

BOARD OF SUPERVISORS MINUTES

JUNE 9, 2020

At a Regular Meeting of the Orange County Board of Supervisors held on Tuesday, June 9, 2020, beginning at 4:00 p.m., in the Airport Conference Room, 11275 Aviation Way, Orange, Virginia. Present: James P. Crozier, Chairman; R. Mark Johnson, Vice Chairman; James K. White; S. Teel Goodwin; and Lee H. Frame (Remote). Also present: Theodore L. Voorhees, County Administrator; Thomas E. Lachenev, County Attorney; and Susan Turner, Acting Chief Deputy Clerk.

RE: REMOTE PARTICIPATION

Pursuant to the recent Board of Supervisors' Bylaws amendment, Supervisor Frame participated in the meeting remotely. As such, the minutes are required to reflect that Supervisor Frame participated from his residence, located at 103 Woodland Trail, Locust Grove, Virginia.

RE: CLOSED MEETING

At 4:05 p.m., Mr. Lachenev 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 legal counsel employed or retained by a public body regarding specific legal matters requiring the provision of legal advice by such counsel concerning monuments and streets.
- §2.2-3711(A)(8) of the Code of Virginia

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

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

RE: CERTIFICATION OF CLOSED MEETING

At 5:00 p.m., Ms. Turner 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, White, Goodwin, Crozier, Frame. Nays: None.

RE: ADOPTION OF AGENDA

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

RE: SPECIAL PRESENTATIONS AND APPEARANCES

There were no Special Presentations or Appearances at this time.

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 |
|----------------|--------------------------|-----------------------|---------------|-----------------------|
| 30030006 33500 | Donations-Animal Shelter | (29,347.22) | (860.00) | (30,207.22) |
| 43520003 43115 | Prof. Serv.-Emerg Vet | 144,435.22 | 860.00 | 145,295.22 |
| 30052010 39900 | Approp. Fund Balance-LF | (1,892,983.00) | (18,500.00) | (1,911,483.00) |
| 44230001 43200 | Contr. Serv.-Recycling | 92,070.00 | 18,500.00 | 110,570.00 |
| TOTAL | | <u>(1,685,825.00)</u> | - | <u>(1,685,825.00)</u> |

RE: NEW BUSINESS

RE: CAPITAL PROJECTS BOND FINANCING; BANK PROPOSALS

Theodore L. Voorhees, County Administrator, explained that Davenport & Company, LLC, the County's financial advisors, had been working on the financing for proposed capital projects. He indicated that Ted Cole, representative from Davenport & Company, LLC was prepared to give a presentation, and there were matters the Board would be asked to consider regarding selection of the preferred bank and authorization for staff to prepare related documents.

Mr. Voorhees introduced Mr. Cole, who gave a presentation to the Board regarding the proposed financing options. His presentation included information on the following: proposed projects; tax-exempt bond vs. taxable bond; options on terms and interest rates; RFP responses; summary of proposals; debt service comparison; recommendations, and next steps.

Discussion ensued among the Board regarding: gratitude for Ted Cole and his thorough presentation; satisfaction with bank options; and need to take advantage of standalone borrowing in response to meeting current needs.

On the motion of Mr. Frame, seconded by Mr. Goodwin, which carried by a vote of 5-0, the Board selected the proposal from Atlantic Union Bank for Option 3 as presented for the 2020 financing of budgeted major capital projects; and authorized staff to take all necessary steps and prepare all related documents including an authorizing resolution for consideration by the Board of Supervisors at the June 23, 2020 regular meeting.

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

RE: OLD BUSINESS

RE: ORDINANCE TO REQUIRE SURETY BOND FOR IMPOUNDED ANIMALS

Thomas Lacheney, County Attorney, explained that the Board previously advertised for a public hearing to consider the adoption of an ordinance that would require the posting of a surety bond for impounded animals. He indicated the public hearing was advertised for and opened on Tuesday, May 26, 2020. In order to allow for public input, as the meeting was conducted remotely, the public hearing remained open at this time. Mr. Lacheney 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 ordinance.

