

BOARD OF SUPERVISORS MINUTES

June 14, 2011

At a regular meeting of the Orange County Board of Supervisors held on Tuesday, June 14, 2011 beginning at 4:00 p.m., in the Meeting Room of the Gordon Building, 112 West Main Street, Orange, Virginia. Present: Lee H. Frame, Jr., Chairman; Shannon Abbs, Vice-Chairman; S. Teel Goodwin; Grover Wilson; and Zack Burkett. Absent: None. Also present: Julie G. Jordan, County Administrator; Sharon Pandak, County Attorney; and Ashley Jacobs, Chief Deputy Clerk.

RE: ADOPTION OF AGENDA

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

RE: CONSENT AGENDA

Mrs. Abbs moved, seconded by Mr. Burkett and carried, to approve the consent agenda removing item 3.C.4 - May 24, 2011 Regular Meeting Minutes.

RE: SUPPLEMENTAL APPROPRIATIONS

DEPT	ACCOUNT DESCRIPTION	AMOUNT	Funding Source
Animal Shelter	Emergency Vet	\$ 2,096.96	Donations
Animal Shelter	Vaccinations	\$ 585.00	Donations
Animal Shelter	Prof Svc-Spay/Neuter Adptn	\$ 480.00	Donations
Subtotal Animal Shelter		\$ 3,161.96	
Sheriff	Sheriff-Crime Analysis	\$ 1,000.00	Donations
Sheriff	Sheriff-Community Policing	\$ 3,987.75	Donations
Subtotal Sheriff Donations		\$ 4,987.75	
Total this request		\$ 8,149.71	
Total Year to Date		\$ 283,729.92	

RE: BUDGET TRANSFERS

Transfer from department	Transfer from line item	Transfer to department	Transfer to line item	Amount
Orange Co FEMS	Holiday Pay	Information Technology	Lease Rent Equipment	1,500.00

Transfer funds to cover increased cost of communications tower lease for remainder of year.

RE: MINUTES

The Board approved the following minutes:

- March 8, 2011 Regular Meeting
- March 22, 2011 Regular Meeting
- April 5, 2011 Regular Meeting
- ~~May 24, 2011 Regular Meeting~~

RE: RESOLUTION OF APPRECIATION FOR ORANGE WEDDING TOUR

A RESOLUTION BY THE ORANGE COUNTY BOARD OF SUPERVISORS

WHEREAS, on May 17, 2011 and May 18, 2011, Jay Billie and Elizabeth Goeke of the Inn at Westwood Farm and Jennifer McBride of McBride Events, hosted the inaugural Orange Wedding Tour; and

WHEREAS, during this Tour, 39 Richmond area wedding professionals met several seasoned Orange County vendors and toured and experienced venues of various sizes and settings, sampled food from noted chefs, and viewed flowers designed for any style; and

WHEREAS, the Orange Wedding Tour collectively elevated Orange County's image for local wedding professionals and brought awareness to over 35 venues and vendors that Orange County can offer to the Richmond area wedding planner audience; and

WHEREAS, increased awareness of Orange County's venues and vendors enhances economic development opportunities in the County and knowledge of all that Orange County has to offer.

NOW THEREFORE BE IT RESOLVED that the Board of Supervisors of Orange County extends its appreciation and admiration to Jay Billie, Elizabeth Goeke, and Jennifer McBride for their phenomenal organization of the inaugural Orange Wedding Tour.

AND BE IT FURTHER RESOLVED that the Board of Supervisors of Orange County wishes to congratulate this and future endeavors of the Orange Wedding Tour.

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

RE: APPROVAL OF MINUTES

Mrs. Abbs moved, seconded by Mr. Burkett and carried, to adopt the May 24, 2011 Minutes as presented. Ayes: Abbs, Wilson, Frame, Burkett. Nays: None. Abstained: Goodwin.

RE: PUBLIC APPEARANCES

RE: EMPLOYEE OF THE MONTH

Robin Grimsby, Marketing & Administrative Assistant for the Economic Development Office, was recognized as the Employee of the Month for June, 2011.

RE: PRESENTATION OF SERVICE AWARDS

Dawn Herndon, Deputy Treasurer for the Treasurer's Office, was recognized for ten years of service to the County.

RE: APPRECIATION OF INTERIM FINANCE DIRECTOR

Chairman Frame, on behalf of the Board, thanked John Sieg, Interim Finance Director, for his service and assistance to the County and presented him with a Jefferson Cup.

RE: PRESENTATION OF RESOLUTION OF APPRECIATION

Chairman Frame, on behalf of the Board, presented a resolution of appreciation to the following individuals for their contributions to the inaugural Orange Wedding Tour:

- Jay Billie and Elizabeth Goeke (Inn at Westwood Farm)
- Jennifer McBride (McBride Events)

RE: ECONOMIC AND WORKFORCE CHALLENGES PRESENTATION

Mr. Michael Harvey, President of the Thomas Jefferson Partnership for Economic Development, presented an economic development centric presentation on both the macro level and the local level, providing Orange County specific information. Mr. Harvey stated that he would return toward the end of the year, when the labor study including Orange County data is complete, and update the Board on the results.

RE: REASSESSMENT UPDATE

Mr. Gary Eanes, Vice-President of the Wampler-Eanes Appraisal Group, LTD, updated the Board on the current reassessment effort. Mr. Eanes stated that approximately 86% of the County properties have been completed and the remaining field work is expected to be completed by the end of July, 2011. He further stated that an analysis of sales and examined properties would continue into the coming months.

RE: RAPPAHANNOCK RIVER BASIN UPDATE AND COMPREHENSIVE SERVICES ACT UPDATE

Mr. Eldon James, Principal of Eldon James & Associates, Inc., updated the Board on the Rappahannock River Basin Commission and the Watershed Implementation Plan (WIP). Mr. James stated that Phase Two of the WIP, strives to bring Total Maximum Daily Loads (TMDL) of the three major pollutants for the Chesapeake Bay: Nitrogen, Phosphorous, and Sediment, down to an acceptable level. Mr. James further commented on the study of the Nutrient Credit Trading Program, and the Technical Committee.

