At a Regular Meeting of the Orange County Board of Supervisors held on Tuesday, July 9, 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; Crystal D. Hale; and J. Bryan Nicol. Absent: Eduward M. Van Hoven. Also present: Theodore L. Voorhees, County Administrator; and Alyson A. Simpson, Chief Deputy Clerk.

RE: ADOPTION OF AGENDA

On the motion of Mr. Nicol, seconded by Ms. Hale, which carried by a vote of 4-0, with Mr. Van Hoven being absent, the Board adopted the agenda, as modified. Ayes: Johnson, Marshall, Hale, Nicol. Nays: None. Absent: Van Hoven.

RE: SPECIAL PRESENTATIONS AND APPEARANCES

RE: PRESENTATION OF A CERTIFICATE OF APPRECIATION TO DAVE KRAUS

Chairman Johnson and Supervisor Nicol presented a Certificate of Appreciation to Dave Kraus in recognition of his contributions to and time served on the Library Board of Trustees.

The Board thanked Mr. Kraus for his service to Orange County.

RE: PRESENTATION FROM THE YOUTH COUNCIL

Autumn Morgante, Chairman of the Orange County Youth Council, reviewed a PowerPoint presentation with the Board concerning the Council's request for the Board to consider an ordinance regulating the location of tobacco and vape shops in proximity to schools and childcare facilities. The presentation included information on the following: the background of the ordinance request; identification of the problem with use of tobacco and vape products with youth; comparison of alcohol regulations versus tobacco and vape product regulations; the Youth Council's effort at the General Assembly to get HB947 adopted; and next steps for the Board to consider.

Discussion ensued among the Board regarding: how this legislation would apply to new school or childcare facilities; prevention efforts to prohibit tobacco and vape products on school property; and appreciation for the Youth Council's efforts to identify an ongoing problem and to work with the General Assembly on a step towards solution.

The Board thanked Ms. Morgante for her presentation.

RE: CONSENT AGENDA

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

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

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	$ (7,275.00)	$ (475.00)	$ (7,750.00)

