

BOARD OF SUPERVISORS MINUTES

November 14, 2012

At a regular meeting of the Orange County Board of Supervisors held on Wednesday, November 14, 2012, beginning at 4:00 p.m., at the Lake of the Woods Clubhouse, 205 Lake of the Woods Parkway, Locust Grove, Virginia. Present: S. Teel Goodwin, Chairman; Lee H. Frame, Jr., Vice-Chairman; Shannon C. Abbs; Grover C. Wilson; and James K. White. Absent: None. Also present: Julie G. Summs, County Administrator; Thomas E. Lacheney, County Attorney; and Alyson A. Simpson, Chief Deputy Clerk.

RE: ADOPTION OF AGENDA

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

RE: CONSENT AGENDA

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

RE: FY13 SUPPLEMENTAL APPROPRIATIONS

The Board approved the following supplemental appropriations:

DEPARTMENT	ACCOUNT DESCRIPTION	AMOUNT	FUNDING SOURCE
November 14, 2012 for FY2013			
Machinery & Tools Tax Revenue	Abatements	\$ 157,718.71	Reserve for Contingencies
E-911 Facility Project	E-911 Facility Project	\$ 32,000.00	Xfer from General Fund
E-911 Facility Project	Xfer to Capital Proj Fund	\$ 32,000.00	Building & Grounds Op Budget
P&R - Liberty Ride Entry Fees	Xfer to P&R Foundation	\$ 600.00	Xfer from Liberty Ride Proceeds
Parks & Recreation Donations	Xfer to P&R Foundation	\$ 250.00	P&R Donation Fund Balance
Parks & Recreation Foundation	Professional Services	\$ 250.00	Xfer from P&R Donation Fund
Parks & Recreation Foundation	Professional Services	\$ 600.00	Xfer from General Fund
Forfeited Asset Fund	Comm Attny	\$ 990.00	DCJS Forfeited Assets
Forfeited Asset Fund	Sheriff	\$ 880.00	DCJS Forfeited Assets
Forfeited Asset Fund	Sheriff	\$ 176.88	DCJS Forfeited Assets
Animal Shelter	Emergency Vet	\$ 1,396.48	Donations
Animal Shelter	Vaccinations	\$ 910.00	Donations
Animal Shelter	Pet ID Program	\$ 2,000.00	Donations
Orange County Library	Computer Hardware	\$ 2,941.85	Donations (E-rate-Verizon)
Triad Program	Guardian Pendants	\$ 650.00	Donations
	Total Year to Date	\$ 4,644,132.90	

RE: FEES FOR NEW PARKS AND RECREATION PROGRAMS

As detailed in the memorandum provided to the Board by Tim Moubray, Parks and Recreation Director, Orange County Parks and Recreation would be offering new fall and winter programs in the coming months. The proposed programs and new fees were as follows:

- Tai Chi - \$50/month, \$80/month for couples (Admin fee \$5)
- Floral Design Thanksgiving Fresh - \$45 (Admin fee \$5)
- Floral Design Thanksgiving Silk - \$35 (Admin fee \$5)
- Floral Design Christmas Fresh - \$45 (Admin fee \$5)
- Floral Design Christmas Silk - \$35 (Admin fee \$5)
- Parents Shop/Kids Chop Board Breaking Camp - \$20 (Admin fee \$2)

The Board authorized the implementation of the Parks and Recreation program fees as presented above.

RE: LICENSE TO SLIDE FEES

As detailed in the memorandum provided to the Board by Tim Moubray, Parks and Recreation Director, Orange County Parks and Recreation was planning to participate in sales of the License to Slide Program through Massanutten Resort. He explained that packages were available for skiing and snowboarding, with or without rentals, and with or without lessons. Mr. Moubray noted that after no price increase last year, Massanutten had raised prices by \$30/package this season. He indicated that the rate increase was reflected below and the County would receive an administrative fee of \$5/resident and \$10/non-resident.