Chairman Frame commented on the York River Basin and whether there was a correlation between individual streams and the Chesapeake Bay.

Mr. James also updated the Board on the Comprehensive Services Act and the General Assembly's empowerment of Administration to hold localities responsible for money that was spent incorrectly. Mr. James thanked the Board for their submission of letters during the public comment period for these legislative changes.

RE: ACTION ITEMS

RE: LOCUST GROVE CHILD CARE – PROPOSED OPENING FOR 2011-2012 SCHOOL YEAR

Julie Jordan, County Administrator, presented the Board with a petition signed by nineteen families requesting that the County reconsider the decision to close the Locust Grove Child Care site for the 2011-2012 School Year. Ms. Jordan stated that if the members of the petition commit to the FY 2011-2012 school year, the Child Care Site would be able to operate without a loss.

Supervisor Burkett indicated that he would like for staff to examine alternative solutions to child care in the Locust Grove area, to ensure that the Child Care Site would not be in competition with other area child care providers.

Supervisor Abbs requested that a 90-day review be conducted every 90 days for the first year to ensure that the program remains self-sustaining.

By consensus, the Board agreed to allow time for staff to get signed commitments from

parents who would like to enroll their child/children for the 2011-2012 school year, at the Locust Grove Child Care Program, and to bring their findings to the July 26, 2011, meeting for final determination on re-opening the site.

RE: PROPOSED EMS BILLING CHANGES

Jamie Clark, Fire & EMS Director, explained to the Board that Fire and EMS would like to change the procedure for the processing of medical payments from Emergency Medical Services (EMS) transports. Mr. Clark stated that currently Fire & EMS receives paper checks through the County's Post Office Box and the internal mail system. Mr. Clark explained that the medical billing vendor, Fidelis, has a system named "iStreams" which provides a post office box and the secure transfer of the checks and documents from the post office box to their facility, where they will be immediately processed.

Mrs. Abbs moved, seconded by Mr. Burkett and carried to approve the County Administrator to make the necessary changes in order to modify the procedure for the processing of medical payments from Emergency Medical Services (EMS) transports utilizing the iStreams system as our billing vendor.

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

RE: RESOLUTION TO INITIATE A PUBLIC HEARING FOR NOISE ORDINANCE REVISIONS

Discussion ensued regarding the language of the proposed noise ordinance, as presented by Sharon Pandak, County Attorney. Ms. Pandak stated that the noise ordinance presented included information about domesticated animals, at the request of Supervisor Burkett.

Mrs. Abbs stated that tree maintenance needed to be included for cleanup after emergencies. Discussion ensued about including language for emergency situations.

Mr. Burkett moved, seconded by Mrs. Abbs and carried to approve the following resolution with the additional language of "emergency activities" under Exceptions:

AUTHORIZE PUBLIC HEARING ON THE REPEAL OF CURRENT SEC. 42-1, UNLAWFUL NOISE, AND THE ADDITION OF NEW SECTIONS 42-1, 42-2, 42-3, 42-4, 42-5 AND 42-6.

WHEREAS, the Board of Supervisors of Orange County desires to consider the attached proposed changes to Chapter 42 of the County Code. Offenses, in order to update the ordinance consistent with the ruling of the Virginia Supreme Court in *Tanner v. City of Virginia Beach*;

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of Orange County does hereby authorize a public hearing on July 12, 2011, to consider adoption of the attached proposed changes to Chapter 42 of the County Code.

Sec. 42-1. Policy.

At certain levels, noise can be detrimental to the health, safety, and well-being of the residents of the County. It is, therefore, the policy of the County to reduce—and eliminate where possible—excessive noise and related conditions.

Sec. 42-2. Definitions.

"Decibel (dB)" means a unit for measuring the volume of a sound.

“Domesticated Animals” means any animal, including a farm animal or household animal normally domesticated so as to live and breed in a tame condition.

“Instrument, machine, or device” means any musical instrument, radio, phonograph, compact disc player, cassette tape player, personal media player, speakers, amplifier, or any other device used to reproduce and amplify sound.

“Person” means any individual, partnership, corporation, association or organization. This term shall not be construed to include the federal, state, or county government or any agency thereof.

“Public property” means any real property owned or controlled by the County or any other governmental entity.

“Residential dwelling” means any building or other structure in which one or more persons resides on a permanent or temporary basis, including, but not limited to, single-family homes, townhouses, apartments, condominiums, hotels, and motels.

Sec. 42-3. Use of sound level meters.

The decibel level of any noise regulated by this chapter shall be measured by a sound level meter. In order to implement the provisions of this chapter in an effective and uniform manner, the County Sheriff shall promulgate standards and procedures for using and testing sound level meters used in the enforcement of this chapter.

Sec. 42-4. Violations.

Any person who violates a provision of this chapter shall be deemed to be guilty of a Class 3 misdemeanor for a first offense. Any person who violates a provision of this chapter within one year after a previous conviction shall be deemed to be guilty of a Class 2 misdemeanor.

Sec. 42-5. Excessive noise prohibited.

- (a) Nighttime. It shall be unlawful for any person to engage in an activity that creates a sound level that can be heard in another person’s residential dwelling between the hours of 10:00 p.m. and 7:00 a.m. in excess of 60 decibels.
- (b) Daytime. It shall be unlawful for any person to engage in an activity that creates a sound level that can be heard in another person’s residential dwelling between the hours of 7:00 a.m. and 10:00 p.m. in excess of 65 decibels.
- (c) Exceptions. The following activities or sources of noise shall be exempt from subsections (a) and (b) of this section:
 - (1) School-sponsored band performances or practices, athletic contests or practices, and other school-sponsored activities on the grounds of public or private schools, colleges, or universities.
 - (2) Athletic contests and other officially sanctioned activities taking place in county parks or facilities.
 - (3) Parades, fireworks, and other such events, so long as the organizer of such event obtains any permits required by federal, state or local law.
 - (4) Firearms training and other activities of law enforcement agencies operating within the County.

