

BOARD OF SUPERVISORS MINUTES

June 28, 2011

At a regular meeting of the Orange County Board of Supervisors held on Tuesday, June 28, 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. Burkett moved, seconded by Mr. Goodwin and carried, to adopt the agenda as presented. Ayes: Abbs, Goodwin, Wilson, Frame, Burkett. Nays: None.

RE: CONSENT AGENDA

Mr. Goodwin moved, seconded by Mr. Burkett and carried, to approve the consent agenda as presented.

RE: SUPPLEMENTAL APPROPRIATIONS

The Board approved the following supplemental appropriations:

DEPT	ACCOUNT DESCRIPTION	AMOUNT	FUNDING SOURCE
Parks & Recreation	Soccer Salaries & Benefits	\$ 650.00	Program Revenue
Subtotal Parks & Recreation Program Revenue		\$ 650.00	
Animal Shelter	Emergency Vet	\$ 453.35	Donations
Animal Shelter	Vaccinations	\$ 975.00	Donations
Animal Shelter	Emergency Vet	\$ 1,297.72	Donations
Subtotal Animal Shelter Donations		\$ 2,726.07	
Sheriff	Sheriff-Community Policing	\$ 680.00	Donations
Sheriff	Sheriff-Community Policing	\$ 3,735.00	Donations
Subtotal Sheriff Donations		\$ 4,415.00	
Total this request		\$ 7,791.07	
Total Year to Date		\$ 291,520.99	

RE: BUDGET TRANSFERS

The Board approved the following budget transfers:

Transfer from department	Transfer from line item	Transfer to department	Transfer to line item	Amount
Animal Control	Various	Sheriff's Office	Vehicle Supplies	5,605.97

Transfer to cover overrun in fuel costs for vehicles in Sheriff's Office.

RE: MINUTES

The Board approved the following minutes:

- April 12, 2011 Regular Meeting
- April 26, 2011 Regular Meeting
- June 14, 2011 Regular Meeting

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

RE: PUBLIC APPEARANCES

RE: PUBLIC COMMENT

Chairman Frame opened the floor for public comment. There being none, public comment was closed.

RE: INTRODUCTION OF GLENDA BRADLEY, FINANCE DIRECTOR

Julie Jordan, County Administrator, introduced Glenda Bradley as Orange County's new Finance Director. Ms. Jordan stated that Ms. Bradley comes to Orange Country from Northampton County and has over 25 years of finance experience. Chairman Frame welcomed Glenda Bradley to Orange County.

RE: INTRODUCTION OF SEAN T. O'BRIEN, CHIEF OPERATING OFFICER AND EXECUTIVE VICE PRESIDENT OF MONTPELIER

Ann Lawrence Grasty, Director of Major Gifts for Montpelier, introduced Sean T. O'Brien as the Chief Operating Officer and Executive Vice President of Montpelier. Chairman Frame thanked the Montpelier staff for their attendance.

RE: TOURISM QUARTERLY REPORT

Leigh Mawyer, Tourism Services Coordinator, updated the Board on several Tourism topics and activities including: the Airport Terminal opening event, the Orange Wedding Tour, a volunteer lunch, work with the Virginia Tourism Corporation (VTC), the Civil War Driving Tour, the Document Digitization Project, the presence at the Bull Run Event Commemoration, and several marketing updates.

RE: OFFICE ON YOUTH QUARTERLY REPORT

Alisha Vines, Director of the Office on Youth, updated the Board on several Office on Youth topics, including: juvenile referrals from Court Services, juvenile placements, interactions with other agencies, the Youth Council, the Strengthening Families Program and audit, the Annual After Prom celebration, child care trainings, Head Start, stocking the backpack program, the activities flier produced in conjunction with the Parks and Recreation Department, and the start of the gang prevention campaign.

Ms. Vines thanked the Board again for their Comprehensive Services Act (CSA) draft policies letter and for their participation in the Michaels Gift Fundraiser.

Discussion ensued about the effort to prevent youth tobacco use.

RE: ACTION ITEMS

RE: YOUTH COUNCIL BYLAWS AND APPLICATION

Alisha Vines, Director of the Office on Youth, and Ebony Brown, the Youth Council President, explained to the Board that the Youth Council has been busy creating new bylaws and updating their application. Ms. Vines stated that the Youth Commission Bylaws were last updated in 1993 and that both the Youth Commission and Youth Council Bylaws/Application were before the Board today for approval.

Chairman Frame expressed his concerns with specific language in the proposed Youth Commission bylaws. Discussion ensued regarding the Commission's role in the selection/hiring of staff, and review of Office on Youth purchases.

Mr. Burkett moved, seconded by Mr. Goodwin and carried, to approve the Youth Council Bylaws and Application as presented and the Youth Commission Bylaws as modified.

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

RE: MONTPELIER GRANT AMENDMENT

Glenda Bradley, Finance Director, informed the Board that the Montpelier Foundation has requested that the Board of Supervisors accept supplemental grant proceeds for pass-through for the Montpelier Gateway and Beautification Project in the amount of \$47,546 (\$36,036.80 in federal funds and \$9,509.20 in Virginia Department of Transportation match funds). Ms. Bradley stated that these funds are simply a reimbursement to Montpelier for funds they have already spent.

Mrs. Abbs moved, seconded by Mr. Goodwin and carried, to approve and appropriate upon receipt for pass-through, grant proceeds of \$47,546 from VDOT for the Montpelier Gateway and Beautification Project, as requested by the Montpelier Foundation.

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

RE: CONTRIBUTION TO GORDONSVILLE VOLUNTEER FIRE COMPANY FOR FEE DONATION

Julie Jordan, County Administrator, informed the Board that the Gordonsville Volunteer Fire Company is requesting that the Board make a contribution to the Fire Company for Landfill Fees associated with their Annual Street Festival on October 1, 2011. Ms. Jordan stated that the contribution is not expected to exceed \$312.00.

Mrs. Abbs moved, seconded by Mr. Burkett and carried, to make a fee donation to the Gordonsville Volunteer Fire Company for the Landfill Tipping Fees associated with their Annual Street Festival to be held on October 1, 2011.

Mr. Burkett commented that his willingness to grant the contribution was largely due to the fact that this was for a group of volunteers that provide a direct service to our community and provide the County with a lot of "bang for their buck." Mrs. Abbs stated that she concurred.

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

RE: RESOLUTION TO LOWER THE SPEED LIMIT ON MARQUIS ROAD

Julie Jordan, County Administrator, explained to the Board that a constituent of Supervisor Burkett had requested to have the speed limit lowered on Marquis Road between Lahore Road and Route 650. Ms. Jordan presented a draft resolution to the Board for their

consideration.

Mr. Burkett stated that he had received this request from more than one household and that he supported the request.

