONING ORDINANCE UPDATE PROJECT

Chairman Johnson stated he requested this item be included on the agenda for discussion, noting that a Zoning Ordinance update was discussed as a priority at the Board's Retreat in January. He opened the floor for feedback from the Board.

Discussion ensued among the Board regarding: whether to "start from scratch" or use and adapt the existing Zoning Ordinance; whether the project timeframe of twelve (12) to eighteen (18) months was acceptable; understanding from the Board Retreat that a complete overhaul of the Ordinance was necessary; examining overlaps and connections with the Subdivision Ordinance; potentially trimming the estimated cost and time to complete the project; and the need to thoroughly define the project scope.

By consensus, the Board requested that staff prepare a Request for Proposals (RFP) for professional services to assist with the update of the Zoning Ordinance for review by the Board.

RE: DRIVEWAY SPACING ON PRIMARY HIGHWAYS

Chairman Johnson stated he requested this item be included on the agenda for discussion, noting that several Board members had inquired about the 2015 amendments to Sec. 70-672 (a)(6) of the Zoning Ordinance and its impact on the spacing of driveways on arterial highways. He opened the floor for discussion among the Board.

Discussion ensued among the Board regarding: the desire to see existing lots be "grandfathered" to the standards before the Zoning Ordinance was amended in October 2015.

Mr. Marshall made a motion for existing lots to be "grandfathered." Ms. Hale seconded.

Further discussion ensued among the Board regarding: the text amendment process versus Board direction to be administered by the Zoning Administrator; whether or not the motion for consideration would grant a "vested right" to the lot owner; the location of lots that were impacted by the October 2015 amendment; VDOT's responsibility to oversee the spacing standard; clarification that the motion applied only to such lots that were in existence at the time the Zoning Ordinance amendments were adopted in October 2015; and the fact that the text amendment process would be a cleaner and more transparent approach.

Ms. Hale requested an amendment to the original motion to instead initiate Planning Commission action on a Zoning Ordinance text amendment to "grandfather" the subject lots, to which Mr. Marshall agreed.

On the motion of Mr. Marshall, seconded by Ms. Hale, which carried by a vote of 5-0, the Board initiated Planning Commission action on an amendment to Section 70-672 (a)(6) of the Zoning Ordinance in order to "grandfather" lots that were in existence at the time of the amendment on October 27, 2015, so that said lots were not required to meet the updated driveway spacing.

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

RE: DEPARTMENT DIRECTOR / CONSTITUTIONAL OFFICER REPORTS

Page Higginbotham, Commonwealth's Attorney, provided a brief update to the Board on the operations of his office as he was six months into his new term. He also shared that an additional position for his office was recently approved by the Compensation Board, which was largely funded by the Compensation Board, but for which he was requesting a supplement of local funding in order to offer a viable salary. Mr. Higginbotham indicated the specific details would be presented by the County Administrator, and that he appreciated the support and consideration of the Board of Supervisors.

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, explained that he had received questions on whether it would be appropriate to establish a burn ban at this time, given the abnormally dry and/or moderate drought classifications being experienced across Virginia.

Discussion ensued among the Board regarding: implementing specific restrictions versus implementing a full burn ban; and the need to closely monitor the conditions to determine the most appropriate time to lift the burn ban.

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

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

RE: BOARD COMMENT

Mr. Nicol commented on the raw sewage leaks from the Rapidan Service Authority (RSA) into Lake of the Woods, noting that progress was being made on responding and on notifying residents. He informed the Board he would be sending a letter[1] to the General Manager of RSA requesting an evening town hall for the public to ask questions, present issues, and learn more about RSA's systems and operations.

RE: INFORMATIONAL ITEMS

The Board received the following correspondence for its information:

- CSA Monthly Report
- Office on Youth Quarterly Report
- Parks and Recreation Quarterly Report

RE: APPOINTMENTS TO BOARDS, COMMISSIONS, AND COMMITTEES

There were no appointments at this time.

RE: CALENDAR

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

RE: SCHEDULE PUBLIC HEARING FOR APPLICATION TO VACATE PLAT (CARRAZANA)

By consensus, the Board authorized staff to advertise for and schedule a public hearing for an application to vacate a plat (Carrazana) on Tuesday, August 13, 2024, as presented.

RE: PUBLIC COMMENT

At 6:23 p.m., Chairman Johnson opened the floor for public comment.

There being no speakers, public comment was closed at 6:23 p.m.

RE: CLOSED MEETING

At 6:24 p.m., Mr. Voorhees 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 and a specific employee of the Commonwealth's Attorney's Office whose salary is partially funded by the Board of Supervisors. - *§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. Marshall, seconded by Mr. Nicol, 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.

[1] Letter from Supervisor Nicol to Tim Clemons attached as Exhibit A.

RE: <u>CERTIFICATION OF CLOSED MEETING</u>

At 7:04 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>ADJOURN</u>

On the motion of Mr. Nicol, seconded by Mr. Marshall, which carried by a vote of 5-0, the Board adjourned the meeting at 7:04 p.m. Ayes: Johnson, Van Hoven, Marshall, Hale, Nicol. Nays: None.

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

Exhibit A

ORANGE COUNTY, VIRGINIA
BOARD OF SUPERVISORS

J. BRYAN NICOL
DISTRICT FIVE SUPERVISOR

bnicol@orangecountyva.gov
PHONE: (303) 475-6243
orangecountyva.gov

MAILING ADDRESS:
P. O. BOX 111
ORANGE, VA 22960

PHYSICAL ADDRESS:
112 WEST MAIN STREET
ORANGE, VA 22960

** Letter sent via email on June 26, 2024 **

Mr. Tim Clemons
General Manager
Rapidan Service Authority

June 25, 2024

RE: RSA Meeting in Lake of the Woods

Dear Mr. Clemons,

Pursuant to the recent raw sewage overflows into the Lake of the Woods (LOW) main lake as well as various issues concerning brown drinking water in LOW homes and leaking water pipes in LOW, I have received continued significant and increasing numbers of questions regarding the Rapidan Service Authority's (RSA) operations in LOW.

Given that you and the RSA team are responsible for the sewer and water treatment and delivery systems in LOW, I respectfully request that you and members of the RSA team join me for an evening town hall meeting. The purpose of the town hall meeting is to listen to and address questions from your customers (and Supervisor Hale's and my constituents) and to educate and provide information regarding the RSA systems, operations, future plans and capital programs. LOW has had a significant number of new residents who have moved into the community in recent years and many are unaware of the RSA operations and responsibility.

I will work with your schedule to find a mutually agreeable date to hold the town hall meeting and will work with LOWA management to schedule same at the LOW Community Center. I would recommend a 7pm start time for the town hall and that we collaborate on mutually agreed to guidelines for decorum in conducting the meeting in order to have the most productive meeting possible.

Please let me know what dates will work for you and I will get back to you on the availability of the LOW Community Center after consultation with LOWA management.

Sincerely,

J. Bryan Nicol

J. Bryan Nicol
Orange County Supervisor, District 5

cc: Orange County Board of Supervisors
LOWA Board of Directors
Ted Voorhees
Phil Rodenberg