- (5) Lawful discharge of firearms.
- (d) Exceptions. The following activities or sources of noise shall be exempt from the daytime provisions set forth in subsection (b) of this section:
 - (1) Activities relating to the construction, repair, maintenance, or other improvement of real property.
 - (2) Gardening, lawn care, tree maintenance, and other landscaping activities, including the use of machinery to assist in such enterprises.
 - (3) Church bells, carillons, or calls to worship by other sound-producing devices.
 - (4) Religious or political gatherings that are protected by the First Amendment to the United States Constitution.
 - (5) Public transportation, waste collection, and sanitation services.
 - (6) Lawful commercial or industrial operations.

Sec. 42-6. Specific prohibitions.

In addition to the general prohibitions contained in Section 42-4, the following acts are declared to be violations of this article:

- (a) Schools, churches, courts, etc. Causing or creating a noise which is audible within a school, other educational center, church, court, government building, or hospital at a sound level of greater than 60 decibels, and which interferes with the normal operation of that facility.
- (b) Vehicle horns and other similar devices. Repeatedly sounding a horn or other signaling device on any motor vehicle except as an emergency or danger warning signal.
- (c) Audio devices, musical instruments, etc. Operating or playing any musical instrument, or any machine, or device designed for the playback or amplification of music, including in a motor vehicle, such that it can be heard for 15 minutes or longer at a level of 50 decibels on a public property between the hours of 10:00 p.m. and 7:00 a.m.
- (d) Loudspeakers, public address systems, etc. Using or operating any loudspeaker, public address system, mobile sound vehicle, or any similar amplifying device between the hours of 10:00 p.m. and 7:00 a.m. The use of such at all other times shall be subject to the following conditions:
 - a. The only sounds permitted are music or human speech.
 - b. Sound shall not be issued or devices shall not be used within one hundred (100) yards of hospitals, schools, churches, or courthouses.
- (e) Construction equipment. Operating any bulldozer, crane, backhoe, pile driver, jackhammer, pneumatic drill, or any other piece of construction equipment between the hours of 10:00 p.m. and 7:00 a.m., except as authorized by the County Administrator or when operated in the course of emergency work.
- (f) Commercial vehicles and waste collection. Operating a commercial vehicle or waste collection vehicle between the hours of 10:00 p.m. and 6:00 a.m, except as authorized by the County Administrator or when operated in the course of emergency work.

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

RE: CONTRACT EXTENSION FOR SHARON PANDAK, COUNTY ATTORNEY

Julie Jordan, County Administrator, explained that the County is currently in the process of recruiting an in-house attorney and given the timeline detailed previously to the Board, a conclusion on legal counsel will not be reached prior to the end of the current agreement with Greehan, Taves, Pandak and Stoner (GTPS). Ms. Jordan stated that Staff recommends that the Board enter into an agreement with GTPS, represented by Sharon E. Pandak, for the period of July 1, 2011 until September 30, 2011.

Mrs. Abbs moved, seconded by Mr. Burkett and carried to extend engagement of Greehan, Taves, Pandak and Stoner PLLC for 90 days beyond the current contract, to cover the dates of July 1, 2011, until September 30, 2011.

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

RE: INDIGENT FUNERAL EXPENDITURE

Julie Jordan, County Administrator, informed the Board that the County has received a bill forwarded by the Department of Social Services for a portion of the funeral expenses for a long time resident of the County who recently died and had no income or estate to pay the final costs. Ms. Jordan stated that State Code makes it a responsibility of the locality in which the individual resided to pay this bill. Ms. Jordan explained that the total bill from Satchell's Funeral Home is \$1,350 and that Social Services is paying \$500 of the cost and the County is obligated for the remaining \$850.

Mrs. Abbs moved, seconded by Mr. Goodwin and carried, to appropriate \$850.00 from the General Fund fund balance to the Welfare Funeral Supplements line in the Welfare and Social Services Department component of the General Fund Budget and that amount be paid to Satchell's Funeral Home, for funeral expenses of an indigent County resident.

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

RE: ORANGE YOUTH SPORTS FOUNDATION REQUEST

Julie Jordan, County Administrator, informed the Board of three updates regarding Orange Youth Sports Foundation (OYSF):

- OYSF would like for their contact name with the County to be Ronnie Rankin, previously Jack Rickett.
- OYSF would like a utility vehicle and drag to be purchased totaling \$9,918.21.
- The County will obtain property insurance for OYSF and be reimbursed by OYSF.

Mrs. Abbs raised the question of purchasing a lawn tractor compared to a utility vehicle, so that the vehicle could be used for various tasks.

By consensus, the Board agreed to table this item until 7:00 p.m. when the Orange Youth Sports Foundation contact would be present to answer questions.

RE: AIRPORT FUEL SALES

Kurt Hildebrand, Public Works Director, explained that fuel sales had nearly depleted the inventory of fuel and that Staff request that \$35,000 be appropriated to line item 504-081700-

6015 from the Airport Fund Reserves and would be recovered through profits from fuel sales.

Mrs. Abbs moved, seconded by Mr. Goodwin and carried, to authorize \$35,000 to be added to line item 504-081700-6015, from the Airport Fund Reserves.

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

RE: AGRITOURISM SUBCOMITTEE

Supervisor Abbs submitted a letter to the Board for the record, to initiate an agritourism sub-committee composed of the following individuals:

- Steve Hopkins – Extension Office
- Barbara Bannar – Orange County Chamber of Commerece
- Ron Burluson – Burluson Enterprises Inc./Farm Bureau
- Arianne Wojcik – Barboursville Vineyards
- Jay Billie – Inn at Westwood Farms/Inns at Montpelier
- Steve Satterfield – Elysium Christmas Tree Farm
- Karen Epps – Orange County Economic Development Director
- Shannon Abbs – Board of Supervisor Representative

Mr. Burkett moved, seconded by Mr. Goodwin and carried, to form an agritourism sub-committee with the purpose of defining agritourism, expanding our goals and strategies for our comprehensive plan, and have language written that can be added to the zoning ordinance to encourage and support agritourism.

