At a Regular Meeting of the Orange County Board of Supervisors held on Tuesday, May 25, 2021, beginning at 5:00 p.m., in the Meeting Room of the Gordon Building, 112 West Main Street, Orange, Virginia. Present: James P. Crozier, Chairman; R. Mark Johnson, Vice Chairman; James K. White; Keith F. Marshall; and Lee H. Frame. Also present: Theodore L. Voorhees, County Administrator; Thomas E. Lacheney, County Attorney; and Alyson A. Simpson, Chief Deputy Clerk.

RE: ADOPTION OF AGENDA

On the motion of Mr. Frame, seconded by Mr. Johnson, which carried by a vote of 5-0, the Board adopted the agenda, as modified. Ayes: Johnson, White, Marshall, Crozier, Frame. Nays: None.

RE: SPECIAL PRESENTATIONS AND APPEARANCES

RE: PRESENTATION OF TRIAD SALT AWARD

Supervisor Frame presented a TRIAD SALT Award to Investigator Johnny Thomas for his outstanding service to the senior community. The Board congratulated Mr. Thomas.

RE: PRESENTATION OF A CERTIFICATE OF APPRECIATION TO CONNIE CLARK

Chairman Crozier presented a Certificate of Appreciation to Connie Clark recognizing her twenty (20) years of service to the County. Collectively, the Board thanked her for her service and congratulated her on her upcoming retirement.

RE: VIRGINIA DEPARTMENT OF TRANSPORTATION QUARTERLY UPDATE

E. Alan Saunders, Louisa Resident Engineer, provided an update to the Board on VDOT activities. He reported on SmartScale project updates; projects currently in development; projects under construction; resurfacing efforts; completed and ongoing traffic engineering studies; and overall maintenance activities.

Discussion ensued among the Board regarding: the recent fatal accidents on Route 522; trimming needed in Lafayette; scheduled completion for the Greenwood Road bridge project; and the benefits of installing centerline markings on Everona Road.

The Board thanked Mr. Saunders for his presentation.

RE: CONSENT AGENDA

On the motion of Mr. Frame, seconded by Mr. Johnson, which carried by a vote of 5-0, the Board adopted the Consent Agenda, as presented.

RE: FY21 BUDGET AMENDMENTS (SUPPLEMENTALS AND TRANSFERS)

As part of the Consent Agenda, the Board approved the following budget amendments, as presented:

ACCOUNT NUMBER	ACCOUNT DESCRIPTION	PREVIOUS BUDGET	BUDGET CHANGE	AMENDED BUDGET
30030002-33625	Donations - Triad	$ (8,490.00)	$ (1,000.00)	$ (9,490.00)
43177007-46800	Triad - Special Prog. Exp.	993.00	1,000.00	1,993.00

30030006-33500	Donations - Animal Shelter	(20,918.00)	(2,111.00)	(23,029.00)
43520003-43115	Prof. Serv. - Emergency Vet	153,496.00	2,111.00	155,607.00
30030006-33500	Donations - Animal Shelter	(20,918.00)	(1,610.00)	(22,528.00)
43520003-43115	Prof. Serv. - Emergency Vet	153,496.00	1,610.00	155,106.00
30046008-37208	Cat. Aid - VA Early Childhd.	(41,250.00)	(130,610.00)	(171,860.00)
49310015-47100	Transfer to General Fund	24,767.00	130,610.00	155,377.00
30051001-39290	Transfer from COVID-19	(41,250.00)	(130,610.00)	(171,860.00)
30025501-31795	LES - Fees	(73,280.00)	2,500.00	(70,780.00)
30025501-31795	LES - Fees	(73,280.00)	32,028.00	(41,252.00)
30025501-31650	GBES - Fees	(132,532.00)	32,027.00	(100,505.00)
30025501-31725	OES - Fees	(108,938.00)	32,028.00	(76,910.00)
30025501-31780	LGES - Fees	(124,530.00)	32,027.00	(92,503.00)
TOTALS		**$ (312,634.00)**	**$ 0.00**	**$ (312,634.00)**

RE: ADOPTION OF THE MAY 11, 2021 WORKSESSION MINUTES

As part of the Consent Agenda, the Board adopted the May 11, 2021 Worksession minutes, as presented.

RE: ADOPTION OF THE MAY 11, 2021 REGULAR MEETING MINUTES

As part of the Consent Agenda, the Board adopted the May 11, 2021 Regular Meeting minutes, as presented.

RE: NEW BUSINESS

RE: PLANNING COMMISSION RESOLUTION FOR MORATORIUM ON SOLAR ENERGY PROJECTS

The Board took the information regarding the Planning Commission's resolution for a moratorium on solar energy projects under advisement, and there was no action taken at this time.

