

BOARD OF SUPERVISORS MINUTES

MAY 26, 2020

At a Regular Meeting of the Orange County Board of Supervisors held on Tuesday, May 26, 2020, beginning at 5:00 p.m., and held electronically via Zoom video conference. Present: James P. Crozier, Chairman; R. Mark Johnson, Vice Chairman; James K. White*; S. Teel Goodwin; and Lee H. Frame. Also present: Theodore L. Voorhees, County Administrator; Thomas E. Lacheney, County Attorney; and Alyson A. Simpson, Chief Deputy Clerk.

* Supervisor White left the meeting at 5:38 p.m.

RE: PARTICIPATION VIA ELECTRONIC MEANS

Pursuant to the ordinance adopted on April 28, 2020, this meeting was held electronically via Zoom video conference and livestreamed to YouTube for the public to view. As such, the minutes are required to reflect the physical location of each Board member during their participation.

Chairman Crozier participated from his second residence, located at 33 Pier Pointe, New Bern, North Carolina.

Vice Chairman Johnson participated from his residence, located at 13451 Albano Road, Barboursville, Virginia.

Supervisor White participated from his residence, located at 22373 Berry Run Road, Orange, Virginia.

Supervisor Goodwin participated from his residence, located at 11464 Rapidan Road, Orange, Virginia.

Supervisor Frame participated from his residence, located at 103 Woodland Trail, Locust Grove, Virginia.

RE: ADOPTION OF AGENDA

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

RE: SPECIAL PRESENTATIONS AND APPEARANCES

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 Smart Scale projects; projects currently in development; projects under construction; resurfacing efforts; area land use reviews; and overall maintenance activities.

Discussion ensued among the Board regarding: placement of the agricultural message sign on Route 611; and a review of the traffic impact from the Wilderness traffic study.

The Board thanked Mr. Saunders for his presentation.

RE: CONSENT AGENDA

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

RE: FY20 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
30034005-34030	Sheriff OT Reimbursement	\$ (12,149.00)	\$ (1,184.00)	\$ (13,333.00)
42170001-41200	Courts - Wages - Overtime	33,290.00	1,184.00	34,474.00
30030006-33500	Donations - Animal Shelter	(20,193.22)	(7,164.00)	(27,357.22)
43520003-43115	Prof. Serv. - Emergency Vet	135,281.22	7,164.00	142,445.22
30030006-33500	Donations - Animal Shelter	(20,193.22)	(640.00)	(20,833.22)
43520003-43115	Prof. Serv. - Emergency Vet	135,281.22	640.00	135,921.22
TOTALS		\$ 251,317.00	\$ 0.00	\$ 251,317.00

RE: MINUTES

As part of the Consent Agenda, the Board approved the following minutes:

- May 12, 2020 Regular Meeting

RE: NEW BUSINESS

RE: ADOPTION OF THE AUXILIARY LIST FOR SECONDARY ROADS

Alyson Simpson, Chief Deputy Clerk, indicated that since the Board had completed the annual process for review and development of the Secondary Six-Year Plan, it would be appropriate for the Board to adopt its Auxiliary List. She presented a copy of the current Auxiliary List and reminded the Board the List had previously been adopted in November 2019.

Ms. Simpson requested that the Board review the current List and determine if any projects should be added or removed. She recommended that at least Harbor Drive be removed from the List because it had been added to the Secondary Six-Year Plan and was no longer necessary to be included on the Auxiliary List.

On the motion of Mr. Goodwin, seconded by Mr. Frame, which carried by a vote of 5-0, the Board adopted the Auxiliary List for Secondary Roads in Orange County, as presented.

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

RE: AVIGATION EASEMENT ACQUISITION

Kurt Hildebrand, Assistant County Administrator for Operations, stated that staff continued to work with its consultants to pursue avigation easement acquisition over the targeted parcels shown to hold obstructions into the Runway 26 approach surfaces at the Orange County Airport. As such, he presented Purchase Agreement and Deed of Easement documents related to the acquisition of the final two (2) parcels, 31-41D (Myers) and 31-41J (Pierce).

Mr. Hildebrand explained that, after a lengthy negotiation process, the negotiated prices were \$50,000 and \$28,800, respectively. Because the amounts exceeded 10% of the appraised property value, an administrative settlement with the Federal Aviation Administration (FAA) was required, which had been approved. Additionally, the County Attorney had reviewed and approved the Purchase Agreement and Deed of Easement documents, and staff was seeking approval at this time. Mr. Hildebrand announced that the total cost of the acquisition would be eligible for 100% reimbursement in a future FAA and Department of Aviation grant application.