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

RE: CLOSED MEETING

At 5:39 p.m. Ms. Pandak read the following resolution authorizing Closed Meeting:

WHEREAS, the Board of Supervisors of Orange County desires to discuss in Closed Meeting the following matter(s):

- One matter of discussion concerning a prospective business or industry where no previous announcement has been made of the business' or industry's interest in locating in the community (§2.2-3711.A.5 VA Code Ann.);
- One matter of acquisition of real property for a public purpose where discussion in an open meeting would adversely affect the bargaining position of the public body, and legal advice related thereto (§2.2-3711.A.3 and 7 VA Code Ann.);
- Three (3) matters of consideration of investment of public funds where bargaining is involved, where, if made public initially, the financial interest of the governmental unit would be adversely affected (§2.2-3711.A.6 VA Code Ann.);
- One matter of legal advice regarding violation of the County Code (§2.2-3711.A.7 VA Code Ann.);
- One matter of legal advice relating to a possible ordinance change(§2.2-3711.A.7 VA Code Ann.); and

WHEREAS, pursuant to §§2.2-3711.A. 1, 3, 5, 6 and 7 VA Code Ann., such discussion(s) may occur in Closed Meeting;

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of Orange County does hereby authorize discussion of the aforesated matter(s) in Closed Meeting.

Mr. Burkett moved, seconded by Mrs. Abbs and carried, to approve the resolution as presented. Ayes: Abbs, Burkett, Wilson, Frame. Nays: None. Absent: Goodwin.

RE: CERTIFICATION OF CLOSED MEETING

At 7:03 p.m., Ms. Pandak read the following resolution certifying the 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 does hereby certify 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 applies, 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.

Mr. Burkett moved, seconded by Mr. Goodwin and carried, to approve the Resolution as presented. Ayes: Abbs, Burkett, Goodwin, Wilson, Frame. Nays: None.

RE: LAKE OF THE WOODS ASSOCIATION COMPACTOR SITE AGREEMENT

Mrs. Abbs moved seconded by Mr. Goodwin and carried, to approve the lease agreement with the Lake of the Woods Association for the trash compactor site. Ayes: Abbs, Burkett, Goodwin, Wilson, Frame. Nays: None.

RE: PUBLIC COMMENT

Chairman Frame opened the floor for public comment. The following individuals spoke:

- George Johnson, 32969 Indiantown Road, Locust Grove, VA 22508, commented on fireworks, the proposed noise ordinance, and the condition of the small bridge on Indiantown Road.
- Mr. Kendall, 14278 Kendall Road, Orange, VA, commented on the Locust Grove Child Care site, bus transportation, and whether the Board was aware of additional child care facilities/providers should the Locust Grove Child Care site close.
- Debbie Kendall, 14278 Kendall Road, Orange, VA, commented on the Locust Grove Child Care site and echoed the comments of her husband, Mr. Kendall.

RE: BOARD COMMENT

Supervisor Abbs commented on the hard work of the administrative staff to get the minutes caught up and asked that Chief Deputy Clerk, Ashley Jacobs, convey to the rest of the administrative staff, Teresa Lamb, Edie Pierce, and Michelle Ratcliff, the heartfelt gratitude of the Board.

Supervisor Frame commented that he has been attending the York River Basin Total Maximum Daily Loads (TMDL) meetings and has learned of contamination of creeks in Orange County due to failed

septic systems. Mr. Frame stated that the first step to apply for funds for failing septic systems is to create an inventory of septic systems within the County. Mr. Burkett commented that he wanted to know what the associated costs would be. Staff was directed to begin research on this task.

Supervisor Burkett commented on the Dominion event for Lake Anna State Park. Mr. Burkett stated that the event showed how great our corporate neighbors are. Mr. Burkett also commented on the General Kemper Birthday event.

RE: ACTION ITEMS

RE: ORANGE YOUTH SPORTS FOUNDATION REQUEST

Ronnie Rankin, Orange Youth Sports Foundation Representative, addressed the Board to answer their questions. Mrs. Abbs asked why a multi-purpose lawn tractor was not quoted as opposed to the utility vehicle. Mr. Rankin stated that he would work with Joe Rodish, Procurement Technician, and come back to the Board with requested information about the lawn tractor.

RE: SUP 11-01: LIBERTY MILLS FARM, LLC – CORRECTED OR REVISED SPECIAL USE PERMIT CONDITIONS

Sharon Pandak, County Attorney, explained to the Board that the Ordinance approving SUP 11-01-Liberty Mills Farm, LLC from May 24, 2011, had inadvertently omitted some of the Planning Commission's language. Ms. Pandak presented the proposed corrected ordinance with the corrected and revised conditions.

Mr. Goodwin stated that he was disappointed with the approval of the first Ordinance because he was unaware that the applicant was not better informed about what was to be approved by the Board. He stated that he felt that the Board was restricting businesses. Mr. Goodwin also commented that he felt that the one year expiration condition was a hindrance to financing the business. Discussion ensued about the one year expiration condition.

Mr. Goodwin stated that he wanted to rescind his motion approving SUP 11-01, Liberty Mills Farm, LLC and move for the original motion as presented by the Zoning Administrator. Ms. Pandak stated that the Board's rules of procedures did not allow a motion for a zoning action to be rescinded and that the Board would need to go back through the special use permit procedure and bring the issue back before the Board.

Mrs. Abbs moved, seconded by Mr. Burkett and carried, to approve the following resolution:

CORRECT ORDINANCE APPROVING SUP 11-01, LIBERTY MILLS FARM, LLC, ON TAX MAP NO. 41-18E

WHEREAS, on May 24, 2011, the Board of Supervisors approved Special Use Permit 11-01 for Liberty Mills Farm, LLC, on property known as tax map no. 41-18E; and

WHEREAS, language, permitting Sunday operating hours during September and October, and allowing the sale of on-site grown horticultural products and honey, was inadvertently omitted;

NOW, THEREFORE, BE IT ORDAINED, that the Orange County Board of Supervisors hereby corrects SUP 11-01 as indicated on the attached conditions.

