

BOARD OF SUPERVISORS MINUTES**MARCH 13, 2018**

At a regular meeting of the Orange County Board of Supervisors held on Tuesday, March 13, 2018, beginning at 5:00 p.m., in the Meeting Room of the Gordon Building, 112 West Main Street, Orange, Virginia. Present: James K. White, Chairman; James P. Crozier, Vice Chairman; R. Mark Johnson; S. Teel Goodwin; and Lee H. Frame. Also present: R. Bryan David, County Administrator; Thomas E. Lacheney, County Attorney; and Alyson A. Simpson, Chief Deputy Clerk.

RE: ADOPTION OF AGENDA

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

RE: SPECIAL PRESENTATIONS AND APPEARANCES**RE: SERVICE AWARDS**

R. Bryan David, County Administrator, presented the following Service Awards:

- Susan Turner 5 Years Sr. Administrative Assistant

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

- Amy Tew 5 Years Library Accounting Technician
 - Walter Bryant 5 Years Office on Youth Facilitator

RE: BUSINESS SPOTLIGHT

Ms. Ellen Pitera, owner of Rounton Farm, appeared before the Board to spotlight her business. She explained that her 300-acre, family-owned farm offered horse boarding, hunting opportunities, children's camps, wedding services, and rental through Airbnb. Ms. Pitera noted the most important aspects of her business included serving the public and community involvement, adding that it was a pleasure providing these services within her hometown.

The Board thanked Ms. Pitera for her presentation.

RE: CONSENT AGENDA

On the motion of Mr. Frame, seconded by Mr. Goodwin, which carried by a vote of 5-0, the Board adopted the Consent Agenda, as presented.

RE: FY18 BUDGET AMENDMENTS (SUPPLEMENTALS AND TRANSFERS)

As part of the Consent Agenda, the Board approved the following budget amendments, as presented:

ACCOUNT NUMBER	ACCOUNT DESCRIPTION	PREVIOUS BUDGET	BUDGET CHANGE	AMENDED BUDGET
30033501-33250	Miscellaneous	\$ (86,749.94)	\$ (10,000.00)	\$ (96,749.94)
48301001-48260	Motor Vehicle & Equip.	0.00	10,000.00	10,000.00
30030006-33500	Donations - Animal Shelter	(25,792.97)	(614.00)	(26,406.97)
43520003-43115	Prof. Serv. - Emergency Vet	26,292.97	614.00	26,906.97
44320001-43350	Other Repairs & Main.	205,251.00	1,805.00	207,056.00
41251001-46000	Office Supplies	15,000.00	607.00	15,607.00

49140001-45900	Contingency	284,805.00	(2,412.00)	282,393.00
TOTALS		\$ 418,806.06	\$ 0.00	\$ 418,806.06

RE: PROCLAMATION FOR NATIONAL CHILD ABUSE PREVENTION MONTH

As part of the Consent Agenda, the Board adopted the following proclamation, as presented:

A PROCLAMATION TO DECLARE THE MONTH OF APRIL AS
CHILD ABUSE PREVENTION MONTH

By virtue of the authority vested in the Orange County Board of Supervisors, we hereby proclaim the month of April as Child Abuse Prevention Month in Orange County, Virginia.

WHEREAS, preventing child abuse and neglect is a community problem that depends on involvement among people throughout the community; and

WHEREAS, child maltreatment occurs when people find themselves in stressful situations, without community resources, and do not know how to cope; and

WHEREAS, the majority of child abuse cases stem from situations and conditions that are preventable in an engaged and supportive community; and

WHEREAS, all citizens should become involved in supporting families in raising their children in a safe, nurturing environment; and

WHEREAS, effective child abuse prevention programs succeed because of partnerships created among families, social service agencies, schools, faith communities, civic organizations, law enforcement agencies, and the business community;

NOW, THEREFORE, BE IT PROCLAIMED, on this 13th day of March, 2018, that the Orange County Board of Supervisors hereby recognizes April, 2018, as Child Abuse Prevention Month in Orange County, and calls this observance to the attention of all citizens, community agencies, faith groups, medical facilities, and businesses to increase their participation in efforts to support families, thereby preventing child abuse and neglect and strengthening the community in which we live.