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

RESOLUTION BY THE ORANGE COUNTY BOARD OF SUPERVISORS
TO LOWER THE SPEED LIMIT ON MARQUIS ROAD

WHEREAS, the Orange County Board of Supervisors has received a request to lower the speed limit on Marquis Road between Lahore Road and Route 650; and

WHEREAS, Marquis Road is a public road that serves the residents of Orange County; and

WHEREAS, funds are available for this project under the Department of Transportation's Secondary System Construction Allocation;

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of Orange County hereby formally request that the Virginia Department of Transportation conduct a speed study and report back to the Board on findings and recommendations to lower the speed limit on Marquis Road between Lahore Road and Route 650, utilizing funds available from the Department of Transportation's Secondary System Construction Allocation for Orange County.

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

Supervisor Goodwin stated as an aside, that the Board had approved a similar resolution for his district for a stretch of road and that after talking to the Virginia Department of Transportation, it was determined that the speed limit could not be reduced, partially due to the size of the study area, so the study area was reduced and is being re-evaluated.

RE: AIRPORT CONSULTING CONTRACT REQUEST FOR PROPOSALS

Julie Jordan, County Administrator, informed the Board that a Request for Proposals (RFP) had been issued for Airport Consulting Services. Ms. Jordan stated that the applications have been reviewed and scored and that staff recommendation is for Delta Airport to be awarded the Airport Consulting Services Contract. She further stated that the contract would be in effect from July 5, 2011 through July 4, 2012, and may be extended for four additional one year terms.

Ms. Pandak informed the Board that the length of time for the contract is as set forth by the State law requirement for this kind of engineer.

Mrs. Abbs moved, seconded by Mr. Goodwin and carried, to authorize the County Administrator to execute a Contract with Delta Airport Consultants for airport consulting services. The Term of this Contract shall be for one (1) year with four (4) additional one (1) year renewals, available at the County's option.

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

RE: R.M. SODERQUIST CONTRACT ONE YEAR EXTENSION

Julie Jordan, County Administrator, informed the Board that Staff had met with the Solid Waste Committee and made the recommendation that the Committee and the Board of Supervisors consider extending the agreement with R.M. Soderquist through June 30, 2012, with

the understanding that the annual contract amount for landfill operations be reduced from \$882,000 to \$812,000 and that closure activities continue using the same unit prices as were agreed upon in the original contract dated June 18, 2007.

Mrs. Abbs moved, seconded by Mr. Goodwin and carried, to authorize the County Administrator to extend the current agreement with R.M. Soderquist through June 30, 2012. The Contract amount shall be \$812,000 annually as adopted in Line Item 513-042400-3106 of the County's FY2012 Budget. Closure activities shall be performed using unit prices from the original agreement, and negotiations during this term extension may occur as alternate closure methods are explored.

Mr. Frame asked Ms. Jordan to confirm that \$812,000 is the amount that was budgeted for, and Ms. Jordan confirmed that this was in fact what was proposed in the County's budget.

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

RE: QUADRENNIAL ELECTIONS

Sharon Pandak, County Attorney, stated that having concurrent terms (elections every four years) for Board of Supervisors members and School Board members as opposed to staggered terms would require making a change to Section 22-39 of the County Code.

Discussion ensued about which other Boards may be affected by the changes. Ms. Pandak also stated that the Board members elected in 2015 to begin their term in 2016 would be the first round of elected officials to serve concurrent terms, under this code change.

Mr. Burkett moved, seconded by Mr. Goodwin and carried, to approve the following resolution as presented, to advertise and schedule a public hearing for August 23, 2011, to receive comments on the following:

AUTHORIZE PUBLIC HEARING ON REVERSION TO QUADRENNIAL ELECTIONS
(Concurrent Election of Supervisors)

WHEREAS, the Board of Supervisors of Orange County desires to consider the attached proposed amendments to Chapter 22 of the County Code, Elections, § 22-39, to revert to quadrennial elections for seats on the Board of Supervisors so that all Supervisors will be elected at the concurrently, at the same time;

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of Orange County does hereby authorize a public hearing to consider adoption of the attached proposed amendments to § 22-39 of the County Code.

Sec. 22-39. Number of Supervisors.

(a) *Election.* One supervisor shall be elected from each election district created by this article.

(b) *Terms.* Beginning with the election of members of the board of supervisors in November, 2013~~2003~~, two members of the board shall be elected for a term of two years, ~~and three members shall be elected for a term of four years.~~ In all elections thereafter, all successful candidates shall be elected for terms of four years.

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

RE: "WATERS OF THE U.S." GUIDANCE DOCUMENT – DRAFT LETTER

Chairman Frame stated that the Board had received a National Association of Counties (NACo) call for action regarding proposed changes to the definition of the "Waters of the U.S.," which would put most streams and ditches into the same category as navigable waters. Discussion ensued about the draft letter.

Mr. Burkett moved, seconded by Mrs. Abbs and carried, to send the draft letter to the Environmental Protection Agency regarding the "Waters of the U.S." guidance document, as modified.

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

RE: APPOINTMENTS TO BOARDS, COMMISSIONS, AND COMMITTEES

The Board made no appointments at this time.

Julie Jordan, County Administrator, announced that she and staff were pleased to hire a new Litter Control Coordinator, Mr. Ron Rose.

RE: DISCUSSION ITEMS

RE: USE OF OLD COURTHOUSE

Julie Jordan, County Administrator, stated that staff has looked at the old courthouse as a potential space for meetings and events. Ms. Jordan stated that the space was lovely but that there are a few concerns that staff has regarding: handicapped accessibility, bathroom accessibility, and the current condition of the sidewalk in front of the courthouse.

The Board directed staff that the sidewalk in front of the old courthouse needs to be fixed, regardless of the use of the courthouse.

Discussion ensued about exemptions from Americans with Disabilities Act (ADA) compliance for historic properties. Ms. Pandak stated that handout brochures could be provided in lieu of handicapped access in recognized historic buildings.

Discussion ensued about potential uses of the space, to include: dinner halls, wedding events, and lecture halls.

By consensus, the Board agreed to tour/visit the old courthouse during the dinner break of the July 12, 2011 meeting.

RE: LAHORE GRANGE HALL STATE OF REPAIR

Julie Jordan, County Administrator, stated that she, Kurt Hildebrand, Public Works Director, and Supervisor Burkett, visited Lahore Grange Hall to evaluate the condition of the building. She stated that there are some windows missing and the roof condition is in question, but that the flooring is in good condition.

Mr. Burkett stated that portions of the air conditioning system seem reasonably new.

Mr. Frame questioned the potential use of the building, should they decide to repair it. Mr. Burkett stated that it could be maintained by an outside group in exchange for use of the building, or it could be used for private gatherings.