	2012	2013
	<u>Resident / Non</u>	<u>Resident/ Non</u>
Slope-Use ticket, rental, lesson	\$149 / \$154	\$179 / \$184
Slope-Use ticket, lesson	\$137 / \$142	\$167 / \$172
Slope-Use ticket, rental	\$131 / \$136	\$161 / \$166
Slope-Use ticket only	\$119 / \$124	\$149 / \$154

Mr. Moubray noted that without approval of the price increase, the County would have to subsidize the program at the current rates, or opt out of participating in sales of the program.

The Board authorized an increase in resident and non-resident fees for the License to Slide Program as presented above.

RE: REFUND PAYMENT TO AMERICAN WOODMARK

As detailed in the memorandum provided to the Board by Thomas Lacheney, County Attorney, it was determined that American Woodmark, a company located in Orange, Virginia, paid an incorrect amount of Machinery and Tools taxes for multiple tax years. He explained that they had applied for a refund for tax years 2008 through 2011, and it was determined that a refund was in order. Mr. Lacheney stated that because the error in the taxes paid was a result of misreported assets and not a result of any error of the Commissioner of the Revenue, he did not believe that any interest should be paid on the refunded amount.

Mr. Lacheney stated that the company was due a refund from the Commissioner of the Revenue in the amount of \$36,605.64, as detailed below:

<u>Tax Year</u>	<u>Refund Due</u>
2008	\$ 12,732.39
2009	\$ 7,957.75
2010	\$ 7,957.75
2011	\$ 7,957.75
Total	\$ 36,605.64

The Board authorized a refund in the amount of \$36,605.64 to American Woodmark for erroneously paid Machinery and Tools taxes for tax years 2008 through 2011.

RE: SURPLUS DECLARATION OF VEHICLE

The Board declared the Sheriff's Department's 1995 Oldsmobile 4 door sedan, Vehicle Identification Number 1G3HN52K3S4835117, as a surplus vehicle, and authorized the County Administrator to initiate its disposal in accordance with the Board-adopted Surplus Disposition Policy.

RE: MINUTES

The Board approved the following minutes:

- October 23, 2012 Regular Meeting

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

RE: PUBLIC APPEARANCES

RE: EMPLOYEE OF THE MONTH

Julie Summs, County Administrator, presented the Employee of the Month award to Jayson Woods, Services Coordinator for Tourism and Parks and Recreation, for November 2012.

RE: BUSINESS SPOTLIGHT

This item was removed from the agenda.

RE: OFFICE ON YOUTH QUARTERLY REPORT

Alisha Vines, Office on Youth Director, presented the Office on Youth Quarterly Report, which included information on the following topics:

- Interviews with new Youth Council Members;
- Adopt-a-Highway Road Clean-up Program;
- Strengthening Families Program;
- Juvenile Community Crime Control Program;
- The After Prom Campaign; and
- The child care sites and budget.

RE: THREE-YEAR FINANCIAL FORECAST

Glenda Bradley, Finance Director, presented the Three-Year Revenue and Expenditure Forecast, stating that this forecast was in no way a recommended budget, but that it provided a starting point for budget planning purposes.

Discussion ensued among the Board regarding: current levels of services, mandates, and what services were required to be provided; estimated growth figures used in the forecast; new construction estimates; estimates of Wal-Mart revenue; salary adjustments over the forecast period; one-time expenses versus recurring expenses; and the difficulty in balancing the budget.

RE: PUBLIC COMMENT

At 4:34 p.m., Chairman Goodwin opened the floor for public comment.

The following individual spoke:

- Jim Hutchison, resident of Lake of the Woods, regarding a location for an emergency shelter near Lake of the Woods, and for the efforts during Hurricane Sandy.

There being no further speakers, public comment was closed.

RE: BOARD COMMENT

There were no comments at this time.

