

BOARD OF SUPERVISORS MINUTES**AUGUST 13, 2024**

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

RE: ADOPTION OF AGENDA

On the motion of Mr. Nicol, seconded by Mr. Marshall, 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**

Charles Reinhold, Owner of Virginia Foothills Distillery, appeared before the Board to spotlight his business.

The Board thanked Mr. Reinhold for his presentation.

RE: VIRGINIA DEPARTMENT OF TRANSPORTATION QUARTERLY UPDATE

Scott Thornton, Residency Administrator, provided a quarterly update to the Board on VDOT-related matters.

The Board thanked Mr. Thornton for his update.

RE: PRESENTATION FROM THE PIEDMONT REGIONAL DENTAL CLINIC

Shari Landry, President of the Culpeper Wellness Foundation, provided an update to the Board on the Piedmont Regional Dental Clinic and thanked the Board for its continued support.

The Board thanked Ms. Landry for her 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
30045006-35775	State - Airport Grant	\$ (1,491,665.00)	\$ (2,740.00)	\$ (1,494,405.00)
48170001-43370	Grounds Maintenance	214,183.48	2,740.00	216,923.48
TOTALS		\$ (1,277,481.52)	\$ 0.00	\$ (1,277,481.52)

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
30030002-33625	Donations - Triad	\$ 0.00	\$ (625.00)	\$ (625.00)
43177002-46800	Guardian Pendant Expenses	0.00	625.00	625.00
30030002-33625	Donations - Triad	0.00	(500.00)	(500.00)
43177001-46800	Triad Expenses	2,000.00	500.00	2,500.00
30030009-33560	Donations - Comm. Projects	0.00	(525.00)	(525.00)
43120012-46800	Program Expenses	0.00	525.00	525.00
30045030-35850	State Miscellaneous	0.00	(348.00)	(348.00)
43120001-43360	Vehicle Repair / Maint.	141,963.00	87.00	142,050.00
43120001-45530	Meals / Lodging	12,500.00	261.00	12,761.00
30033501-33250	Miscellaneous	(30,500.00)	(43.00)	(30,543.00)
43120001-46350	Police Supplies	38,000.00	43.00	38,043.00
30026501-32400	Orange Library - Lost Books	0.00	(202.00)	(202.00)
47310001-46466	Books - Refunds	0.00	202.00	202.00
30026501-32475	Wild. Library - Lost Books	0.00	(364.00)	(364.00)
47311001-46466	Books - Refunds	0.00	364.00	364.00
30026501-32525	G'ville Library - Lost Books	0.00	(193.00)	(193.00)
47312001-46466	Books - Refunds	0.00	193.00	193.00
30026501-32425	Friends of the Lib. Donations	0.00	(826.00)	(826.00)
47310001-46415	A/V Material - Adult	11,500.00	20.00	11,520.00
47310001-46417	A/V Material - Juvenile	3,338.00	20.00	3,358.00
47310001-46452	Books - Juv. - Other Vendor	7,400.00	20.00	7,420.00
47310001-46457	Books - Yng. Ad. - Oth Vend	2,000.00	20.00	2,020.00
47310001-46462	Books - Adult - Other Vendor	9,250.00	20.00	9,270.00
47310001-46467	Books - Refer - Other Vend.	750.00	20.00	770.00
47310001-46400	Education Supplies	3,300.00	20.00	3,320.00
47310001-46800	Library Program Expenses	8,240.00	150.00	8,390.00
47310001-46800	Library Program Expenses	8,240.00	536.00	8,776.00
30045006-35775	State - Airport Grant	0.00	(473,562.00)	(473,562.00)
30046002-37025	Federal - Airport Grant	0.00	(135,200.00)	(135,200.00)
30051005-39100	Transfer from General Fund	(230,519.00)	(64,483.00)	(295,002.00)
49420001-48090	T-Hangar Design / Construct	0.00	673,245.00	673,245.00
30052001-39900	Appropriated Fund Balance	(3,542,459.00)	(64,483.00)	(3,606,942.00)
49310001-47504	To Airport Fund	230,519.00	64,483.00	295,002.00
TOTALS		\$ (3,324,478.00)	\$ 0.00	\$ (3,324,478.00)

RE: ADOPTION OF THE JULY 9, 2024 REGULAR MEETING MINUTES

As part of the Consent Agenda, the Board adopted the July 9, 2024 Regular Meeting minutes, as presented.

