At a Regular Meeting of the Orange County Board of Supervisors held on Tuesday, August 27, 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 modified. 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 Ms. Hale, seconded by Mr. Nicol, 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
30033505-33100	Fundraiser - Office on Youth	$ 0.00	$ (4,881.00)	$ (4,881.00)
45370101-46000	Office Supplies	0.00	987.00	987.00
45374201-46803	Donated Program Expenses	0.00	3,894.00	3,894.00
30033505-33101	Donations - School Supplies	0.00	(1,500.00)	(1,500.00)
45370101-46806	School Supplies Program	793.00	1,500.00	2,293.00
30033505-33105	Vending Machine Proceeds	0.00	(306.00)	(306.00)
45370101-43300	Vending Items for Resale	0.00	306.00	306.00
30033505-33230	DSS - PTP Funding	0.00	(9,250.00)	(9,250.00)
45374101-46800	Program Expenses	0.00	9,250.00	9,250.00
30033505-33575	Donations - Sub. Ab. Prog.	0.00	(6,141.00)	(6,141.00)
45371001-46000	Office Supplies	1,172.00	6,141.00	7,313.00
30033506-33250	Michael’s Gift Donations	0.00	(1,475.00)	(1,475.00)
45370102-46800	Michael’s Gift Expenses	10,210.00	1,475.00	11,685.00
30033515-31675	GBES - Fundraising	0.00	(5,396.00)	(5,396.00)
45342102-46520	Fundraising Supplies	0.00	2,726.00	2,726.00
45342102-46800	GBES Sp. Event Expenses	0.00	2,670.00	2,670.00
30033515-31700	GBES - Field Trips	0.00	(1,410.00)	(1,410.00)
45342102-46800	GBES Sp. Event Expenses	0.00	1,410.00	1,410.00
30033515-31750	OES - Fundraising	0.00	(1,967.00)	(1,967.00)

45342202-46520	Fundraising Supplies	0.00	1,524.00	1,524.00
45342202-46800	OES Sp. Event Expenses	0.00	443.00	443.00
30033515-31775	OES - Field Trips	0.00	(614.00)	(614.00)
45342202-46800	OES Sp. Event Expenses	0.00	614.00	614.00
30033515-31785	LGES - Fundraising	0.00	(3,224.00)	(3,224.00)
45342302-46520	Fundraising Supplies	0.00	1,137.00	1,137.00
45342302-46800	LGES Childcare Expenses	0.00	2,087.00	2,087.00
30033515-31790	LGES - Field Trips	0.00	(2,113.00)	(2,113.00)
45342302-46800	LGES Childcare Expenses	0.00	2,113.00	2,113.00
30033515-31797	LES - Fundraising	0.00	(2,231.00)	(2,231.00)
45342402-46520	Fundraising Supplies	0.00	992.00	992.00
45342402-46800	LES Childcare Expenses	0.00	1,239.00	1,239.00
30033515-31790	LGES - Field Trips	0.00	(425.00)	(425.00)
45342402-46800	LES Childcare Expenses	0.00	425.00	425.00
30045030-35850	State Miscellaneous	0.00	(357.00)	(357.00)
43120001-43360	Vehicle Repair/Maintenance	145,693.00	325.00	146,018.00
43120001-45530	Meals/Lodging	12,500.00	32.00	12,532.00
30045030-35850	State Miscellaneous	0.00	(1,908.00)	(1,908.00)
43120001-43360	Vehicle Repair/Maintenance	145,693.00	130.00	145,823.00
43120001-45500	Training Expenses	19,700.00	1,381.00	21,081.00
43120001-45530	Meals/Lodging	12,500.00	397.00	12,897.00
TOTALS		**$ 348,261.00**	**$ 0.00**	**$ 348,261.00**

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
44320001-41322	Wages - Part-Time	$ 50,631.00	$ 18,330.00	$ 68,961.00
44320001-42100	FICA & Medicare	48,133.00	1,403.00	49,536.00
44320001-42710	Worker’s Compensation	6,199.00	448.00	6,647.00
41222001-41907	Position Reclassification	15,000.00	5,000.00	20,000.00
41222001-43130	Prof. Serv. - Personnel	85,860.00	1,500.00	87,360.00
47310001-46800	Library Program Expenses	8,240.00	576.00	8,816.00
47310002-46800	Teen Program Expenses	1,500.00	407.00	1,907.00
47311001-48140	Furniture & Fixtures	0.00	5,000.00	5,000.00
47311002-46800	Teen Program Expenses	1,500.00	187.00	1,687.00
47312001-46800	Library Program Expenses	6,390.00	325.00	6,715.00
47312002-46800	Teen Program Expenses	1,500.00	402.00	1,902.00
47312001-46000	Office Supplies	2,292.00	1,250.00	3,542.00
47312001-48140	Furniture & Fixtures	300.00	756.00	1,056.00

