

BOARD OF SUPERVISORS MINUTES**DECEMBER 3, 2024**

At a Regular Meeting of the Orange County Board of Supervisors held on Tuesday, December 3, 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: ADOPTION OF AGENDA

On the motion of Mr. Nicol, seconded by Mr. Van Hoven, 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: VIRGINIA DEPARTMENT OF TRANSPORTATION QUARTERLY UPDATE**

Willie Gordon, Assistant Residency Administrator, provided a quarterly update to the Board on VDOT-related matters.

The Board thanked Mr. Gordon for his update.

RE: CONSENT AGENDA

On the motion of Mr. Van Hoven, seconded by Mr. Marshall, 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
30033501-33250	Miscellaneous	\$ (30,629.00)	\$ (43.00)	\$ (30,672.00)
43120001-46350	Police Supplies	40,525.00	43.00	40,568.00
30033501-33250	Miscellaneous	(30,629.00)	(300.00)	(30,929.00)
43120001-46350	Police Supplies	40,525.00	300.00	40,825.00
30030003-33550	Don. - Policing Academy	(2,000.00)	(750.00)	(2,750.00)
43120003-46800	Policing Expenses	15,243.00	750.00	15,993.00
30045010-35825	ICAC Program Proceeds	(5,000.00)	(2,972.00)	(7,972.00)
43120010-46800	ICAC Program	5,000.00	2,972.00	7,972.00
30045004-35975	FA - DCJS for Sheriff	(2,526.00)	(561.00)	(3,087.00)
43120006-46800	Forfeited Asset Expenses	45,753.00	561.00	46,314.00
30030006-33500	Donations - Animal Shelter	(7,168.00)	(613.00)	(7,781.00)
43520003-43115	Prof. Serv. - Emergency Vet	12,956.00	613.00	13,569.00
30045003-35750	FA - DCJS for Comm. Atty.	(188.00)	(568.00)	(756.00)
42210002-46800	Forfeited Asset Expenses	22,866.00	568.00	23,434.00
TOTALS		\$ 104,728.00	\$ 0.00	\$ 104,728.00

RE: RENEWAL OF THE CONTRACT WITH SHI FOR EMAIL AND OFFICE 365

As part of the Consent Agenda, the Board authorized staff to renew the contract with SHI (Contract # VA-200114-SHI) for email and Office 365 subscriptions for a one-year term, per the terms and conditions of the master agreement, as presented.

RE: OLD BUSINESS

RE: RECOMMENDATIONS FOR APPOINTMENT TO THE BOARD OF EQUALIZATION

Alyson Simpson, Chief Deputy Clerk, reminded the Board of the need to recommend appointees to the Circuit Court to fill the five positions and two alternates on the Board of Equalization, which were due by January 15, 2025.

Katherine Merritt was recommended by Supervisor Nicol, and the Board agreed to include her on the list of recommended appointees.

By consensus, the Board requested that staff contact the members who had formerly served on the Board of Equalization to determine their interest in serving again and to include an update on the next agenda on December 17, 2024.

RE: NEW BUSINESS

There were no matters for New Business at this time.

RE: MATTERS FOR DISCUSSION OR CONSIDERATION

RE: OPIOID ABATEMENT FUNDING RECOMMENDATIONS

Ashley Jacobs, Management Analyst, and Christopher Votaw, Investigator, presented a PowerPoint presentation on recommendations for use of the Opioid Abatement Authority funding. The presentation included information on the following: the background of the Epidemic Intelligence Council (EpiC); the background and creation of the Opioid Abatement Authority; funding received from various opioid-related settlement agreements; funding formulas and Orange County's expected share of funding; EpiC's strategic planning work to identify funding recommendations; the Gap and Needs Assessment; and the overview of recommended funding strategies.

Discussion ensued among the Board regarding: the sustainability of proposed programs and initiatives based on the fact that limited funding was available; support of the proposed program coordinator position; and the fact that the funding recommendations presented by EpiC were achievable and realistic.

By consensus, the Board accepted the Opioid Abatement Funding Recommendations Roadmap and authorized the establishment and recruitment of the Opioid Response Program Coordinator position to be funded by the opioid abatement settlement funds, as presented.

RE: RESOLUTION FOR FEASIBILITY OF COLLABORATING WITH GREENE COUNTY FOR A RESERVOIR PROJECT

Theodore L. Voorhees, County Administrator, requested the Board's consideration on a resolution that would authorize staff to investigate the feasibility of collaborating with Greene County on a reservoir project as a potential solution to address near-term water needs while long-term options were explored.

Discussion ensued among the Board regarding: interest in learning more about the possible partnership with Greene County; support from the Board to explore available options; involvement of the Board's Water Subcommittee members; and stressing the fact that this was not

a permanent or long-term solution, but would potentially fill a gap while those solutions were explored or considered.