RE: ADOPTION OF THE JULY 23, 2024 WORKSESSION MINUTES

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

RE: OLD BUSINESS

RE: ZONING ORDINANCE UPDATE PROJECT

Theodore L. Voorhees, County Administrator, stated that the Board had previously identified an “update” or “redrafting” of the Zoning Ordinance as a priority during its Strategic Planning Retreat in January and the Board had discussed the options surrounding this project at a previous meeting in June. In order for the Board to provide clear direction to staff on expectations surrounding the project, Chairman Johnson requested this item be included on the agenda. In short, the Board could choose to “fix the current ordinance” with a 6-8 month timeframe, or could choose to “start from scratch” with an 18-24 month timeframe.

Discussion ensued among the Board regarding: preference for the shorter timeframe versus the more lengthy process; focus on targeted areas of the ordinance that needed to be addressed; the higher chance of success in completing the shorter process; the need for community input; the need for the ordinance to be more user-friendly; Planning Commission involvement; distinction between the A1 and A2 designations, which would add an additional factor to the project; and the ability to exercise the option for the consultant to prepare the language.

By consensus, the Board directed staff to proceed with the update to the Zoning Ordinance on the shorter project timeframe, aiming for 6 to 8 months, with a limited scope to target and focus on the areas of confusion and conflicting requirements, as discussed.

RE: NEW BUSINESS

RE: AWARD OF THE CONTRACT FOR OXYGEN SERVICES

Amanda Amos, Contract and Procurement Specialist, explained that the County’s current contract for oxygen tank services was expiring and, as such, staff released a solicitation in June seeking competitive sealed bids from qualified vendors. The Invitation for Bid was advertised in The Orange Review, on the County’s website, and on eVA, and two responses were received.

Ms. Amos indicated that staff reviewed both responses and deemed Robert’s Oxygen Company the best choice because of its low bid and its many convenient locations throughout Virginia. Robert’s Oxygen Company had been the County’s provider since 2019, and staff had been pleased with their service. Ms. Amos noted that pricing for the services varied, depending on the type of oxygen and the size of tank. Funding for oxygen tank and delivery services was budgeted in the Fire & EMS Levy Fund in the Medical Supplies line item.

On the motion of Mr. Marshall, seconded by Ms. Hale, which carried by a vote of 5-0, the Board authorized staff to enter into a contract with Robert’s Oxygen Company for oxygen tank and delivery services for a one-year term, with the option for four renewals, as presented.

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

RE: DEPARTMENT DIRECTOR / CONSTITUTIONAL OFFICER REPORTS

RE: CHANGES IN COMMISSIONER OF THE REVENUE VALUATIONS FOR PERSONAL PROPERTY

Josh Crawford, Chief Deputy, informed the Board that the valuation process for personal property had been updated this tax year to be more aligned with the Code of Virginia. He added

that, in order to support the transition, the Commissioner's Office was implementing a formal appeals process for anyone who disagreed with their personal property assessment. Mr. Crawford briefly discussed implementation of the depreciation model, which would improve the uniformity of valuing personal property that was not available within the standard pricing guide (JD Power). He also shared highlights on the appeals process, which would improve customer service and reduce call volumes and phone wait times.

The Board thanked Mr. Crawford for the update.

RE: MATTERS FOR DISCUSSION OR CONSIDERATION

RE: POTENTIAL AMENDMENT TO THE PERSONAL PROPERTY TAX RATE

Following his update on the changes in personal property valuations for Tax Year 2024, Josh Crawford, Chief Deputy, provided an update on personal property figures that would impact Tax Year 2024 and, subsequently, Fiscal Year 2025. He stated that, during budget development, the estimated personal property count was 54,498, while the actual count was 52,304. This decrease was attributed to the required manual review performed by the Commissioner's Office, which removed some items from taxation in Orange County. Mr. Crawford also noted a significant decrease in used vehicle values from JD Power. During budget development, it was estimated used vehicle values would decrease by 5.7%, but the actual decrease was nearly 13%. These two factors reduced the taxable values of vehicles, thus causing lower than budgeted revenue.