Discussion ensued about potential uses of the building, the sale of the building, and what would be required to repair the building.

By consensus, the Board directed staff to estimate the cost of stabilizing the building and Supervisor Goodwin offered to assess the roof condition.

RE: INFORMATION ITEMS

The Board received the following correspondence for its information:

- CSA Monthly Report
- Treasurer's Report
- Sewer Line/Gas Line Update
- Old Airport Terminal/Airport Terminal Marketing Plan Update
- Volunteer Group Long Term Care Insurance Program
- Barboursville Community Park Management Operating Policy and Use Agreement

RE: BARBOURSVILLE COMMUNITY PARK MANAGEMENT OPERATING POLICY AND USE AGREEMENT

Discussion ensued about the Barboursville Community Park Management Operating Policy and Use Agreement regarding clean-up policies for users and about the dumping of trash outside of collection sites when the collection sites are closed.

By consensus, the Board agreed to charge \$100.00 for the park use fee and authorized \$75.00 to be returned to the user, once it has been determined that the user left the park in the manner in which it was found. Additionally, the Board approved additional fees to be billed to the user should the County incur costs associated with any necessary clean-up that exceeds \$75.00. It was also agreed that staff will make the appropriate changes to the policy and use agreement.

RE: SEWER LINE/GAS LINE UPDATE

Julie Jordan, County Administrator, provided additional information regarding this subject. Ms. Jordan stated that she wanted to clarify that the gas lines that would be difficult to tap into are the high pressure TransCo lines, which are very expensive to tap into, not necessarily the service gas lines located near Route 3.

Ms. Jordan also updated the Board on the Route 20 Residential Sewer Line and the letter that was just received from the Community Development Block Grant (CDBG) program. She stated that the CDBG program officials raised questions about the line already run near the homes in question, reiterated the fact that the condition of the homes would be taken into account, and that tap fees could not be assessed to these individuals. Ms. Jordan stated that the scope of the application needed to be broadened to address the condition of the homes. Discussion ensued about commercial entities and the scope of the grant(s).

By consensus, the Board directed staff to obtain anticipated costs of the study for the Route 20 Residential Sewer Line.

RE: OLD AIRPORT TERMINAL/AIRPORT TERMINAL MARKETING PLAN UPDATE

Julie Jordan, County Administrator, provided additional information about renting out the old airport and the timeline for renting out this space.

RE: CALENDAR

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

RE: RE-SCHEDULE PUBLIC HEARING FOR REZONING 11-03/COMPREHENSIVE PLAN MAP AMENDMENT 11-01 (FAULCONER PROPERTY)

By consensus, the Board approved to advertise and schedule a public hearing for July 26, 2011.

RE: CLOSED MEETING

At 5:33 p.m., Mrs. Pandak read the following motion 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, and legal advice related thereto (§2.2-3711.A.5 and 7 VA Code Ann.);
- One matter related to legal advice regarding the Subdivision and Zoning Ordinances and actual litigation, *Strong v. Board of Supervisors*, CL 08-000293 (§2.2-3711.A.7 VA Code Ann.);
- One matter related to probable litigation where briefing in open session would adversely affect the negotiating posture of the County (§2.2-3711.A.7 VA Code Ann.);
- Two personnel matter(s) relating to assignment of specific public officers and employees (§2.2-3711.A.1 VA Code Ann.); and

WHEREAS, pursuant to §§2.2-3711.A. 1, 5 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 7:02 p.m., Mrs. 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 Mrs. Abbs and carried, to approve the resolution as presented. Ayes: Abbs, Burkett, Goodwin, Wilson, Frame. Nays: None.

RE: PUBLIC COMMENT

Chairman Frame opened the floor for public comment. There being none, public comment was closed.

RE: BOARD COMMENT

Supervisor Abbs commented on charging the maximum fine for those dumping trash outside of the collection center sites, people using the Barboursville collection site who do not have the appropriate stickers, and employee relations with collection center patrons with respect to direct employee/patron interaction.

Discussion ensued regarding the landfill fee schedule. Mr. Burkett commented that he felt that all trash should be free for residents of the County. Mr. Goodwin stated that he would like for staff to remind residents of the scheduled closures set to take effect after July 1, 2011.

Supervisor Burkett commented on the County's definition of Events as it related to the Village Motorsports event. He stated that based on the County's definition of Event, the owners of Village Motorsports should have gotten a temporary use permit for their motorcycle event. After attending the Village Motorsports event and seeing that it was more of a sales product demonstration, Mr. Burkett stated that he believed there should have been no reason for obtaining a temporary use/event permit. Ms. Pandak stated that the requirement for the permit was due to the fact that more than 100 people were expected to attend. Mr. Burkett stated that he wanted the definition of/what constitutes an Event in the County's Ordinance to be clarified.

RE: RECESS

The Board recessed the meeting at 7:15 p.m.

RE: RECONVENE

The Board reconvened in Open Meeting at 7:30 p.m.

RE: PUBLIC HEARING

Ms. Pandak stated that a number of the ordinance changes are required by the State Code due to changes made by the General Assembly and the County's effort to provide consistency with the State Code. She also stated that the sign ordinance changes represent a collective set of changes as well.

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

- The proposed repeal of:
 - County Code Chapter 58, Taxation
 - Sec. 58-221: Enhanced Emergency Telephone Service: Imposed
 - County Code Chapter 70, Zoning
 - Sec. 70-92: Writ of Certiorari: This section currently provides that an aggrieved person may request a writ of certiorari in order to challenge a decision by the Board of Supervisors.

- Sec. 70-93: Return of Original Papers: This section currently provides that in responding to a writ of certiorari, the Board of Supervisors may provide copies of original papers.
- The adoption of proposed amendments to:
 - County Code Chapter 2, Administration
 - Sec. 2-108: Fee for Returned Check
 - County Code Chapter 6, Animals
 - Sec. 6-141: Vaccination Required
 - County Code Chapter 14, Businesses
 - Sec. 14-151: Precious Metals: Penalties, First and Subsequent Offenses
 - County Code Chapter 30, Fire Prevention and Protection
 - Sec 30-1: Fireworks Display Permit
 - County Code Chapter 54, Subdivisions
 - Sec. 54-11: Subdivision Agent: Duties
 - Sec. 54-66: Preliminary Plat Review and Approval
 - County Code Chapter 58, Taxation
 - Sec. 58-135: Exemptions for Certain Disabled and Elderly Persons: Calculation of Amount of Exemption
 - County Code Chapter 70, Zoning:
 - Sec. 70-1 Definitions.
 - Sign, digital: This proposed amendment would amend the definition of Sign, Monument, and adds a definition for Sign, Digital.
 - Group homes: This proposed amendment would add aged, infirmed or disabled persons to the list of persons who may live in group homes.
 - Sec. 70-2 Intent: This proposed amendment would add the provisions regarding failure of impounding structures to the intent of the Zoning Ordinance.