43520003-43115	Prof. Serv. - Emergency Vet	1,440.00	5,288.00	6,728.00
41232001-41322	Wages - Part-Time	0.00	6,400.00	6,400.00
41232001-42100	FICA & Medicare	27,885.00	490.00	28,375.00
41232001-42710	Worker's Compensation	212.00	4.00	216.00
41232001-46000	Office Supplies	2,500.00	54.00	2,554.00
41232001-46500	Operating Supplies	0.00	796.00	796.00
41320001-45210	Postage	12,480.00	3,400.00	15,880.00
41310001-46000	Office Supplies	2,000.00	1,500.00	3,500.00
41310001-46005	Election Equipment	2,500.00	3,600.00	6,100.00
41310001-43500	Printing & Binding	16,180.00	1,800.00	17,980.00
43120003-46800	Comm. Policing Expenses	3,500.00	9,743.00	13,243.00
43120001-43385	Other Maint. Contracts	54,633.00	3,338.00	57,971.00
43177001-46800	Triad Expenses	2,000.00	4,583.00	6,583.00
43177002-46800	Guardian Pendant Expenses	0.00	8,151.00	8,151.00
43177003-46800	Project Lifesaver Expenses	0.00	5,471.00	5,471.00
43177007-46800	Special Program Expenses	0.00	91.00	91.00
45370101-46800	Child Abuse Prevention	0.00	559.00	559.00
45370101-46806	School Supplies Program	0.00	695.00	695.00
45371002-46800	After Prom Expenses	0.00	1,169.00	1,169.00
45370102-46800	Michael's Gift Expenses	0.00	8,787.00	8,787.00
45374101-46800	Program Expenses	0.00	9,250.00	9,250.00
45374201-46803	Donated Program Expenses	0.00	71.00	71.00
48120001-43100	Professional Serv. - Other	0.00	62,107.00	62,107.00
30052001-39900	Appropriated Fund Balance	(3,542,459.00)	(172,931.00)	(3,715,390.00)
30046003-37010	Federal Grant - BJA	0.00	(423,104.00)	(423,104.00)
30034001-34100	Cir. Ct. Judge - Exp. Reimb.	(30,737.00)	(11,839.00)	(42,576.00)
30052001-39900	Appropriated Fund Balance	(3,542,459.00)	(23,677.00)	(3,566,136.00)
42150001-46800	Program Expenses	0.00	379,641.00	379,641.00
42150001-46800	Program Expenses	0.00	43,463.00	43,463.00
42150001-46840	County Contrib. - Drug Court	0.00	11,839.00	11,839.00
42150001-46840	County Contrib. - Drug Court	0.00	23,677.00	23,677.00
43231011-46505	Protective Equipment	43,890.00	35,000.00	78,890.00
30052019-39900	Appropriated Fund Balance	(668,472.00)	(35,000.00)	(703,472.00)
44270001-43200	Contract Services - Other	237,700.00	87,097.00	324,797.00
30052010-39900	Appropriated Fund Balance	(1,042,453.00)	(87,097.00)	(1,129,550.00)
43120006-46800	Forfeited Asset Expenses	0.00	43,227.00	43,227.00
30052002-39900	Appropriated Fund Balance	0.00	(43,227.00)	(43,227.00)
42210002-46800	Forfeited Asset Expenses	0.00	22,678.00	22,678.00
30052002-39900	Appropriated Fund Balance	0.00	(22,678.00)	(22,678.00)
30045001-35780	State - Broadband Grants	0.00	(1,225,081.00)	(1,225,081.00)
48188001-47740	Transfer to BbA Fund	0.00	1,225,081.00	1,225,081.00
30052001-39900	Appropriated Fund Balance	(3,542,459.00)	(342,611.00)	(3,885,070.00)
41221001-43100	Prof. Serv. - Real Estate	0.00	342,611.00	342,611.00
30052001-39900	Appropriated Fund Balance	(3,542,459.00)	(4,972.00)	(3,547,431.00)
43120001-43360	Vehicle Repair/Maintenance	145,693.00	2,707.00	148,400.00

43120001-43360	Vehicle Repair/Maintenance	145,693.00	130.00	145,823.00
43120001-45500	Training Expenses	19,700.00	1,381.00	21,081.00
43120001-45530	Meals/Lodging	12,500.00	397.00	12,897.00
43120001-43360	Vehicle Repair/Maintenance	145,693.00	325.00	146,018.00
43120001-45530	Meals/Lodging	12,500.00	32.00	12,532.00
30052001-39900	Appropriated Fund Balance	(3,542,459.00)	(7,473.00)	(3,549,932.00)
43410001-43360	Vehicle Repair/Maintenance	6,520.00	7,473.00	13,993.00
41233001-43010	Board Member Comp.	0.00	6,500.00	6,500.00
41233001-43600	Advertising/Notices	0.00	500.00	500.00
41233001-45210	Postage	0.00	15,330.00	15,330.00
41233001-45510	Mileage/Tolls/Parking	0.00	1,000.00	1,000.00
30052001-39900	Appropriated Fund Balance	(3,606,942.00)	(23,330.00)	(3,630,272.00)
42160001-41322	Wages - Part-Time	0.00	47,450.00	47,450.00
42160001-42100	FICA & Medicare	33,238.00	3,630.00	36,868.00
30052001-39900	Appropriated Fund Balance	(3,606,942.00)	(51,080.00)	(3,658,022.00)
30033501-33250	Miscellaneous	(30,543.00)	(43.00)	(30,586.00)
43120001-46350	Police Supplies	38,043.00	43.00	38,086.00
30052001-39900	Appropriated Fund Balance	(3,606,942.00)	(42,328.00)	(3,649,270.00)
41221501-43150	Professional Serv. - Legal	0.00	42,328.00	42,328.00
TOTALS		**$(29,111,281.00)**	**$ 0.00**	**$ (29,111,281.00)**

RE: ADOPTION OF THE JULY 23, 2024 REGULAR MEETING MINUTES
This item was struck from the agenda.