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

RESOLUTION DIRECTING STAFF TO INVESTIGATE THE FEASIBILITY OF
COLLABORATING WITH GREENE COUNTY TO CONSTRUCT A RESERVOIR

WHEREAS, the Board of Supervisors recognizes the importance of securing a reliable water supply for the future growth and sustainability of our community; and

WHEREAS, the construction of a reservoir has been identified as a potential solution to address long-term water needs; and

WHEREAS, collaboration with Greene County could provide mutual benefits, including shared resources, cost savings, and enhanced regional water management;

NOW, THEREFORE, BE IT RESOLVED, on this 3rd day of December, 2024, that the Orange County Board of Supervisors hereby establishes the following:

1. *Directive to Staff:* The Board hereby directs the County Administrator and relevant staff to initiate discussions with Greene County officials to explore the feasibility of participating in a reservoir project.
2. *Feasibility Study:* The Board hereby instructs staff to conduct a comprehensive feasibility study, which shall include, but not be limited to, the following:
 - Analysis of environmental impacts and necessary mitigation measures.
 - Estimation of costs and potential funding sources.
 - Evaluation of legal and regulatory requirements.
 - Consideration of the benefits and challenges of a collaborative approach.
3. *Reporting:* Staff shall report back to the Board with findings and recommendations within three months from the date of this resolution.

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

On the motion of Mr. Nicol, seconded by Ms. Hale, which carried by a vote of 5-0, the Board further directed staff to explore an additional solution for raw water supply storage, as discussed.

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

RE: DEPARTMENT DIRECTOR / CONSTITUTIONAL OFFICER REPORTS

Sheriff Jason Smith provided a report to the Board, which included a review of activities, initiatives, and statistics of the Sheriff's Office for the calendar year.

The Board thanked Sheriff Smith for his report.

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

Supervisor Marshall commented on the recent dinner the Board hosted with the Orange Town Council and the Board recognized that Martha Roby and Rick Sherman were both retiring from the Council after many years of service.

Supervisor Hale thanked Lake of the Woods again for hosting the Board's last meeting. She also recognized and thanked Alyson Simpson, Chief Deputy Clerk, for her service to the Board of Supervisors as she would soon be vacating her current position and moving to the Senior Paralegal position in the County Attorney's Office.

RE: INFORMATIONAL ITEMS

There were no Informational Items at this time.

RE: APPOINTMENTS TO BOARDS, COMMISSIONS, AND COMMITTEES

By consensus, the Board re-appointed Pamela Edelman as the Parent Representative on the Community Policy and Management Team (CPMT) for a two-year term, with said term commencing January 1, 2025, and expiring on December 31, 2026.

By consensus, the Board re-appointed Alison Burton as the Private Provider Representative on the Community Policy and Management Team (CPMT) for a two-year term, with said term commencing January 1, 2025, and expiring on December 31, 2026.

RE: CALENDAR

The Board received copies of its calendar of meetings for the month of December 2024.

RE: SCHEDULE A PUBLIC HEARING TO CONSIDER A UTILITY EASEMENT

By consensus, the Board authorized staff to advertise for and schedule a public hearing on a utility easement to Rappahannock Electric Cooperative on Tuesday, December 17, 2024, as presented.

RE: PUBLIC HEARING #1; SUP 24-00238

Kyra Davis, Planner, presented the staff report and request for Special Use Permit from Tabitha Gaulding, on behalf of Dham, LLC, which included information on the location and specifications of the subject property, the request to permit fuel dispensing and increased signage 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 Planning Commission's recommended conditions for approval; the number of entrances onto the property and VDOT's recommendation to remove one of the entrances; the fact that the applicant from the sign company was not present, but the owner of the property was; the desire of the owner to improve visibility of the gas price sign; the crash history near the subject property; and the desire to leave the conditions as proposed by the Planning Commission.

At 6:36 p.m., Chairman Johnson called the Public Hearing to order to receive comments on the following:

SUP 24-00238

The Board of Supervisors will consider a Special Use Permit application from Tabitha Gaulding, of behalf of Dham, LLC, to permit fuel dispensing, which is an existing nonconforming use, and to permit increased signage advertising the use. The property is located at 4201 Spotswood Trail, Barboursville, is identified as Tax Map Parcel 53-22A, and contains 4.5 acres. The property is currently zoned General Commercial (C-2) and 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 6:36 p.m.