RE: ACTION ITEMS

RE: APPROVAL OF YOUTH COUNCIL MEMBERS

Mrs. Abbs moved, seconded by Mr. Frame and carried, to approve the Youth Council members for the 2012-2013 School Year, as follows:

8th Grade

Taylor Rollins

9th Grade

Emmet Aylor
Victoria Kessler
Regan McKay
Lindsay Myers
Heather Radcliffe
Baylee Rollins

10th Grade

Kendall Bayless
Carrington Carey
Brandon Carr
Star Dodson
Shyaire Lewis
Kassidy Marshall
Taylor Marrs
Kelly Shifflett
Zachery Swope

11th Grade

Julian Ciscanik
Ann Mohrmann
Dana Morris
Kendall Thompson
Raleigh Wade

12th Grade

Campbell McCord
Benjamin Morris
Taylor Richardson

Alternates

Kalianna Beard – 8th
Kaitlyn Flecker – 8th
Alexis Leman – 8th

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

RE: WIRELESS RADIO REPLACEMENT CAPITAL IMPROVEMENT PLAN PROJECT

Larry Clement, Information Technology Manager, explained that with the adoption of the Fiscal Year 2013 budget, the Information Technology Department had been authorized to replace wireless radios. He noted that staff had obtained a quote from Advanced Network Systems for \$58,217 and this amount was less than the budgeted amount of \$61,000.

Mr. Clement further noted that Advanced Network Systems currently maintained the County's wireless infrastructure so it was staff's recommendation that the equipment be purchased from them, ensuring it was covered under the current maintenance contract.

Mrs. Abbs moved, seconded by Mr. Wilson and carried, to authorize staff to issue a Purchase Order for Advanced Network Systems in the amount of \$58,217 for the Wireless Radio Replacement project.

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

RE: SELECTED CHANGES TO SUBDIVISION AND ZONING ORDINANCE; INITIATE PLANNING COMMISSION ACTION

Gregg Zody, Planning and Zoning Director, presented selected draft text amendments to the Board for the Subdivision and Zoning Ordinances. He indicated that he needed additional time to work on the road standards language, but wanted to move forward with the amendments for accessory garage apartment, definition of office, and vocational training facility.

Discussion ensued among the Board regarding: attached versus detached accessory structures; the requirement for water supply and sewage disposal system; input from the Planning Commission; clarification on the vocational training facility; and the desire for a narrative to accompany these amendments when presented to the Planning Commission.

Mr. Frame moved, seconded by Mrs. Abbs and carried, to initiate Planning Commission action on selected changes to the Subdivision and Zoning Ordinances in the sections listed below, and to provide a narrative on Board comments to the Planning Commission on a summary of the proposed amendments and intended purposes:

- Accessory Garage Apartment;
- Office; and
- Vocational Training Facility.

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

RE: REHABILITATION DESIGN OF TAXI LANE FOR T HANGARS AT AIRPORT

RE: DOAV GRANT

Kurt Hildebrand, Public Works Director, explained that the existing asphalt taxi lanes that served the County-owned T-Hangars were in poor condition and the CIP reflected that these taxi lanes were slated for rehabilitation, with the design portion of this project to occur in Fiscal Year 2013 and construction to occur in Fiscal Year 2014. Mr. Hildebrand noted that staff had begun the process of securing grant funds for this activity.

Mr. Hildebrand noted that the Virginia Department of Aviation (DOAV) had indicated that grant funds may be available this fall. He explained that staff had provided DOAV a scope of work for this project and begun the grant application process. He reported that DOAV would meet on November 15, 2012, to discuss and award grants.

Mr. Hildebrand stated that the amount proposed for design services, and thus the amount of grant application, totaled \$66,347. He indicated that this project, if granted, would be funded 80% DOAV and 20% local, meaning the County's share of this project would be \$13,269.40. Mr. Hildebrand noted that the current CIP estimated the design cost to be \$80,000, so there were sufficient funds to cover this phase of the project.

RE: DELTA AMENDMENT

Kurt Hildebrand, Public Works Director, presented the proposed Delta Airport Consultant's Amendment No. Four (4) to the Board, which involved the design services for rehabilitation of the T-Hangar taxi lanes. He explained that the scope of work included preliminary design, final design, contract documents, and bidding phase services for this project.

Mr. Hildebrand reminded the Board that staff was preparing a DOAV grant application for the services proposed in this amendment.

Mr. Frame moved, seconded by Mrs. Abbs and carried, to authorize the County Administrator to execute Delta Airport Consultant's Amendment No. Four (4), in the amount of \$66,347, contingent upon receiving a DOAV Grant for this project, and to authorize the County Administrator to accept and execute a DOAV Grant for design of T-Hangar Taxiway Rehabilitation. The total project cost is estimated to be \$66,347, shall not exceed the allowable grant offer, is contingent upon County Attorney approval as to form, and shall be paid from CIP line item 129.1.