RE: OLD BUSINESS
There were no matters for Old Business at this time.

RE: NEW BUSINESS

RE: RESOLUTION FOR THE PERSONAL PROPERTY TAX RELIEF ACT (PPTRA) FOR 2024

Sara Keeler, Finance Director, explained that, in accordance with County Code, each year, staff, in consultation with the Commissioner of the Revenue and the Treasurer, determined the extent to which Personal Property Tax Relief Act (PPTRA) funds from the State would provide relief to Orange County taxpayers.

Ms. Keeler reported that staff had reviewed the actual personal property tax revenues to be received in Tax Year 2024 and compared those to the budgeted PPTRA funds expected from the State. Based on those figures, staff determined the personal property tax relief available in Tax Year 2024 to be 22.30%, down from 23.19% for Tax Year 2023.

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 ADOPT THE PERSONAL PROPERTY TAX RELIEF ACT (PPTRA) FOR 2024

WHEREAS, the Personal Property Tax Relief Act of 1998, Va. Code Section 58.1-3523 et seq. (“PPTRA”), was substantially modified by the enactment of Chapter 1 of the Acts of Assembly, 2004 Special Session I (Senate Bill 5005), and the provisions of Item 503 of Chapter 951 of the 2005 Acts of Assembly (the 2005 revisions to the 2004-06 Appropriations Act, hereinafter cited as the “2005 Appropriations Act”); and

WHEREAS, these legislative enactments require the County to take affirmative steps to implement these changes, and to provide for the computation and allocation of relief provided pursuant to the PPTRA, as revised; and

WHEREAS, these legislative enactments provide for the appropriation to the County, commencing in 2006, of a fixed sum to be used exclusively for the provision of the tax relief to owners of qualifying personal use vehicles that are subject to the personal property tax (“PPT”) on such vehicles; and

WHEREAS, on December 13, 2005, the Orange County Board of Supervisors adopted an ordinance to provide for the implementation of the 2004-2005 changes to the Personal Property Tax Relief Act of 1998-Specific Relief; and

WHEREAS, the Commissioner of the Revenue, Treasurer, and Finance Director have calculated that the revenue to be received by the County from the State for PPTRA equates to approximately 22.30% for Tax Year 2024;

NOW, THEREFORE, BE IT RESOLVED, on this 27th day of August, 2024, that the Orange County Board of Supervisors hereby establishes the following:

In accordance with the current State requirements for PPTRA, any qualifying vehicle sitused within the County commencing January 1, 2024, shall receive personal property tax relief in the following manner:

1. Personal use vehicles valued at $1,000 or less will be eligible for 100% tax relief;

2. Personal use vehicles valued at $1,001 to $20,000 will be eligible for 22.30% tax relief;

3. Personal use vehicles valued at $20,001 or more shall only receive 22.30% tax relief on the first $20,000 of value; and

4. All other vehicles which do not meet the definition of “qualifying” (business use vehicles, farm use vehicles, motor homes, etc.) will not be eligible for any form of tax relief under this program.

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

RE: ENGINEERING SERVICES FOR THE PORTER ROAD COLLECTION SITE IMPROVEMENTS

Amanda Amos, Contract and Procurement Specialist, explained that the adopted Capital Improvements Plan (CIP) for FY25 contained Project L1020 (Porter Road Collection Site Improvements). This project would streamline municipal solid waste disposal for citizens in a safe and efficient manner.

Ms. Amos indicated that, when preparing the FY25 CIP, staff received a concept design from TRC Companies, Inc. for the site, which included entrance improvements, a user-friendly disposal area with easily accessible open top containers and a compactor, a waste oil collection area, and an access road connecting to the open Landfill cell.

She noted that TRC Companies, Inc. had a contract with the County that was executed in April 2021 to provide general engineering and architectural services on an as-needed basis. In

August 2024, TRC provided an engineering proposal for Project L1020 that included construction/bid documents, agency permitting support, bid support, and construction oversight services totaling $219,600. The expenses were budgeted in the CIP in Project L1020.

Discussion ensued among the Board regarding: the total amount budgeted in the CIP for the project; and satisfaction with previous work from the vendor.

On the motion of Mr. Nicol, seconded by Mr. Marshall, which carried by a vote of 5-0, the Board authorized staff to execute the proposal provided by TRC Companies, Inc. for the Porter Road Collection Site Improvements project, as presented.