Theodore L. Voorhees, County Administrator, explained that, based on the changes presented by the Commissioner's Office, staff was seeking direction from the Board on whether to amend the personal property tax rate for automobiles, trucks, and motorcycles. He noted the current rate was \$3.60. The "regular" rate of \$3.75 would still provide an estimated \$1.2 million less than the budgeted revenue. The rate necessary to remain revenue-neutral would be \$3.87.

By consensus, the Board directed staff to leave the personal property tax rate for automobiles, trucks, and motorcycles as previously adopted.

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

There were no Informational Items at this time.

RE: APPOINTMENTS TO BOARDS, COMMISSIONS, AND COMMITTEES

By consensus, the Board re-appointed John Rhett as a Member of the Barboursville Village Overlay District Advisory Committee (BVODAC) for a two-year term, with said term commencing October 1, 2024, and expiring on September 30, 2026.

By consensus, the Board re-appointed Sarah Lupo as a Member of the Barboursville Village Overlay District Advisory Committee (BVODAC) for a two-year term, with said term commencing October 1, 2024, and expiring on September 30, 2026.

By consensus, the Board re-appointed Christine Singhass as an At-Large Member on the Youth Commission for a four-year term, with said term commencing October 1, 2024, and expiring on September 30, 2028.

RE: CALENDAR

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

RE: PUBLIC HEARING #1; REZ 23-09

Kyra Davis, Planner, presented the staff report and request for Rezoning from Sunil Kapoor, on behalf of Binti, LLC, which included information on the location and specifications of the subject property, the rezoning details, the voluntary proffers from the applicant, and the recommendation of approval from the Planning Commission.

At 6:21 p.m., Chairman Johnson called the Public Hearing to order to receive comments on the following:

REZ 23-09

The Board of Supervisors will consider an application from Sunil Kapoor, on behalf of Binti, LLC, to rezone property located at 16584 Tomahawk Creek Road, Orange, from Agricultural (A) to Limited Commercial (C-1) Conditional. The property is identified as Tax Map Parcel 45-51B and contains 0.36 acres. A proffer has been volunteered which would require more controlled access to the property from the adjoining roads. The property is situated in the Agricultural (A2) Recommended Future Land Use category, as described in the Comprehensive Plan.

There being no speakers, Chairman Johnson closed the Public Hearing at 6:21 p.m.

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

ORDINANCE APPROVING REZ 23-09 TO REZONE APPROXIMATELY 0.363 ACRES FROM
AGRICULTURAL (A) TO LIMITED COMMERCIAL (C-1) CONDITIONAL, REQUESTED BY
SUNIL KAPOOR, ON BEHALF OF BINTI, LLC

WHEREAS, Sunil Kapoor, on behalf of Binti, LLC, has requested the rezoning of property located at 16584 Tomahawk Creek Road, Orange, identified as Tax Map No. 45-51B, totaling approximately 0.363 acres, from Agricultural (A) to Limited Commercial (C-1) Conditional, pursuant to Section 70-191 and Section 70-193 of the Orange County Zoning Ordinance; and

WHEREAS, the Planning Commission advertised and conducted a Public Hearing on the request on May 2, 2024, but deferred action until June 20, 2024; and

WHEREAS, the Planning Commission considered whether the proposed Rezoning would further the purposes of the Comprehensive Plan and the Zoning Ordinance; would not threaten the public health, safety, or welfare; would be compatible with its surroundings; would not unduly impact the environment or natural, scenic, or historic assets of the County; and would not result in substantial detriment to the surrounding property; and

WHEREAS, the Planning Commission reviewed the request and determined that the request was consistent with the considerations above, and, as such, recommended approval of the request to the Board of Supervisors, as presented during its Public Hearing; and

WHEREAS, the Board of Supervisors advertised and conducted a Public Hearing on the request on August 13, 2024; and

WHEREAS, following the Public Hearing and discussion, the Board of Supervisors hereby supports the request, as presented during its Public Hearing; and

WHEREAS, the Board of Supervisors has determined that public necessity, convenience, general welfare, and/or good planning and zoning practice also support approval of this Rezoning request, as presented during the Public Hearing;

NOW, THEREFORE, BE IT ORDAINED, on this 13th day of August, 2024, that the Orange County Board of Supervisors hereby approves REZ 23-09 to rezone property located at 16584 Tomahawk Creek Road, Orange, identified as Tax Map No. 45-51B, totaling approximately 0.363 acres, from Agricultural (A) to Limited Commercial (C-1) Conditional, subject to the Legal Summary and the proffers dated July 22, 2024, as attached to the original Ordinance retained in the County Administrator's Office, as presented during the Public Hearing.