43120003-46800	Comm. Policing Expenses	16,674.00	475.00	17,149.00
30030003-33550	Donations - Comm. Policing	(7,275.00)	(760.00)	(8,035.00)
43120003-46800	Comm. Policing Expenses	16,674.00	760.00	17,434.00
30030002-33625	Donations - Triad	(13,717.00)	(2,250.00)	(15,967.00)
43177002-46800	Guardian Pendant Expenses	9,813.00	2,250.00	12,063.00
30030002-33625	Donations - Triad	(13,717.00)	(2,250.00)	(15,967.00)
43177003-46800	Project Lifesaver Expenses	10,663.00	2,250.00	12,913.00
30030002-33625	Donations - Triad	(13,717.00)	(1,000.00)	(14,717.00)
43177003-46800	Project Lifesaver Expenses	10,663.00	1,000.00	11,663.00
30030002-33625	Donations - Triad	(13,717.00)	(1,000.00)	(14,717.00)
43177002-46800	Guardian Pendant Expenses	9,813.00	1,000.00	10,813.00
30045004-35975	For. Assets for Sheriff	(12,957.00)	(488.00)	(13,445.00)
43120006-46800	Forfeited Asset Expenses	57,375.00	488.00	57,863.00
30045003-35750	For. Assets for Comm. Atty.	(524.00)	(321.00)	(845.00)
42210002-46800	Forfeited Asset Expenses	21,639.00	321.00	21,960.00
30045004-35975	For. Assets for Sheriff	(12,957.00)	(710.00)	(13,667.00)
43120006-46800	Forfeited Asset Expenses	57,375.00	710.00	58,085.00
30045003-35750	For. Assets for Comm. Atty.	(524.00)	(718.00)	(1,242.00)
42210002-46800	Forfeited Asset Expenses	21,639.00	718.00	22,357.00
30023001-31350	Security Work	(63,482.00)	(336.00)	(63,818.00)
43120001-41200	Wages - Overtime	236,113.00	336.00	236,449.00
30030009-33560	Prog. Don. - Comm. Projects	(1,000.00)	(105.00)	(1,105.00)
43120012-46800	Program Expenses	1,000.00	105.00	1,105.00
30023001-31575	Sheriff Firing Range Fees	0.00	(500.00)	(500.00)
43120001-43350	Other Repair/Maint - Range	4,580.00	500.00	5,080.00
30023001-31575	Sheriff Firing Range Fees	0.00	(70.00)	(70.00)
43120001-43350	Other Repair/Maint - Range	4,580.00	70.00	4,650.00
30023001-31575	Sheriff Firing Range Fees	0.00	(490.00)	(490.00)
43120001-43350	Other Repair/Maint - Range	4,580.00	490.00	5,070.00
30034005-34030	Overtime Reimbursement	(5,409.00)	(3,006.00)	(8,415.00)
43120001-41200	Wages - Overtime	236,113.00	3,006.00	239,119.00
30023001-31350	Security Work	(63,482.00)	(15,915.00)	(79,397.00)
43120008-41200	Wages - Overtime	59,999.00	8,464.00	68,463.00
43120008-42100	FICA & Medicare	4,544.00	516.00	5,060.00
43120008-42310	Medical Insurance	1,825.00	6,669.00	8,494.00
43120008-42710	Workers Comp.	1,416.00	266.00	1,682.00
30044001-35601	Elections Reimbursement	0.00	(33,531.00)	(33,531.00)
41310001-43500	Printing & Binding	19,650.00	6,000.00	25,650.00
41310001-43020	Election Official Comp.	61,750.00	10,000.00	71,750.00
41310001-43020	Election Official Comp.	61,750.00	3,000.00	64,750.00
41310001-45500	Training Expenses	7,000.00	1,700.00	8,700.00
41310001-45510	Mileage/Tolls/Parking	1,800.00	550.00	2,350.00
41310001-46005	Election Equipment	14,500.00	2,000.00	16,500.00
41320001-45210	Postage	8,780.00	3,000.00	11,780.00
41320001-41322	Wages - Part-Time	45,087.00	7,281.00	52,368.00

TOTALS		**$ 777,642.00**	**$ 0.00**	**$ 777,642.00**

RE: FY25 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
30045066-35825	State Miscellaneous	$ 0.00	$ (500,000.00)	$ (500,000.00)
48150001-46800	Program Expenses	0.00	500,000.00	500,000.00
30044004-35500	Comp Board - Comm. Atty.	(401,632.00)	(83,321.00)	(484,953.00)
30044004-35500	Comp Board - Comm. Atty.	(401,632.00)	(40,791.00)	(442,423.00)
42210001-41111	Wages - Regular	651,853.00	93,022.00	744,875.00
42210001-42100	FICA & Medicare	49,540.00	6,081.00	55,621.00
42210001-42100	FICA & Medicare	49,540.00	1,422.00	50,962.00
42210001-42210	Retirement	59,259.00	8,456.00	67,715.00
42210001-42310	Medical Insurance	35,546.00	11,811.00	47,357.00
42210001-42310	Medical Insurance	35,546.00	1,500.00	37,046.00
42210001-42310	Medical Insurance	35,546.00	258.00	35,804.00
42210001-42400	Group Life Ins.	7,694.00	1,136.00	8,830.00
42210001-42500	Disability Insurance	3,264.00	332.00	3,596.00
42210001-42500	Disability Insurance	3,264.00	56.00	3,320.00
42210001-42710	Workers Comp.	282.00	38.00	320.00
30030601-33465	Settlement Proceeds	0.00	(20,000.00)	(20,000.00)
45330011-43140	Mgmt. Consulting	0.00	5,000.00	5,000.00
45330011-45210	Postage	0.00	100.00	100.00
45330011-45500	Training Expenses	0.00	1,500.00	1,500.00
45330011-45510	Mileage, Tolls & Parking	0.00	900.00	900.00
45330011-45530	Meals & Lodging	0.00	1,000.00	1,000.00
45330011-45540	Tuition & Registration	0.00	1,000.00	1,000.00
45330011-46000	Office Supplies	0.00	3,000.00	3,000.00
45330011-46200	Food Supplies & Service	0.00	3,000.00	3,000.00
45330011-46400	Education Supplies	0.00	3,000.00	3,000.00
45330011-46500	Other Operating Supplies	0.00	1,500.00	1,500.00
30030601-33465	Settlement Proceeds	0.00	(45,000.00)	(45,000.00)
45330011-43140	Mgmt. Consulting	0.00	45,000.00	45,000.00
TOTALS		**$ 128,070.00**	**$ 0.00**	**$ 128,070.00**