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

RE: PURCHASE OF A ROLL-OFF TRUCK FOR THE LANDFILL

Amanda Amos, Contract and Procurement Specialist, explained that the FY25 Capital Improvements Plan (CIP) provided for the systematic replacement of the Landfill's Roll-Off Truck through a lease-purchase (Project L1009).

She indicated that, after review of various types of trucks and pricing components, staff desired to proceed with the lease-purchase of a Peterbilt 567 Heritage Roll-Off Truck from The Pete Store utilizing Cooperative Contract #032824-PMC with Sourcewell, which provided competitive pricing. Ms. Amos stated the cost of the Roll-Off Truck was $256,658. Funding for this purchase was budgeted in the amount of $280,000 via lease-purchase in Project L1009.

Discussion ensued among the Board regarding: production time for receipt of the vehicle; and the fact this purchase was for a floor model, which would be available immediately.

On the motion of Ms. Hale, seconded by Mr. Van Hoven, which carried by a vote of 5-0, the Board authorized staff to purchase a Peterbilt 567 Heritage Roll-Off Truck from The Pete Store utilizing Cooperative Contract #032824-PMC with Sourcewell using funds budgeted in the FY25 Capital Improvements Plan via lease-purchase in Project L1009, as presented.

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

RE: AWARD OF THE CONTRACT FOR THE MOUNTAIN TRACK ROAD PARK PROJECT (PHASE 1)

Amanda Amos, Contract and Procurement Specialist, stated that the adopted Capital Improvements Plan (CIP) contained Project C1038 (Mountain Track Community Park), which would feature a technical disc golf course, parking area, trails, restrooms, and a pavilion.

Ms. Amos explained that, in 2022, the County contracted to begin construction on the disc golf course and in 2023, began working with Timmons Group to create comprehensive park plans, including parking, restrooms, a playground, and trails. From 2023 to 2024, staff worked with State and local agencies to approve construction plans. She noted that, in the spring of 2024, the project was bid out and returned over budget. Therefore, staff worked with engineers to minimize the project scope and create two phases for construction. The first phase focused on the entrance, driveway, parking lot, overall site clearing, and stormwater measures. The second phase focused on restrooms, the pavilion area, and trails.

Ms. Amos reported that Phase 1 was rebid on July 18, 2024, after being advertised on the County's website, on eVA (Virginia's e-procurement website), and emailed to potential bidders, with two responses received. After thorough review, it was deemed that Synchronized Construction was the lowest responsive bidder. Ms. Amos requested the Board's consideration to award a contract to Synchronized Construction for Phase 1 of the Mountain Track Road Park Project.

Discussion ensued among the Board regarding: the fact this project was part of the overall Parks and Recreation Master Plan; and compliments to staff for successfully scaling, phasing, and rebidding the project.

On the motion of Mr. Johnson, seconded by Mr. Nicol, which carried by a vote of 5-0, the Board authorized staff to enter into a contract with Synchronized Construction for Phase 1 of the Mountain Track Road Park Project, as presented.

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

RE: AWARD OF THE CONTRACT FOR THE AIRPORT T-HANGAR PROJECT

Stephanie Straub, Assistant County Administrator for Operations, explained that the Airport Capital Improvements Plan (ACIP) and the County's Capital Improvements Plan (CIP) had construction of T-hangars listed as an aspirational project with an "undetermined funding source" for over a decade. In recent years, staff met with the Federal Aviation Administration, the Virginia Department of Aviation, and Delta Airport Consultants to find a way to fund the project. A funding plan was developed that utilized a mix of Federal and State funds with minimal local support to complete the project in two phases: 1) engineering and site work and 2) construction.

Ms. Straub noted that in FY24, funding was allocated and work began on the project. Over the past year, the project estimates and funding sources had been revised to best leverage funding and grant schedules, with the final cost estimate and funding source report being approved by the Board on February 13, 2024.

Ms. Straub stated that staff released a bid for construction services for the project in May, for which three bids were received. After review of the bids, Chemung Contracting Corporation was deemed the lowest responsive and responsible bidder.

At this time, staff requested the Board's approval of a construction contract with Chemung Contracting Corporation for the T-hangar project. By leveraging Federal and State funds, fourteen hangars were planned for construction at a cost of $2,998,245. Overall, the entire project was slated to cost approximately $3,883,245, with only $419,224 in local funds (roughly $0.10 on the dollar).

Discussion ensued among the Board regarding: the physical location planned for the hangars; leverage of Federal and State funds; and the timeline for completion.

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 Chemung Contracting Corporation for the construction of T-hangars at the Airport, as presented.

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

RE: ADOPTION OF THE LIVESTOCK ADVISORY COMMISSION BYLAWS

Theodore L. Voorhees, County Administrator, stated that the Board had previously adopted a resolution to create the Orange County Livestock Advisory Commission. Said resolution tasked the Commission with preparing proposed Bylaws to be submitted to the Board for adoption. He reported that, over the course of two meetings, and with assistance from legal counsel, the Livestock Advisory Commission had approved its Bylaws for submission to the Board. As such, it was appropriate for the Board to review the Bylaws and consider them for adoption at this time.

Discussion ensued among the Board regarding: the purpose of the Commission and the intention for the Commission to be a tool and resource for law enforcement and citizens.