On the motion of Mr. Johnson, seconded by Mr. Marshall, which carried by a roll call vote of 4-1, with Ms. Hale voting against, the Board adopted the following ordinance, as presented:

**ORDINANCE APPROVING SUP 24-00238 TO ALLOW FUEL DISPENSING ON TAX MAP NO. 53-22A,
REQUESTED BY TABITHA GAULDING, ON BEHALF OF DHAM, LLC**

WHEREAS, Tabitha Gaulding, on behalf of Dham, LLC, applied for a Special Use Permit to allow fuel dispensing, which is an existing nonconforming use, on property located at 4201 Spotswood Trail, Barboursville, referenced as Tax Map No. 53-22A, containing approximately 4.5 acres, and zoned General Commercial (C-2), 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 October 3, 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 December 3, 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 3rd day of December, 2024, that the Orange County Board of Supervisors hereby approves SUP 24-00238 to allow fuel dispensing on property located at 4201 Spotswood Trail, Barboursville, referenced as Tax Map No. 53-22A, subject to the five (5) conditions and four (4) 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, Nicol. Nays: Hale.

RE: PUBLIC HEARING #2; AMENDMENT TO CHAPTER 62 (TRAFFIC AND VEHICLES)

Theodore L. Voorhees, County Administrator, presented an amendment to the Board for its consideration. He noted that the proposed amendment would codify the necessary language, structured on the language contained in the Code of Virginia, to allow the use of photo-monitoring devices to enforce speed limits in the school zones, including the issuance of summonses for violations and associated civil penalties for said violations.

Discussion ensued among the Board regarding: the possibility of violations for excessive noise; how the vendor was repaid for its equipment investment; whether the contract with the vendor was based on goods and services provided or based on the number of citations issued; receipt of funds by the County;

and the fact that the contract was already approved by the Board, and the action before the Board was simply to consider the necessary ordinance.

At 6:54 p.m., Chairman Johnson called the Public Hearing to order to receive comments on the following:

AMENDMENT TO CHAPTER 62 (TRAFFIC AND VEHICLES)

The Board of Supervisors will consider an amendment to Chapter 62 (Traffic and Vehicles) of the Orange County Code of Ordinances. Specifically, said amendment would add Article IV (Use of Photo-Monitoring Devices to Enforce Speed Limits) for the purpose of allowing photo speed monitoring devices to be installed in school zones, pursuant to Section 46.2-882.1 of the Code of Virginia. The ordinance also establishes the civil penalty imposed for summonses issued pursuant to this Section.

There being no speakers, Chairman Johnson closed the Public Hearing at 6:54 p.m.

On the motion of Mr. Nicol, seconded by Ms. Hale, which carried by a roll call vote of 4-0-1, with Mr. Marshall abstaining, the Board adopted the following ordinance, as presented:

**ORDINANCE ADOPTING AMENDMENTS TO CHAPTER 62 (TRAFFIC AND VEHICLES) OF THE
ORANGE COUNTY CODE OF ORDINANCES IN ORDER TO ALLOW PHOTO-MONITORING DEVICES
TO ENFORCE SPEED LIMITS IN THE SCHOOL ZONES COUNTYWIDE**

WHEREAS, the Board of Supervisors previously authorized engagement with Altumint, in partnership with the Sheriff's Office, for use of photo-monitoring devices to enforce speed limits in the school zones Countywide; and

WHEREAS, Section 46.2-882.1 of the Code of Virginia authorizes local law enforcement agencies to place and operate photo speed monitoring devices in school crossing zones for the purpose of recording violations of Section 46.2-873 (Maximum Speed Limits at School Crossings; Penalty) of the Code of Virginia; and

WHEREAS, as such, the Board of Supervisors desires to adopt and codify a local ordinance to allow the applicable provisions of the Code of Virginia and to establish the process and civil penalty imposed for summonses issued for violations of said ordinance; and

WHEREAS, the Board of Supervisors advertised and conducted the required Public Hearing on said amendments on Tuesday, December 3, 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 3rd day of December, 2024, that the Orange County Board of Supervisors hereby adopts the amendments to Chapter 62 (Traffic and Vehicles) of the Orange County Code of Ordinances in order to allow photo-monitoring devices to enforce speed limits in the school zones Countywide and to establish the associated process and civil penalty imposed for summonses issued for violations of said ordinance, as outlined in the text attached to the original Ordinance retained in the County Administrator's Office, as presented.

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

RE: CLOSED MEETING

At 6:58 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:

- Discussion or consideration of the acquisition of real property for a public purpose, specifically for a road project in Locust Grove, 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 the County Attorney pertaining to actual or probable litigation, where such consultation in open meeting would adversely affect the negotiating or litigating posture of the public body, concerning the Hoy and Sona litigation. - §2.2-3711(A)(7) of the Code of Virginia

WHEREAS, pursuant to §§2.2-3711 (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 aforesated matters in Closed Meeting.

On the motion of Mr. Nicol, 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 7:44 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 Mr. Nicol, seconded by Ms. Hale, which carried by a vote of 5-0, the Board adjourned the meeting at 7:45 p.m. Ayes: Johnson, Van Hoven, Marshall, Hale, Nicol. Nays: None.

R. Mark Johnson, Chairman

Theodore L. Voorhees, County Administrator