RE: SURPLUS DISPOSITION OF COUNTY VEHICLE

As part of the Consent Agenda, the Board declared the following vehicle as surplus and authorized the County Administrator to initiate disposal in accordance with the Board-adopted Surplus Disposition Policy:

- 2006 Dodge Charger (VIN# 5101)

RE: RENEWAL OF THE CONTRACT WITH LAAKE ENTERPRISES FOR FESCO AMBULANCES

As part of the Consent Agenda, the Board authorized staff to renew Contract No. FES-00-14JH with Laake Enterprises for one (1) additional term, representing the fourth of four (4) possible renewals, with said term beginning April 28, 2018 and ending April 28, 2019, as presented.

RE: MINUTES

As part of the Consent Agenda, the Board approved the following minutes:

- February 27, 2018 Worksession
- February 27, 2018 Regular Meeting

RE: NEW BUSINESS

RE: AUTHORIZATION OF BUDGET ADS AND TAX RATES

Alyson Simpson, Chief Deputy Clerk, explained that, in accordance with the adopted Fiscal Year 2019 Budget Schedule, the advertisements for the public hearings for the budget and tax rates were required to be published in The Orange Review in the coming week. She noted that no changes would be advertised to the tax rates from what was originally presented by the County Administrator on February 27, 2018, which represented the same tax rates as last year. Ms. Simpson explained the only change to be advertised for the budget related to specific funds for the Orange County Public Schools, which had been updated at the March 6, 2018 Worksession.

Discussion ensued among the Board regarding: the possible delay in adopting the budget because of delays in adopting the State budget; and providing notice to the public of any delay in adopting the budget from the original schedule date.

On the motion of Mr. Frame, seconded by Mr. Goodwin, which carried by a vote of 5-0, the Board authorized staff to proceed with advertising the proposed FY19 Operating Budget and Tax Rates for Public Hearing on Tuesday, April 3, 2018, at 7:00 p.m., as presented.

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

RE: OLD BUSINESS

There were no matters for Old Business at this time.

RE: DEPARTMENT DIRECTOR / CONSTITUTIONAL OFFICER REPORTS

RE: ORANGE COUNTY VISITOR CENTER

Lori Landes-Carter, Tourism Manager, explained that, in conjunction with the active volunteers, the hours of operation at the Orange County Visitor Center would be modified to better meet the needs of the volunteers and the visiting traffic. She indicated that the decision to reduce the hours was based on visitor traffic data collected over the past year, which would allow the Center to be open on the highest traffic days while using the volunteer staff more efficiently.

Discussion ensued among the Board regarding: the reduction in active volunteers; how the shifts would be divided; and whether or not this was a trend other visitor centers were experiencing.

The Board took the information regarding the Orange County Visitor Center under advisement, and there was no action taken at this time.

RE: ORANGE COUNTY LIBRARY SEMI-ANNUAL REPORT

Katie Hill, Library Director, presented the Library Semi-Annual Report to the Board, which included information on the following topics:

- Highlights from the Main Library refresh project;
- The completion of Fall and Winter programs; and
- Usage and program statistics.

The Board thanked Ms. Hill for her presentation.

RE: COUNTY ATTORNEY'S REPORT

The County Attorney had nothing to report on at this time.

RE: COUNTY ADMINISTRATOR'S REPORT

The County Administrator had nothing to report on at this time.

RE: BOARD COMMENT

Supervisor Crozier commented on the adoption of the Central Virginia Regional Jail budget, highlighting the creation of the construction fund and personnel savings.

RE: INFORMATIONAL ITEMS

The Board received the following correspondence for its information:

- Department of Planning and Zoning 2017 Annual Report
- VDOT Monthly Report for March
- Thank You Letter from Rappahannock-Rapidan Community Services
- December 1, 2017 Health Center Commission Minutes
- February 2, 2018 Health Center Commission Minutes
- December 13, 2017 Rappahannock-Rapidan Regional Commission Minutes
- Fire and EMS Recruitment Efforts Update

RE: APPOINTMENTS TO BOARDS, COMMISSIONS, AND COMMITTEES

By consensus, the Board appointed Stacy Burlison as an At-Large Representative on the Parks and Recreation Foundation, filling the unexpired three-year term of Christopher Colby, with said term commencing immediately and expiring on December 31, 2018.