On the motion of Mr. Van Hoven, seconded by Mr. Marshall, which carried by a vote of 5-0, the Board adopted the Bylaws for the Livestock Advisory Commission, as presented.

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

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

RE: DEPARTMENT DIRECTOR / CONSTITUTIONAL OFFICER REPORTS

RE: CAPITAL PROJECTS UPDATE AND NEXT STEPS
Stephanie Straub, Assistant County Administrator for Operations, provided a project update on three major capital projects for the Board's discussion and direction. The projects included the Government Center (Project C1276), the Community Center (Project C1295), and the Unionville Property (Project C1337).

Discussion ensued among the Board regarding: the cost estimate for the updated Space Needs Assessment; the desire to include adult recreational opportunities at the proposed Community Center; the current budgeted funds for architectural and engineering services for the Unionville Property; including pickleball courts at new County facilities; and concern that three access points on the Unionville Property project was too many and posed safety concerns.

By consensus, the Board authorized staff to: 1) proceed with the updated Space Needs Assessment for the Government Center using funds already budgeted for the project; 2) proceed with the next planned steps and updated concept plans for the Community Center; and 3) proceed with architectural and engineering services for the full site of the Unionville Property project, as discussed and outlined.

RE: COUNTY ATTORNEY'S REPORT
The County Attorney had nothing to report on at this time.

RE: COUNTY ADMINISTRATOR'S REPORT

RE: RESOLUTION FOR THE LOCAL STATE OF EMERGENCY FOR THE ORDER ISSUED FOR THE WILDERNESS WATER TREATMENT PLANT
Theodore L. Voorhees, County Administrator, reminded the Board of the Local State of Emergency declared on August 21, 2024, and closed on August 27, 2024, related to the orders issued for the Wilderness Water Treatment Plant, which affected many County residents. He indicated it would be appropriate for the Board to adopt the resolution ratifying the declaration and closing of the Local State of Emergency.

Before adopting the resolution, members of the Board thanked staff, volunteers, local businesses, and many other agencies and partners for their support during the emergency.

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

RESOLUTION TO RATIFY THE DECLARATION AND CLOSING OF THE LOCAL STATE OF EMERGENCY IN RESPONSE TO THE "DO NOT USE" ORDER FOR THE WILDERNESS WATER TREATMENT PLANT

WHEREAS, on August 21, 2024, a “Do Not Use” order was issued for all customers of the Rapidan Service Authority’s Wilderness Water Treatment Plant, which impacted many citizens of eastern Orange County; and

WHEREAS, in response, on Wednesday, August 21, 2024, pursuant to §44-146.21 of the Code of Virginia, the County Administrator, as the Local Director of Emergency Management, declared a Local State of Emergency in the County 1) because it seemed apparent that the “Do Not Use” Order would result in impacts and damages to Orange County, and 2) in order to activate the local Emergency Operations Plan to appropriately address the situation; and

WHEREAS, on Tuesday, August 27, 2024, the County Administrator closed the Local State of Emergency following the lifting of the “Do Not Use” Order (and subsequent “Do Not Drink” Advisory) by the Rapidan Service Authority and the Virginia Department of Health;

NOW, THEREFORE, BE IT RESOLVED, on this 27th day of August, 2024, that the Orange County Board of Supervisors hereby ratifies the declaration of the Local State of Emergency beginning at 8:30 p.m. on Wednesday, August 21, 2024, pursuant to §44-146.21 of the Code of Virginia; and

BE IT FURTHER RESOLVED, that the Board of Supervisors hereby ratifies the closing of the Local State of Emergency effective at 12:30 p.m. on Tuesday, August 27, 2024; and

BE IT YET FURTHER RESOLVED, that the Board of Supervisors hereby authorizes application to the State and/or Federal governments for reimbursement of qualifying expenditures made by qualifying entities during the Local State of Emergency.

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

RE: BOARD COMMENT

Collectively, the Board thanked all who were involved in responding to the local emergency as a result of the “Do Not Use” and “Do Not Drink” orders for the Wilderness Water Treatment Plant, including County staff, the Rapidan Service Authority, members of the Board, many volunteers, various faith and community organizations, and various State agencies. Members of the Board also expressed the need to have another Town Hall following the “after action” report in order to discuss ways to improve in the future.

RE: INFORMATIONAL ITEMS

The Board received the following correspondence for its information:

- Capital Project Update Reports; First Quarter
- VDOT Monthly Report for August

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 August 2024, September 2024, and October 2024.

RE: SCHEDULE A PUBLIC HEARING FOR REZ 23-01

By consensus, the Board authorized staff to advertise for and schedule a public hearing for REZ 23-01 (Unionville Tire) on Tuesday, September 24, 2024, as presented.

RE: SCHEDULE A PUBLIC HEARING FOR SUP 23-03

By consensus, the Board authorized staff to advertise for and schedule a public hearing for SUP 23-03 (Unionville Tire) on Tuesday, September 24, 2024, as presented.

RE: SCHEDULE A PUBLIC HEARING FOR SUP 23-09

By consensus, the Board authorized staff to advertise for and schedule a public hearing for SUP 23-09 (A&M Auto) on Tuesday, September 24, 2024, as presented.