The following nine amendments remove the ability of the Board of Zoning Appeals to grant special exceptions for the use of signs, and add the requirement that building signs may not project above the side of the building:

- Sec. 70-308 Agricultural Zoning District (A): Signs
- Sec. 70-338 Limited Residential Zoning District (R-1): Signs
- Sec. 70-368 General Residential Zoning District (R-2): Signs
- Sec. 70-400 Planned Residential Zoning District (R-3): Signs
- Sec. 70-431 Multifamily Residential Zoning District (R-4): Signs
- Sec. 70-456 Limited Commercial Zoning District (C-1): Signs
- Sec. 70-486 General Commercial Zoning District (C-2): Signs
- Sec. 70-516 Limited Industrial Zoning District (I-1): Signs
- Sec. 70-546 General Industrial Zoning District (I-2): Signs

- Sec. 70-62 Board of Zoning Appeals: Rules and Regulations: This proposed amendment would provide that the Board of Zoning Appeals may appoint a secretary who is either a member of the Board of Zoning Appeals or another qualified person.
- Sec. 70-623 Temporary Use of Manufactured or Mobile home: This amendment, if adopted, would expand the possible uses of manufactured or mobile homes in agricultural and single-family residential zoning districts.
- Sec. 70-696 Hazardous signs prohibited: This proposed amendment would restrict the use of signs affixed to fences, balloons, banners, pennants or inflated devices, and signs located within the public right-of-way or on public property.
- Sec. 70-697 Portable, mobile signs: This proposed amendment would add time limitations for portable, mobile or temporary signs.
- Sec. 70-699 Off-site advertising signs: This proposed amendment would place restrictions on the size and type of signs used for off-site advertising.
- Sec. 70-733 Cluster Housing Development: Area and density: This amendment would fix errors to references in this section.

- Orange County Proffer Policy
 - Monetary Contribution Policy: Methodology: This amendment would provide that payment of monetary contributions must occur upon completion of the final inspection and prior to the issuance of any home occupancy permits.
- The adoption of proposed new ordinance:
 - Sec. 70-701 Digital Signs: This proposed new ordinance would place restrictions on the use of digital signs.

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

- Ken Dotson, 33225 Constitution Highway, Locust Grove, VA 22508

There being no one else wishing to speak, Chairman Frame closed the public hearing at 7:45 p.m.

RE: ADOPT AMENDMENT TO ANIMALS ORDINANCE SEC. 6-141

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

ADOPT AMENDMENT TO ANIMALS ORDINANCE SEC. 6-141

WHEREAS, the Board of Supervisors desires to adopt the attached proposed amendments to Chapter 6 of the County Code. Animals. Sec. 6-141. Vaccination Required, in order to make the section consistent with changes to the enabling legislation § 3.2-6521 VA Code Ann.; and

WHEREAS, the Board finds it in the interest of the County and its citizens to amend the vaccination requirements in this manner as allowed pursuant to § 3.2-6521 VA Code Ann.; and

WHEREAS, a public hearing has been duly advertised and held by the Board;

NOW, THEREFORE, BE IT ORDAINED that the Board of Supervisors does hereby, effective immediately, adopt the attached amendment to Sec. 6-141 of the County Code.

Sec. 6-141. Rabies Vaccination vaccination required for companion animals.

It shall be unlawful for any person to own a dog or ~~domesticated~~ cat, age four months or older, unless such dog or cat has been inoculated or vaccinated against rabies by a duly licensed veterinarian or licensed veterinary technician who is under the immediate and direct supervision of a licensed veterinarian on the premises. No license tags shall be issued for any dog unless there is presented to the treasurer or other officer of the locality, at the time application for license, satisfactory evidence, ~~is made evidence satisfactory to the treasurer, showing~~ that such dog has been inoculated or vaccinated against rabies by a duly licensed veterinarian or licensed veterinary technician who is under the immediate and direct supervision of a licensed veterinarian on the premises, and that such inoculation or vaccination remains valid for the time application for license is made. Any person violating this section shall be guilty of a class 4 misdemeanor and, upon their first offense of this section, shall pay a fine of \$50.00.

(Ord. of 12-8-2009)

State law references: § 3.2-6521 – § 3.2-6526 VA Code Ann.

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

RE: ADOPT AMENDMENTS TO FIRE PREVENTION AND PROTECTION SEC. 30-1

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

ADOPT AMENDMENTS TO FIRE PREVENTION AND PROTECTION SEC. 30-1

WHEREAS, the Board of Supervisors desires to adopt the attached proposed amendments to Chapter 30 of the County Code. Fire Prevention and Protection. Sec. 30-1; Fireworks Display Permit, in order to update the ordinance consistent with changes to the enabling legislation § 15.2-974 VA Code Ann.; and

WHEREAS, the Board finds it in the interest of the County and its citizens to amend the requirements for a fireworks display permit in this manner as allowed pursuant to Virginia Code § 15.2-974 VA Code Ann.; and

WHEREAS, a public hearing has been duly advertised and held by the Board;

NOW, THEREFORE, BE IT ORDAINED that the Board of Supervisors does hereby, effective immediately, adopt the attached amendment to Sec. 30-1 of the County Code.

Sec. 30-1. Fireworks display permit

- (a) *Issuance.* The County administrator may issue permits, upon application in writing, for the aerial display of fireworks, commonly known as pyrotechnic displays, for fair associations, amusement parks or by any organization, ~~individual~~ or group of individuals, under the minimum terms and conditions set forth in the Virginia Statewide Fire Prevention Code. It shall be unlawful for any person to hold, present or give any such display of fireworks without first having obtained such permit from the county administrator.
- (b) *Applications.* Applications for the display of fireworks shall be submitted in writing to the county administrator not less than 30 days prior to the event. Such application shall include the following information:
- (1) The name and address of applicant.
 - (2) Date, time and place of the display.
 - (3) The name of at least one certified pyrotechnician person who shall participate in displaying the fireworks and who has experience in displaying the type of fireworks proposed to be displayed.
 - (4) A statement that the fireworks will be arranged, located, discharged, and fired in a manner that will not be a hazard to property or endanger any person.
 - (5) A statement that the applicant will assume full liability for any injuries to any person or damages to any property that may be caused by the negligence of any person involved in the display, and that the applicant will hold the county harmless from all claims for injuries or damages.
- (c) *Approval.* Upon approval of an application for a permit to display fireworks, the county administrator shall write across such application the wording "Approved," and the application shall be signed and dated.
- (d) *Permit on file and on display.* After being approved as aforesaid, one copy of the application, which will then become a permit to display fireworks, shall be kept on file by the county administrator until after the date the fireworks are displayed; one copy shall be returned to the applicant and shall be in possession of the person in charge of displaying the fireworks at the time and place they are being displayed; one copy shall be forwarded to the Orange County Sheriff; and one copy shall be forwarded to the Federal Bureau of Alcohol, Tobacco, Firearms, and Explosives.

