

BOARD OF SUPERVISORS MINUTES

MAY 14, 2013

At a regular meeting of the Orange County Board of Supervisors held on Tuesday, May 14, 2013, beginning at 4:00 p.m., in the Meeting Room of the Gordon Building, 112 West Main Street, Orange, Virginia. Present: S. Teel Goodwin, Chairman; Lee H. Frame, Jr., Vice-Chairman; Shannon C. Abbs; Grover C. Wilson; and James K. White. Also present: Julie G. Summs, County Administrator; Thomas E. Lachenev, County Attorney; and Alyson A. Simpson, Chief Deputy Clerk.

RE: ADOPTION OF AGENDA

Mr. Frame moved, seconded by Mr. Goodwin and carried, to adopt the agenda as modified. Ayes: Abbs, Goodwin, Wilson, Frame, White. Nays: None.

RE: CONSENT AGENDA

Mr. White moved, seconded by Mr. Frame and carried, to approve the Consent Agenda as presented.

RE: FY13 SUPPLEMENTAL APPROPRIATIONS

The Board approved the following supplemental appropriations as presented:

DEPARTMENT	ACCOUNT DESCRIPTION	AMOUNT	FUNDING SOURCE
May 14, 2013 for FY2013			
Forfeited Asset Fund	Sheriff	\$ 81.38	DCJS Forfeited Assets (reduc.)
Subtotal Forfeited Asset Fund		\$ 81.38	
Sheriff	Sheriff	\$ 2,243.54	Proceeds from sale of firearms
Sheriff	Sheriff	\$ 724.00	DCJS Grant Supplies
Subtotal Sheriff		\$ 2,967.54	
Animal Shelter	Emergency Vet	\$ 2,192.00	Donations
Animal Shelter	Emergency Vet	\$ 2,365.02	Donations
Animal Shelter	Transfer to CIP	\$ 15,000.00	Donations
Animal Shelter	Fire Suppression Proj.	\$ 15,000.00	Donations
Subtotal Animal Shelter		\$ 19,557.02	

RE: PROCLAMATION FOR NATIONAL SAFE BOATING WEEK

The Board approved the following proclamation as presented:

PROCLAMATION FOR NATIONAL SAFE BOATING WEEK

By virtue of the authority vested in the Orange County Board of Supervisors, we hereby proclaim the week of May 18, 2013 through May 25, 2013 as National Safe Boating Week in Orange County, Virginia.

WHEREAS, recreational boating is fun and enjoyable, and we are fortunate to have sufficient resources to accommodate the wide variety of boating demands; and

WHEREAS, our waterways can become crowded at times and be a place of chaos and confusion, and while being a marvelous source of recreation, boating, to the unprepared, can be a risky sport; and

WHEREAS, not knowing or obeying the Navigation Rules, or the nautical "Rules of the Road," drinking alcohol or taking drugs while operating a boat, or choosing not to wear your life jacket is not the smart thing to do, but are all examples of human error or lack of proper judgment; and

WHEREAS, one particular behavior that can reduce the number of boaters who lose their lives by drowning each year by approximately 80% is the wearing of a life jacket; and

WHEREAS, it is a simple task that has the potential to reduce the loss of lives, and the Safe Boating Week campaign encourages boaters to "Wear it"; and

WHEREAS, on average, 700 people die each year in boating-related accidents in the United States and approximately 70% of these are fatalities caused by drowning; and

WHEREAS, the vast majority of these accidents are caused by human error or poor judgment and not by the boat, equipment, or environmental factors; and

WHEREAS, a significant number of boaters who lost their lives by drowning would still be alive today had they worn their life jackets; and

WHEREAS, today's life jackets are more comfortable, more attractive, and more wearable than styles of the past and deserve a fresh look by today's boating public;

NOW, THEREFORE, BE IT PROCLAIMED, that the Orange County Board of Supervisors do hereby support the goals of the North American Safe Boating Campaign and proclaim May 18, 2013 through May 24, 2013, as National Safe Boating Week and the start of the year-round effort to promote safe boating; and

BE IT FURTHER RESOLVED, that the Orange County Board of Supervisors urges all those who boat to "Wear it." and practice safe boating habits.

