

BOARD OF SUPERVISORS MINUTES**JANUARY 28, 2025**

At a Regular Meeting of the Orange County Board of Supervisors held on Tuesday, January 28, 2025, 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; Eduward M. Van Hoven, Vice Chairman; Keith F. Marshall; Crystal D. Hale; and J. Bryan Nicol. Also present: Theodore L. Voorhees, County Administrator; Amy Wilson, County Attorney; and LaToya M. Smith, Chief Deputy Clerk.

RE: CALL TO ORDER

The meeting was called to order by Chairman Johnson, followed by the Pledge of Allegiance. A moment of silence was held in remembrance of Grover Wilson and Vernon Rea Jones, former members of the Orange County Board of Supervisors who recently passed away.

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

RE: SPECIAL PRESENTATIONS AND APPEARANCES

There were no presentations at this time.

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
30030601 33465	Settlement Proceeds - Misc	(65,000.00)	(5,000.00)	(70,000.00)
45330011 43100	Professional Services-Other	-	5,000.00	5,000.00
30052001 39900	Appropriated Fund Balance	(5,582,011.94)	(24,934.00)	(5,606,945.94)
41221501 43150	Prof. Serv.-Legal	168,228.40	24,934.00	193,162.40
30045006 35775	State - Airport Grant	(494,040.20)	(1,125.00)	(495,165.20)
48170001 43370	Grounds Maintenance	75,103.00	1,125.00	76,228.00
30030006 33500	Donations-Animal Shelter	(212,160.00)	(10,591.00)	(222,751.00)
43520003 43115	Prof. Serv.-Emergency Vet	217,948.00	10,591.00	228,539.00
30030006 33500	Donations-Animal Shelter	(212,160.00)	(2,085.00)	(214,245.00)
43520003 43115	Prof. Serv.-Emergency Vet	217,948.00	2,085.00	220,033.00
30030006 33500	Donations-Animal Shelter	(212,160.00)	957.00	(213,117.00)
43520003 43115	Prof. Serv.-Emergency Vet	217,948.00	957.00	218,905.00
30045004 35975	FA-DCJS For Sheriff	(4,262.00)	(105.00)	(4,367.00)
43120006 46800	SHF Forfeited Asset Expenses	50,747.00	105.00	50,852.00

RE: ADOPTION OF THE DECEMBER 17, 2024 WORKSESSION MINUTES

As part of the Consent Agenda, the Board adopted the December 17, 2024 Worksession minutes, as presented.

RE: ADOPTION OF THE DECEMBER 17, 2024 REGULAR MEETING MINUTES

As part of the Consent Agenda, the Board adopted the December 17, 2024 Regular Meeting minutes, as presented.

RE: OLD BUSINESS

RE: ANNUAL REVIEW OF BYLAWS

This item was carried forward from the Board's January 14, 2025 meeting. There being no need for additional changes, on the motion of Mr. Nicol, seconded by Mr. Marshall, which carried by a vote of 5-0, the Board adopted its Bylaws for 2025, as presented.

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

RE: NEW BUSINESS

RE: RESOLUTION TO RATIFY LIFTING OF THE LOCAL STATE OF EMERGENCY DECLARED ON JANUARY 5, 2025

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

RESOLUTION TO RATIFY LIFTING OF THE LOCAL STATE OF EMERGENCY
DECLARED ON JANUARY 5, 2025

WHEREAS, at its meeting on Tuesday, January 14, 2025, pursuant to §44-146.21 of the Code of Virginia, the Board of Supervisors ratified the Local State of Emergency declared by the County Administrator in his capacity as the Local Director of Emergency Management, ahead of Winter Storm Blair, which went into effect at 6:00 p.m. on Sunday, January 5, 2025; and

WHEREAS, the County Administrator, in consultation with the Chairman of the Board of Supervisors and the Chief of Fire and EMS, lifted the Local State of Emergency at Noon on Monday, January 13, 2025;

NOW, THEREFORE, BE IT RESOLVED, on this 28th day of January, 2025, that the Orange County Board of Supervisors hereby ratifies the County Administrator's decision to lift the Local State of Emergency as of Noon on Monday, January 13, 2025; and

BE IT FURTHER RESOLVED, that the Board of Supervisors expresses its appreciation to all who assisted throughout the readiness, response, and recovery phases of this storm.