RE: PUBLIC COMMENT

At 6:04 p.m., Chairman Johnson opened the floor for public comment.

The following individuals spoke:

- Stephen King, 35345 Wilderness Shores Way, Locust Grove
- Kathleen Stephens, 35299 Somerset Ridge Road, Locust Grove
- Dee Jacobson, Tina Lynn Court, Locust Grove
- Jonathan Carriveau, 35174 Sara Court, Locust Grove
- Brett Smith, 35168 Sara Court, Locust Grove
- Brit Lewis, 2511 Meeting House Road, Locust Grove
- Chelsea Quintern, 35171 Sara Court, Locust Grove
- Dave Davies, 101 Windy Lane, Locust Grove
- Christine Greenall, 518 Liberty Blvd., Locust Grove

There being no further speakers, public comment was closed at 6:30 p.m.

RE: CLOSED MEETING

At 6:31 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:

- Briefings by staff members pertaining to actual litigation, where such briefing in open meeting would adversely affect the negotiating or litigating posture of the public body concerning the Hoy and Sona subdivision litigation. - *§2.2-3711(A)(7) of the Code of Virginia*

WHEREAS, pursuant to §2.2-3711 (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 Ms. Hale, 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 7:06 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>PUBLIC HEARING #1; ZTA 24-03</u>

Josh Frederick, Planning and Zoning Services Manager, presented the staff report regarding proposed amendments to the Zoning Ordinance, which had previously been initiated and discussed by the Board. He reviewed the proposed language concerning adjustments to driveway setbacks, indicating that the Planning Commission's vote had resulted in a recommendation of approval.

Discussion ensued among the Board regarding: removing the sentence proposed at the end of the existing definition of "setback" as it seemed unnecessary.

At 7:13 p.m., Chairman Johnson called the Public Hearing to order to receive comments on the following:

<u>ZTA 24-03</u>

The Board of Supervisors will consider County-initiated amendments to the Zoning Ordinance that would amend Sec. 70-1 to add definitions for "driveway" and "serve or served" as well as amend the existing definitions for "setback" and "street, private." The purpose of the proposed amendment is to exempt two-lot subdivisions from building setback requirements from the internal easement providing access to the lots.

There being no speakers, Chairman Johnson closed the Public Hearing at 7:13 p.m.

On the motion of Ms. Hale, seconded by Mr. Marshall, which carried by a roll call vote of 5-0, the Board adopted the following ordinance, as modified:

ORDINANCE APPROVING AMENDMENTS TO CHAPTER 70 (ZONING), ARTICLE I (IN GENERAL), OF THE ORANGE COUNTY CODE OF ORDINANCES CONCERNING DRIVEWAY SETBACK REQUIREMENTS

WHEREAS, Planning Commission action was previously initiated on amendments to Chapter 70 (Zoning), Article I (In General), of the Orange County Code of Ordinances concerning driveway setback requirements; and

WHEREAS, the recommended language for the text amendments was prepared, which was presented to the Planning Commission for consideration; and

WHEREAS, the Planning Commission advertised and conducted a Public Hearing on the proposed text amendments on August 15, 2024; and

WHEREAS, after discussing the proposed text amendments, the Planning Commission recommended approval of the proposed text amendments to the Board of Supervisors, as presented during its meeting; and

WHEREAS, the Board of Supervisors advertised and conducted a Public Hearing on the proposed text amendments on August 27, 2024; and

WHEREAS, following discussion at the Public Hearing, the Board of Supervisors hereby supports the proposed text amendments, as modified during its Public Hearing; and

WHEREAS, public necessity, convenience, general welfare, and/or good planning and zoning practice also support approval of the proposed text amendments, as modified during the Public Hearing;

NOW, THEREFORE, BE IT ORDAINED, on this 27th day of August, 2024, that the Orange County Board of Supervisors hereby approves the proposed amendments to Chapter 70 (Zoning), Article I (In General), of the Orange County Code of Ordinances concerning driveway setback requirements, as modified and shown below.

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

Amendments to the Orange County Code of Ordinances

As adopted in Ord. No. 240827 – PH1
by the Orange County Board of Supervisors
on August 27, 2024

Chapter 70 – Zoning

Article I – In General

Sec. 70-1 – Definitions
The following words, terms, and phrases, when used in this Chapter, shall have the meanings ascribed to them in this Section, except where the context clearly indicates a different meaning. All terms used in this Chapter that are defined in §15.2-2201 VA Code Ann. shall be construed as having the meanings set forth in that section.

[…]

Driveway means a privately-maintained vehicular travelway not otherwise considered a “road” as defined herein, which serves no more than two (2) total lots.

[…]

Serve or served, as used in relation to roads and vehicular access, means a lot shall be considered “served” by a given vehicular travelway if the lot is capable of legally accessing said travelway directly or via an easement.

[…]

Street, private, means any road, street, highway, or other means of vehicular access to a parcel of land not dedicated or intended for public use, not to include a “driveway” as otherwise defined.