RE: AMENDMENTS TO THE GRIEVANCE POLICY

As detailed in the memorandum provided to the Board by Thomas Lacheney, County Attorney, it was discovered that there were some ambiguities in the current grievance procedure. Mr. Lacheney provided an amended copy of the Grievance Policy and explained that his recommendation was to switch from a panel to a hearing officer as the final grievance step. He noted that with a hearing officer, the final step would be handled by an attorney that had been qualified before the Virginia Supreme Court and appointed by the Court specifically for handling grievances.

Mr. Lacheney further noted that the hearing officer would cost the County some money (he estimated an average of \$1,000 to \$1,500 per case), but would save money in the efficiency and time as opposed to the more cumbersome panel process.

The Board approved the amendments to the Orange County Grievance Policy as presented.

RE: RENEWAL OF THE MONTPELIER COLLECTION SITE LEASE

As detailed in the memorandum provided to the Board by Julie Summs, County Administrator, the County previously had a lease in place with Montpelier for the green box site located on Jacksontown Road, but it had expired as of this time and was in need of renewal, if both parties were agreeable. She provided copies of the revised lease to the Board and noted that it was very similar to the original lease put into place in 1989.

The Board authorized the County Administrator to execute the lease with Montpelier for the collection site on behalf of the County of Orange.

RE: SHERIFF'S DEPARTMENT EVALUATIONS

As detailed in the memorandum provided to the Board by Julie Summs, County Administrator, the general evaluations that were in place through the County's Personnel Policy (Section 2.3) did not adequately address public safety departments and their employees because public safety positions were often evaluated on areas that were not applicable to other employees and were not included in the current evaluations. Ms. Summs explained that the Sheriff's Office had worked to revise all of their evaluations and was seeking Board approval at this time for their use. She noted that she had met with Sheriff Mark Amos and Chief Deputy Major Mike LaCasse to discuss and review the revised evaluations and agreed with their recommendation to seek Board approval for the use of the revised evaluations. Ms. Summs concluded that these revised evaluations were designed to offer a better format for supervisors to evaluate the performance of their employees and provide improved feedback in areas relevant to public safety positions.

The Board approved the revisions to the Sheriff's Office evaluations and authorized the Sheriff's Office staff to begin using the revised evaluations.

RE: MINUTES

The Board approved the following minutes:

- April 23, 2013 Regular Meeting

Ayes: Abbs, Goodwin, Wilson, Frame, White. Nays: None.

RE: PUBLIC APPEARANCES

RE: EMPLOYEE OF THE MONTH

Julie Summs, County Administrator, presented the Employee of the Month award for May 2013 to Mike LaCasse, Chief Deputy Major for the Sheriff's Office.

RE: SERVICE AWARDS

Receiving a Service Award, but not in attendance at the meeting, was:

- Jonathan Bankert 5 years OCSO Investigator

RE: BUSINESS SPOTLIGHT

Ms. Laurie Holladay, owner of Laurie Holladay Interiors, appeared before the Board to spotlight her business. She discussed when her business was started and where she was located on Main Street in Gordonsville, the services she and her husband provided to their clients, and some of the ideas behind her business practices. Ms. Holladay said she had many clients from out of the County, and she invited County residents to come in and visit.

The Board thanked Ms. Holladay for her presentation.

RE: PRESENTATION OF THE HIGH ROLLERS CLASSIC BASKETBALL TOURNAMENT TROPHY

Tim Moubray, Parks and Recreation Director, presented the trophy for the High Rollers Classic Basketball Tournament to Teel Goodwin and Jim Crozier, members of the winning team, the Orange County All-Stars.

RE: PUBLIC COMMENT

At 4:13 p.m., Chairman Goodwin opened the floor for public comment. There being no speakers, public comment was closed.

RE: BOARD COMMENT

Supervisor Frame indicated that staff was working on dates for the joint retreat between the Board, Economic Development Authority, and Planning Commission. He also explained there would be a brief presentation for businesses and members of the three (3) homeowners associations for the eastern end of the County. Supervisor Frame asked that the Economic Development Authority look at the topography, infrastructure, and potential business interests in the area and that the Planning Commission look at finding potential rules for various zoning categories that could be used in the subject area.