CORRECTED AND REVISED PURSUANT TO ORDINANCE
DATED JUNE 14, 2011

MOTION: ABBS

May 24, 2011
Regular Meeting
Ord. No. 110524-PH

SECOND: BURKETT

RE: SUP 11-01, LIBERTY MILLS FARM, LLC, FOR OPERATION OF A RETAIL STORE OF LESS THAN 4,000 SQUARE FEET GROSS FLOOR AREA AND PROVIDE ASSOCIATED "AGRICULTURALLY-BASED" ACTIVITIES ON TAX MAP NO. 41-18E

WHEREAS, Liberty Mills Farm, LLC, by Kent and Evelyn Woods, has applied for a special use permit to operate a retail store of less than 4,000 square feet gross floor area and provide associated "agriculturally-based" activities on property known as tax map No. 41-18E; and

WHEREAS, prior to the operation of a retail store of less than 4,000 square feet gross floor area a SUP must be obtained from the Board of Supervisors; and

WHEREAS, the Department of Planning and Zoning staff and Planning Commission recommended approval of the SUP with conditions; and

WHEREAS, the Board of Supervisors advertised and held a public hearing on the proposed SUP; and

WHEREAS, the Board has reviewed the application for the SUP and has determined that it is consistent with the Comprehensive Plan future land use designation of the property as Agricultural Conservation and the Board has made the considerations set forth in Secs. 70-141 *et seq.* of the Zoning Ordinance; and

WHEREAS, based on public necessity, convenience and general public welfare and good zoning practice, the Board desires to approve SUP 11-01, subject to the attached conditions, and other proposed conditions and recommendations will now become void;

NOW, THEREFORE, BE IT ORDAINED, that the Orange County Board of Supervisors hereby approves SUP 11-01 to operate a retail store of less than 4,000 square feet gross floor area and provide associated "agriculturally-based" activities on Tax Map No. 41-18E, subject to the attached conditions, for a period of one (1) year.

CORRECTED Conditions

SUP 11-01, Liberty Mills Farm, LLC: To operate a Farm Market, as well as provide Associated "Agriculturally-Based" Activities
Orange County T.M. # 41-18E

Date: April 6, 2011

Amended by Planning Commission: April 14, 2011

Amended by the Board of Supervisors: May 24, 2011

Corrected by the Board of Supervisors: June 14, 2011

The conditions of this Special Use Permit shall apply to parcel Tax Map # 41-18E (the "Subject Property"), and compliance is the responsibility of the applicant, owners and assigns ("Applicant"). If the conditions of this special use permit or the information on the SUP plans are in conflict with one another or with the Zoning Ordinance or approved conditions, the more restrictive provisions

shall apply, unless specifically modified, waived or otherwise specified by these conditions. Violation of these conditions, in whole or in part, shall be cause for revocation of the special use permit by the Board of Supervisors pursuant to §15.2-2309(7) VA Code Ann.

1. Controlling Documents:

Controlling documents shall be the conditions as set forth herein and materials submitted as part of the application for the special use permit.

2. Compliance:

Use and development of the Subject Property shall be in conformance with these conditions. The Zoning Administrator shall determine "conformance." The Applicant shall be responsible for obtaining all required site plan approvals, building permits, health permits, VDOT permits, and zoning permits.

3. Uses: (by-right uses shall not be denied by this special use permit and may be exercised)

a. Agriculturally based activities as set forth below:

Permitted Activities:

Hay Wagon Rides;

Antique Tractor Displays;

Hay bale mazes, corn pit, petting zoo (limited to farm animals which are pastured on the farm);

Day Retreat/Group Picnics;

Pumpkin Patch;

U-Pick operation;

CSA activities (Community Sponsored Agriculture) – weekly subscription of produce;

Corn maze to be operated during the months of September and October.

b. Farm Market use within a structure not exceeding 2000 square feet of retail space for the sale of the following permitted items:

Permitted Sales:

On-site grown fruits, herbs, produce and honey;

Meat, dairy, or eggs from livestock or poultry raised on-site

Jams, jellies, salsas, fruit butters, sauces made from on-site grown fruits, herbs and vegetables;

Food Products made from on-site grown fruits, herbs and produce, i.e. dried, frozen, canned, bottled;

Water, soft drinks, sport drinks;

Liberty Mills Farm ("LMF") logo products such as t-shirts, hats, sweatshirts, postcards, shopping bags;

4. Signage for the use shall be in accordance with the rules and regulations contained in the Orange County Zoning Ordinance.

5. Performance Standards:

a. Lighting Requirements:

The parking area will not be lit, except for the security light on the south side of the building as specified on the plat that was submitted with the Application.

b. Hours of Operation

Tuesday – Saturday: 9:00 a.m. – 6:00 p.m.

Sunday: 11:00 a.m. – 5:00 p.m.

September and October

Tuesday – Thursday: 9:00 a.m. – 6:00 p.m.

Friday – Saturday: 9:00 a.m. – 9:00 p.m.

Sunday: 11:00 a.m. – 5:00 p.m.

6. No overnight camping events may occur on the premises related to Liberty Mills Farm, LLC farming enterprise. (This does not include non-commercial camping events of the landowner.)

7. Applicant shall coordinate with the Building Department to provide adequate restroom facilities to accommodate the public.

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

RE: APPOINTMENTS TO BOARDS, COMMISSIONS, AND COMMITTEES

Supervisor Wilson nominated Jonathan Chasen to be appointed to the Board of Zoning Appeals.
Ayes: Abbs, Burkett, Goodwin, Wilson, Frame. Nays: None.

RE: DISCUSSION ITEMS

RE: SCHEDULE PUBLIC HEARING – SUP 11-04: HOPWOOD FARM MARKET

By consensus, the Board approved to schedule this public hearing for the July 12, 2011, meeting.

RE: SCHEDULE PUBLIC HEARING – ORANGE COUNTY CODE CHANGES: TEMPORARY AGRICULTURAL USES AND DEFINITIONS

By consensus, the Board approved to schedule this public hearing for the July 12, 2011, meeting.

