At a Regular Meeting of the Orange County Board of Supervisors held on Tuesday, July 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; Andrew McRoberts, Interim County Attorney; and Alyson A. Simpson, Chief Deputy Clerk.

RE: ADOPTION OF AGENDA

On the motion of Mr. Van Hoven, 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: SEMI-ANNUAL UPDATE FROM THE VOLUNTEER FIRE CHIEFS' ASSOCIATION

Chief Jeff Mendonca, President of the Volunteer Fire Chiefs' Association, provided a semi-annual update to the Board.

The Board thanked Chief Mendonca for his update.

RE: CONSENT AGENDA

On the motion of Mr. Nicol, seconded by Ms. Hale, 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)	$ (23,270.00)	$ (4,848,494.41)
41221501-43150	Professional Serv. – Legal	369,607.00	23,270.00	392,877.00
45351001-43270	Res. Congregate Care	246,419.00	(7,000.00)	239,419.00
45351001-43275	Foster Care	814,000.00	13,249.00	827,249.00
45351001-43276	Congregate Care Ed. Serv.	458,033.00	(2,999.00)	455,034.00
45351001-43277	SpEd (IEP) Day Placement	1,296,511.00	378,540.00	1,675,051.00
45351001-43280	Community Based Services	857,196.00	(22,000.00)	835,196.00
45351001-43285	SpEd Wrap	43,424.00	(12,068.00)	31,356.00
45351001-43290	Community Based Services	48,277.00	(36,500.00)	11,777.00
30046006-37020	Cat. Aid - Federal – CSA	(90,695.00)	(6,571.14)	(97,266.14)
30045055-36125	Cat. Aid. - State – CSA	(2,176,692.00)	(157,707.52)	(2,334,399.52)
30052001-39900	Appropriated Fund Balance	(5,055,773.41)	(146,943.34)	(5,202,716.75)
49210001-45625	Misc. - Claims & Losses	11,750.00	45,128.00	56,878.00
30052001-39900	Appropriated Fund Balance	(5,055,773.41)	(45,128.00)	(5,100,901.41)
TOTALS		**$(13,058,941.23)**	**$ 0.00**	**$ (13,058,941.23)**

RE: <u>RENEWAL OF THE CONTRACT FOR AVIATION FUEL PRODUCTS</u>

As part of the Consent Agenda, the Board authorized staff to renew the Cooperative Contract with Campbell Oil Company (Contract # 23053) for aviation fuel products for a twelve-month term, effective August 8, 2024, through August 7, 2025, as presented.

RE: <u>AMENDMENTS TO PERSONNEL POLICY 5.2 (SICK LEAVE) *(REMOVED FROM THE CONSENT AGENDA)*</u>

Chairman Johnson noted this item had been removed from the Consent Agenda as there were questions from Board Members. He requested that staff provide clarification on the proposed amendments.

Theodore L. Voorhees, County Administrator, explained that staff had prepared the proposed amendments to Personnel Policy 5.2 (Sick Leave) following previous discussions with the Board, whereby the Board agreed, in concept, to allow the use of accrued sick leave to purchase Virginia Retirement System (VRS) service credit as employees neared retirement. As such, he indicated the amendments added a provision that allowed for said purchase of VRS service credit in lieu of the current provision that only allowed for the payout of sick leave balances subject to the defined limitations.

Discussion ensued among the Board regarding: whether choosing the VRS service credit option allowed for more than the current $5,000 payout limit; the idea that the cap on the sick leave payout should apply in the same amount as the purchase of VRS service credit; whether there would even be a benefit to employees if the service credit option was capped at $5,000; the benefit to the County for offering the service credit option; the desire to see examples, an idea of the eligible population of employees, and more information before making a decision; the idea that some employees used the maximum benefit of all their sick leave and how this option would incentivize saving sick leave balances; and the feeling that this policy amendment extended beyond what the Board previously discussed.

On the motion of Mr. Van Hoven, seconded by Mr. Marshall, which carried by a vote of 3-2, with Supervisors Hale and Nicol voting against, the Board modified the proposed amendments to Personnel Policy 5.2 (Sick Leave) to impose the 25% or $5,000 cap to the VRS service credit option in the same way those limits applied to the sick leave payout option, as discussed.

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

Supervisors Hale and Nicol commented on their reasons for voting against the motion, indicating the need for more information and for the policy language to be clearer before making a final decision.