RE: CALENDAR

The Board received copies of its calendar of meetings for the months of March 2018, April 2018, and May 2018.

RE: SCHEDULE A PUBLIC HEARING FOR SUP 17-07 (SHENTEL MOBILE, LLC ON BEHALF OF JIMMY AND EILEEN HAYES)

On the motion of Mr. Goodwin, seconded by Mr. Crozier, which carried by a vote of 5-0, the Board authorized staff to advertise for and schedule a public hearing for SUP 17-07 (Shentel Mobile, LLC on behalf of Jimmy and Eileen Hayes) on Tuesday, April 10, 2018, at 7:00 p.m., as presented.

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

RE: SCHEDULE A PUBLIC HEARING FOR ZTA 18-02 (ACCESSORY APARTMENTS)

On the motion of Mr. Goodwin, seconded by Mr. Crozier, which carried by a vote of 5-0, the Board authorized staff to advertise for and schedule a public hearing for ZTA 18-02 (Accessory Apartments) on Tuesday, April 10, 2018, at 7:00 p.m., as presented.

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

RE: CLOSED MEETING

At 5:40 p.m., Mr. Lacheney read the following motion authorizing Closed Meeting:

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

- Discussion, consideration, or interview of prospective candidates for employment, assignment, appointment, promotion, performance, demotion, salaries, or disciplining, of specific public officers, appointees, or employees of the public body. - §2.2-3711(A)(1) of the Code of Virginia
- Discussion or consideration of the disposition of publicly held real property, where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the public body. - §2.2-3711(A)(3) of the Code of Virginia
- Discussion or consideration of the investment of public funds where competition or bargaining is involved, where, if made public initially, the financial interest of the governmental unit would be adversely affected. - §2.2-3711(A)(6) of the Code of Virginia
- Consultation with legal counsel pertaining to actual or probable litigation, where such consultation in an open meeting would adversely affect the negotiating or litigating posture of the public body. - §2.2-3711(A)(7) of the Code of Virginia
- 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)(8) of the Code of Virginia

WHEREAS, pursuant to §§2.2-3711 (A)(1), (A)(3), (A)(6), (A)(7), and (A)(8) of the Code of Virginia, such discussions may occur in Closed Meeting;

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

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

RE: RECESS
The Board recessed its meeting at 6:08 p.m.

RE: RECONVENE
The Board reconvened its meeting at 7:28 p.m.

RE: CERTIFICATION OF CLOSED MEETING
At 7:28 p.m., Ms. Simpson read the following resolution certifying Closed Meeting:

WHEREAS, the Board of Supervisors of Orange County has this day adjourned into Closed Meeting in accordance with a formal vote, and in accordance with the provisions of the Virginia Freedom of Information Act; and

WHEREAS, the Freedom of Information Act requires certification that such Closed Meeting was conducted in conformity with the law;

NOW, THEREFORE, BE IT RESOLVED, that the Board of Supervisors of Orange County hereby certified that to the best of each member's knowledge, i) only public business matters lawfully exempted from open meeting requirements under the Freedom of Information Act were discussed in the Closed

Meeting to which this certification applied, and ii) only such public business matters as were identified in the motion by which the said Closed Meeting was convened were heard, discussed or considered by it.

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

RE: PUBLIC COMMENT

At 7:30 p.m., Chairman White opened the floor for public comment.

The following individual spoke:

- Jay Billie, 12256 Montford Road, Orange

There being no further speakers, public comment was closed at 7:32 p.m.

RE: PUBLIC HEARING #1; PROPOSED AMENDMENT TO THE ZONING ORDINANCE (ZTA 18-01) CONCERNING MICROBREWERIES AND MICRODISTILLERIES

Josh Frederick, Planning and Zoning Director, presented the staff report to the Board regarding the proposed amendments to the Zoning Ordinance to permit microbreweries and microdistilleries in certain zoning districts. He presented the recommended language to the Board, explaining that Planning Commission action had previously been initiated on said amendments. Mr. Frederick indicated that following the Planning Commission's public hearing on February 1, 2018, a unanimous vote resulted in a recommendation of approval.

Discussion ensued among the Board regarding: the limitations of the language contained in the Code of Virginia.