RE: INCLUSION OF VERBATIM PUBLIC COMMENTS IN THE MINUTES

Mr. Burkett stated that after the last public hearing he had a citizen request to include verbatim comments into the Minutes. Mr. Burkett stated that as a Board, they had agreed not to include verbatim public comments, and that the DVD of the meetings included the verbatim comment. Discussion ensued about setting a Board policy about not including verbatim public comments. Ms. Jordan stated that a copy of the verbatim written comments could be submitted for the record and placed in the meeting file without appearing verbatim in the minutes.

By consensus, the Board approved to not include verbatim public comments in the Minutes.

RE: PUBLIC HEARINGS

RE: PUBLIC HEARING #1: SUP 11-03-DR. AMY OLSON

Gregg Zody, Director of Planning and Zoning, gave a brief staff report, followed by Special Use Permit applicant, Dr. Amy Olson. Discussion ensued about the proposed conditions regarding boarding of animals.

At 7:36 p.m., Chairman Frame called the public hearing to order to receive comments on the following:

- SUP 11-03: Dr. Amy Olson is requesting a special use permit to operate an animal hospital/veterinary clinic. The site is zoned General Commercial (C-2), which pursuant to Orange County Zoning Ordinance Section 70-483 (7), requires a special use permit for

any commercial use which is not expressly permitted in any district. The 7.036 acre property is zoned General Commercial (C-2), and is identified on Orange County tax maps as parcel 13-16E. The site is located at 36097 Goodwin Drive, The Market Place at Lake of the Woods.

There being no speakers, the public hearing was closed.

Discussion ensued about the proposed conditions, including: "substantial compliance" versus "compliance," the handling of animal feces, toxic waste, hours of operation, and emergency animal care.

Mr. Burkett moved, seconded by Mrs. Abbs and carried to approve the following resolution modified:

SPECIAL USE PERMIT 11-03 FOR OPERATION OF AN
ANIMAL HOSPITAL/VETERINARY CLINIC ON TAX MAP PARCEL 13-16E

WHEREAS, Dr. Amy Olson, DVM, has applied for the approval of a special use permit (SUP) to operate an animal hospital/veterinary clinic on property known as tax parcel 13-16E; and

WHEREAS, prior to the operation of an animal hospital/veterinary clinic a SUP must be obtained from the Board of Supervisors; and

WHEREAS, the Department of Planning and Zoning staff and Planning Commission recommended approval of the SUP with conditions; and

WHEREAS, the Board of Supervisors advertised and held a public hearing on the proposed SUP; and

WHEREAS, the Board of Supervisors have reviewed the request for the SUP and determined that it is consistent with the Comprehensive Plan future land use designation of the property as Economic Development, and, as such, recommends approval of the operation of a animal hospital/veterinary clinic on the subject property; and

WHEREAS, the Board of Supervisors has considered whether the proposed rezoning would further the purposes of the Comprehensive Plan and the Zoning Ordinance; would not threaten the public health, safety or welfare; would be compatible with its surroundings; and would result in substantial detriment to the surrounding property; and

WHEREAS, public necessity, convenience, general welfare, and/or good zoning practice support approval of this SUP.

NOW, THEREFORE, BE IT ORDAINED, that the Orange County Board of Supervisors hereby approves SUP 11-03 to operate a animal hospital/veterinary clinic on property known as tax parcel 13-16E subject to the attached conditions.

CONDITIONS

SUP 11-03 Amy Olson, DVM: Operating an Animal Hospital / Veterinary Clinic
Orange County T.M. # 13-16E
Date: April 7, 2011
Amended by Planning Commission: April 21, 2011
Amended by Board of Supervisors: June 14, 2011

The conditions of this Special Use Permit shall apply to parcel Tax Map # 13-16E (the "subject property"), and compliance is the responsibility of the Applicants, owners, and assigns. If the

conditions of this special use permit or the information on the SUP plans are in conflict with one another or with the Zoning Ordinance or approved conditions, the more restrictive provisions shall apply, unless specifically modified, waived or otherwise specified by these conditions. Violation of these conditions, in whole or in part, may be cause for revocation of the special use permit by the Board of Supervisors pursuant to §15.2-2309(7) of the VA Code Ann.

1. Controlling Documents:

Controlling documents shall be the conditions as set forth herein and materials submitted as part of the application for special use permit, including the general site plan submitted with the application.

2. Compliance:

Use of the subject site shall be in conformance with these conditions. The Zoning Administrator shall determine conformance. The business owner shall be responsible for obtaining all required site plan approvals, building permits, health permits, and zoning permits.

3. Uses:

The subject property shall be used for an animal hospital / veterinary clinic, in addition to the existing uses.

4. Handling of Animal Urine and Feces:

As agreed upon by the property owner, the "grassy area" located immediately to the west of the strip mall building, between the building and the pavement, shall be designated for use by animal patients for their "elimination" of urine and feces. All solid waste shall be collected on a daily basis and disposed of in the general trash.

5. Maximum hours open to the Public:

Monday – Saturday: 6:00am – 8:00pm (emergency on-call care may be provided outside of these hours)

6. Hospitalization of Animals:

Animals with medical or surgical illnesses, and in emergency situations, may be kept and/or treated overnight and through weekends.

7. No treatment of "hoofed animals" (farm animals).

8. Animals may be boarded for veterinary care only.

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

RE: PUBLIC HEARING #2: PROPOSED AMENDMENTS TO SECTIONS 70-119(B) AND 70-192 OF THE ORANGE COUNTY ZONING ORDINANCE

Ms. Pandak gave a brief staff report about the proposed amendments.

At 7:52 p.m., Chairman Frame called the public hearing to order to receive comments on the following:

- Proposed Amendments to Sections 70-119(b) and 70-192 of the Orange County Zoning Ordinance
 - Sec. 70-119. Multifamily residential, commercial and industrial districts.
 - (b) The site plan shall be submitted to the zoning administrator for review within five years of rezoning approval by the board of supervisors. Failure to submit the site plan within five years of rezoning approval shall cause the rezoning to become null and

~~void and cause the property to revert to the previous zoning~~ may trigger a review of the zoning classification by the Board of Supervisors.

Sec. 70-192. Expiration.