State law reference – Authority, Code of Virginia § 15.2-974

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

Discussion ensued about consistency of the County's ordinance with the State Code with regard to fireworks permits.

Mr. Frame moved, seconded by Mr. Goodwin and carried, to approve the following ordinance as amended removing section b(3) of the attached amendments:

ADOPT AMENDMENTS TO FIRE PREVENTION AND PROTECTION SEC. 30-1

WHEREAS, the Board of Supervisors desires to adopt the attached proposed amendments to Chapter 30 of the County Code. Fire Prevention and Protection. Sec. 30-1; Fireworks Display Permit, in order to update the ordinance consistent with changes to the enabling legislation § 15.2-974 VA Code Ann.; and

WHEREAS, the Board finds it in the interest of the County and its citizens to amend the requirements for a fireworks display permit in this manner as allowed pursuant to Virginia Code § 15.2-974 VA Code Ann.; and

WHEREAS, a public hearing has been duly advertised and held by the Board;

NOW, THEREFORE, BE IT ORDAINED that the Board of Supervisors does hereby, effective immediately, adopt the attached amendment to Sec. 30-1 of the County Code.

Sec. 30-1. Fireworks display permit

- (a) *Issuance.* The County administrator may issue permits, upon application in writing, for the aerial display of fireworks, commonly known as pyrotechnic displays, for fair associations, amusement parks or by any organization, ~~individual~~ or group of individuals, under the minimum terms and conditions set forth in the Virginia Statewide Fire Prevention Code. It shall be unlawful for any person to hold, present or give any such display of fireworks without first having obtained such permit from the county administrator.
- (b) *Applications.* Applications for the display of fireworks shall be submitted in writing to the county administrator not less than 30 days prior to the event. Such application shall include the following information:
- (1) The name and address of applicant.
 - (2) Date, time and place of the display.
 - (3) ~~The name of at least one certified pyrotechnician person who shall participate in displaying the fireworks and who has experience in displaying the type of fireworks proposed to be displayed.~~
 - (4) A statement that the fireworks will be arranged, located, discharged, and fired in a manner that will not be a hazard to property or endanger any person.
 - (5) A statement that the applicant will assume full liability for any injuries to any person or damages to any property that may be caused by the negligence of any person involved in the display, and that the applicant will hold the county harmless from all claims for injuries or damages.
- (6) *Approval.* Upon approval of an application for a permit to display fireworks, the county administrator shall write across such application the wording "Approved," and the application shall be signed and dated.
- (7) *Permit on file and on display.* After being approved as aforesaid, one copy of the application, which will then become a permit to display fireworks, shall be kept on file by the county administrator until after the date the fireworks are displayed; one copy shall be returned to the applicant and shall be in possession of the person in charge of displaying the fireworks at the

time and place they are being displayed; one copy shall be forwarded to the Orange County Sheriff; and one copy shall be forwarded to the Federal Bureau of Alcohol, Tobacco, Firearms, and Explosives.

State law reference – Authority, Code of Virginia § 15.2-974

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

RE: ADOPT AMENDMENTS TO FINANCIAL MATTERS ORDINANCE SEC. 2-108

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

ADOPT AMENDMENTS TO FINANCIAL MATTERS ORDINANCE SEC. 2-108

WHEREAS, the Board of Supervisors desires to adopt the attached proposed amendments to Chapter 2 of the County Code. Administration. Sec. 2-108; Fee for returned checks, in order to update the ordinance consistent with changes to the enabling legislation § 15.2-106 VA Code Ann.; and

WHEREAS, the Board finds it in the interest of the County and its citizens to amend the fee in this manner as allowed pursuant to § 15.2-106 VA Code Ann.; and

WHEREAS, a public hearing has been duly advertised and held by the Board;

NOW, THEREFORE, BE IT ORDAINED that the Board of Supervisors Does hereby, effective immediately, adopt the attached amendment to Sec. 2-108 of the County Code.

Sec. 2-108. Fee for returned checks.

(a) Pursuant to the provisions of Code of Virginia, § 15.2-106 VA Code Ann., the county shall charge the maximum fee allowed provided in Code of Virginia, § 15.2-106, for the uttering, publishing or passing of any check, draft or order to the drawer of any check or draft for the payment of taxes or any other sums due the county, which is subsequently returned for insufficient funds or because there is no account or because the account has been closed or because such check, draft, or order was returned because of a stop-payment order placed in bad faith on the check, draft or order by the drawer.

(b) All officials and agencies of the county are authorized and directed to act for the county in charging and collecting the fee.

(Ord. of 6-8-1982, §§ 1, 2)

State law references: Fee for checks returned to county for insufficient funds, etc., ~~Code of Virginia~~, § 15.2-106 VA Code Ann.

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

RE: ADOPT PROPOSED AMENDMENT TO BUSINESS ORDINANCE SEC 14-151

Mr. Goodwin moved, seconded by Mr. Burkett and carried, to approve the following ordinance as presented:

ADOPT PROPOSED AMENDMENT TO BUSINESS ORDINANCE SEC 14-151

WHEREAS, the Board of Supervisors desires to adopt the attached proposed amendments to Chapter 14 of the County Code. Business. Sec. 14-151. Penalties; first and subsequent offenses, in order to update the ordinance to be consistent with changes to the enabling legislation § 54.1-4110 VA Code Ann.; and

WHEREAS, the Board finds it in the interest of the County and its citizens to amend the section in this manner as allowed pursuant to § 54.1-4110 VA Code Ann.; and

WHEREAS, a public hearing has been duly advertised and held by the Board;

NOW, THEREFORE, BE IT ORDAINED that the Board of Supervisors does hereby, effective immediately, adopt the attached amendment to Sec. 14-151 of the County Code.

Sec. 14-151. Penalties; first and subsequent offenses.

(a) Any person convicted of violating any of the provisions of this article shall be guilty of a class 2 misdemeanor for the first offense. Upon conviction of any subsequent offense, he shall be guilty of a class 1 misdemeanor.

(b) Upon the first conviction by any court of a dealer for violation of any provision of this article, the sheriff may revoke the dealer's permit to engage in business under this article for a period of one full year from the date the conviction becomes final. Such revocation shall be mandatory for two (2) full years from the date the conviction becomes final upon a second conviction.

(Ord. of 6-9-1991, § 11)

State law references: Similar provisions, ~~Code of Virginia, § 54.1-4110~~ VA Code Ann.

Secs. 14-152--14-170. Reserved.