RE: PUBLIC HEARING #2; APPEAL OF SUBSTANTIAL ACCORD DETERMINATION

Josh Frederick, Planning and Zoning Services Manager, presented the staff report regarding the appeal of the Planning Commission’s Substantial Accord Determination for SUP 23-10 (Sunfish Solar, LLC). He explained that, pursuant to Section 15.2-2232(A) of the Code of Virginia, the Planning Commission conducted its required public hearing and voted unanimously to determine the Special Use Permit application for an 80 MW-ac utility-scale solar energy generation facility was not substantially in accordance with the Comprehensive Plan. As such, the applicant appealed the decision, and it was up to the Board to decide to either uphold or overrule the Planning Commission’s determination.

John Crosby, Senior Permitting Manager with BayWa r.e., presented a PowerPoint presentation containing the applicant's justification for appealing and Planning Commission's determination, reasoning that the Special Use Permit application was in substantial accordance with the Comprehensive Plan.

At 7:39 p.m., Chairman Johnson called the Public Hearing to order to receive comments on the following:

APPEAL OF SUBSTANTIAL ACCORD DETERMINATION
Pursuant to Sec. 15.2-2232.A. and H. of the Code of Virginia, the Planning Commission conducted a public hearing on SUP 23-10 (Sunfish Solar, LLC) on June 20, 2024, and forwarded a determination to the Board of Supervisors that said application for an 80 MW-ac utility-scale solar energy generation facility was not substantially in accord with the adopted Comprehensive Plan. Pursuant to Sec. 15.2-2232.B. of the Code of Virginia, the applicant has appealed the Planning Commission's determination. As such, the Board will consider the appeal request and decide to either uphold or overrule the Planning Commission's determination.

The following individuals spoke:

- Karen Boushie, 3249 Rebel Ridge Lane, Culpeper
- Kristopher Boushie, 3249 Rebel Ridge Lane, Culpeper
- Beth Robles, 26147 Raccoon Ford Road, Culpeper
- Megan Anderson, 25393 Raccoon Ford Road, Culpeper
- Joe Robles, 26147 Raccoon Ford Road, Culpeper
- Susan Garnett, 27261 Raccoon Ford Road, Culpeper
- Reeves Garnett, 27261 Raccoon Ford Road, Culpeper

There being no further speakers, Chairman Johnson closed the Public Hearing at 8:01 p.m.

Discussion ensued among the Board regarding: the fact that the "comparable" project cited by the applicant was approved almost seven years ago; the fact this project was 2.5 times bigger and in a completely different location; subjective determinations and varying opinions on the Comprehensive Plan and the future vision of the County; the importance of agricultural land and the fact this project would remove close to 1,000 acres from farming; impacts on the County related to this project; and agreement with the Planning Commission's previous determination.

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

RESOLUTION UPHOLDING THE PLANNING COMMISSION'S DECISION THAT, PURSUANT TO SECTION 15.2-2232 OF THE CODE OF VIRGINIA, THE PUBLIC UTILITY FACILITY INCLUDED IN SUP 23-10 (SUNFISH SOLAR) IS NOT SUBSTANTIALLY IN ACCORD WITH THE COUNTY'S COMPREHENSIVE PLAN

WHEREAS, Sunfish Solar, LLC applied for a Special Use Permit (SUP 23-10) for construction and operation of an 80 MW-ac utility-scale solar energy generation facility and an associated electrical substation on Tax Map Parcels 8-14, 8-14D, 8-15, and 19-1, for which the Planning Commission conducted its required Public Hearing on June 20, 2024; and

WHEREAS, following the Public Hearing, and pursuant to Section 15.2-2232 of the Code of Virginia, the Planning Commission determined that the public utility facility included in the SUP application was not substantially in accord with the County's Comprehensive Plan and forwarded its recommendation and findings to the Board of Supervisors; and

WHEREAS, pursuant to Section 15.2-2232(B) of the Code of Virginia, BayWa r.e., on behalf of Sunfish Solar, LLC, appealed the decision of the Planning Commission to the Board of Supervisors by letter on June 28, 2024, citing the reasons for the appeal; and

WHEREAS, also pursuant to Section 15.2-2232(B) of the Code of Virginia, the appeal was heard within sixty (60) days of its filing, by the Board of Supervisors on August 27, 2024, following a duly-advertised Public Hearing;

NOW, THEREFORE, BE IT RESOLVED, on this 27th day of August, 2024, that, following the appeal and its Public Hearing, the Orange County Board of Supervisors hereby upholds the Planning Commission's decision that, pursuant to Section 15.2-2232 of the Code of Virginia, the public utility facility included in SUP 23-10 (Sunfish Solar) is not substantially in accord with the County's Comprehensive Plan.

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

RE: PUBLIC HEARING #3; SUP 23-10

Josh Frederick, Planning and Zoning Services Manager, presented the staff report and request for Special Use Permit from Sunfish Solar, LLC, on behalf of BayWa r.e., which included information on the location and specifications of the subject property, the request to allow construction and operation of a solar energy generation facility and an associated electrical substation, recommended conditions should the application be approved, and the recommendation of denial from the Planning Commission.