RE: OLD BUSINESS

RE: MEMORANDUM OF AGREEMENT WITH MADISON COUNTY REGARDING GREENE COUNTY'S WITHDRAWAL FROM RAPIDAN SERVICE AUTHORITY

Theodore L. Voorhees, County Administrator, explained that the Board had previously adopted a resolution of unanimous consent to the withdrawal of Greene County from the Rapidan Service Authority (RSA). He indicated the resolution was contingent upon Orange County and Madison County entering into an agreement to configure the RSA Board with an Orange County majority after Greene County's departure. Mr. Voorhees presented a draft Memorandum of Agreement (MOA) between Orange and Madison County, stating the MOA, with the most current revisions, had been reviewed and found acceptable by legal counsel and was ready for approval and execution by the Board at this time.

On the motion of Mr. Frame, seconded by Mr. White, which carried by a vote of 5-0, the Board authorized the Chairman to execute the Memorandum of Agreement with Madison County regarding Greene County's withdrawal from the Rapidan Service Authority, as presented.

Ayes: Johnson, White, Marshall, Crozier, Frame. Nays: None.

RE: DEPARTMENT DIRECTOR / CONSTITUTIONAL OFFICER REPORTS

RE: LANDFILL AIR PERMITTING

Aaron Caine, Public Works Director, explained that staff was informed by Draper Aden Associates (DAA) that the Department of Environmental Quality (DEQ) had changed its policy regarding the need for a Title V Air Permit for partially constructed landfills. Previously, the determination for the Air Permit had been made based on constructed cell capacity, which allowed the County to operate Close Permit 90 and Active Permit 566 Cell 1 without an Air Permit. Mr. Caine stated the DEQ policy now determined the need for an Air Permit based on the total designed capacity. This change meant the County would be required to obtain a Title V Air Permit prior to operating Cell 2, which was currently under construction.

Mr. Caine reported that DAA submitted a revised design capacity report for Cell 2 to DEQ and requested a determination on the need for a Title V Air Permit. In February, staff received a response letter from DEQ requesting an updated design capacity report for all cells, a Land Gem modeling result for all designed cells, and a permit application. He noted that DAA submitted all requested items to DEQ in March. DEQ responded that, based on the information provided, the Orange County Landfill would require an Air Permit, and requested that the County submit a Tier 1 NMOC (Non-Methane Organic Compound) emissions report.

Mr. Caine explained that DAA submitted the updated design capacity report for both Permit 90 and Permit 566 and a Tier 1 NMOC emissions report. As expected, the results of the Tier 1 emissions report estimated that the 34-metric ton limit for gas generation would be exceeded, thus requiring a gas collection system. The County was given the option of either 1) installing the costly gas collection system or 2) conducting a Tier 2 emissions test. The results of the Tier 2 emissions test were expected to be below the 34-metric ton limit and not require a gas collection system.

Mr. Caine stated that DAA had submitted a proposal for $25,000 to conduct the Tier 2 emissions test. The County would then need to submit the results of this testing to DEQ, along with a permit fee of $39,173. He indicated the total cost for all fees and professional services was estimated to be $110,000 and staff was proposing to use available funds in the CIP.

On the motion of Mr. White, seconded by Mr. Johnson, which carried by a vote of 5-0, the Board authorized the use of available funds in Project L1005 for fees and professional services for Title V Air Permitting at the Landfill, and authorized the execution of the proposal from Draper Aden Associates to conduct Tier 2 emissions testing at the Landfill, as presented.

Ayes: Johnson, White, Marshall, Crozier, Frame. Nays: None.

RE: COUNTY ATTORNEY'S REPORT

RE: PROPOSED ORDINANCE TO INCREASE THE FINES FOR LITTERING

Thomas Lacheney, County Attorney, indicated that the Board expressed interest in an ordinance that would increase the fines for littering in Orange County. As such, he presented draft language for the Board's discussion. Mr. Lacheney stated the ordinance would impose a misdemeanor offense punishable by confinement in jail and fines up to $2,500 if convicted of littering on a public highway.

Discussion ensued among the Board regarding: effectiveness and enforcement.

On the motion of Mr. Frame, seconded by Mr. Johnson, which carried by a vote of 5-0, the Board authorized staff to advertise for and schedule a public hearing on Tuesday, June 22, 2021, to consider an amendment to Chapter 50 (Solid Waste) of the Orange County Code of Ordinances regarding an increase in fines for littering, as presented.

Ayes: Johnson, White, Marshall, Crozier, Frame. Nays: None.