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

RE: RESOLUTION TO APPOINT COUNTY ATTORNEY TO MANAGE AND SUPERVISE ORANGE COUNTY LAW LIBRARY AND APPROPRIATE FUNDS TOWARD UPDATING LAW LIBRARY

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

RESOLUTION TO APPOINT COUNTY ATTORNEY TO MANAGE AND SUPERVISE ORANGE COUNTY LAW LIBRARY AND TO APPROPRIATE AN ADDITIONAL AMOUNT OF \$4,000 TOWARDS THE COST OF UPDATING THE LAW LIBRARY

WHEREAS, pursuant to §2-106 of the Orange County Code, a \$4.00 fee is assessed as a court cost for all civil matters to be used for the support of the county law library; and

WHEREAS, §42.1-70 of the Code of Virginia designates that said collected fees shall be used for expenses related to the law library; and

WHEREAS, the Board has determined that it is desirable to appoint the County Attorney to supervise and manage the Orange County law library including any necessary updating of the library, as well as the installation of electronic research in the law library; and

WHEREAS, the Board has determined that the law library should be located in the Orange County Courthouse in a place that is convenient and accessible by the attorneys and citizens of Orange; and

WHEREAS, an additional appropriation for this fiscal year in the amount of \$4,000.00 needs to be made to assist in the costs of updating the library;

NOW, THEREFORE, BE IT RESOLVED that the County Attorney is appointed to direct and supervise the Orange County Law Library as described above, and an additional \$4,000.00 is hereby appropriated from the Law Library Fee Fund for the current fiscal year.

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

RE: NEW HOPE BAPTIST CHURCH; REQUEST FOR REAL ESTATE TAX EXEMPTION

Julie Summs, County Administrator, reported that the Board was in receipt of a request for real estate tax exemption from New Hope Baptist Church for property located on Old Plank Road in Mine Run. She noted that the Board could choose to exempt the property from real estate tax for religious, charitable, patriotic, historical, benevolent, cultural, or public park and playground purposes.

Ms. Summs reported that staff had contacted the Church in order to retrieve additional information regarding this request, but were still unaware of the intended purpose of this property. She explained that the property, which contained 2.669 acres, has a house on it, and the approximate taxes would be \$925.20.

The Board discussed other tax-exempt properties and asked to be given a comprehensive list so that they could learn how other properties were considered.

Mr. White moved, seconded by Mrs. Abbs and carried, to table the matter until a response was received from New Hope Baptist Church regarding additional information on the intended purpose and use of the purchased lot located at Tax Map #36-32, 32250 Old Plank Road, Mine Run, Virginia.

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

RE: APPOINTMENTS TO BOARDS, COMMISSIONS, AND COMMITTEES

By consensus, the Board re-appointed Ray Mathews to the Airport Commission, for a four-year term, with said term expiring on December 31, 2016. In order to realign the Districts with the address of the representative, the Board re-appointed Mr. Mathews *from* District One *to* District Four, and changed Donald Hirsch *from* District Four *to* District One.

By consensus, the Board appointed Candace Pack as the District One representative to the Airport Commission, for a four-year term, with said term expiring on December 31, 2016. Ms. Pack was appointed to replace Donald Hirsch, who is currently serving in this capacity, but does not wish to continue serving.

By consensus, the Board re-appointed Patrick Giambalvo to the Thomas Jefferson Area Community Criminal Justice Board, for a three-year term, with said term expiring on December 31, 2016.

By consensus, the Board re-appointed Robert Schwartz as an At-Large representative to the Central Virginia Regional Jail Authority, for a four-year term, with said term expiring on November 30, 2016.

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

RE: DISCUSSION ITEMS

RE: PRESENTATION OF CORE SERVICES

Julie Summs, County Administrator, explained that as part of its Vision for 2022, the Board identified the development and implementation of a strategy to list and define core services as a priority. She noted that the Board had also requested information regarding funding levels for each of the core services.

Ms. Summs presented the categorization of the core services and associated funding levels to the Board and indicated that a discussion of the core services was scheduled to take place at the December 4, 2012, meeting.