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 $50,000 in the Operating Fund, which represented additional State revenue above the original budgeted amounts, as presented.

RE: <u>RESOLUTION TO PARTICIPATE IN ADDITIONAL CLAIMS OF OPIOID SETTLEMENT</u>

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

RESOLUTION APPROVING THE COUNTY'S PARTICIPATION IN THE PROPOSED SETTLEMENT OF OPIOID-RELATED CLAIMS AGAINST KROGER AND ITS RELATED CORPORATE ENTITIES

WHEREAS, the opioid epidemic that has cost thousands of human lives across the country also impacts the Commonwealth of Virginia and its counties and cities, including the County of Orange, by adversely impacting the delivery of emergency medical, law enforcement, criminal justice, mental health and substance abuse, and other services by Orange County's various departments and agencies; and

WHEREAS, the Commonwealth of Virginia and its counties and cities, including Orange County, have been required, and will continue to be required, to allocate substantial taxpayer dollars, resources, staff energy, and time to address the damage the opioid epidemic has caused and continues to cause the citizens of the Commonwealth and of Orange County; and

WHEREAS, a settlement proposal has been negotiated that will cause Kroger to pay over a billion dollars nationwide to resolve opioid-related claims against it; and

WHEREAS, the County has approved and adopted the Virginia Opioid Abatement Fund and Settlement Allocation Memorandum of Understanding (the "Virginia MOU"), and affirms that this pending settlement with Kroger shall be considered a "Settlement" that is subject to the Virginia MOU, and shall be administered and allocated in the same manner as the opioid settlements entered into previously with opioid distributors McKesson, Cardinal Health, and AmerisourceBergen; opioid manufacturers Janssen Pharmaceuticals, Teva Pharmaceuticals, and Allergan; and retail pharmacy chains CVS, Walgreens, and Walmart; and

WHEREAS, the County Attorney has reviewed the available information about the proposed settlement and has recommended that the County participate in the settlement in order to recover its share of the funds that the settlement would provide;

NOW, THEREFORE, BE IT RESOLVED, on this 9th day of July, 2024, that the Orange County Board of Supervisors hereby approves the County's participation in the proposed settlement of opioid-related claims against Kroger and its related corporate entities, and directs the County Attorney to execute the documents necessary to effectuate the County's participation in the settlement, including the required release of claims against Kroger.

RE: <u>RENEWAL OF CONTRACT WITH GFL COUNTY WASTE FOR RECYCLING SERVICES</u>

As part of the Consent Agenda, the Board authorized staff to renew the contract with GFL County Waste for recycling services, per the terms of the VASCUPP Cooperative Contract (LU214-22-009), effective through May 31, 2025, as presented.

RE: <u>RENEWAL OF CONTRACT WITH TYLER TECHNOLOGIES FOR CLOUD SERVICES FOR ENTERPRISE ERP AND ENERGOV</u>

As part of the Consent Agenda, the Board authorized staff to renew the contract with Tyler Technologies (MUNIS-03-13FRC) for Cloud Services for both Enterprise ERP and EnerGov for one (1) year, through June 30, 2025, per the terms of the master contract, as presented.

RE: <u>ADOPTION OF THE JUNE 11, 2024 WORKSESSION MINUTES</u>

As part of the Consent Agenda, the Board adopted the June 11, 2024 Worksession minutes, as presented.

