

BOARD OF SUPERVISORS MINUTES

APRIL 9, 2019

At a Regular Meeting of the Orange County Board of Supervisors held on Tuesday, April 9, 2019, 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 modified. 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 Award:
- Andrew Hackey 5 Years IT Technician

RE: CERTIFICATE OF APPRECIATION FOR CAROLYN LADD

Chairman White presented a Certificate of Appreciation to Carolyn Ladd for her 21 years of service as the Victim Witness Program Director. Collectively, the Board thanked her for her service and congratulated her on retirement.

RE: BUSINESS SPOTLIGHT

This item was struck from the agenda.

RE: INTRODUCTION OF FINANCE MANAGER

Sara Keeler, newly-hired Finance Manager, introduced herself to the Board and provided a brief overview of her academic and professional background.

The Board welcomed Ms. Keeler to the County.

RE: VIRGINIA DEPARTMENT OF TRANSPORTATION QUARTERLY UPDATE

Jonathan Rumbaugh, Operations Engineer, and Alan Saunders, Louisa Resident Engineer, representatives of the Virginia Department of Transportation, provided an update to the Board on VDOT activities. They reported on SmartScale projects; projects currently in development; projects under construction; resurfacing plans; completed and ongoing traffic engineering and safety studies; land use activities; and overall maintenance activities.

Discussion ensued among the Board regarding: repaving and remarking on Tower Road; clarification of the resurfacing mix type on primary and secondary roads; appreciation of the work being completed by VDOT; and completion of the Routes 3 and 20 intersection project.

The Board thanked Mr. Rumbaugh and Mr. Saunders for their 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: FY19 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
30046001-37050	DMV Grant (Select Enforce.)	\$ (5,618.00)	\$ (11,840.00)	\$ (17,458.00)
43120005-41200	Wages - Overtime	5,218.00	11,840.00	17,058.00
49140001-45900	Contingency	125,681.00	(3,000.00)	122,681.00
48155001-47737	To EDA Fund	413,243.00	3,000.00	416,243.00
30045004-35975	For. Assets - DCJS Sheriff	(219.00)	(436.00)	(655.00)
43120006-46800	Sheriff For. Asset Expenses	24,575.00	436.00	25,011.00
30033502-33250	Miscellaneous	(21,000.00)	(1,000.00)	(22,000.00)
43120001-46355	Police K-9 Supplies	18,139.00	1,000.00	19,139.00
30030006-33500	Donations - Animal Shelter	(129,833.02)	(2,464.00)	(132,297.02)
43520003-43115	Prof. Serv. - Emergency Vet	142,888.02	2,464.00	145,352.02
30030006-33500	Donations - Animal Shelter	(129,833.02)	(979.00)	(130,812.02)
43520003-43115	Prof. Serv. - Emergency Vet	142,888.02	979.00	143,867.02
30026501-32400	Orange Library - Lost Books	0.00	(301.00)	(301.00)
47310001-46466	Books - Refunds	0.00	301.00	301.00
30026501-32475	Wild. Library - Lost Books	0.00	(149.00)	(149.00)
47311001-46466	Books - Refunds	0.00	149.00	149.00
30026501-32525	Gville Library - Lost Books	0.00	(177.00)	(177.00)
47312001-46466	Books - Refunds	0.00	177.00	177.00
48120001-41111	Wages - Regular	0.00	69,770.00	69,770.00
48120001-42100	FICA & Medicare	0.00	5,290.00	5,290.00
48120001-42210	Retirement	0.00	6,363.00	6,363.00
48120001-42310	Medical Insurance	0.00	6,626.00	6,626.00
48120001-42400	Group Life Insurance	0.00	905.00	905.00
48120001-42500	Disability Insurance	0.00	300.00	300.00
48120001-42710	Workers Comp.	0.00	51.00	51.00
48110001-41111	Wages - Regular	238,351.00	(69,770.00)	168,581.00
48110001-42100	FICA & Medicare	22,199.00	(5,290.00)	16,909.00
48110001-42210	Retirement	21,819.00	(6,363.00)	15,456.00
48110001-42310	Medical Insurance	36,943.00	(6,626.00)	30,317.00
48110001-42400	Group Life Insurance	3,135.00	(905.00)	2,230.00
48110001-42500	Disability Insurance	1,149.00	(300.00)	849.00
48110001-42710	Workers Comp.	2,206.00	(51.00)	2,155.00
30033501-33250	Miscellaneous	(59,164.00)	(250.00)	(59,414.00)
48150007-46800	Prog. Exp. - ED Workshops	7,577.00	250.00	7,827.00
30033505-31675	GBES - Fundraising	0.00	(8,580.00)	(8,580.00)
45342102-46520	Fundraising Supplies	0.00	3,500.00	3,500.00