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

RE: ADOPT AMENDMENT TO TAXATION ORDINANCE SEC. 58-135, TO PROVIDE AN ALTERNATE SCHEDULE FOR DETERMINING EXEMPTION PERCENTAGE

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

ADOPT AMENDMENT TO TAXATION ORDINANCE SEC. 58-135, TO PROVIDE AN ALTERNATE SCHEDULE FOR DETERMINING EXEMPTION PERCENTAGE

WHEREAS, the Board of Supervisors desires to adopt the attached proposed amendments to Chapter 58 of the County Code. Taxation. Sec. 58-135, Calculation of Amount of Exemption, in order to update the ordinance to provide a schedule for determining the exemption percentage for applicants to the tax relief for the elderly and disabled program who own property jointly with someone other than a spouse, pursuant to Sec. 58-133; and

WHEREAS, the Board finds it in the interest of the County and its citizens to amend the ordinance in this manner; and

WHEREAS, a public hearing has been duly advertised and held by the Board;

NOW, THEREFORE, BE IT ORDAINED that the Board of Supervisors of does hereby, effective

immediately, adopt the attached amendment to Sec. 58-135 of the County Code.

Sec. 58-135. Calculation of amount of exemption.

The persons qualifying for and claiming an exemption under this division shall be relieved of that portion of the real estate tax levied on the qualifying dwelling and land in the amount calculated in accordance with the following schedule:

Exemption percentage schedule if qualifying under Sec. 58-133(4)a.

TABLE INSET:

Range of Income	Financial Worth Range				
	\$0.00-- \$22,000.00	\$22,001.00-- \$44,000.00	\$44,001.00-- \$66,000.00	\$66,001.00-- \$88,000.00	\$88,001.00-- \$120,000.00
\$0.00-- \$15,000.00	90	80	70	60	50
\$15,001.00-- \$20,500.00	80	70	60	50	40
\$20,501.00-- \$26,000.00	70	60	50	40	30
\$26,001.00-- \$31,500.00	60	50	40	30	20
\$31,501.00-- \$40,000.00	50	40	30	20	10

Exemption percentage schedule if qualifying under Sec. 58-133(4)b.

TABLE INSET:

<u>Range of Income</u>	<u>Financial Worth Range</u>				
	<u>\$0.00-- \$65,200.00</u>	<u>\$65,201.00-- \$87,200.00</u>	<u>\$87,201.00 \$109,200.00</u>	<u>\$109,201.00 \$131,200.00</u>	<u>\$131,201.00 \$185,200.00</u>
<u>—</u>					
<u>\$0.00-- \$15,000.00</u>	<u>90</u>	<u>80</u>	<u>70</u>	<u>60</u>	<u>50</u>
<u>\$15,001.00-- \$20,500.00</u>	<u>80</u>	<u>70</u>	<u>60</u>	<u>50</u>	<u>40</u>
<u>\$20,501.00-- \$26,000.00</u>	<u>70</u>	<u>60</u>	<u>50</u>	<u>40</u>	<u>30</u>
<u>\$26,001.00-- \$31,500.00</u>	<u>60</u>	<u>50</u>	<u>40</u>	<u>30</u>	<u>20</u>
<u>\$31,501.00-- \$40,000.00</u>	<u>50</u>	<u>40</u>	<u>30</u>	<u>20</u>	<u>10</u>

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

RE: ADOPT AMENDMENT TO ZONING SEC. 70-1. DEFINITIONS

Mr. Burkett moved, seconded by Mr. Frame and carried, to approve the following ordinance as presented:

ADOPT AMENDMENT TO ZONING SEC. 70-1. DEFINITIONS.

WHEREAS, the Board of Supervisors initiated the attached proposed amendments to Chapter 70 of the County Code. Zoning. Sec. 70-1, Definitions, "group home," in order to update the ordinance consistent with changes to the enabling legislation, § 15.2-106 VA Code Ann.; and,

WHEREAS, the Planning Commission, after a duly noticed public hearing, recommended approval of the amendment; and

WHEREAS, public necessity, convenience and general welfare support the proposed change to the Zoning Ordinance;

WHEREAS, a public hearing has been duly advertised and held by the Board;

NOW, THEREFORE, BE IT ORDAINED that the Board of Supervisors does, effective immediately, hereby amend Sec. 70-1, "group home" Definition, as attached.

Sec. 70-1. Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning. All terms used in this chapter that are defined in ~~Code of Virginia, § 15.2-2201~~ VA Code Ann. shall be construed as having the meanings set forth in that section.

...

Group home means a residential facility in which no more than eight (8) mentally ill, mentally retarded, ~~or~~ developmentally disabled, aged, infirm or disabled persons reside with one or more resident counselors or other staff persons.

...

(Ord. of 5-2-1996, §§ 1900--1964.03; Ord. of 8-11-1998, §§ 1919, 1929, 1960, 1964; Ord. of 5-8-2001; Ord. of 6-26-2007; Ord. of 6-10-2008(3); Ord. of 3-9-2010)

Cross references: Definitions generally, § 1-2.

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

RE: ADOPT AMENDMENT TO ZONING ORDINANCE SEC. 70-2 AND SUBDIVISION ORDINANCE SECS. 54-11 AND 54-66

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

ADOPT AMENDMENT TO ZONING ORDINANCE SEC. 70-2 AND SUBDIVISION ORDINANCE SECS. 54-11 AND 54-66.

WHEREAS, the Board of Supervisors initiated amendments to the Zoning Ordinance Sec. 70-2.

Intent and Subdivision Secs. 54-11. Duties, and 54-66. Preliminary Plat Review and Approval, in order to update the ordinances consistent with changes to the enabling legislation, §§ 15.2-2283, 10.1-606.2 and 10.1-606.3 VA Code Ann.; and

WHEREAS, the Planning Commission, after a duly noticed public hearing, recommended approval of the amendments; and

WHEREAS, public necessity, convenience and general welfare support the proposed changes to the Zoning and Subdivision Ordinances; and

WHEREAS, a public hearing has been duly advertised and held by the Board;

NOW, THEREFORE, BE IT ORDAINED that the Board of Supervisors does hereby, effective immediately, adopt amendments to Sec. 70-2, Intent, Secs. 54-11, Duties, and 54-66, Preliminary Plat Review and Approval.

Sec. 70-2. Intent.