On the motion of Mr. Van Hoven, seconded by Mr. Marshall, which carried by a vote of 3-2, with Supervisors Hale and Nicol voting against, the Board adopted the amendments to Personnel Policy 5.2 (Sick Leave), to include those amendments proposed by staff and the additional amendment previously approved by the Board, as discussed.

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

Brief discussion ensued among the Board regarding: the process for making a motion to reconsider the policy amendments; and the desire for staff to continue with preparing the requested data on examples of what the purchase of VRS service credit would actually cost.

RE: <u>RENEWAL OF THE CONTRACT FOR DIGITAL CONTENT FOR THE LIBRARIES *(REMOVED FROM THE CONSENT AGENDA)*</u>

Chairman Johnson noted this item had been removed from the Consent Agenda as there were questions from Board Members. He opened the floor for discussion.

Discussion ensued among the Board regarding: whether the County was receiving competitive pricing by using the same vendor for over ten years; the range of pricing for the digital products; and why a

30% increase was experienced in the last fiscal year, to which staff noted the high demand for digital books, magazines, and other products, thus driving up cost.

On the motion of Ms. Hale, seconded by Mr. Nicol, which carried by a vote of 5-0, the Board authorized staff to renew the contract with Blue Ridge Download Consortium for digital content for the Libraries for a one-year term, effective through June 30, 2025, as presented.

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

RE: OLD BUSINESS

RE: ELIGIBLE EXPENSES FOR LIFESTYLE SPENDING ACCOUNTS

Jenny Carpenter, Human Resources Director, explained that the Board had previously approved a pilot program that would offer Lifestyle Spending Accounts (LSAs) to full-time staff beginning October 1, 2024. She stated that an LSA was an employer-sponsored benefit that allowed money to be set aside for discretionary spending, noting that LSA plans were completely customizable and could be used for a variety of well-being opportunities.

Ms. Carpenter indicated the Board had requested a recommendation from staff on eligible expenses. She provided staff's proposed expenditure list, as well as the all-encompassing list of expenditures, just to show the different categories available for LSAs for comparative purposes.

Discussion ensued among the Board regarding: the benefits and goals for offering the LSA to employees; the amount of funding available for the pilot program; use of the funds over the course of the pilot program; the ability to track usage and overall interest in the program; the idea that the list of eligible expenditures addressed a variety of health and wellness areas; views of health and wellness from a broader perspective; clarification on the source of program funds; metrics to measure the success of the pilot program; the vendor that would oversee the program; and the fact that the pilot program was approved for the upcoming plan year, but may not be supported by the Board beyond that time period.

On the motion of Mr. Nicol, seconded by Ms. Hale, which carried by a vote of 3-2, with Supervisors Marshall and Van Hoven voting against, the Board accepted staff's recommendation of eligible expenditures for the Lifestyle Spending Account (LSA) pilot program, as presented.

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

RE: CONTRACT WITH ALTUMINT FOR THE SPEED ENFORCEMENT CAMERA PROJECT

Sheriff Jason Smith explained that a project proposal had previously been presented to the Board regarding use of speed enforcement cameras in the County's various school zones. He noted that the Board had been amenable to the concept, but requested to review the contract with the vendor, Altumint, before proceeding. As such, Sheriff Smith presented the contract for the Board's discussion and consideration.

Discussion ensued among the Board regarding: the installation and implementation period; the overarching goal of making the County's roads and school zones safer by reducing speeders; confirmation that the cameras would only be effective during active school zone times; the differences in the school zone configurations; and appreciation to the Sheriff's Office for recognizing a problem and presenting a proposal to work toward a safe solution.

On the motion of Ms. Hale, seconded by Mr. Nicol, which carried by a vote of 5-0, the Board authorized staff to enter into the contract with Altumint for the speed enforcement camera project, as presented.

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

RE: NEW BUSINESS

RE: PURCHASE OF APPARATUS FOR LAKE OF THE WOODS FIRE AND RESCUE

Amanda Amos, Contract and Procurement Specialist, explained that the FY25 Capital Improvements Plan contained Project C1235 for the lease-purchase of a rescue engine for Lake of the Woods Volunteer Fire & Rescue Company. In preparation of the purchase, a Selection Committee was formed to review the various types of apparatus, pricing components, and cooperative contracts that the County could utilize.

Ms. Amos stated that, after much review, Atlantic Emergency Solutions offered a 2028 Pierce Rescue Engine that met all requested components through a Cooperative Contract (Contract FS12-23) with Houston-Galveston Area Council (HGAC). She noted the pricing proposal totaled $1,559,468. The adopted CIP included $1,800,000, which would leave $240,532 for upfitting and equipment. Ms. Amos indicated this purchase was budgeted for a ten-year lease-purchase term and, because of extended delivery dates, financing would be secured closer to delivery.