RE: ACTION ITEMS

RE: SUPPLEMENTAL APPROPRIATION FROM CONTINGENCY FOR DELINQUENT PROPERTY TAX SUITS

Glenda Bradley, Finance Director, explained that due to an unanticipated increase in expenses related to the sale of properties for delinquent property taxes, a supplemental appropriation was being requested from the Contingency Fund in the amount of \$30,000. She indicated that there had been a delay, due to the claims of heirs, in receiving up to \$96,501 in surplus funds from prior sales, which were being held by the court. Ms. Bradley stated although these funds may eventually be released to the County, it would not be until next fiscal year at the earliest and explained that most of the increase in costs was due to surveys, advertising, and investigations. She further explained that she, the County Administrator, and the Treasurer had met with Mr. Henry Lee Carter concerning the status of the surplus collections and the associated costs and would continue to monitor the program and advise the Board of any additional developments.

Mr. Frame moved, seconded by Mr. Wilson and carried, to approve the supplemental appropriation from the Contingency Fund in the amount of \$30,000 for budget shortfalls related to delinquent property tax suits in the following line items:

DEPARTMENT	ACCOUNT DESCRIPTION	AMOUNT	FUNDING SOURCE
May 14, 2013 for FY2013			
Legal Services	Suit Filing Fees	\$ 2,500.00	Contingency
Legal Services	Appraisals	\$ 4,000.00	Contingency
Legal Services	Surveys	\$ 10,000.00	Contingency
Legal Services	Advertising	\$ 10,000.00	Contingency
Legal Services	Other Prof. Services	\$ 3,500.00	Contingency
Subtotal Legal Services		\$ 30,000.00	

Ayes: Abbs, White, Wilson, Goodwin, Frame. Nays: None.

RE: TAXI-WAY REHABILITATION CONSTRUCTION

Kurt Hildebrand, Public Works Director, explained that the Board had previously approved acceptance of a grant from the Virginia Department of Aviation (DOAV) and Delta Airport Consultant's Amendment No. Four (4) for design of the rehabilitation of the taxiways that

served the County's T-hangar. He further explained that the design was 95% complete and plans and specifications had been submitted for County staff's review.

Mr. Hildebrand stated that funding for construction of this project was slated for Fiscal Year 2014 in the County CIP and Airport CIP (ACIP). He indicated that the estimated total cost of this project (construction plus engineering services) was \$400,000, funded 80% DOAV and 20% local. In order to meet the FY14 schedule, Mr. Hildebrand noted the following steps that were proposed to occur:

- Submit funding request to the Virginia Aviation Board (VAB) - May 24, 2013
- Advertise for project bids - early June 2013
- Receive bids - early July 2013
- Submit bids and grant application to VAB - July 8, 2013
- Receive grant offer and execute grant - late August 2013
- Begin construction - mid to late September 2013

Mr. Hildebrand requested approval to proceed with the necessary steps for the project at this time.

Discussion ensued regarding what would happen if less than 80% funding was granted for the project. Mr. Hildebrand explained that this project was eligible to be funded at the 80% level.

Mr. Frame moved, seconded by Mr. White and carried, to authorize the County Administrator to: (1) solicit and receive bids for construction of the T-Hangar Taxilane Rehabilitation Project; (2) submit a grant application to the Virginia Aviation Board to fund 80% of the cost of this project; (3) accept the grant, if offered; (4) execute Amendment No. Five (5) from Delta Airport Consultants for Construction Phase Services; and (5) award contract to the low bidder. All of these actions are contingent on not exceeding the estimated total cost of \$400,000, availability of grant funds, and approval as to form by the County Attorney.

Ayes: Abbs, White, Wilson, Goodwin, Frame. Nays: None.

RE: REZ 11-01: APPLICATION FOR REZONING BY SIGNATURE SERIES DEVELOPMENT LLC
This item was struck from the agenda.

RE: APPOINTMENTS TO BOARDS, COMMISSIONS, AND COMMITTEES
By consensus, the Board appointed Lee Frame as the rotating At-Large Representative to the Central Virginia Regional Jail Board, for a one-year term, with said term commencing on July 1, 2013 and expiring on June 30, 2014.

By consensus, the Board appointed Ron Rose, Jr. as the Litter Control Committee Coordinator, for a one-year term, with said term commencing on July 1, 2013 and expiring on June 30, 2014.

RE: DISCUSSION ITEMS

RE: REQUEST FROM FOUR COUNTY PLAYERS REGARDING SHARED FUNDING FOR THE DUMPSTER AT BARBOURSVILLE PARK

Tim Moubray, Parks and Recreation Director, presented a letter to the Board from Four County Players requesting that the Parks and Recreation Office share in the cost of a dumpster located at the Barbooursville Park. He explained that the Park was used by Parks and Recreation and that the County owned and managed a ballfield, a playground, a picnic pavilion, a walking trail, a basketball goal, and a volleyball net on the property, which was available for rental or

general public use. Mr. Moubray further explained that the County's waste was minimal during the months of October through March, and heavier use occurred April through September.

