

BOARD OF SUPERVISORS MINUTES**OCTOBER 8, 2024**

At a Regular Meeting of the Orange County Board of Supervisors held on Tuesday, October 8, 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; Amy F. Wilson, County Attorney; and Alyson A. Simpson, Chief Deputy Clerk.

RE: REMOTE PARTICIPATION

Pursuant to the Board of Supervisors' Bylaws and the Code of Virginia, Supervisor Nicol joined via Zoom video conference so that he could participate in the meeting remotely as he was out of town on a personal matter. As such, the minutes are required to reflect that Supervisor Nicol participated from 1900 Roseneath Road, Richmond, Virginia, for the duration of the meeting.

RE: ADOPTION OF AGENDA

On the motion of Mr. Marshall, seconded by Mr. Van Hoven, 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: INTRODUCTION OF APPRAISER**

Charley Haney, County Assessor, introduced David Cooke, newly-hired Appraiser, and shared a few comments about his background.

The Board welcomed Mr. Cooke to Orange County.

RE: CONSENT AGENDA

On the motion of Mr. Van Hoven, 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: 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
30036001-34025	Insurance Recovery	\$ 0.00	\$ (35,197.00)	\$ (35,197.00)
49400003-48260	Emergency Resp. Vehicle	30,000.00	35,197.00	65,197.00
30045004-35975	Forfeited Assets for Sheriff	0.00	(1,939.00)	(1,939.00)
43120006-46800	Forfeited Asset Expenses	43,227.00	1,939.00	45,166.00
30033501-33250	Miscellaneous	(30,586.00)	(43.00)	(30,629.00)
43120001-46350	Police Supplies	40,086.00	43.00	40,129.00
TOTALS		\$ 82,727.00	\$ 0.00	\$ 82,727.00

RE: SURPLUS DECLARATION AND DONATION OF COUNTY VEHICLE

As part of the Consent Agenda, the Board authorized the County Administrator to initiate disposal and donation of a 2014 Chrysler 200 from the Department of Social Services in accordance with the Board-adopted Surplus Disposition Policy, as presented.

RE: ADOPTION OF THE AUGUST 27, 2024 REGULAR MEETING MINUTES

As part of the Consent Agenda, the Board adopted the August 27, 2024 Regular Meeting minutes, as presented.

RE: ADOPTION OF THE SEPTEMBER 24, 2024 WORKSESSION MINUTES

As part of the Consent Agenda, the Board adopted the September 24, 2024 Worksession minutes, as presented.

RE: OLD BUSINESS

There were no matters for Old Business at this time.

RE: NEW BUSINESS

RE: REGIONAL LEGISLATIVE PROGRAM FOR 2025

Theodore L. Voorhees, County Administrator, explained that the member localities in the Rappahannock-Rapidan Planning District (RRRC) had contracted for support on legislative matters before the General Assembly. Annually, each jurisdiction presented new or ongoing issues to Eldon James and Assoc., who had been selected to perform this support work. Mr. Voorhees noted that Eldon James advised on the issues and provided updates and advocacy support during the General Assembly sessions. As a result of the input from the member localities, the draft Regional Legislative Program for the upcoming General Assembly session was compiled and provided to the Board for its review, as it was customary for all of the member localities to endorse.

By consensus, the Board directed staff to bring this matter back for endorsement at a future meeting once the final draft of the Regional Legislative Program was complete.

RE: APPOINTMENT FOR THE VIRGINIA ASSOCIATION OF COUNTIES ANNUAL BUSINESS MEETING

By consensus, the Board appointed Bryan Nicol as its primary voting delegate to cast a vote(s) on behalf of the Orange County Board of Supervisors at the Annual Business Meeting of the Virginia Association of Counties, to be held on Tuesday, November 12, 2024, as presented.

RE: ZONING TEXT AMENDMENT (ZTA 24-02) FOR AGRICULTURAL DIVISION POLICY

Chairman Johnson commented on the Zoning Text Amendment (ZTA 24-02) that was recently forwarded to the Board of Supervisors from the Planning Commission, which was related to agricultural divisions. He discussed whether the Board should send the amendment back to the Planning Commission with direction to attempt zoning delineations between the A1 and A2 Comprehensive Plan designations and to add a rural residential designation. Mr. Johnson also suggested considering development of language for a technology zone.