The general assembly in ~~Code of Virginia~~, § 15.2-2280 et seq., VA Code Ann., has authorized boards of supervisors in counties to adopt zoning ordinances, dividing the unincorporated areas of counties into districts to:

- (1) Regulate the use of lands and structures; the size, height, area, bulk, location, construction, alteration and removal of structures; the areas and dimensions of land, water and air space to be occupied by structures; the minimum size of yards, courts and other open spaces; and mining of natural resources, in order to promote the health, safety or general welfare of the public;
- (2) Provide for adequate light, air, convenience of access, and safety from fire, flood, failure of impounding structures, crime and other dangers;
- (3) Reduce or prevent congestion in the public streets;
- (4) Facilitate the creation of a convenient, attractive and harmonious community;
- (5) Facilitate the provision of adequate police and fire protection, disaster evacuation, civil defense, transportation, water, sewerage, flood protection, schools, parks, forests, playgrounds, recreational facilities, airports, and other public requirements;
- (6) Protect against destruction of or encroachment upon historic areas;
- (7) Protect against overcrowding of land or undue population density;
- (8) Encourage economic development activities that provide desirable employment and increase the tax base;
- (9) Preserve agricultural and forestal lands and protect the natural environment;
- (10) Promote affordable housing;
- (11) Provide for amendments and changes;
- (12) Require county planning commissions to perform certain duties;
- (13) Permit the appointment and prescribe the powers and duties of county boards of zoning appeals; and
- (14) Provide methods for enforcement of this chapter and penalties for its violation thereof.

Sec. 54-11. Duties.

Sec. 54-11. Duties. The duties of the subdivision agent shall be performed in accordance with the requirements of the Code of Virginia and this ordinance. The subdivision agent or his designee, shall maintain copies of all mapped dam break inundation zones.

Sec. 54-66. Preliminary Plat Review and Approval.

d. Agency Review. The subdivision agent shall, within 10 days of acceptance, arrange for copies to be forwarded to VDH, VDOT, and any other agency whose comments are necessary for the consideration of the plat. Such agencies shall review the plat and respond to the subdivision

agent within 45 days, as required by ~~Code of Virginia~~ §§ 15.2-2222.1 and 15.2-2258 through 15.2-2260 VA Code Ann. However, if the subdivision plat substantially affects transportation on state-controlled highways as defined by VDOT regulations, pursuant to ~~Code of Virginia~~ §15.2-2222.1 VA Code Ann., such plat shall include a supplemental traffic analysis pursuant to those regulations, and within 30 days of receipt of such plat, VDOT shall either (1) provide written comment on the plat, or (ii) schedule a meeting, to be held within 60 days of VDOT's receipt of the plat, with the subdivision agent or planning commission to discuss potential modifications to the plat or to address any concerns or deficiencies. For plats submitted pursuant to ~~Code of Virginia~~ §15.2-2222.1 VA Code Ann., VDOT shall complete its final review within 90 days after it receives the plat from the county or the county may assume that VDOT has no comments. The submission of the subdivision plat to VDOT shall toll all times for review by the subdivision agent or planning commission until the county has received VDOT's final comments. In addition, the subdivision agent shall, within 10 working days of acceptance review the potential impacts of dam break inundation zones and follow the procedures outlined in § 10.1-606.3.A. VA Code Ann. for submission to DCR when necessary.

State law reference – Authority, §§ 10.1-606.3, 15.2-2222.1, 15.2-2258, and 15.2-2260 VA Code Ann.

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

RE: ADOPT AMENDMENTS TO ZONING ORDINANCE SEC. 70-62

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

ADOPT AMENDMENTS TO ZONING ORDINANCE SEC. 70-62

WHEREAS, the Board of Supervisors initiated amendments to Chapter 70 of the County Code. Zoning. Sec. 70-62, Rules and Regulations, in order to update the ordinance consistent with changes to the enabling legislation. § 15.2-208 and § 15.2-2312 VA Code Ann.; and

WHEREAS, the Planning Commission, after a duly noticed public hearing, recommended approval of the amendment; and

WHEREAS, public necessity, convenience and general welfare support the proposed change to the Zoning Ordinance; and

WHEREAS, a public hearing has been duly advertised and held by the Board;

NOW, THEREFORE, BE IT ORDAINED that the Board of Supervisors does hereby, effective immediately, amend Sec. 70-62, Temporary Rules and Regulations, as attached.

Sec. 70-62. Rules and regulations.

(a) *Meetings.* The BZA shall adopt such rules and regulations as it deems necessary to carry out the duties imposed by this ordinance [Ordinance of 3-9-10]. The meetings of the BZA will be held at the call of the chair or at such times as a quorum of its members may determine. All meetings of the BZA must be open to the public. For the conduct of any hearing, a quorum shall be not less than a majority of all the members of the BZA.

(b) *Minutes.* ~~The county administrator~~ BZA must appoint a ~~staff member to serve as~~ secretary to the BZA, without-vote, to prepare minutes of meetings, keep all records, and conduct official correspondence of the BZA. The BZA may elect as secretary either a member of the BZA or a qualified individual who is not a member of the BZA. If the secretary is not a member of the BZA, then the secretary is not entitled to vote on any matters before the BZA. In the absence of the

secretary at any meeting, the BZA must appoint some other person, who may or may not be a member of the BZA, to prepare the minutes. The minutes must show the vote of each member upon each question, or indicate if any member is absent or fails to vote. All records of official actions become part of the permanent records of the BZA.

(c) *Voting.* The concurring vote of three (3) members is necessary to reverse or modify any order, requirement, decision or determination of the zoning administrator or to grant a variance. No action of the BZA is valid unless authorized by a majority vote of those present and voting. Excluded from the requirements of this section are matters governed by § 15.2-2312 VA. Code Ann.

(d) *Conflict.* Any member of the BZA is disqualified to act upon a matter with respect to property in which the member has an interest as set forth in the Virginia Conflict of Interests Act, ~~Code of Virginia~~, § 2.2-3100 *et seq.* VA Code Ann.

(Ord. of 5-2-1996, § 1601.02; Ord. of 3-9-2010)

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

RE: REPEAL SECS. 70-92 AND 70-93 OF THE ZONING ORDINANCE

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

REPEAL SECS. 70-92 AND 70-93 OF THE ZONING ORDINANCE

WHEREAS, the Board of Supervisors initiated a repeal of Secs. 70-92 and 70-93 of the Zoning Ordinance; and

WHEREAS, the Planning Commission, after a duly noticed public hearing, recommended approval of the amendment; and

WHEREAS, a public hearing has been duly advertised and held; and

WHEREAS, public necessity, convenience and general welfare support the proposed change to the Subdivision Ordinance;

NOW, THEREFORE, BE IT ORDAINED that the Board of Supervisors does hereby, effective immediately, repeal Secs 70-92 and 70-93.