Mr. Lacheney 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. Johnson, seconded by Mr. Goodwin, which carried by a vote of 5-0, the Board adopted the following ordinance, as presented:

**ORDINANCE APPROVING AMENDMENTS TO ARTICLE I (IN GENERAL), SECTION 6
(ANIMALS), OF THE ORANGE COUNTY CODE OF ORDINANCES CONCERNING THE
REQUIREMENT OF SURETY BONDS FOR IMPOUNDED ANIMALS**

WHEREAS, the Board previously initiated action on amendments to Article I (In General), Section 6 (Animals), of the Orange County Code of Ordinances concerning the requirement of surety bonds for impounded animals; and

WHEREAS, staff prepared recommended language for the text amendments, which was presented to the Board of Supervisors for consideration; and

WHEREAS, the Board of Supervisors opened a duly-advertised Public Hearing on Tuesday, May 26, 2020, and received public comment through June 8, 2020; and

WHEREAS, following discussion at the Public Hearing, the Board of Supervisors hereby supports the proposed text amendments, as presented during its meeting; and

WHEREAS, public necessity, convenience, general welfare, and/or good practice also support approval of the proposed text amendments;

NOW, THEREFORE, BE IT ORDAINED, on this 9th day of June, 2020, that the Orange County Board of Supervisors hereby approves the proposed amendments to Article I (In General), Section 6 (Animals), of the Orange County Code of Ordinances concerning the requirement of surety bonds for impounded animals, as presented and attached.

Amendments to the Orange County Code of Ordinances

**As adopted in Ord. No. 200609 – 6A
by the Orange County Board of Supervisors
on June 9, 2020**

Chapter 6 - Animals

Article I - In General

Sec. 6-5 - Surety Bond for the Cost of Boarding Seized or Impounded Animals.

- (a) The owner of any animal held pursuant to Subsection F of §3.2-6569 of the Code of Virginia for more than 30 days shall post a bond in surety with the County for the amount of the cost of boarding the animal for 9 months of impoundment, namely: (1) for companion animals, \$1,400 per animal; (2) for horses and cows, \$5,400 per animal; and (3) for all other animals, \$1,000 per animal.
- (b) All fees and medical expenses accrued shall be paid to the County Treasurer's Office prior to release of the animal to the owner.
- (c) The bond shall not be forfeited if the owner is found to be not guilty of the violation.

RE: GRANT APPLICATION FOR AIRPORT RUNWAY 26 (RW26) OBSTRUCTION REMOVAL; CONSTRUCTION

Kurt Hildebrand, Assistant County Administrator for Operations, explained that at its May 26th meeting, the Board authorized staff to move forward with the design of obstruction removal from the Orange County Airport, Runway 26 (RW26) approach surfaces and securing an FAA grant to reimburse the cost of the design and previous easement acquisitions.

Mr. Hildebrand reported that staff has been working with the FAA on grant strategies for the construction phase of the obstruction removal. He noted that approval was obtained from the FAA allowing the submission of the grant application with cost estimates as opposed to bids, due to various timing restrictions as it related to the grant application due date and tree maintenance requirements. Mr. Hildebrand indicated that most of the Non-Primary Entitlement grant funds had been exhausted for design and easement acquisitions, therefore, the FAA would need to determine the availability of Discretionary Grant Funds, closer to the end of the federal fiscal year (October 31).

Lastly, Mr. Hildebrand provided the engineer's probable construction costs, an overall cost summary, and requested the Board's approval to make a grant application to the FAA for RW 26 Obstruction Removal (Construction).

On the motion of Mr. Goodwin, seconded by Mr. White, which carried by a vote of 5-0, the Board authorized staff to apply for an FAA Grant to reimburse costs for airport runway 26 (RW26) obstruction removal (construction), as presented.

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

RE: DEPARTMENT DIRECTOR / CONSTITUTIONAL OFFICER REPORTS

There were no Department Director / 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 provided a brief update on the CARES Act funding, which included: potential reimbursements, funds to be distributed to the Towns, and an economic restart grant program. Discussion ensued among the Board regarding: receiving more information on distribution of funds to the Towns and development of an agreement; and eligibility of the nursing home.

RE: BOARD COMMENT

Supervisor White noted that residents may notice an increase in broadband activity along roadways, going forward.

RE: INFORMATIONAL ITEMS

The Board received the following correspondence for its information:

- Rapidan Services Authority (RSA) Minutes; February 20, 2020

RE: APPOINTMENTS TO BOARDS, COMMISSIONS, AND COMMITTEES

By consensus, the Board re-appointed Serge Ogranovitch as the District Five Representative on the Board of Zoning Appeals for a five-year term, with said term commencing July 1, 2020 and expiring on June 30, 2025.

RE: CALENDAR

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

RE: CANCEL 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 5-0, the Board authorized staff to cancel a public hearing for SUP 20-01; Mid-Atlantic Pyrotechnic scheduled for Tuesday, June 23, 2020, at 7:00 p.m., as presented.