On the motion of Mr. Goodwin, seconded by Mr. Johnson, which carried by a vote of 5-0, the Board authorized the execution of Purchase Agreements and Deeds of Easement for acquisition of avigation easements above parcels 31-41D and 31-41J, as presented.

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

RE: FEDERAL AVIATION ADMINISTRATION (FAA) GRANT APPLICATION FOR OBSTRUCTION REMOVAL (DESIGN) AND LAND SERVICES REIMBURSEMENT

Kurt Hildebrand, Assistant County Administrator for Operations, indicated that since all necessary avigation easements had been secured with respect to Runway 26 approach surfaces, the County could now pursue grants to reimburse land services costs, acquisition costs, and proposed costs for design services. Because the project, over multiple phases, had been underway for many years, Mr. Hildebrand provided a recap of the various phases completed to-date.

Mr. Hildebrand noted that grants for land services (surveys, appraisals, negotiations) could not be secured until the targeted avigation easements had been acquired. As such, staff had previously secured grant funds for all work performed from 2008 through 2015, and for portions of the work performed from 2016 to present. At this time, he stated that a final grant could be pursued for the remainder of the acquired easements and for future costs of obstruction removal design.

Mr. Hildebrand noted that he had received a Task Order Proposal from Delta Airport Consultants for Runway 26 Obstruction Removal Design services, which initially totaled \$145,000. After an Independent Fee Estimate, clarification of discrepancies in the Proposal, and a change from a Lump Sum Agreement to a Unit Price-Not to Exceed Agreement, the new Proposal from Delta totaled \$140,300. Mr. Hildebrand reported that the FAA had ultimately approved the revised Proposal from Delta and staff recommended execution of the Proposal at this time.

Lastly, Mr. Hildebrand stated that if Delta's Proposal was acceptable, staff would then apply for a final grant application to reimburse the cost of Delta's Proposal as well as the remaining costs incurred for land services and easement acquisitions not previously reimbursed. He indicated that the proposed FAA grant application would total \$475,000. So long as the grant was applied before the end of the Federal Fiscal Year (October 31, 2020), the grant would reimburse 100% of the costs, versus the 90% Federal, 8% State, and 2% local typical grant funding.

On the motion of Mr. Goodwin, seconded by Mr. Frame, which carried by a vote of 5-0, the Board authorized the execution of Delta Airport Consultant's Task Order No. 8R for Runway 26 Obstruction Removal Design services in the not-to-exceed amount of \$140,300, authorized staff to apply for an FAA Grant to reimburse the costs for Runway 26 land services, easement acquisition, and obstruction removal design services, and authorized staff to accept and execute the FAA Grant, when received, as presented.

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

RE: HISTORIC COURTHOUSE ROOF REPLACEMENT AND EXTERIOR REPAIRS

Aaron Caine, Public Works Director, explained that the Board had previously allocated Capital funds to complete the replacement of the remaining roof sections of the historic Courthouse and the historic Clerk's Office and to repair damaged components. He indicated that work had been completed to replace the main roof on the Courthouse, as well as the roof on and renovation to the Clerk's Office. Mr. Caine noted that remaining work included replacing the tower and porch roof of the Courthouse, repairing damaged components, and painting the structure.

Mr. Caine noted that a proposal had been received from Abby Construction to complete the remaining work using a VASCUPP Contract through the University of Mary Washington. He stated that Abby Construction had completed the renovations to the Clerk's Office and staff was

confident in their ability to perform the work on the remainder of the project. Mr. Caine added that the proposed cost of the work was \$119,812, and that funds were available in the CIP.

Discussion ensued among the Board regarding: renovations to repair the clock on the Courthouse tower to make it functional again.

On the motion of Mr. Goodwin, seconded by Mr. Frame, which carried by a vote of 5-0, the Board authorized staff to proceed with the proposal from Abby Construction, under VASCUPP Contract UCPUMW 16-525, to complete the identified Courthouse roof replacement and exterior repairs, as budgeted in Line Item 49400007-48090-C1138, as presented.

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

RE: RESOLUTION TO AUTHORIZE USE OF A SUPPLEMENTAL RETIREMENT PLAN FOR THE COUNTY ADMINISTRATOR

Glenda Bradley, Assistant County Administrator for Management Services, explained that, in accordance with the employment agreement with the County Administrator, a supplemental retirement plan, managed by ICMA-RC, had been selected by Mr. Voorhees in order to direct his required retirement contributions. She indicated that in order to establish the plan, a resolution, plan adoption agreement, and administrative services agreement must be approved by the Board of Supervisors. Ms. Bradley stated that the documents had been reviewed by the County Attorney, and she presented them to the Board for consideration.