Discussion ensued among the Board regarding: agreement with the approach to send the amendment back to the Planning Commission with ideas and suggested direction; the fact that a zoning amendment of this nature should be a collaborative process between the Board and the Planning Commission; the idea to provide the Planning Commission with guidance, but not to tell them what to do; the option of folding this amendment into the overall Zoning Ordinance update

project; and the option of having the Chairman of the Board and the Chairman of the Planning Commission work together to develop a recommended direction on the proposed amendment.

By consensus, the Board agreed for the Chairman of the Board to work with the Chairman of the Planning Commission on the proposed Zoning Text Amendment, as discussed.

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

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:

- Human Resources Quarterly Report

RE: APPOINTMENTS TO BOARDS, COMMISSIONS, AND COMMITTEES

By consensus, the Board amended its previous action and appointed Bryan Nicol as its primary voting delegate and Theodore L. Voorhees as its alternate voting delegate, to cast a vote(s) on behalf of the Orange County Board of Supervisors at the Annual Business Meeting of the Virginia Association of Counties, to be held on Tuesday, November 12, 2024, as discussed.

RE: CALENDAR

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

RE: PUBLIC HEARING #1; SUP 24-00247

Kyra Davis, Planner, presented the staff report and request for Special Use Permit from Interstate Sign Co., on behalf of Diamond Jubilee Investments, LLC, which included information on the location and specifications of the subject property, the request to expand the fuel dispensing use on the property, which was an existing nonconforming use, suggested conditions for approval, and the recommendation of approval from the Planning Commission.

Discussion ensued among the Board regarding: the fact that there was no specific guidance in the Comprehensive Plan on fuel dispensing uses; the idea that it seemed natural to have a gas station located in a Village designation; and clarification on the total number and location of the gas pumps.

The applicants were available via Zoom, but did not have specific remarks to offer.

At 5:41 p.m., Chairman Johnson called the Public Hearing to order to receive comments on the following:

SUP 24-00247

The Board of Supervisors will consider a Special Use Permit application from Interstate Sign Co., on behalf of Diamond Jubilee Investments, LLC, to expand the fuel dispensing use on the property, which is an existing nonconforming use. The property is located at 5515 Spotswood Trail, Barboursville, is identified as Tax Map Parcel 54-120, and contains 2.32 acres. The property is currently zoned General Commercial (C-2) and Barboursville Village Overlay District (BVOD). The property is situated in the Village Recommended Future Land Use category, as described in the Orange County Comprehensive Plan.

There being no speakers, Chairman Johnson closed the Public Hearing at 5:41 p.m.

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

ORDINANCE APPROVING SUP 24-00247 TO EXPAND THE EXISTING FUEL DISPENSING USE ON
TAX MAP NO. 54-120, REQUESTED BY INTERSTATE SIGN CO., ON BEHALF OF
DIAMOND JUBILEE INVESTMENTS, LLC

WHEREAS, Interstate Sign Co., on behalf of Diamond Jubilee Investments, LLC, applied for a Special Use Permit to expand the fuel dispensing use, which is an existing nonconforming use, on property located at 5515 Spotswood Trail, Barboursville, referenced as Tax Map No. 54-120, containing approximately 2.32 acres, and zoned General Commercial (C-2) and Barboursville Village Overlay District (BVOD), pursuant to Section 70-141:147 and Section 70-483 of the Orange County Zoning Ordinance; and

WHEREAS, the Planning Commission advertised and conducted a Public Hearing on the request on September 5, 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 October 8, 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 8th day of October, 2024, that the Orange County Board of Supervisors hereby approves SUP 24-00247 to expand the existing fuel dispensing use on property located at 5515 Spotswood Trail, Barboursville, referenced as Tax Map No. 54-120, subject to the five (5) conditions and nine (9) 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: PUBLIC HEARING #2; AMENDMENT TO CHAPTER 58 (TAXATION)

Glenda Paul, Deputy County Administrator, presented an amendment to the Board for its consideration, which would establish the duties of the Real Estate Assessment Department and the Board of Equalization. She noted the amendment would also modify an existing section of the Orange County Code of Ordinances to align tax collection with the fiscal year and would establish a one-time "short" fiscal year in order to accomplish said alignment.