Upon rezoning of property to limited residential (R-1), general residential (R-2) or planned residential (R-3), plats for the proposed subdivision must be submitted to the subdivision agent and home construction diligently pursued within five years of rezoning approval by the board of supervisors. Failure to do so ~~shall cause the rezoning to become null and void and cause the property to revert to the previous zoning.~~ may trigger a review of the zoning classification by the Board of Supervisors.

Upon rezoning of property to multi-family residential (R-4), limited commercial (C-1), general commercial (C-2), limited industrial (I-1) or general industrial (I-2), site plans shall be submitted to the zoning administrator for review and construction diligently pursued within five years of rezoning approval by the board of supervisors. Failure to do so ~~shall cause the rezoning to become null and void and cause the property to revert to the previous zoning.~~ may trigger a review of the zoning classification by the Board of Supervisors.

Chairman Frame opened the floor for public comment. The following individuals spoke:

- Tom Bundy, 13049 St. Just Road, Unionville, VA
- Teri Pace, 25485 Gooch Lane, Unionville, VA

There being no one else wishing to speak, Chairman Frame closed the public hearing at 7:58 p.m.

Discussion ensued about the use of the word “may” versus “shall,” the legality of both words, and the obligation that is placed on the Board. Mr. Burkett stated that he would like for the Board to consider a policy for reviewing the zoning classifications of properties that have been rezoned and for which a site plan has not been submitted within five years. Mr. Frame suggested this be noted in the Comprehensive Plan.

Mr. Goodwin moved, seconded by Mrs. Abbs and carried, to approve the following Ordinance as presented:

AMEND SECS. 70-119 AND 70-192 OF THE ZONING ORDINANCE RELATING TO REVERSIONS OF ZONING

WHEREAS, upon recommendation of the County Attorney, the Board of Supervisors initiated amendment to the Zoning Ordinance to remove language which provides for a reversion of certain rezoning to a previous zoning if a subdivision or site plan is not submitted and the use diligently pursued within five (5) years; and

WHEREAS, the Planning Commission recommended amendments to Sec. 70-119 and 70-192 which remove said language and instead provide that the failure to submit may trigger a review by the Board; and

WHEREAS, public necessity, convenience, general welfare, and good zoning practice support initiation of the proposed amendments to the Zoning Ordinance;

NOW, THEREFORE, BE IT ORDAINED that the Orange County Board of Supervisors hereby amends Secs. 70-119 and 70-192 as attached.

Proposed Amendments to Sections 70-119(b) and 70-192
of the Orange County Zoning Ordinance

Sec. 70-119. Multifamily residential, commercial and industrial districts.

(b) The site plan shall be submitted to the zoning administrator for review within five years of rezoning approval by the board of supervisors. Failure to submit the site plan within five years of rezoning approval ~~shall cause the rezoning to become null and void and cause the property to revert to the previous zoning~~ may trigger a review of the zoning classification by the Board of Supervisors.

Sec. 70-192. Expiration.

Upon rezoning of property to limited residential (R-1), general residential (R-2) or planned residential (R-3), plats for the proposed subdivision must be submitted to the subdivision agent and home construction diligently pursued within five years of rezoning approval by the board of supervisors. Failure to do so ~~shall cause the rezoning to become null and void and cause the property to revert to the previous zoning.~~ may trigger a review of the zoning classification by the Board of Supervisors.

Upon rezoning of property to multi-family residential (R-4), limited commercial (C-1), general commercial (C-2), limited industrial (I-1) or general industrial (I-2), site plans shall be submitted to the zoning administrator for review and construction diligently pursued within five years of rezoning approval by the board of supervisors. Failure to do so ~~shall cause the rezoning to become null and void and cause the property to revert to the previous zoning.~~ may trigger a review of the zoning classification by the Board of Supervisors.

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

RE: PUBLIC HEARING #3: REZ 11-02 - GEORGE CARTER

Mr. Frame stated that the public hearing for Proffer Modification 11-01 listed on the agenda would not be conducted because it had not gone through the Planning Commission as a separate item.

Gregg Zody, Director of Planning and Zoning, gave a brief staff report about the rezoning request and stated that both staff and the Planning Commission recommend denial of the application. The applicant's legal representative, Clark Leming, appeared before the Board to give an applicant report on the request.

Mr. Leming submitted letters in support of the rezoning request, a letter from the Sheriff's office, and proposed proffers, to the Board as part of the official record.

At 8:23 p.m., Chairman Frame called the public hearing to order to receive comments on the following:

- REZ 11-02: George Carter is requesting to Rezone 2.87 acres from Limited Residential (R-1) to General Commercial (C-2) for the creation of an overflow parking lot. The property is the site of Village Motorsports located at 23436 Constitution Highway (Route 20), approximately 0.4 miles west of Zachary Taylor Highway (Route 522). The subject site is identified on Orange County tax maps as a portion of parcel 32-69. Rezoning the 2.87-acre portion to C-2 will allow the field behind the Village Motorsports store to be used as overflow parking for events at the store.

Chairman Frame opened the floor for public comment. The following individuals spoke:

- Anita Marshall, 23538 Village Road, Unionville, VA

- Donald Davies, 24026 Village Road, Unionville, VA 22567
- Francis L. Allen, 23363 Village Road, Unionville, VA 22567
- Joanna Davies, 24026 Village Road, Unionville, VA
- Catherine Crickenberger, 23521 Village Road, Unionville, VA
- Andy Hromyak, 11466 Knolls Road, Orange, VA 22960
- Donald Perry, 24058 Village Road, Unionville, VA 22567
- Howard Crickenberger, 23521 Village Road, Unionville, VA
- Jack Keaveny, 23551 Village Road, Unionville, VA 22567
- Tim Hudson, 23233 Village Road, Unionville, VA 22567
- James G. Lucas, 23168 Village Road, Unionville, VA 22567
- Karen Jaybdin, Orange, VA
- Jason Carter, 509 Gentry Drive, Gordonsville, VA
- Jack Snyder, 12574 Chicken Mountain Road, Orange, VA
- Steve Satterfield, 21041 Clarks Mountain Road
- Greg Heble, 23494 Village Road, Unionville, VA
- Barbara Parks, 23494 Village Road, Unionville, VA 22567
- Wade Hardman, 218 Fairfax Lane, Locust Grove, VA 22508
- Lucretia Wolfcale, 22485 Clarks Mountain Road, Rapidan, VA 22733
- Teri Pace, 25485 Gooch Lane, Unionville, VA 22567

There being no one else wishing to speak, Chairman Frame closed the public hearing at 9:04 p.m.