RE: ADOPTION OF THE JUNE 11, 2024 REGULAR MEETING MINUTES

As part of the Consent Agenda, the Board adopted the June 11, 2024 Regular Meeting minutes, as presented.

RE: ADOPTION OF THE JUNE 25, 2024 WORKSESSION MINUTES

As part of the Consent Agenda, the Board adopted the June 25, 2024 Worksession minutes, as presented.

RE: ADOPTION OF THE JUNE 25, 2024 REGULAR MEETING MINUTES

On the motion of Mr. Nicol, seconded by Mr. Marshall, which carried by a vote of 4-0, with Mr. Van Hoven being absent, the Board adopted the June 25, 2024 Regular Meeting minutes, as presented, with a letter from Supervisor Nicol to the Rapidan Service Authority to be included as Exhibit A.

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

RE: OLD BUSINESS

There were no matters for Old Business at this time.

RE: NEW BUSINESS

RE: AWARD OF CONTRACT FOR INSURANCE BROKER SERVICES

Amanda Amos, Contract and Procurement Specialist, explained that the contract for the current Insurance Broker for the Volunteer Fire & Rescue Agencies was expiring. Therefore, staff released a solicitation in April seeking proposals from qualified firms to provide the Insurance Broker Services. Ms. Amos stated the solicitation was posted on both the County's website and eVA, and two proposals were received.

Ms. Amos reported that a Selection Committee composed of County staff and the President of the Volunteer Fire Chiefs' Association interviewed both firms and felt that one stood out as the top candidate. Brown & Brown Insurance Services provided a stellar proposal, meeting the criteria that staff requested. Their team had extensive knowledge in risks of today's fire & rescue organizations and could provide guidance on coverages that would be most beneficial.

Staff recommended entering into a contract with Brown & Brown Insurance Services for Insurance Broker Services for Volunteer Fire & Rescue Agencies for a one-year term, with four possible renewals.

Discussion ensued among the Board regarding: whether this was a new vendor; and comparability of the commission rates of the recommended firm.

On the motion of Mr. Marshall, seconded by Mr. Nicol, which carried by a vote of 4-0, with Mr. Van Hoven being absent, the Board authorized staff to enter into a contract with Brown & Brown Insurance Services for Insurance Broker Services for the Volunteer Fire & Rescue Agencies (Property/Casualty and Accident/Sickness) for a one-year term, with four possible renewals, as presented.

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

RE: RESOLUTION FOR SPEED STUDY ON ROUTE 625 (PORTER ROAD)

Alyson Simpson, Chief Deputy Clerk, presented a resolution to the Board for its consideration, which would request a speed study on Route 625 (Porter Road) as a resident of the road had reported drivers using excessive speeds.

Discussion ensued among the Board regarding: the background on the request and whether the speeding was occurring around the County facilities located on Porter Road.

On the motion of Mr. Nicol, seconded by Ms. Hale, which carried by a roll call vote of 4-0, with Mr. Van Hoven being absent, the Board adopted the following resolution, as presented:

RESOLUTION REQUESTING THAT THE VIRGINIA DEPARTMENT OF TRANSPORTATION (VDOT) CONDUCT A SPEED AND SAFETY STUDY ON ROUTE 625 (PORTER ROAD) IN ORANGE COUNTY, VIRGINIA

WHEREAS, it is the intention of the Orange County Board of Supervisors to protect the health, safety, and welfare of all its citizens; and

WHEREAS, the Board of Supervisors has received a request for a speed and safety study on Route 625 (Porter Road), as travelers appear to be using speeds in excess of the current road and neighborhood conditions; and

WHEREAS, the Board feels that posting the appropriate speed limit, safety signage, and pavement markings would significantly improve the safety on this roadway for all residents and travelers;

NOW, THEREFORE, BE IT RESOLVED, on this 9th day of July, 2024, that the Orange County Board of Supervisors hereby requests that the Virginia Department of Transportation conduct a speed and safety study on Route 625 (Porter Road) in Orange County, Virginia, as described above.