At 7:35 p.m., Chairman White called the Public Hearing to order to receive comments on the following:

PROPOSED AMENDMENT TO THE ZONING ORDINANCE (ZTA 18-01)

The Board of Supervisors will consider an amendment to the Zoning Ordinance which would permit microbreweries and microdistilleries in the Agricultural (A) zoning district as special use, in the Limited Commercial (C-1) zoning district as permitted use subject to certain limitations, and in the General Commercial (C-2) zoning district as permitted use. The amendment would also clarify the current definition for "agriculture" to include farm breweries, wineries, and distilleries subject to state code requirements and would add new definitions for "microbrewery" and "microdistillery."

The following individuals spoke:

- Dan Holmes, representative of the Piedmont Environmental Council
- Steven Brooks, resident of Somerset
- Charles Stick, resident of Somerset
- Charlotte Tieken, resident of Somerset
- Jasmine Warren, 5290 Ridge Road, Somerset
- Virginia Donelson, 12384 Merriewood Drive, Somerset
- Mark Warren, 5290 Ridge Road, Somerset

There being no further speakers, Chairman White closed the Public Hearing at 7:50 p.m.

Discussion ensued among the Board regarding: how this amendment would impact the application process; by-right uses versus SUP; the nexus between the agricultural use and the brewery; the allowance in the Code of Virginia and whether there was a connection between the size of the crop and the size of the brewery; the limit on production volume; acknowledgement of the Comprehensive Plan; land use designation versus zoning designation; narrowing of the definition; amending zoning language to be

consistent with the Comprehensive Plan; prohibiting the use in A1 designations; restrictions through setbacks; outdoor events and music; and the need to have an overall zoning and land use discussion.

On the motion of Mr. Frame, seconded by Mr. Crozier, which carried by a vote of 5-0, the Board adopted the following ordinance, as modified:

ORDINANCE APPROVING AMENDMENTS TO ARTICLE I (IN GENERAL) AND ARTICLE IV (DISTRICT REGULATIONS), SECTION 70 (ZONING), OF THE ORANGE COUNTY CODE OF ORDINANCES CONCERNING MICROBREWERIES AND MICRODISTILLERIES

WHEREAS, staff previously initiated Planning Commission action on amendments to Article I (In General) and Article IV (District Regulations), Section 70 (Zoning), of the Orange County Code of Ordinances concerning microbreweries and microdistilleries; and

WHEREAS, the County Attorney and Planning and Zoning Director prepared recommended language for the text amendments, which was presented to the Planning Commission for consideration; and

WHEREAS, the Planning Commission advertised and held a Public Hearing on the proposed text amendments on February 1, 2018; and

WHEREAS, after discussing the proposed text amendments, the Planning Commission recommended approval of the proposed text amendments to the Board of Supervisors, as presented during its meeting; and

WHEREAS, the Board of Supervisors conducted a duly-advertised Public Hearing on March 13, 2018, to receive public comment; and

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

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

NOW, THEREFORE, BE IT ORDAINED, on this 13th day of March, 2018, that the Orange County Board of Supervisors hereby approves the proposed amendments to Article I (In General) and Article IV (District Regulations), Section 70 (Zoning), of the Orange County Code of Ordinances concerning microbreweries and microdistilleries, as modified and shown below.

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

Amendments to the Orange County Code of Ordinances

**As adopted in Ord. No. 180313 – PH1
by the Orange County Board of Supervisors
on March 13, 2018**

Chapter 70 - Zoning

Article I - In General

Sec. 70-1. - Definitions

[...]

Agriculture means the tilling of soil, the raising of crops, horticulture, forestry and husbandry, including the keeping of animals customarily raised on farms. The term includes dairies, orchards, wholesale nurseries,

and farm wineries / limited (i.e. farm) breweries / limited (i.e. farm) distilleries pursuant to the Code of Virginia and similar uses, but shall not include packing plants, retail nurseries, wayside stands or keeping of animals not customarily raised on farms. Industrial processing of agricultural products, including a sawmill, may be an accessory use to a farm but shall not be considered agriculture if it is the principal use of the property.

[...]

Microbrewery means a brewery, other than a limited (i.e. farm) brewery as defined in the Code of Virginia, which produces no more than fifteen thousand (15,000) barrels of fermented, non-distilled alcoholic beverages per calendar year.