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

RE: PUBLIC HEARING #1; ORDINANCE TO INCREASE COURTHOUSE SECURITY FEE

Thomas Lacheney, County Attorney, explained that the Board had previously authorized the advertising of a public hearing to consider an ordinance to amend the amount charged for courthouse security fees. He indicated that the Sheriff's Office informed the County of the adoption of Senate Bill 149, signed by Governor Northam on March 4, 2020 which permitted local governments to increase courthouse security fees from \$10 to \$20. Accordingly, the County Attorney's office prepared the draft ordinance to the increase courthouse security fee, for consideration by the Board of Supervisors.

At 6:02 p.m., Chairman Crozier called the Public Hearing to order to receive comments on the following:

ORDINANCE TO INCREASE COURTHOUSE SECURITY FEE

The Board of Supervisors will consider the adoption of an ordinance to increase the courthouse security fee. Pursuant to Section 53.1-120(D) of the Code of Virginia, the Board may assess a courthouse security fee whenever a person is found guilty of a criminal or traffic offense, which is collected by the courts and appropriated to the Sheriff's Office. Said ordinance proposes an increase from \$10 to \$20 in order to align with State legislation.

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: Susan Turner, P. O. Box 111, Orange, Virginia 22960 or by email to sturner@orangecountyva.gov and must be received by 5:00 p.m. on Monday, June 22, 2020. The Board intends to close the Public Hearing and consider this matter at its Regular Meeting on Tuesday, June 23, 2020, after reviewing any written comments received. All written comments will be read during the meeting on June 23, 2020 and entered into the meeting minutes.

Staff was instructed to add this matter to the Regular Meeting on June 23, 2020.

RE: PUBLIC HEARING #2; EASEMENT TO RAPPAHANNOCK ELECTRIC COOPERATIVE

Stephanie Straub, Director of Management Services, explained that the Board had previously authorized the advertising of a public hearing to consider an easement request from Rappahannock Electric Cooperative for an underground service easement on County property, located at 27531 Constitution Highway, Rhoadesville. She explained that the easement was necessary to connect power to the node cabinet site on the property.

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

EASEMENT TO RAPPAHANNOCK ELECTRIC COOPERATIVE

The Board of Supervisors will consider the conveyance of an underground service easement on County-owned property at 27531 Constitution Highway to Rappahannock Electric Cooperative, by way of Service Easement and Responsibilities Agreement. Said easement will be used to connect power to the node cabinet site located on the property.

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: Susan Turner, P. O. Box 111, Orange, Virginia 22960 or by email to sturner@orangecountyva.gov and must be received by 5:00 p.m. on Monday, June 22, 2020. The Board intends to close the Public Hearing and consider this matter at its Regular Meeting on Tuesday, June 23, 2020, after reviewing any written comments received. All written comments will be read during the meeting on June 23, 2020, and entered into the meeting minutes.

Staff was instructed to add this matter to the Regular Meeting on June 23, 2020.

RE: PUBLIC HEARING #3; SUPPLEMENTAL APPROPRIATION AND BUDGET AMENDMENT

Theodore L. Voorhees, County Administrator, explained that the Board had previously authorized the advertising of a public hearing to consider the appropriation of funds received from the state as part of the CARES Act in the amount of \$3,288,743. He indicated that the funds were allocated to localities to address unbudgeted expenditures related to responding to the coronavirus pandemic.

At 6:07 p.m., Chairman Crozier called the Public Hearing to order to receive comments on the following:

SUPPLEMENTAL APPROPRIATION AND BUDGET AMENDMENT

Pursuant to §15.2-2507 of the Code of Virginia, the Board of Supervisors will consider a budget amendment and supplemental appropriation to the FY20 Budget related to the COVID-19 response. The project-length budget is intended to cover expenditures related to the County's response from Spring 2020 through December 31, 2020. Said budget amendment will consist of appropriation of Federal CARES Act funds (\$3,288,743) to be expended through the COVID-19 Response Fund.

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: Susan Turner, P. O. Box 111, Orange, Virginia 22960 or by email to sturner@orangecountyva.gov

and must be received by 5:00 p.m. on Monday, June 22, 2020. The Board intends to close the Public Hearing and consider this matter at its Regular Meeting on Tuesday, June 23, 2020, after reviewing any written comments received. All written comments will be read during the meeting on June 23, 2020, and entered into the meeting minutes.

Staff was instructed to add this matter to the Regular Meeting on June 23, 2020.

RE: ADJOURN

On the motion of Mr. White, seconded by Mr. Goodwin, which carried by a vote of 5-0, the Board adjourned the meeting at 6:08 p.m. Ayes: Johnson, White, Goodwin, Crozier, Frame. Nays: None.

James P. Crozier, Chairman

Theodore L. Voorhees, County Administrator