The applicant's legal representative, Clark Leming, made comments in response to the public hearing.

Mrs. Abbs asked when the parcels were consolidated as one. Mr. Leming stated that it was in 2005.

Chairman Frame indicated that he had one letter from Mary Wood in support of the rezoning request, to be submitted for the record.

Chairman Frame asked if Village Motorsports could obtain a special event temporary use permit for parking on the property during special events. Gregg Zody, Planning and Zoning Director, stated no, that a temporary use permit is only allowable in C-1 and C-2 zoning.

RE: RECESS

The Board recessed the meeting at 9:12 p.m.

RE: RECONVENE

The Board reconvened in Open Meeting at 9:21 p.m.

Mr. Burkett stated that as the Board, they had to look at both staff recommendations and Planning Commission recommendations, and that the rezoning would affect the neighbors. Mr. Burkett recommended that the applicant re-apply with detailed proffers.

Mr. Goodwin stated that he saw similarities in discussions between this public hearing and previous public hearings regarding who owned the roads. Mr. Goodwin stated that he wanted to approve the rezoning and Mr. Wilson agreed.

Mrs. Abbs stated that she wanted the rezoning request to be tabled to give Mr. George Carter the opportunity to reach a compromise with his neighbors. Mrs. Abbs also stated that the

word "intent" needs to be clarified regarding this request, and stated as an example, that there needed to be clarification as to whether the property was "intended" to be paved or not. Discussion ensued about tabling the request.

Ms. Pandak stated that the rezoning application was filed on September 22, 2010, and, under Virginia Law, the Board has one year to act on it, unless the applicant agrees to extend this period of time.

Discussion ensued about parking for special events, access to the back portion of the property, the process for sending the request back to the Planning Commission, the process for re-applying with proposed proffers, and the hearing to be scheduled before the Board of Zoning Appeals.

Mr. Burkett moved, seconded by Mr. Frame and carried, to approve the following resolution:

REZ 11-02 – REZONING APPROXIMATELY 2.87 ACRES (PORTION OF TAX MAP NO. 32-69), OWNED BY GEORGE CARTER, FROM LIMITED RESIDENTIAL (R-1) TO GENERAL COMMERCIAL (C-2)

WHEREAS, George Carter has requested the Orange County Board of Supervisors to consider rezoning approximately 2.87 acres of his property from Limited Residential (R-1) to General Commercial (C-2), thus causing all of his property (Tax Map No. 32-69) to be zoned General Commercial (C-2); and

WHEREAS, the Board of Supervisors advertised and held a public hearing on the proposed rezoning on June 14, 2011; and

WHEREAS, the Department of Planning and Zoning staff and the Planning Commission have recommended denial of the rezoning; and

WHEREAS, the Board of Supervisors has determined that this rezoning is not consistent with the recommended Comprehensive Plan future land use designation of the subject property as Agricultural (A); and

WHEREAS, public necessity, convenience, general welfare, and/or good zoning practice support denial of this rezoning.

NOW, THEREFORE, BE IT ORDAINED, that the Orange County Board of Supervisors hereby denies REZ 11-02 to rezone approximately 2.87 acres of Tax Map #32-69 from Limited Residential (R-1) to General Commercial (C-2).

Ayes: Abbs, Burkett, Frame. Nays: Wilson, Goodwin.

RE: DISCUSSION ITEMS

RE: USE OF SURPLUS COUNTY PROPERTY

Mr. Burkett used the Lahore Grange Hall as an example to discuss the use of surplus County property. Mr. Burkett stated that the Lahore Grange Hall is located next to the Lahore Green Boxes. He stated that a decade ago the building was used for receptions and other events, and now it is deteriorating. Mr. Burkett further stated that the Lahore Grange Hall either needs to be put back into use or destroyed and that all other unused County property needs to be examined for similar situations.

By consensus, the Board agreed to discuss the state of repair of Lahore Grange Hall

at the June 28, 2011, meeting. They also asked staff to provide a listing of all unused County property.

RE: INFORMATION ITEMS

The Board received the following correspondence for its information:

- Virginia Department of Transportation Monthly Report for June
- FY 2012 School Budget Information

By consensus, the Board agreed to discuss the FY 2012 School Board Contingency Reserve, at the August 9, 2011, meeting.

RE: COMMITTEE REPORTS

There were no committee reports.

RE: CALENDAR

The Board received copies its calendar for the months of June, July and August 2011.

RE: DOCUMENT DIGITIZATION PROJECT

- July 15, 2011 – Lake of the Woods Holcomb Building – 1:00 p.m. – 4:00 p.m./6:00 p.m. – 9:00 p.m.
- July 16, 2011 – Town of Orange Historical Society – 9:00 a.m. – 5:00 p.m.
- July 17, 2011 – Germanna Foundation Building – 11:00 a.m. – 4:00 p.m.

RE: POSTPONEMENT OF JUNE 28, 2011 PUBLIC HEARING FOR REZONING 11-03/COMPREHENSIVE PLAN MAP AMENDMENT 11-01 (FAULCONER PROPERTY)

The Board was notified of the postponement of this public hearing.

RE: PROPOSED CHANGE OF TIME FOR JUNE 28, 2011 MEETING

By consensus, the Board approved to change the start time of the June 28, 2011 meeting, from 7:00 p.m. to 4:00 p.m.

RE: ADJOURNMENT

There being no further business to discuss, Mr. Burkett moved, seconded by Mrs. Abbs and carried, to adjourn the meeting at 9:53 p.m. Ayes: Abbs, Goodwin, Wilson, Frame, Burkett. Nays: None.