Discussion ensued among the Board regarding: the difference in pricing between this apparatus and the apparatus selected by other volunteer companies; how the selections were made and the equipment was configured; the fact that the purchases were budgeted in the CIP first and then the final purchase quotes were received later; involvement of the volunteer company in making the selection; and clarification on how the purchase was budgeted in the CIP.

On the motion of Mr. Nicol, seconded by Ms. Hale, which carried by a vote of 5-0, the Board authorized staff to purchase a 2028 Pierce Rescue Engine for Lake of the Woods Volunteer Fire and Rescue Company from Atlantic Emergency Solutions utilizing Cooperative Contract FS12-23 with Houston-Galveston Area Council (HGAC) based on funds approved in Project C1235 of the Capital Improvements Plan, understanding that lease-purchase financing would be secured and finalized closer to the delivery of the apparatus, as presented.

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

RE: PURCHASE OF APPARATUS FOR ORANGE VOLUNTEER FIRE COMPANY

Amanda Amos, Contract and Procurement Specialist, explained that the FY25 Capital Improvements Plan contained Project C1235 for the lease-purchase of a rescue engine for Orange Volunteer Fire Company. In preparation of the purchase, a Selection Committee was formed to review the various types of apparatus, pricing components, and cooperative contracts that the County could utilize.

Ms. Amos stated that, after much review, Atlantic Emergency Solutions offered a 2028 Pierce Rescue Engine that met all requested components through a Cooperative Contract (Contract FS12-23) with Houston-Galveston Area Council (HGAC). She noted the pricing proposal totaled $1,569,036. The adopted CIP included $1,800,000, which would leave $230,964 for upfitting and equipment. Ms. Amos indicated this purchase was budgeted for a ten-year lease-purchase term and, because of extended delivery dates, financing would be secured closer to delivery.

Discussion ensued among the Board regarding: the difference in pricing between this apparatus and the apparatus selected by other volunteer companies; how the selections were made and the equipment was configured; the fact that the purchases were budgeted in the CIP first and then the final purchase quotes were received later; involvement of the volunteer company in making the selection; and clarification on how the purchase was budgeted in the CIP.

On the motion of Mr. Nicol, seconded by Ms. Hale, which carried by a vote of 5-0, the Board authorized staff to purchase a 2028 Pierce Rescue Engine for Orange Volunteer Fire Company from Atlantic Emergency Solutions utilizing Cooperative Contract FS12-23 with Houston-Galveston Area Council (HGAC) based on funds approved in Project C1235 of the Capital Improvements

Plan, understanding that lease-purchase financing would be secured and finalized closer to the delivery of the apparatus, as presented.

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

RE: MATTERS FOR DISCUSSION OR CONSIDERATION

RE: PROPOSED AMENDMENT FOR DRIVEWAY SETBACK EXEMPTIONS

Theodore L. Voorhees, County Administrator, stated that initiation of a Zoning Ordinance amendment was requested for Board consideration. He added that the purpose of the amendment was to align the Zoning Ordinance with the Subdivision Ordinance with respect to the concept of "driveways" (i.e. two-lot subdivisions). The Subdivision Ordinance differentiated between driveways and roads, with the former having no construction or maintenance standards and the latter having defined construction and maintenance standards.

Mr. Voorhees indicated that interest had been expressed to distinguish between driveways and roads for the purpose of minimum building setback requirements as well. The Zoning Ordinance did not currently differentiate between the concept of a driveway, as set forth in the Subdivision Ordinance, and a road, as the Zoning Ordinance treated all vehicular travelways as roads. Mr. Voorhees explained that this amendment would add language that would exempt any travelway that served no more than two lots (i.e. a driveway) from the same setback requirements as a road, thus reducing the setback requirement adjacent to a driveway to the standard side yard setback requirement instead.

Discussion ensued among the Board regarding: suggested amendments to the proposed language to make the intent clearer; and where it may be appropriate to include the suggested language in the Zoning Ordinance.