Microdistillery means a distillery, other than a limited (i.e. farm) distillery as defined in the Code of Virginia, which produces no more than thirty-six thousand (36,000) gallons of distilled alcoholic beverages per calendar year.

[...]

Article IV - District Regulations

Sec. 70-303. - Uses permitted by special use permit. (A)

In the **agricultural district** the following uses may be permitted upon issuance of a special use permit by the board of supervisors:

- 1) Agricultural equipment sales or service, or both.
- 2) Airport.
- 3) Bed and breakfast inn with a restaurant open to non-guests.
- 4) Boarding kennel or commercial breeding kennel.
- 5) Camp, campground or recreational vehicle park.
- 6) Fairground
- 7) Elder care center, child day care center, or nursery school.
- 8) Livestock auction or farmer's market of greater than 4,000 square feet gross floor area.
- 9) Manufactured home park.
- 10) Mine or quarry.
- 11) Office not exceeding 4,000 square feet gross floor area, including professional or contracting office.
- 12) Cultural use.
- 13) Commercial recreational use.
- 14) Institutional use.
- 15) Public garage.
- 16) Public use such as school, park, library, or fire and rescue station.
- 17) Retail store not exceeding 4,000 square feet gross floor area, including, a farm stand greater than 1,000 square feet gross floor area, flea market, or retail nursery.
- 18) Restaurant which is accessory to an agritourism use where said use has been in existence for at least five years
- 19) Sanitary landfill.
- 20) Veterinary service, including animal hospital.
- 21) ~~Cluster housing development (see also article VI).~~
- 22) Outdoor power equipment, motorcycle, all-terrain vehicle, watercraft repair and storage.
- 23) Public utility facility.
- 24) Pyrotechnics testing/manufacturing on a parcel 50 acres or greater in size.

[...]

Sec. 70-452. - Permitted uses. (C-1)

In the **limited commercial district**, land may be used for the following uses and any customarily incidental accessory use, provided that no merchandise, materials, tractor-trailers, or equipment are stored outdoors:

- 1) Office not exceeding 4,000 square feet of gross floor area.
- 2) Place of worship.
- 3) Public use such as school, park, library, or fire/rescue station.
- 4) Retail store not exceeding 4,000 square feet of gross floor area.
- 5) Signs in accordance with sections 70-456 and 70-696 et seq.
- 6) Up to four dwelling units attached to an office or a retail store.
- 7) Temporary uses, with a zoning permit pursuant to section 70-940, limited to the following:
 - a. Temporary or seasonal sales.
 - b. Special events.
- 8) Outdoor power equipment, motorcycle, all-terrain vehicle, watercraft repair and storage.
- 9) Cultural use.
- 10) Commercial indoor recreational use.
- 11) Institutional use.
- 12) **Microbrewery / Microdistillery, provided that outdoor live music/entertainment is not permitted.**

[...]

Sec. 70-482. - Permitted uses. (C-2)

In the **general commercial district**, land may be used for the following uses and any accessory use:

- 1) Automobile sales, service, storage or rental.
- 2) Commercial assembly plant, such as a printing or framing shop.
- 3) Office / Office building.
- 4) Place of worship.
- 5) Cultural use.
- 6) Commercial indoor or non-vehicular outdoor recreational use.
- 7) Institutional use.
- 8) Public use such as school, park, library, or fire/rescue station.
- 9) Restaurant.
- 10) Retail store.
- 11) Signs in accordance with sections 70-486 and 70-696 et seq.
- 12) Up to four dwelling units attached to any permitted commercial use.
- 13) Temporary uses, with a zoning permit pursuant to section 70-940, limited to the following:
 - a. Temporary or seasonal sales.
 - b. Special events.
- 14) Vocational training facility.
- 15) Outdoor power equipment, motorcycle, all-terrain vehicle, watercraft repair and storage.
- 16) **Microbrewery / Microdistillery.**

RE: ADJOURN

On the motion of Mr. Crozier, seconded by Mr. Johnson, which carried by a vote of 5-0, the Board adjourned the meeting at 8:21 p.m. Ayes: Johnson, White, Goodwin, Crozier, Frame. Nays: None.

James K. White, Chairman

R. Bryan David, County Administrator