Discussion ensued among the Board regarding: personal concern with some of the language contained in the contract documents.

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

RESOLUTION TO AUTHORIZE USE OF A SUPPLEMENTAL RETIREMENT PLAN FOR THE COUNTY ADMINISTRATOR

WHEREAS, the County of Orange has a contract with an employee rendering services as County Administrator; and

WHEREAS, the establishment of an additional money purchase retirement plan benefits the County Administrator by providing funds for retirement and funds for his beneficiaries in the event of death; and

WHEREAS, the County of Orange desires that this money purchase retirement plan be administered by ICMA-RC and that the funds held in such plan be invested in VantageTrust, a trust established by public employers for the collective investment of funds held under their retirement and deferred compensation plans;

NOW, THEREFORE, BE IT RESOLVED, on this 26th day of May, 2020, that the Orange County Board of Supervisors hereby establishes a money purchase retirement plan (the "Plan") in the form of the ICMA Retirement Corporation Governmental Money Purchase Plan & Trust, pursuant to the specific provisions of the Adoption Agreement, which shall be maintained for the exclusive benefit of the eligible employee (County Administrator) and his beneficiaries; and

BE IT FURTHER RESOLVED, that the Board of Supervisors hereby adopts the Declaration of Trust of VantageTrust, intending this adoption to be operative with respect to any retirement or deferred compensation plan subsequently established by the County of Orange, if the assets of the plan are to be invested in VantageTrust; and

BE IT EVEN FURTHER RESOLVED, that the County of Orange agrees to serve as a trustee under the Plan and to invest funds held under the Plan in VantageTrust; and

BE IT EVEN FURTHER RESOLVED, that the Assistant County Administrator for Management Services shall be the coordinator for the Plan; shall receive reports, notices, etc. from ICMA Retirement Corporation or VantageTrust; shall cast, on behalf of the County of Orange, any required votes under VantageTrust; and may delegate any administrative duties relating to the Plan to appropriate departments; and

BE IT YET FURTHER RESOLVED, that the Board of Supervisors hereby authorizes the Assistant County Administrator for Management Services to execute all necessary agreements with ICMA Retirement Corporation incidental to the administration of the Plan.

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

RE: EXTENSION OF THE DEADLINE FOR BOARD OF EQUALIZATION APPEALS

On the motion of Mr. Crozier, seconded by Mr. Goodwin, which carried by a vote of 5-0, the Board extended the deadline to file an appeal to the Board of Equalization from May 15, 2020, to June 15, 2020, as presented.

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

RE: OLD BUSINESS

RE: ADOPTION OF THE SECONDARY SIX-YEAR PLAN

Alyson Simpson, Chief Deputy Clerk, explained that the Board previously advertised for a public hearing to consider the adoption of the Secondary Six-Year Plan. She indicated the public hearing was advertised for and opened on Tuesday, May 12, 2020. In order to allow for public input, as the meeting was conducted remotely, the public hearing remained open at this time. Ms. Simpson noted that once any public comment was reviewed, the Chairman could then close the public hearing and the Board could take action on adopting the Plan.

Ms. Simpson stated that no public comment had been received during the public hearing.

Chairman Crozier closed the public hearing at 5:32 p.m.

On the motion of Mr. Goodwin, seconded by Mr. Johnson, 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 2021 THROUGH 2026 AND THE SECONDARY SYSTEM
CONSTRUCTION BUDGET FOR FISCAL YEAR 2021

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 2021 through 2026 as well as the Secondary System Construction Budget for Fiscal Year 2021) on May 12, 2020, 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 2021 through 2026 and the Secondary System Construction Budget for Fiscal Year 2021;

NOW, THEREFORE, BE IT RESOLVED, on this 26th day of May, 2020, 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 2021 through 2026 and the Secondary System Construction Budget for Fiscal Year 2021 are hereby approved as presented at the Public Hearing.

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

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

Theodore L. Voorhees, County Administrator, indicated that he was working to pin down the final date for the upcoming Board of Supervisors' Retreat.

RE: BOARD COMMENT

Chairman Crozier requested support from the remainder of the Board to send a letter to the Chairman of the Culpeper County Board of Supervisors regarding a recent situation that involved a local Orange County business and comments that were made that caused bad press.