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

RE: RESOLUTION SUPPORTING LAKE ANNA HARMFUL ALGAL BLOOM MITIGATION FUNDING EFFORTS

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

A RESOLUTION SUPPORTING LAKE ANNA
HARMFUL ALGAL BLOOM MITIGATION FUNDING EFFORTS

WHEREAS, Lake Anna is a public resource with 9,600 acres of water and 200 miles of shoreline and is contained within the counties of Louisa, Spotsylvania, and Orange; and

WHEREAS, Lake Anna is a significant economic driver for Orange County whose residents, visitors, and businesses generate significant revenue that supports the health, public safety, and welfare of its citizens; and

WHEREAS, the Virginia Department of Health (VDH) has issued recreational advisories for the presence of potentially toxic cyanobacteria in the upper three Lake Anna tributaries for seven (7) consecutive years since 2018 resulting in significant negative impact upon recreation, tourism, and revenue; and

WHEREAS, the Virginia Department of Environmental Quality (DEQ) listed multiple areas in the upper three tributaries of the Lake Anna reservoir as impaired due to HABs in the 2024 Integrated Assessment Report; and

WHEREAS, the Virginia DEQ lacks sufficient resources to provide staff or resources to establish a program to support the consistent schedule of freshwater HAB response monitoring necessary to determine causal factors and protect human health; and

WHEREAS, budget amendments have been introduced in both houses of the Virginia General Assembly for the addition of \$250,000 to the Virginia DEQ budget for HAB monitoring and analysis of Virginia's inland, fresh waterways; and

WHEREAS, the Virginia General Assembly appropriated \$1,000,000 for cyanobacteria mitigation and remediation at Lake Anna in the second year of the state's FY23-24 budget; and

WHEREAS, the Virginia General Assembly appropriated \$500,000 for cyanobacteria mitigation and remediation at Lake Anna in the first year of the state's FY25-26 budget; and

WHEREAS, budget amendments have been introduced in both houses of the Virginia General Assembly to appropriate \$1,000,000 for cyanobacteria mitigation and remediation at Lake Anna in the second year of the state's FY25-26 budget; and

WHEREAS, the Virginia DEQ initiated a one year Pilot Program focused on nutrient reduction in the Chesapeake Bay watershed (called the "Pay for Outcomes Pilot Program for Non-Point Source Nutrient Reduction"); and

WHEREAS, the Lake Anna Advisory Committee (LAAC) is participating in an effort led by EutroPHIX, one of the current HAB mitigation contractors, to submit an application for HAB mitigation funding through the Virginia DEQ Pay for Outcomes Pilot Program for Non-Point Source Nutrient Reduction.

NOW, THEREFORE, BE IT RESOLVED, on this 28th day of January 2025, that the Orange County Board of Supervisors hereby supports: 1) the approval of budget amendments to add \$250,000 in the second year of the state's FY25-26 budget to fund the Virginia DEQ for HAB monitoring and analysis of Virginia's inland fresh waterways; 2) the approval of budget amendments to add \$1,000,000 in the second year of the state's FY25-26 budget for cyanobacteria mitigation and remediation efforts at Lake Anna, and 3) the submission of an application for HAB mitigation funding through the Virginia DEQ Pay for Outcomes Pilot Program for Non-Point Source Nutrient Reduction.

BE IT FURTHER RESOLVED, that the County Administrator is authorized to sign and release Letters for Support for each of the three HAB funding efforts.

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

RE: MATTERS FOR DISCUSSION OR CONSIDERATION

RE: PUBLIC DECLARATION LETTER FOR ORANGE COUNTY SHERIFF'S OFFICE APPLICATION TO THE FEDERAL AVIATION ADMINISTRATION FOR A CERTIFICATE OF AUTHORIZATION RELATING TO DRONE OPERATIONS

Major Mike LaCasse was present to share a PowerPoint Presentation regarding the Sheriff's Office's drone program and the Certificate of Authorization application process, which requires the Sheriff's Office to be verified as an agency qualified to operate as a Public Aircraft Operator (PAO) through a Public Declaration Letter (PDL). The Federal Aviation Administration (FAA) requires the PDL come from an attorney who can attest to the status of the agency, along with other requirements outlined in the FAA Guidance Document. The Certificate of Authorization allows drone pilots to operate under conditions that might not be permitted under the Part 107 License currently held by the Sheriff's Office, providing more flexibility for the unique operational needs of public agencies.

By consensus, the Board authorized the County Attorney to send a Public Declaration Letter to the Federal Aviation Administration in order for the Sheriff's Office to obtain access to the Certificate of Authorization application processing system.