Discussion ensued among the Board regarding: mandates; services required by law; categorization of the services; discretionary spending; and Comp Board funding.

RE: RAPPAHANNOCK-RAPIDAN REGIONAL COMMISSION; REQUEST REGARDING URANIUM MINING RESOLUTION

Julie Summs, County Administrator, stated that at the October 24, 2012, Rappahannock-Rapidan Regional Commission (RRRC) meeting, a question was posed to member localities concerning uranium mining. She explained that discussion had ensued regarding whether or not the RRRC should draft a joint resolution of support to continue the ban on uranium mining, or if they should draft a resolution that each locality have independent control regarding the prohibition of uranium mining. Ms. Summs indicated that she was seeking input from the Board.

Mr. Frame moved, seconded by Mrs. Abbs and carried, to support a joint Planning District Nine resolution to continue the ban on uranium mining.

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

RE: DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT; PLANNING REQUEST REGARDING CURRENT PLANNING DISTRICT COMMISSION BOUNDARIES

Julie Summs, County Administrator, noted that the Department of Housing and

Community Development (DHCD) must conduct periodic reviews on the boundaries of established Planning Districts. She indicated that a request had been received from DHCD regarding the Planning District boundaries, and that staff was satisfied with the current boundaries.

By consensus, the Board reported that they were satisfied with the current structure of the Planning District boundaries and asked that a letter be sent to that effect to DHCD.

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

RE: STATE HOLIDAY SCHEDULE

By consensus, the Board declared that the County of Orange would follow the Commonwealth of Virginia's preannounced Holiday Schedule each year, effective immediately, but that the Holiday Schedule would not include any additional time off that was not preannounced, such as "recognition leave" for holidays or time off related to deaths of officials, which are provided to some State agencies throughout the year.

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

RE: CLOSED MEETING

WHEREAS, the Board of Supervisors of Orange County desires to discuss in Closed Meeting the following matters:

- Two (2) matters concerning the discussion of the award of a public contract involving the expenditure of public funds where discussion in an open session would adversely affect the bargaining position or negotiating strategy of the public body. - §2.2-3711(A)(29) of the Code of Virginia.
- Consultation with legal counsel pertaining to actual or probable litigation, where such consultation in open meeting would adversely affect the negotiating or litigating posture of the public body; and consultation with legal counsel employed or retained by a public body regarding specific legal matters requiring the provision of legal advice by such counsel. - §2.2-3711(A)(7) of the Code of Virginia.

WHEREAS, pursuant to §§2.2-3711(A)(7) and (A)(29) of the Code of Virginia, such discussions may occur in Closed Meeting;

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

RE: CERTIFICATION OF 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.

RE: PUBLIC HEARING #1 – SUP 12-04; Grelen Nursery, Inc.

Gregg Zody, Planning and Zoning Director, presented his staff report, which included information on the location of the property, zoning, tax map number, recap of the Planning Commission public hearing, conditions for the proposed Special Use Permit (SUP), and the recommendation of the Planning Commission.

Dan Gregg, applicant for the SUP, gave a presentation, which included information on the creation of Grelen Nursery and the vision he had in mind for the future of Grelen Nursery with this Special Use Permit.

At 7:47 p.m., Chairman Goodwin called the public hearing to order to receive comments on the following:

SUP 12-04: Grelen Nursery, Inc. and Assigns, is requesting a Special Use Permit to operate a Retail Store of less than 4,000 square feet per Sec. 70-303(15) for property located on Tax Map Parcels 56-20 and 56-20A, zoned Agricultural, containing approximately 197 +/- acres, located at 15111 Yager Road, near the south-eastern intersection of Route 655.

The following individuals spoke:

- Dan Holmes, Piedmont Environmental Council, 130 West Main Street, Orange, VA 22960
- Jay Billie, 12256 Montford Road, Orange, VA 22960
- Kent Woods, 9278 Liberty Mills Road, Somerset, VA 22972
- Evelyn Woods, 9278 Liberty Mills Road, Somerset, VA 22972

There being no additional speakers, Chairman Goodwin closed the public hearing at 7:53 p.m.