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

RE: ADOPT AMENDMENT TO ZONING ORDINANCE SEC 70-623

Mrs. Burkett moved, seconded by Mrs. Abbs and carried, to approve the following ordinance as presented:

ADOPT AMENDMENT TO ZONING ORDINANCE SEC 70-623

WHEREAS, the Board of Supervisors initiated an amendment to Chapter 70 of the County Code. Zoning. Sec. 70-623, Temporary Use of Manufactured or Mobile Homes, in order to update the ordinance consistent with changes to the enabling legislation, § 15.2-22921.1 VA Code Ann.; and

WHEREAS, the Planning Commission, after a duly noticed public hearing, recommended approval of the amendment; and

WHEREAS, public necessity, convenience and general welfare support the proposed change to

the Zoning Ordinance; and

WHEREAS, a public hearing has been duly advertised and held by the Board;

NOW, THEREFORE, BE IT ORDAINED that the Board of Supervisors does hereby, effective immediately, amend Sec. 70-623, Temporary Use of Manufactured or Mobile Homes as attached.

Sec. 70-623. Temporary use of manufactured or mobile homes.

The temporary use of manufactured homes or mobile homes may be allowed as outlined below:

...

(3) *Medical emergency housing.* In the event of a medical emergency, a manufactured home may be used as temporary housing for immediate family members, as well as any mentally or physically impaired persons related by blood, marriage, or adoption of the caregiver, or of whom the caregiver is the legally appointed guardian, in the agricultural (A) district provided the applicant can show a medical need for such housing and obtains a temporary zoning permit from the zoning administrator as provided in this section and in any single family residential zoning district on lots zoned for single family detached dwellings. The applicant for a medical emergency housing permit shall present a demonstrated need for such housing, including but not limited to medical certificates, doctor's statements, etc. The applicant shall show that he is the owner of record of the tract of land on which the manufactured home is to be located and that the persons to occupy the manufactured home are members of his immediate family. The application shall be filed with the zoning administrator for review and subsequent approval or disapproval. A permit approved pursuant to this section may not be subsequently transferred to the heirs or assigns of the applicant. Such temporary permit shall be issued for a period not to exceed six months and may be renewed for additional six-month periods not to exceed a total permit period of 24 months. Prior to occupancy of the temporary dwelling, the applicant must also obtain a building permit for that dwelling. The manufactured home or mobile home shall be removed within 60 days of the expiration date of the temporary zoning permit.

...

(Ord. of 5-2-1996, § 1102.03; Ord. of 5-13-2003)

Secs. 70-624--70-645. Reserved.

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

RE: ADOPT AMENDMENTS TO ZONING ORDINANCE SEC. 70-733

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

ADOPT AMENDMENTS TO ZONING ORDINANCE SEC. 70-733

WHEREAS, the Board of Supervisors initiated proposed amendments to Chapter 70 of the County Code. Zoning. Sec. 70-733, Area and Density, in order to update the ordinance with correct internal references; and

WHEREAS, the Planning Commission, after a duly noticed public hearing, recommended approval of the amendment; and

WHEREAS, public necessity, convenience and general welfare support the proposed change to the Zoning Ordinance; and

WHEREAS, a public hearing has been duly advertised and held by the Board;

NOW, THEREFORE, BE IT ORDAINED that the Board of Supervisors does hereby, effective immediately, amend Sec. 70-733, Area and Density, as attached.

Sec. 70-733. Area and density.

(a) *Agriculture (A) zoned areas.* The minimum area for a cluster development in an agriculturally zoned area shall be 112 acres to permit an easement of 100 acres while meeting the 90 percent open space requirement. A minimum of 90 percent of the land area shall be reserved as open space and can only be used for agriculture, forestry, or a nature preserve in accordance with section 70-734(a). The open space shall be at least one single 100-acre parcel for each 112 acres subdivided. The individual lots for single-family dwellings shall be contiguously grouped in compatible cluster(s) within the development. There shall be allowable no more than one cluster of dwellings per 112 acres subdivided. Each lot shall conform to the minimum lot standards in sections 70-304, 70-7365, and 54-138 et seq.

(b) *Residential zoned areas.* There is no minimum area for a cluster development in a Residential zoned area. A minimum of 50 percent of the land area shall be reserved as open space and can only be used for agriculture as permitted by section 70-332, forestry, nature preserve or recreational purposes in accordance with section 70-734. The individual lots shall be contiguously grouped in compatible cluster(s) within the development. Each lot shall conform to the minimum lot standards in sections 70-334, 70-7365, and 54-138 et seq.

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

RE: ADOPT AMENDMENT TO PROFFER POLICY GUIDE

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

ADOPT AMENDMENT TO PROFFER POLICY GUIDE

WHEREAS, the Board of Supervisors of Orange County initiated an amendment to the County's Proffer Policy Guide, in order to be consistent with changes to the enabling legislation, § 15.-2-2303.1:1 VA Code Ann; and

WHEREAS, the Planning Commission, after a duly noticed public hearing, recommended approval of the amendment; and

WHEREAS, public necessity, convenience and general welfare support the proposed change to the Proffer Policy Guide; and

WHEREAS, a public hearing has been duly advertised and held by the Board;

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors does hereby, effective immediately, amend the Proffer Policy Guide, as presented.

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

RE: REPEAL OF THE ENHANCED EMERGENCY TELEPHONE SERVICE TAX ORDINANCE SEC

58-221

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

REPEAL OF THE ENHANCED EMERGENCY TELEPHONE SERVICE TAX ORDINANCE SEC 58-221

WHEREAS, the Board of Supervisors of Orange County desires to repeal Orange County Code Chapter 58, Article IV, Division 3; Sec. 58.1-221, Enhanced Emergency Telephone Service, Imposed, in order to comply with the repeal of the enabling legislation § 58.1-3813 VA Code Ann.; and

WHEREAS, the Board finds it in the interest of the County and its citizens to repeal the ordinance pursuant to § 58.1-3813 VA Code Ann.; and

WHEREAS, a public hearing has been duly advertised and held by the Board;

NOW, THEREFORE, BE IT ORDAINED that the Board of Supervisors does hereby, effective immediately, repeal Orange County Code Chapter 58, Article IV, Division 3, Sec. 58-221.

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

RE: ADOPT AMENDMENTS TO COUNTY CODE CHAPTER 70, ZONING ORDINANCE (SIGNS)

The Board reviewed the entire proposed sign ordinance changes and went page by page through these proposed changes to discuss the recommendations made by the Planning Commission. Discussion ensued regarding these changes and the Board proposed several revisions to the recommendations made by the Planning Commission.

Mr. Burkett moved, seconded by Mrs. Abbs and carried, to re-advertise the amendments to County Code Chapter 70, Zoning Ordinance, as modified, and to re-schedule the public hearing for July 26, 2011.

Mr. Goodwin stated that he wanted to review the changes that the Board of Supervisors discussed in their entirety, before the changes are advertised for public hearing again.

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

RE: ADJOURNMENT

There being no further business to discuss, Mr. Burkett moved, seconded by Mrs. Abbs and carried, to adjourn the meeting at 9:15 p.m. Ayes: Abbs, Goodwin, Wilson, Frame, Burkett. Nays: None.