Discussion ensued regarding the use of the dumpster and the amount of funded that would be appropriate for the County to provide based on usage of the dumpster.

Mrs. Abbs moved, seconded by Mr. Frame and carried, to authorize a supplemental appropriation to the FY2013 budget in the amount of \$800.52 to Line Item 4-100-071231-3310 for the District One Park from the Contingency Fund and to amend the FY2014 budget by appropriating an additional \$800.52 from the Contingency Fund to Line Item 4-100-071231-3310 for the District One Park in order to provide funding for half of the cost of the dumpster service at Barboursville Park.

Ayes: Abbs, White, Wilson, Goodwin, Frame. Nays: None.

RE: INFORMATION ITEMS

The Board received the following correspondence for its information:

- Finance Quarterly Report
- VDOT Monthly Report for May
- Letter from Department of Historic Resources regarding Mount Sharon
- Letter from Rapidan Better Housing Corporation regarding Budget Request

RE: COMMITTEE REPORTS

The Board received the following Committee Reports for its information:

- February 21, 2013 Rapidan Service Authority Minutes

RE: CALENDAR

The Board received copies of its calendar for the months of May, June, and July 2013.

RE: SCHEDULE A PUBLIC HEARING FOR AMENDMENTS TO CHAPTER 26 OF THE ORANGE COUNTY CODE OF ORDINANCES REGARDING EROSION AND SEDIMENT CONTROL

By consensus, the Board authorized staff to advertise for and schedule a Public Hearing to receive comments on amendments to Chapter 26 of the Orange County Code of Ordinances regarding erosion and sediment control for Tuesday, June 11, 2013 at 7:30 p.m.

RE: INVITATION TO ATTEND CEREMONY FOR GENERAL / GOVERNOR JAMES LAWSON KEMPER

By consensus, the Board declined the invitation to attend the annual Lawson Kemper event on June 11, 2013, at 6:30 p.m., as the event is scheduled to take place on the same night as a Board of Supervisors meeting.

RE: CLOSED MEETING

At 4:32 p.m., Mr. Lacheney read the following motion authorizing Closed Meeting:

WHEREAS, the Board of Supervisors of Orange County desired to discuss in Closed Meeting the following matter:

- Consultation with legal counsel pertaining to actual or probable litigation, where such consultation in open meeting would adversely affect the negotiating or litigating posture of the public body; and consultation with legal counsel employed or retained by a public body regarding specific legal

matters requiring the provision of legal advice by such counsel. - §2.2-3711(A)(7) of the Code of Virginia.

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

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

Mr. Frame moved, seconded by Mrs. Abbs and carried, to approve the resolution authorizing Closed Meeting as presented. Ayes: Abbs, Goodwin, Wilson, Frame, White. Nays: None.

RE: CERTIFICATION OF CLOSED MEETING

At 7:22 p.m., Mr. Lacheney read the following resolution certifying Closed Meeting:

WHEREAS, the Board of Supervisors of Orange County 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 Board of Supervisors of Orange County 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: Abbs, Goodwin, Wilson, Frame, White. Nays: None.

RE: PUBLIC HEARING #1

David Pearce, Acting Residency Administrator, stated that the Secondary Six-Year Plan before the Board for consideration was consistent with the list of projects provided following the discussion at the April 9, 2013 Board meeting, and that it included the Route 635 Bridge Project that staff had requested be added.

Discussion ensued among the Board regarding the addition of the Route 635 Bridge Project, the traffic and condition of Price Road (Route 709), and the development of the Auxiliary List.

At 7:32 p.m., Chairman Goodwin called the public hearing to order to receive comments on the following:

The Virginia Department of Transportation and the Board of Supervisors of Orange County, in accordance with Section 33.1-70.01 of the Code of Virginia, will conduct a joint public hearing in the Board of Supervisors Meeting Room, located in the basement of the Gordon Building, 112 West Main Street, Orange, Virginia, at 7:30 p.m. on Tuesday, May 14, 2013. The purpose of this public hearing is to receive public comment on the proposed Secondary Six-Year Plan for Fiscal Years 2014 through 2019 in Orange County, and on the Secondary System Construction Budget for Fiscal Year 2014. Copies of the proposed Plan and Budget may be reviewed at the Warrenton Residency Administrator's Office of the Virginia Department of Transportation, located at 457 East Shirley Avenue, Warrenton, or at the Orange County Administrator's Office, located at 112 West Main Street, Orange.