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

RE: MATTERS FOR DISCUSSION OR CONSIDERATION
There were no matters for discussion or consideration at this time.

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, shared remarks on the success of the recent Playin' in the Park, the County's Fourth of July celebration event. He commented on the record-breaking attendance, event highlights, and the grant and sponsorships used to support the event. Supervisors Marshall and Hale also shared personal remarks on the success of the event.

Further, Mr. Voorhees provided an update from the Department of Forestry on the current status of the drought classification. He noted it would be safe to lift the current burn ban, and Fire and EMS officials concurred. Therefore, Mr. Voorhees was seeking feedback and direction from the Board.

Discussion ensued among the Board regarding: the desire to avoid being too conservative on the burn ban because some businesses relied on the need to burn; the low risk of a catastrophic fire at this time because of the recent rainfall; the fact that Orange County was still in a moderate drought classification; the idea of lifting the burn ban at this time and re-evaluating if the forecasted rain was not received.

By consensus, the Board lifted the Countywide Burn Ban, effective immediately.

RE: BOARD COMMENT

Supervisor Hale commented on the earlier presentation from the Youth Council, sharing her appreciation for the members of the Council and their efforts and for their mentorship from Alisha Vines, Office on Youth Director.

RE: INFORMATIONAL ITEMS

The Board received the following correspondence for its information:

- Health Center Commission Meeting Minutes; May 24, 2024

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 July 2024, August 2024, and September 2024.

RE: SCHEDULE A PUBLIC HEARING FOR REZ 23-09

By consensus, the Board authorized staff to advertise for and schedule a public hearing for REZ 23-09 (Binti LLC) on Tuesday, August 13, 2024, as presented.

RE: SCHEDULE A PUBLIC HEARING FOR SUP 23-11

By consensus, the Board authorized staff to advertise for and schedule a public hearing for SUP 23-11 (Binti LLC) on Tuesday, August 13, 2024, as presented.

RE: SCHEDULE A PUBLIC HEARING FOR SUP 23-10 APPEAL OF SUBSTANTIAL ACCORD

By consensus, the Board authorized staff to advertise for and schedule a public hearing for the appeal of the Substantial Accord decision for SUP 23-10 (Sunfish Solar) on Tuesday, August 27, 2024, as presented.

RE: SCHEDULE A PUBLIC HEARING FOR SUP 23-10

By consensus, the Board authorized staff to advertise for and schedule a public hearing for SUP 23-10 (Sunfish Solar) on Tuesday, August 27, 2024, as presented.

RE: SCHEDULE A PUBLIC HEARING FOR SUP 23-10 SITING AGREEMENT

By consensus, the Board authorized staff to advertise for and schedule a public hearing for the Siting Agreement for SUP 23-10 (Sunfish Solar) on Tuesday, August 27, 2024, as presented.

RE: CLOSED MEETING

At 5:56 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. - *§2.2-3711(A)(1) of the Code of Virginia*

- Discussion or consideration of the acquisition of real property for a public purpose, where discussion in open meeting would adversely affect the bargaining position or negotiating strategy of the public body. - *§2.2-3711(A)(3) of the Code of Virginia*

WHEREAS, pursuant to §§2.2-3711 (A)(1) and (A)(3) 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. Nicol, which carried by a vote of 4-0, with Mr. Van Hoven being absent, the Board adopted the resolution authorizing Closed Meeting, as presented. Ayes: Johnson, Marshall, Hale, Nicol. Nays: None. Absent: Van Hoven.

RE: CERTIFICATION OF CLOSED MEETING

At 6:52 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: Van Hoven.

RE: ADJOURN

On the motion of Mr. Nicol, seconded by Ms. Hale, which carried by a vote of 4-0, with Mr. Van Hoven being absent, the Board adjourned the meeting at 6:52 p.m. Ayes: Johnson, Marshall, Hale, Nicol. Nays: None. Absent: Van Hoven.

______________________________ ______________________________

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