Discussion ensued among the Board regarding: amplified music; the use of products grown on-site; and making sure that the intentions of the SUP were clear. During discussion, the Board suggested two changes to the conditions regarding amplified music and the use of on-site goods.

Mr. Frame moved, seconded by Mr. White and carried, to approve the following ordinance:

SUP 12-04 – SPECIAL USE PERMIT (SUP) FOR GRELEN NURSERY, INC. AND ASSIGNS TO OPERATE A RETAIL MARKET OF LESS THAN 4,000 SQUARE FEET GROSS FLOOR AREA AND PROVIDE ASSOCIATED “AGRICULTURALLY-BASED” ACTIVITIES ON PROPERTY KNOWN AS TAX MAP PARCELS 56-20 & 56-20A

WHEREAS, Grelen Nursery, Inc. and Assigns, requested the Orange County Planning Commission to consider a Special Use Permit (SUP) to allow the operation of a retail market of less than 4,000 square feet gross floor area on 195+/- acres, currently zoned A, Agricultural; and

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

WHEREAS, the Planning Commission advertised and held a public hearing on the proposed Special Use Permit on October 18, 2012; and

WHEREAS, the Department of Planning and Zoning staff has recommended approval of the Special Use Permit subject to certain conditions; and

WHEREAS, the Planning Commission has reviewed the request for the Special Use Permit and has determined that it is consistent with the Comprehensive Plan future land use designation of the property as Agricultural Conservation, and, as such, recommended approval of the operation of a retail market of less than 4,000 square feet gross floor area on the subject property; and

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

NOW, THEREFORE, BE IT ORDAINED, that the Orange County Board of Supervisors hereby approves SUP 12-04, allowing Grelen Nursery, Inc. and Assigns to operate a retail market of less than 4,000 square feet gross floor area on the subject property identified as Tax Map Parcels 56-20 & 56-20A, subject to the attached conditions amended by the Board of Supervisors on November 14, 2012.

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

SUP 12-04, Grelen Nursery, Inc. and Assigns:

To operate a Retail Market, as well as provide associated
"Agriculturally-Based" Activities
Orange County T.M. # 56-20 and 56-20A
Date: November 14, 2012

The conditions of this Special Use Permit shall apply to parcel Tax Map # 56-20 and 56-20A (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 a 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:

Retail Market;
Educational classes;
U-Pick operation;
Display gardens;

b. Retail Market use within four structures (existing market building, greenhouse, potting shed, u-pick shed) which, in total, does not exceed 4,000 square feet of retail space for the sale of the following items and accessory products:

- Including nursery plants such as bedding plants, vegetable plants, and miscellaneous horticultural products;
- Jams, jellies, salsas, fruit butters, ice-cream, smoothies, and sauces made from fruits, honey, herbs, and vegetables;
- Pre-packaged food products made from fruits, herbs and produce, i.e. dried, frozen, canned, bottled;
- Prepared soups, salads, and baked goods;
- Seasonal products (Christmas trees – pre-cut and cut-your-own, wreaths, greens, and hand-made ornaments);

- Beverages;
 - Accessory nursery items including pots, statues, urns, soils, gardening tools and soil products, and gardening gifts;
 - Educational materials including books and brochures;
- c. Special Events with no amplified music for less than 100 hundred attendees on a weekly basis with catering services as required, such as garden club meetings, lectures, book signings, company retreats, family reunions or similar types of events.
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: (excluding special events)
Monday – Friday: 7:00 a.m. – 7:00 p.m.
Saturday: 7:00 a.m. – 9:00 p.m.
Sunday: 10:00 a.m. – 6:00 p.m.
6. Applicant shall coordinate with the Building Department to provide adequate ADA compliant accessibility to accommodate the public.
7. Applicant shall widen Yager Road to a minimum of fourteen feet (14') before opening the facility. Said widening of the road shall comply with all Virginia Department of Transportation requirements as it relates to Yager Road intersecting with Route 655.

RE: PUBLIC HEARING #2 – REZ 12-01; Bernard and Carolyn Langhorne

Gregg Zody, Planning and Zoning Director, presented his staff report, which included information on the location of the property, zoning, tax map number, recap of the Planning Commission public hearing, and the recommendation of the Planning Commission.