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

RE: PUBLIC HEARING #2; SUP 23-11

Kyra Davis, Planner, presented the staff report and request for Special Use Permit from Sunil Kapoor, on behalf of Binti, LLC, which included information on the location and specifications of the subject property, the request to allow fuel dispensing in conjunction with an existing convenience store, recommended conditions, and the recommendation of approval from the Planning Commission.

At 6:22 p.m., Chairman Johnson called the Public Hearing to order to receive comments on the following:

SUP 23-11

The Board of Supervisors will consider a Special Use Permit application from Sunil Kapoor, on behalf of Binti, LLC, to allow fuel dispensing in conjunction with an existing convenience store. The fuel dispensing use exists currently as a non-conforming use. The property is located at 16584 Tomahawk Creek Road, Orange, is identified as Tax Map Parcel 45-51B, and contains 0.36 acres. The property is situated in the Agricultural (A2) Recommended Future Land Use category, as described in the Comprehensive Plan.

There being no speakers, Chairman Johnson closed the Public Hearing at 6:22 p.m.

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

ORDINANCE APPROVING SUP 23-11 TO ALLOW AN ACCESSORY FUEL DISPENSING USE IN
CONJUNCTION WITH AN EXISTING CONVENIENCE STORE ON TAX MAP NO. 45-51B,
REQUESTED BY SUNIL KAPOOR, ON BEHALF OF BINTI, LLC

WHEREAS, Sunil Kapoor, on behalf of Binti, LLC, applied for a Special Use Permit to allow an accessory fuel dispensing use in conjunction with an existing convenience store, on property located at 16584 Tomahawk Creek Road, Orange, referenced as Tax Map No. 45-51B, containing approximately 0.363 acres, and zoned as Agricultural (A), pursuant to Section 70-141:147 and Section 70-453 of the Orange County Zoning Ordinance; and

WHEREAS, the Planning Commission advertised and conducted a Public Hearing on the request on May 2, 2024, but deferred action until June 20, 2024; and

WHEREAS, the Planning Commission considered whether the proposed Special Use Permit would further the purposes of the Comprehensive Plan and the Zoning Ordinance; would not threaten the public health, safety, or welfare; would be compatible with its surroundings; would not unduly impact the environment or natural, scenic, or historic assets of the County; and would not result in substantial detriment to the surrounding property; and

WHEREAS, the Planning Commission reviewed the request and determined that the request was consistent with the considerations above and, as such, recommended approval of the request to the Board of Supervisors, as presented during its Public Hearing; and

WHEREAS, the Board of Supervisors advertised and conducted a Public Hearing on the request on August 13, 2024; and

WHEREAS, following the Public Hearing and discussion, the Board of Supervisors hereby supports the request, as presented during its Public Hearing; and

WHEREAS, the Board of Supervisors has determined that public necessity, convenience, general welfare, and/or good planning and zoning practice also support approval of this Special Use Permit request, as presented during the Public Hearing;

NOW, THEREFORE, BE IT ORDAINED, on this 13th day of August, 2024, that the Orange County Board of Supervisors hereby approves SUP 23-11 to allow an accessory fuel dispensing use in conjunction with an existing convenience store, on property located at 16584 Tomahawk Creek Road, Orange, referenced as Tax Map No. 45-51B, subject to the five (5) conditions and two (2) sub-conditions, as attached to the original Ordinance retained in the County Administrator's Office, as presented during the Public Hearing.

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

RE: ADJOURN

On the motion of Mr. Nicol, seconded by Ms. Hale, which carried by a vote of 5-0, the Board adjourned the meeting at 6:24 p.m. Ayes: Johnson, Van Hoven, Marshall, Hale, Nicol. Nays: None.

R. Mark Johnson, Chairman

Theodore L. Voorhees, County Administrator