All projects in the Secondary Six-Year Plan 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.

The following individual spoke:

- James Crozier, 9651 Meadows Road, Locust Grove, Virginia

There being no further speakers, Chairman Goodwin closed the public hearing at 7:33 p.m.

Mr. White moved, seconded by Mr. Frame and carried, to adopt the following resolution as presented:

SIX-YEAR PLAN FOR SECONDARY ROADS FOR FISCAL YEARS 2014 THROUGH 2019 AND THE SECONDARY SYSTEM CONSTRUCTION BUDGET FOR FISCAL YEAR 2014

WHEREAS, Section 33.1-23 and 33.1-23.4 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 2014 through 2019 as well as the Secondary System Construction Budget for Fiscal Year 2014) on May 14, 2013, 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, David Pearce, Acting Resident Administrator, Virginia Department of Transportation, appeared before the Board and recommended approval of the Six-Year Plan for Secondary Roads for Fiscal Years 2014 through 2019 and the Secondary System Construction Budget for Fiscal Year 2014;

NOW, THEREFORE, BE IT RESOLVED, 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 2014 through 2019 and the Secondary System Construction Budget for Fiscal Year 2014 are hereby approved as presented at the Public Hearing.

Ayes: Abbs, Goodwin, Wilson, Frame, White. Nays: None.

RE: PUBLIC HEARING #2 and #3

Gregg Zody, Planning and Zoning Director, summarized the proposed code amendments for Section 70-38 (penalties for zoning violations) and Section 70-191 (proffers). He indicated that both amendments had been recommended for approval by the Planning Commission.

At 7:35 p.m., Chairman Goodwin called the public hearing to order to receive comments on the following:

Proposed amendment to County Code - Sec. 70-38: Penalties.

~~Any person, whether as principal, agent, employee or otherwise, violating, causing or permitting the violation of the provisions of this chapter shall be guilty of a misdemeanor and, upon conviction thereof, may be fined not less than \$10.00 or more than \$1,000.00.~~
Any person, whether as principal, agent, employee or otherwise, violating, causing or permitting the violation of the provisions of this chapter shall be guilty of a misdemeanor punishable by a fine of not less than \$10 nor more than \$1,000. If the violation is uncorrected at the time of the conviction, the court shall order the violator to abate or remedy the violation in compliance with the zoning ordinance, within a time period established by the court. Failure to remove or abate a zoning violation within the

specified time period shall constitute a separate misdemeanor offense punishable by a fine or not less than \$10 nor more than \$1,000, and any such failure during any succeeding 10-day period shall constitute a separate misdemeanor offense for each 10-day period punishable by a fine of not less than \$100 nor more than \$1,500.

Proposed amendment to County Code - Sec. 70-191: Authorized.

~~The board of supervisors may rezone property subject to conditions, provided the applicant proffers such conditions in writing prior to the public hearing before the board of supervisors. Any such rezoning shall conform to the provisions of Code of Virginia, §§ 15.2-2296 through 15.2-2303. Any landowner applying for rezoning may voluntarily proffer to place restrictions on the use of his land in addition to the restrictions imposed by this chapter, to dedicate to the county or to an agency approved by the county real estate or public facilities located off the site to be rezoned but necessitated by the rezoning, or to pay to the county a fixed sum of cash or other consideration to defray the cost of capital improvements necessitated by the rezoning. The board of supervisors may rezone the property on the condition that the landowner and his heirs and assigns abide by such conditions. Such conditions shall have the same force and effect as the regulations provided for the zoning district by this chapter. Failure to abide by such conditions shall render the rezoning voidable and may cause the zoning of the property to revert to its classification prior to the conditional rezoning.~~

The board of supervisors may rezone property subject to conditions, provided the applicant proffers such conditions in writing prior to the public hearing before the board of supervisors. Any such rezoning shall conform to the provisions of §15.2-2296 through §15.2-2303 of the Code of Virginia.