Helen Marmoll, legal counsel for the applicants, gave a presentation, which included information on the proposed rezoning. Ms. Marmoll offered four (4) verbal proffers that the property would not be used for any of the following four (4) uses: office building; place of worship; restaurant; and convenience store.

At 8:19 p.m., Chairman Goodwin called the public hearing to order to receive comments on the following:

REZ 12-01: Bernard and Carolyn Langhorne, requesting a rezoning from Limited Residential (R-1) to General Commercial (C-2) for property located on Tax Map Parcel 31-74A, containing 2.54 +/- acres, located at 21143 Constitution Highway.

The following individuals spoke:

- Michael Bober, 21123 Constitution Highway, Rapidan, VA 22733

There being no additional speakers, Chairman Goodwin closed the public hearing at 8:21 p.m.

Discussion ensued among the Board regarding whether or not the proffers should be received from the applicant in writing.

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

REZ 12-01 – REZONING APPROXIMATELY 2.452 ACRES FROM LIMITED RESIDENTIAL (R-1)
TO GENERAL COMMERCIAL (C-2): BERNARD AND MARY CAROLYN LANGHORNE
(TAX MAP NO. 31-74A)

WHEREAS, Bernard and Carolyn Langhorne have asked the Orange County Board of Supervisors to rezone their property, Tax Map No. 31-74A, totaling 2.452 acres, from Limited Residential (R-1) to General Commercial (C-2); and

WHEREAS, the Planning Commission advertised and held a public hearing on the proposed Rezoning on October 18, 2012; and

WHEREAS, the property has been previously used for general commercial purposes; and

WHEREAS, the Planning Commission has reviewed the request for the rezoning and has determined that it is consistent with the Comprehensive Plan future land use designation of the property as Agricultural, and, as such, recommended approval of the rezoning from Limited Residential (R-1) to General Commercial (C-2) on the subject property; and

WHEREAS, the Department of Planning and Zoning staff recommended approval of the rezoning; and

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

WHEREAS, Legal Counsel for the Langhorne's has offered certain verbal proffers, which will prohibit the development of the rezoned property to any of the following uses:

1. Office Building;
2. Place of Worship;
3. Restaurant; and
4. Convenience Store.

NOW, THEREFORE, BE IT ORDAINED, that the Orange County Board of Supervisors hereby approves REZ 12-01 to rezone Tax Map No. 31-74A containing 2.452 acres from Limited Residential (R-1) to General Commercial (C-2). Hereafter, the Proffers to this ordinance as described above shall be and remain as the approved and accepted proffered conditions applicable to the Subject Property.

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

RE: INFORMATION ITEMS

The Board received the following correspondence for its information:

- CSA Monthly Report for October
- VDOT Monthly Report from November
- Finance Quarterly Report

RE: COMMITTEE REPORTS

There were no committee reports.

RE: CALENDAR

The Board received copies of its calendar for the months of November and December 2012 and January 2013.

RE: SCHEDULE A PUBLIC HEARING FOR AMENDMENTS RO SECTION 58-56 OF THE COUNTY CODE OF ORDINANCES REGARDING CREDIT CARD FEES FOR PAYMENT ON JANUARY 8, 2013

Mrs. Abbs moved, seconded by Mr. Frame and carried, to schedule and advertise for a public hearing to receive comments on amendments to Section 58-56 of the County Code of Ordinances regarding credit card fees for payment on Tuesday, January 8, 2013, at 7:30 p.m.

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

RE: SCHEDULE JOINT MEETING WITH VIRGINIA COOPERATIVE EXTENSION OFFICE ON MARCH 12, 2013 AT 7:30 P.M.

By consensus, the Board scheduled a Joint Meeting with the Virginia Cooperative Extension Office on Tuesday, March 12, 2013, at 5:30 p.m. to be located at the Sedwick Building.

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

RE: ADJOURNMENT

There being no further business to discuss, Mrs. Abbs moved, seconded by Mr. Frame and carried, to adjourn the meeting at 8:31 p.m. Ayes: Abbs, Goodwin, Wilson, Frame, White. Nays: None.

S. Teel Goodwin, Chairman

Julie G. Summs, County Administrator