At 5:44 p.m., Chairman Johnson called the Public Hearing to order to receive comments on the following:

AMENDMENT TO CHAPTER 58 (TAXATION)

The Board of Supervisors will consider an amendment to Chapter 58 (Taxation) of the Orange County Code of Ordinances. Specifically, said amendment would add Article XII (Real Estate Assessment) to establish the duties of the Real Estate Assessment Department and the Board of Equalization. Further, said amendment would modify Sec. 58-51 of the Code to align tax collection with the fiscal year. Adoption of the proposed ordinance would establish a one-time short fiscal year, assessment effective date, and tax rate for the half-year levy.

There being no speakers, Chairman Johnson closed the Public Hearing at 5:44 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 presented:

ORDINANCE ADOPTING AMENDMENTS TO SECTION 58 (TAXATION) OF THE ORANGE COUNTY
CODE OF ORDINANCES CONCERNING CREATION OF THE
REAL ESTATE ASSESSMENT PROCESS

WHEREAS, the Board of Supervisors desires to amend Section 58 (Taxation) of the Orange County Code of Ordinances to establish a Real Estate Assessment Department and Board of Equalization and create the associated real estate assessment process; and

WHEREAS, the Board of Supervisors also desires to align tax collection with the budgeted fiscal year by amending Section 58 (Taxation) to adopt a January 1 effective date for real estate assessments and a July 1 – June 30 fiscal year for real estate tax levies; and

WHEREAS, in order to effect a change to the fiscal year for tax levies, the Board of Supervisors desires to have a one-time "short" fiscal tax levy year from January 1, 2025, through June 30, 2025; and

WHEREAS, this one-time short fiscal tax levy year will use real estate valuations from the prior tax year, adjusted for new construction, land divisions and improvements, reclassifications, and zoning changes, specifically for January 1, 2025 assessments with a June 5, 2025 tax levy equal to a half-year (six months) levy at the current combined tax rate of \$0.75 per \$100 in valuation (General levy \$0.61 plus Fire & EMS levy \$0.14); and

WHEREAS, assessments for the first full fiscal tax levy year (July 1, 2025, through June 30, 2026) will use general reassessment values, effective January 1, 2025, which will be due on December 5, 2025, and June 5, 2026, and thereafter, assessment and equalization of real estate for local taxation will be conducted annually; and

WHEREAS, the legal authority for said amendment is the Orange County Code of Ordinances and §§ 58.1-3010, 58-3253, 58-3274, 58.1-3331, 58.1-3373, 58.1-3374, 58.1-3378, and 58.1-3913 of the Code of Virginia; and

WHEREAS, the Board of Supervisors advertised and conducted the required Public Hearing on said amendments on Tuesday, October 8, 2024; and

WHEREAS, the Board of Supervisors hereby supports the proposed amendments, as presented during the Public Hearing;

NOW, THEREFORE, BE IT ORDAINED, on this 8th day of October, 2024, that the Orange County Board of Supervisors hereby approves the amendments to Section 58 (Taxation) of the Orange County Code of Ordinances to establish a Real Estate Assessment Department and Board of Equalization and to create the associated real estate assessment process, as outlined in the text attached to the original Ordinance retained in the County Administrator's Office, as presented.

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

RE: CLOSED MEETING

At 5:46 p.m., Ms. Wilson read the following motion authorizing Closed Meeting:

WHEREAS, the Orange County Board of Supervisors desired to discuss in Closed Meeting the following matters:

- Consultation with the County Attorney regarding legal matters, specifically currently active and probable litigation cases where the County has been and is likely to be named a party, requiring the provision of legal advice by such counsel. - §2.2-3711(A)(8) of the Code of Virginia
- Discussion of the award of a public contract involving the expenditure of public funds, and discussing the terms or scope of such contract, specifically for raw water supply, where discussion in an open session would adversely affect the bargaining position or negotiating strategy of the public body. - §2.2-3711(A)(29) of the Code of Virginia

WHEREAS, pursuant to §§2.2-3711 (A)(8) and (A)(29) 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 aforesated matters in Closed Meeting.

On the motion of Mr. Marshall, seconded by Mr. Van Hoven, 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 7:09 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. Marshall, which carried by a vote of 5-0, the Board adjourned the meeting at 7:09 p.m. Ayes: Johnson, Van Hoven, Marshall, Hale, Nicol. Nays: None.

R. Mark Johnson, Chairman

Theodore L. Voorhees, County Administrator