RE: COUNTY ADMINISTRATOR'S REPORT

RE: RESOLUTION TO ESTABLISH THE AUTHORITY OF THE ORANGE COUNTY ADMINISTRATOR

Theodore L. Voorhees, County Administrator, presented a resolution to the Board that established the authority of the Orange County Administrator.

Discussion ensued among the Board regarding: creating a distinction between the personnel policies and not turning them all over to the County Administrator; designation as Purchasing Agent; and whether this resolution would prompt amendments or clarification in the Procurement Policy.

By consensus, the Board requested this item be brought back at a future meeting once the requested revisions were made.

RE: BOARD COMMENT

There was no Board Comment at this time.

RE: INFORMATIONAL ITEMS

The Board received the following correspondence for its information:

- CSA Monthly Report
- Office on Youth Quarterly Report
- Culpeper Soil and Water Conservation District Minutes; April 6, 2021

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 May 2021, June 2021, and July 2021.

RE: SCHEDULE A WORKSESSION FOR REZ 20-01 (SIGNATURE SERIES DEVELOPMENT, LLC)

By consensus, the Board scheduled a Worksession on Tuesday, June 8, 2021, at 3:00 p.m. to discuss the Rezoning application (REZ 20-01) for Signature Series Development, LLC.

RE: PUBLIC HEARING #1; PROPOSED SECONDARY SIX-YEAR PLAN

E. Alan Saunders, Louisa Resident Engineer, reviewed the proposed Secondary Six-Year Plan for FY2022 through FY2027, noting that no new projects had been added this year. He highlighted the minor change that had been made to divide some of the projects into segments in order to advance the work sooner. Mr. Saunders indicated that the projected funding allocations had been spread across the projects as reflected in the draft Plan.

At 6:03 p.m., Chairman Crozier called the Public Hearing to order to receive comments on the following:

PROPOSED SECONDARY SIX-YEAR PLAN

The Board of Supervisors, in accordance with §33.2-331 of the Code of Virginia, will conduct a joint public hearing with the Virginia Department of Transportation to receive comment on the County's proposed Secondary Six-Year Plan (SSYP) for Fiscal Years 2022 through 2027, and on the Secondary System Construction Budget for Fiscal Year 2022. All projects in the SSYP that are eligible for Federal funds will be included in the Statewide Transportation Improvement Program (STIP), which documents how Virginia will obligate Federal transportation funds.

There being no speakers, Chairman Crozier closed the Public Hearing at 6:03 p.m.

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

RESOLUTION TO ADOPT THE SIX-YEAR PLAN FOR SECONDARY ROADS FOR FISCAL YEARS 2022 THROUGH 2027 AND THE SECONDARY SYSTEM CONSTRUCTION BUDGET FOR FISCAL YEAR 2022

WHEREAS, Section 33.2-331 of the 1950 Code of Virginia, as amended, provides the opportunity for each county to work with the Virginia Department of Transportation in developing a Secondary Six-Year Road Plan; and

WHEREAS, this Board had previously agreed to assist in the preparation of this Plan, in accordance with the Virginia Department of Transportation policies and procedures, and participated in a Public Hearing on the proposed Plan (for Fiscal Years 2022 through 2027 as well as the Secondary System Construction Budget for Fiscal Year 2022) on May 25, 2021, after duly advertised so that all citizens of the County had the opportunity to participate in said hearing and to make comments and recommendations concerning the proposed Plan and Priority List; and

WHEREAS, E. Alan Saunders, Louisa Resident Engineer, Virginia Department of Transportation, appeared before the Board and recommended approval of the Six-Year Plan for Secondary Roads for Fiscal Years 2022 through 2027 and the Secondary System Construction Budget for Fiscal Year 2022;

NOW, THEREFORE, BE IT RESOLVED, on this 25th day of May, 2021, that since said Plan appears to be in the best interests of the Secondary Road System in Orange County and of the citizens residing on the Secondary System, said Secondary Six-Year Plan for Fiscal Years 2022 through 2027 and the Secondary System Construction Budget for Fiscal Year 2022 are hereby approved as presented at the Public Hearing.

Ayes: Johnson, White, Marshall, Crozier, Frame. Nays: None.

RE: <u>PUBLIC COMMENT</u>

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

There being no speakers, public comment was closed at 6:04 p.m.

RE: <u>ADJOURN</u>

On the motion of Mr. White, seconded by Mr. Johnson, which carried by a vote of 5-0, the Board adjourned the meeting at 6:05 p.m. Ayes: Johnson, White, Marshall, Crozier, Frame. Nays: None.

James P. Crozier, Chairman

Theodore L. Voorhees, County Administrator