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 reported that staff has completed the draft Public Safety salary proposals; it is anticipated they will be converted to a digestible format and provided to the Board by the end of the week.

RE: BOARD COMMENT

Mr. Nicol informed the Board that he recently testified in support of a bill introduced to the General Assembly by Delegate Phillip Scott, which would require owners of waterworks to report within a certain period of time if there are abnormalities in the waterworks operations that could affect water quality and/or public health.

Ms. Hale thanked the Board for the moment of silence that was held for their predecessors who were lost recently, former supervisors Grover Wilson and Vernon Rea Jones. Ms. Hale expressed appreciation for the work that they did for this county and extended condolences to both families.

Chairman Johnson commented that they were very interesting gentlemen, while very different. Mr. Wilson served on this Board for 18 years was also a member of the Rapidan Service Authority (RSA). Mr. Jones served for eight years, was on the Planning Commission, and also served on the RSA. Both gentlemen served their country in the armed forces. Both cared deeply about Orange County and put a lot of time in over the decades.

RE: INFORMATIONAL ITEMS

The Board received the following correspondence for its information:

- Social Services Quarterly Report

RE: APPOINTMENTS TO BOARDS, COMMISSIONS, AND COMMITTEES
There were no appointments made at this time.

RE: CALENDAR
The Board received copies of its calendar of meetings for the months of January 2025 and February 2025.

RE: PUBLIC COMMENT
At this time, Chairman Johnson opened the floor for public comment.

The following individuals spoke:

- Chris Vess, 27360 Big H Ranch Road, Culpeper
- Tristan Lugo, Oak Circle Lane, McGaheysville
- Ben Ullman, Woodland Drive, Unionville
- Angel Chumley, 102 Charles Street, Gordonsville
- Harry Looney, Louisa County

There being no further speakers, Chairman Johnson closed the public comment period.

RE: CLOSED MEETING
At 5:43 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 a personnel matter, specifically assignment, performance, and salary, of specific public officers or employees of the public body, concerning the County Administrator, as permitted by Section 2.2-3711.A.1 of the Code of Virginia.
- Discussion or consideration of the acquisition of real property for a public purpose, specifically for a road project in Locust Grove, where discussion in open meeting would adversely affect the bargaining position or negotiating strategy of the public body, as permitted by Section 2.2-3711.A.3 of the Code of Virginia.
- Consultation with the County Attorney pertaining to actual or probable litigation, specifically where the County has been or is likely to be named a party, where such consultation in open meeting would adversely affect the negotiating or litigating posture of the public body, concerning the status of active or probable cases, as permitted by Section 2.2-3711.A.7 of the Code of Virginia.

WHEREAS, pursuant to §§2.2-3711 (A)(1), (A)(3), and (A)(7) of the Code of Virginia, such discussions may occur in Closed Meeting;

NOW, THEREFORE, BE IT RESOLVED, that the Orange County Board of Supervisors hereby authorized discussion of the aforesated matters in Closed Meeting.

On the motion of Mr. Nicol, seconded by Ms. Hale, which carried by a vote of 5-0, the Board adopted the resolution authorizing Closed Meeting, as presented. Ayes: Johnson, Van Hoven, Marshall, Hale, Nicol. Nays: None.

RE: CERTIFICATION OF CLOSED MEETING

At 6:56 p.m., Ms. Smith read the following resolution certifying Closed Meeting:

WHEREAS, the Orange County Board of Supervisors has, this day, adjourned into Closed Meeting in accordance with a formal vote, and in accordance with the provisions of the Virginia Freedom of Information Act; and

WHEREAS, the Freedom of Information Act requires certification that such Closed Meeting was conducted in conformity with the law;

NOW, THEREFORE, BE IT RESOLVED, that the Orange County Board of Supervisors hereby certified that, to the best of each member's knowledge, i) only public business matters lawfully exempted from open meeting requirements under the Freedom of Information Act were discussed in the Closed Meeting to which this certification applied, and ii) only such public business matters as were identified in the motion by which the said Closed Meeting was convened were heard, discussed or considered by it.

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

RE: ADJOURN

On the motion of Ms. Hale, seconded by Mr. Nicol, which carried by a vote of 5-0, the Board adjourned the meeting at 6:57 p.m. Ayes: Johnson, Van Hoven, Marshall, Hale, Nicol. Nays: None.

R. Mark Johnson, Chairman

Glenda B. Paul, County Administrator