(1) Any landowner applying for rezoning may voluntarily proffer to place restrictions on the use of his land in addition to the restrictions imposed by this chapter. The landowner may also:

- (a) dedicate to the county, or to an agency approved by the county, real estate or public facilities located off the site to be rezoned;
- (b) pay to the county a fixed sum of cash or other consideration to defray the cost of capital improvements;
- (c) pay to the county a fixed sum of cash for any off-site road improvement or any off-site transportation improvement that is adopted as an amendment to the comprehensive plan and incorporated into the capital improvements program.

provided that (i) the rezoning itself gives rise to the need for the conditions; (ii) the conditions have a reasonable relation to the rezoning; and (iii) all conditions are in conformity with the county comprehensive plan.

(2) The board of supervisors may rezone the property on the condition that the landowner and his heirs and assigns abide by such conditions. Such conditions shall have the same force and effect as the regulations provided for the zoning district by this chapter. Failure to abide by such conditions shall render the rezoning voidable and may cause the zoning of the property to revert to its classification prior to the conditional rezoning.

(3) The zoning administrator shall prepare a "proffer policy guide" to aid landowners in preparing and submitting proffers. Said policy guide shall be approved by the board of supervisors prior to implementation, and may be amended from time to time with the approval of the board.

There being no speakers, Chairman Goodwin closed the public hearing at 7:35 p.m.

Mrs. Abbs moved, seconded by Mr. Frame and carried, to adopt the following ordinance as presented:

AMENDMENTS TO §70-38 OF THE ORANGE COUNTY CODE OF ORDINANCES
CONCERNING PENALTIES FOR ZONING VIOLATIONS

WHEREAS, on March 26, 2013, the Board of Supervisors initiated a zoning text amendment to §70-38 of the Orange County Code of Ordinances, concerning penalties for zoning violations; and

WHEREAS, the County Attorney drafted recommended language for the zoning text amendment; and

WHEREAS, the Planning Commission advertised and held a Public Hearing on May 2, 2013, to receive public comment regarding the proposed amendment; and

WHEREAS, after discussing the proposed amendment, and considering comments received during the Public Hearing, the Planning Commission recommended approval of the proposed amendment to the Orange County Board of Supervisors; and

WHEREAS, public necessity, convenience, general welfare, and good zoning practice support approval of the proposed amendment; and

WHEREAS, this Board has conducted a duly advertised Public Hearing on May 14, 2013, concerning the proposed revision, and hereby supports the proposed revision;

NOW, THEREFORE, BE IT ORDAINED, that the Board of Supervisors of Orange County does hereby adopt the proposed zoning text amendment to §70-38 of the Orange County Code of Ordinances.

Ayes: Abbs, White, Wilson, Goodwin, Frame. Nays: None.

Mrs. Abbs moved, seconded by Mr. Frame and carried, to adopt the following ordinance as presented:

AMENDMENTS TO §70-191 OF THE ORANGE COUNTY CODE OF ORDINANCES
CONCERNING THE PROFFER ORDINANCE

WHEREAS, on March 26, 2013, the Board of Supervisors initiated a zoning text amendment to §70-191 of the Orange County Code of Ordinances, concerning the proffer ordinance; and

WHEREAS, the County Attorney drafted recommended language for the zoning text amendment; and

WHEREAS, the Planning Commission advertised and held a Public Hearing on May 2, 2013, to receive public comment regarding the proposed amendment; and

WHEREAS, after discussing the proposed amendment, and considering comments received during the Public Hearing, the Planning Commission recommended approval of the proposed amendment to the Orange County Board of Supervisors; and

WHEREAS, public necessity, convenience, general welfare, and good zoning practice support approval of the proposed amendment; and

WHEREAS, this Board has conducted a duly advertised Public Hearing on May 14, 2013, concerning the proposed revision, and hereby supports the proposed revision;

NOW, THEREFORE, BE IT ORDAINED, that the Board of Supervisors of Orange County does hereby adopt the proposed zoning text amendment to §70-191 of the Orange County Code of Ordinances.

Ayes: Abbs, White, Wilson, Goodwin, Frame. Nays: None.

RE: ADJOURNMENT

There being no further business to discuss, Mrs. Abbs moved, seconded by Mr. Frame and carried, to adjourn the meeting at 7:37 p.m. Ayes: Abbs, Goodwin, Wilson, Frame, White. Nays: None.

S. Teel Goodwin, Chairman

Julie G. Summs, County Administrator