RE: INFORMATIONAL ITEMS

The Board received the following correspondence for its information:

- Finance Quarterly Report
- Office on Youth Quarterly Report
- CSA Monthly Report
- Thank You Letter from Hospice of the Piedmont

* Supervisor White left the meeting at 5:38 p.m.

RE: APPOINTMENTS TO BOARDS, COMMISSIONS, AND COMMITTEES

On the motion of Mr. Frame, seconded by Mr. Goodwin, which carried by a vote of 4-0, with Mr. White being absent, the Board appointed Theodore Voorhees as Glenda Bradley's alternate on the Rappahannock Juvenile Detention Center Board, as presented.

Ayes: Johnson, Goodwin, Crozier, Frame. Nays: None. Absent: White.

RE: CALENDAR

The Board received copies of its calendar of meetings for the months of May 2020, June 2020, and July 2020.

RE: SCHEDULE A PUBLIC HEARING FOR SUP 20-01 (MID-ATLANTIC PYROTECHNIC ARTS GUILD)

On the motion of Mr. Frame, seconded by Mr. Johnson, which carried by a vote of 4-0, with Mr. White being absent, the Board authorized staff to advertise for and schedule a public hearing for SUP 20-01 (Mid-Atlantic Pyrotechnic Arts Guild) on June 23, 2020, at 6:00 p.m., as presented.

Ayes: Johnson, Goodwin, Crozier, Frame. Nays: None. Absent: White.

RE: SCHEDULE A PUBLIC HEARING FOR A BUDGET AMENDMENT AND SUPPLEMENTAL APPROPRIATION FOR FEDERAL CARES ACT FUNDS

On the motion of Mr. Frame, seconded by Mr. Johnson, which carried by a vote of 4-0, with Mr. White being absent, the Board authorized staff to advertise for and schedule a public hearing for a budget amendment and supplemental appropriation for Federal CARES Act funds on June 9, 2020, at 6:00 p.m., as presented.

Ayes: Johnson, Goodwin, Crozier, Frame. Nays: None. Absent: White.

RE: RECESS

The Board recessed its meeting at 5:41 p.m.

RE: RECONVENE

The Board reconvened its meeting at 6:00 p.m.

RE: PUBLIC HEARING #1; ORDINANCE TO REQUIRE SURETY BOND FOR IMPOUNDED ANIMALS

Thomas Lacheney, County Attorney, explained that the Board had previously authorized the advertising of a public hearing to consider an ordinance that would require the posting of a surety bond for impounded animals. He indicated that the Sheriff's Office had requested this ordinance and it was permitted by the Code of Virginia. The ordinance would require the owner of an animal held for more than thirty days to post a surety bond in the amount of the cost of boarding the animal, which protected the County from financial expenses related to caring for impounded or abandoned animals.

At 6:04 p.m., Chairman Crozier called the Public Hearing to order to receive comments on the following:

ORDINANCE TO REQUIRE SURETY BOND FOR IMPOUNDED ANIMALS

The Board of Supervisors will consider the adoption of an ordinance to require the posting of a surety bond for impounded animals. Pursuant to Section 3.2-6569(F) of the Code of Virginia, the Board may require the owner of an animal held for more than thirty days to post a surety bond for the amount of the cost of boarding the animal for a period of time established by ordinance, but not to exceed nine months.

Chairman Crozier read the following statement:

Because this meeting is being conducted remotely, there is no opportunity for physical public access to the meeting and no opportunity for public comment. However, all interested persons are invited to submit written comments for the Board's consideration. Written comments may be submitted by mail to Attn: Alyson Simpson, P. O. Box 111, Orange, Virginia 22960 or by email to asimpson@orangecountyva.gov and must be received by 5:00 p.m. on Monday, June 8, 2020. The Board intends to close the Public Hearing and consider this matter at its Regular Meeting on Tuesday, June 9, 2020, after reviewing any written comments received. All written comments will be read during the meeting on June 9, 2020, and entered into the meeting minutes.

Staff was instructed to add this matter to the Regular Meeting on June 9, 2020.

RE: ADJOURN

On the motion of Mr. Frame, seconded by Mr. Goodwin, which carried by a vote of 4-0, with Mr. White being absent, the Board adjourned the meeting at 6:05 p.m. Ayes: Johnson, Goodwin, Crozier, Frame. Nays: None. Absent: White.

James P. Crozier, Chairman

Theodore L. Voorhees, County Administrator