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

RESOLUTION TO INITIATE AMENDMENT OF THE ZONING ORDINANCE AND REFER SAID AMENDMENT (ZTA 24-03) FOR PLANNING COMMISSION RECOMMENDATION

WHEREAS, pursuant to §15.2-2286 of the Code of Virginia and Sec. 70-212 of the Orange County Code, amendments to the Orange County Zoning Ordinance may be initiated by the Board of Supervisors; and

WHEREAS, pursuant to §15.2-2285 and §15.2-2286 of the Code of Virginia, the Orange County Zoning Ordinance may be amended by the Board of Supervisors after said amendment has been reviewed by the Planning Commission; and

WHEREAS, pursuant to §15.2-2285(B) of the Code of Virginia, the Board of Supervisors may prescribe the time period during which the Planning Commission may review said amendment; and

WHEREAS, the Board of Supervisors finds that public necessity, convenience, general welfare, and/or good planning and zoning practice require amendment of the regulations of the Zoning Ordinance to address setback requirements for driveways; and

WHEREAS, the Board of Supervisors requests that the Planning Commission consider and act upon amendments to the Orange County Zoning Ordinance concerning setback requirements for driveways, hereby referred to as ZTA 24-03, with draft language for said amendments to be developed as discussed by the Board;

NOW, THEREFORE, BE IT RESOLVED, on this 23rd day of July, 2024, that the Orange County Board of Supervisors hereby initiates amendments to the Orange County Zoning Ordinance concerning setback requirements for driveways and makes referral to the Planning Commission for recommendations on said amendments to the Zoning Ordinance, hereby referred to as ZTA 24-03, with draft language for said amendments to be developed, and further prescribes that the Planning Commission shall have the standard time period for review of said amendments, as prescribed in §15.2-2285(B) of the Code of Virginia.

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

By consensus, the Board directed the Zoning Administrator to begin interpreting the setback requirements for driveways, as discussed, and to the extent legally permissible.

RE: LINE OF CREDIT AGREEMENT WITH THE BROADBAND AUTHORITY

Chairman Johnson presented a Line of Credit Agreement with the Broadband Authority for the Board's consideration.

On the motion of Mr. Nicol, seconded by Mr. Van Hoven, which carried by a vote of 5-0, the Board authorized the Chairman to execute the Line of Credit Agreement with the Broadband Authority, 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

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:

- CSA Monthly Report
- Economic Development and Tourism Quarterly Report

RE: APPOINTMENTS TO BOARDS, COMMISSIONS, AND COMMITTEES

By consensus, the Board appointed James Coleman as an At-Large Member on the Parks and Recreation Foundation Board of Directors, filling the unexpired three-year term of David Lamb, with said term commencing immediately, and expiring on December 31, 2026.

By consensus, the Board appointed Mike Knight as a Member of the Livestock Advisory Commission for a two-year term, with said term commencing immediately, and expiring on June 30, 2026.

RE: CALENDAR

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

RE: RESCHEDULE THE PUBLIC HEARING FOR AN APPLICATION TO VACATE A PLAT

By consensus, the Board authorized staff to reschedule the public hearing for an application to vacate a plat (Carrazana) to Tuesday, September 10, 2024, as presented.

RE: SCHEDULE A PUBLIC HEARING FOR ZTA 24-03

By consensus, the Board authorized staff to advertise for and schedule a public hearing for ZTA 24-03 on Tuesday, August 27, 2024, as presented.

RE: SCHEDULE A PUBLIC HEARING FOR ZTA 24-01

By consensus, the Board authorized staff to advertise for and schedule a public hearing for ZTA 24-01 on Tuesday, September 10, 2024, as presented.

RE: SCHEDULE A PUBLIC HEARING FOR REZ 24-00282

By consensus, the Board authorized staff to advertise for and schedule a public hearing for REZ 24-00282 on Tuesday, September 10, 2024, as presented.

RE: SCHEDULE A PUBLIC HEARING FOR REZ 24-00246

By consensus, the Board authorized staff to advertise for and schedule a public hearing for REZ 24-00246 on Tuesday, September 10, 2024, as presented.

RE: PUBLIC COMMENT

At 7:20 p.m., Chairman Johnson opened the floor for public comment.

The following individual spoke:

- Will Callaway, resident of Charlottesville, Virginia

There being no further speakers, public comment was closed at 7:24 p.m.

RE: CLOSED MEETING

At 7:26 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:

- 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, specifically for a future park, 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*

- 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. - *§2.2-3711(A)(7) of the Code of Virginia*

WHEREAS, pursuant to §§2.2-3711 (A)(1), (A)(3), and (A)(7) 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 9:02 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 Ms. Hale, seconded by Mr. Nicol, which carried by a vote of 5-0, the Board adjourned the meeting at 9:02 p.m. Ayes: Johnson, Van Hoven, Marshall, Hale, Nicol. Nays: None.

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R. Mark Johnson, Chairman

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Theodore L. Voorhees, County Administrator