Will Callaway, Community Engagement Coordinator with BayWa r.e., presented a PowerPoint presentation containing details on the applicant's requested Special Use Permit, which included specifics of the planned solar project.

At 8:48 p.m., Chairman Johnson called the Public Hearing to order to receive comments on the following:

SUP 23-10

The Board of Supervisors will consider a Special Use Permit application from Sunfish Solar, LLC, on behalf of BayWa r.e., to allow construction and operation of an approximately 932-acre 80 MW-ac utility-scale solar energy generation facility and an associated electrical substation. The property is located adjacent to True Blue Road and Old Office Road east of US Route 522, and approximately one mile from the Culpeper County line. The subject property is identified as Tax Map Parcels 8-14, 8-14D, 8-15, and 19-1. The property is situated in the Agricultural (A2) Recommended Future Land Use category, as described in the Comprehensive Plan.

The following individuals spoke:

- Jonathan Carriveau, 35174 Sara Court, Locust Grove
- David Pala, Representative of IBEW Local 26 Union
- Don McCown, Representative of Piedmont Environmental Council
- Lisa Mountjoy, 25157 Old Office Road, Culpeper
- Pat Haynes, 5439 Muster Field Road, Culpeper
- Chuck Mills, 26454 Raccoon Ford Road, Culpeper
- Jason Cashell, 133 E. Main Street, Orange
- Angus Macdonald, 7420 Glengary Drive, Rapidan
- Malcolm Macdonald, 7420 Glengary Drive, Rapidan
- Karen Boushie, 3249 Rebel Ridge Lane, Culpeper
- Kristopher Boushie, 3249 Rebel Ridge Lane, Culpeper
- Beth Robles, 26147 Raccoon Ford Road, Culpeper
- Joe Robles, 26147 Raccoon Ford Road, Culpeper

The Board took a brief recess at 9:30 p.m. and reconvened at 9:40 p.m.

- Eric Pacheco, Representative of IBEW Local 26 Union
- Everett Garnett, 27261 Raccoon Ford Road, Culpeper
- Sharon Proctor, Resident of Florida

- Samuel Letzring, 4386 True Blue Road, Culpeper
- Robert Shaw, 4948 Harmony Forest Lane, Culpeper
- Shari Landry, 25531 Raccoon Ford Road, Culpeper
- William Lukaczyk, 233 Harpers Ferry Drive, Locust Grove

There being no further speakers, Chairman Johnson closed the Public Hearing at 10:01 p.m.

Discussion ensued among the Board regarding: clarification on the sizing and acreage of the project; the actual project acreage versus the area that would be fenced, paneled, or marked for buffer or reserve space; clarification on the number of jobs that would be produced by the project, and whether those jobs would be temporary or permanent; the impact of the financial contribution proposed for payment to the County; the number of solar projects that had been decommissioned by the applicant; appreciation of the community for being involved and providing public input; support for solar development in the proper location; the inability to guarantee that the project would remain with the same owner; and the inability of the applicant to answer direct questions.

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

ORDINANCE DENYING SUP 23-10 FOR A SOLAR ENERGY GENERATION FACILITY AND AN ASSOCIATED ELECTRICAL SUBSTATION ON TAX MAP NOS. 8-14, 8-14D, 8-15, AND 19-1, REQUESTED BY SUNFISH SOLAR, LLC

WHEREAS, Sunfish Solar, LLC, on behalf of BayWa r.e., applied for a Special Use Permit to allow construction and operation of an approximately 932-acre 80 MW-ac utility-scale solar energy generation facility and an associated electrical substation on property located adjacent to True Blue Road and Old Office Road, east of US Route 522, approximately one mile from the Culpeper County line, referenced as Tax Map Nos. 8-14, 8-14D, 8-15, and 19-1, zoned as Agricultural (A), pursuant to Sections 70-141:147 and 70-303 of the Zoning Ordinance; and

WHEREAS, the Planning Commission advertised and conducted a Public Hearing on the request on 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 inconsistent with the considerations above, and, as such, recommended denial 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 27, 2024; and

WHEREAS, following the Public Hearing and discussion, the Board of Supervisors hereby does not support the request, as presented; and

WHEREAS, the Board of Supervisors has determined that public necessity, convenience, general welfare, and/or good planning and zoning practice also do not support this Special Use Permit request, as presented;

NOW, THEREFORE, BE IT ORDAINED, on this 27th day of August, 2024, that the Orange County Board of Supervisors hereby denies SUP 23-10 for an approximately 932-acre 80 MW-ac utility-scale solar energy generation facility and an associated electrical substation on property located adjacent to True Blue

Road and Old Office Road, east of US Route 522, approximately one mile from the Culpeper County line, referenced as Tax Map Nos. 8-14, 8-14D, 8-15, and 19-1.

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

RE: PUBLIC HEARING #4; SITING AGREEMENT FOR SUP 23-10

On the motion of Ms. Hale, seconded by Mr. Van Hoven, which carried by a roll call vote of 5-0, the Board tabled the matter for the proposed Siting Agreement for SUP 23-10.

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 10:27 p.m. Ayes: Johnson, Van Hoven, Marshall, Hale, Nicol. Nays: None.

______________________________ ______________________________

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