45342102-46800	GBES Sp. Event Expenses	934.00	5,080.00	6,014.00
30033505-31700	GBES - Field Trip	0.00	(414.00)	(414.00)
45342102-46800	GBES Sp. Event Expenses	934.00	414.00	1,348.00
30033505-31750	OES - Fundraising	0.00	(2,835.00)	(2,835.00)
45342202-46520	Fundraising Supplies	0.00	1,400.00	1,400.00
45342202-46800	OES Sp. Event Expenses	0.00	1,435.00	1,435.00
30033505-31775	OES - Field Trip	0.00	(966.00)	(966.00)
45342202-46800	OES Sp. Event Expenses	0.00	966.00	966.00
30033505-31785	LGES - Fundraising	0.00	(3,427.00)	(3,427.00)
45342302-46520	Fundraising Supplies	0.00	1,500.00	1,500.00
45342302-46800	LGES Childcare Expenses	0.00	1,927.00	1,927.00
30033505-31790	LGES - Field Trip	0.00	(1,297.00)	(1,297.00)
45342302-46800	LGES Childcare Expenses	0.00	1,297.00	1,297.00
30033505-33100	Fundraiser - OOO	0.00	(2,165.00)	(2,165.00)
45370101-43300	OOO Vending Items	0.00	290.00	290.00
45370101-46000	Office Supplies	0.00	1,875.00	1,875.00
30033505-33105	OOO Vending Proceeds	0.00	(865.00)	(865.00)
45370101-43300	OOO Vending Items	0.00	865.00	865.00
30033505-33110	Movies in Park Fundraising	0.00	(510.00)	(510.00)
45370101-46802	Movies in Park Expenses	0.00	510.00	510.00
30033505-33230	Strengthening Fam. Grant	0.00	(8,739.00)	(8,739.00)
45374101-41322	Wages - Part-Time	9,419.00	450.00	9,869.00
45374101-41902	Wages - Holiday Pay	0.00	206.00	206.00
45374101-42100	FICA & Medicare	721.20	34.00	755.20
45374101-42710	Workers Comp.	61.25	1.00	62.25
45374101-46500	Parent Train Prog. Supplies	0.00	7,298.00	7,298.00
45370101-46000	Office on Youth Programs	0.00	750.00	750.00
30033505-33575	Don. - Yth. Sub. Abuse Prog	0.00	(4,395.00)	(4,395.00)
45371001-46000	Yth. Sub. Abuse Prog.	0.00	4,395.00	4,395.00
30033506-33250	Michael's Gift Donations	0.00	(70.00)	(70.00)
45370102-46800	Michael's Gift Expenses	16,256.00	70.00	16,326.00
TOTALS		\$ 888,669.45	\$ 0.00	\$ 888,669.45

RE: APPROVAL OF PLANNING SERVICES JOB DESCRIPTIONS

As part of the Consent Agenda, the Board approved the Planning Services Associate and Planning Services Manager job descriptions, as presented.

RE: SURPLUS DISPOSITION OF COUNTY VEHICLE

As part of the Consent Agenda, the Board declared a 2008 Ford Crown Vic (VIN# 4941) as surplus and authorized staff to initiate its disposal in accordance with the Board-adopted Surplus Disposition Policy, as presented.

RE: MINUTES

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

- March 26, 2019 Regular Meeting

RE: NEW BUSINESS

RE: MEMORANDUM OF UNDERSTANDING WITH ORANGE COUNTY BROADBAND AUTHORITY AND ORANGE COUNTY PUBLIC SCHOOLS

Stephanie Straub, Director of Management Services, presented a Memorandum of Understanding to the Board for its consideration. She indicated the MOU was between the Broadband Authority, County of Orange, and Orange County School Board regarding ownership and maintenance of the "Core Network" of the fiber optics project.

Ms. Straub noted the MOU established an agreement whereby the County desired to transfer all assets, monitoring, and maintenance of the Core Network to the Broadband Authority. Additionally, the MOU established an agreement whereby the Broadband Authority desired to enter into a cooperative agreement with the Orange County School Board regarding the Core Network and any related laterals used by the Schools.

Ms. Straub recommended approval of the MOU, noting the Broadband Authority and Orange County School Board were anticipated to take the same action.

On the motion of Mr. Frame, seconded by Mr. Goodwin, which carried by a vote of 5-0, the Board approved the Memorandum of Understanding between the Orange County Broadband Authority, County of Orange, and Orange County School Board regarding maintenance and ownership of the Core Network and related laterals of the fiber optic project, as presented.

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

RE: LEASE AGREEMENT WITH ORANGE COUNTY PUBLIC SCHOOLS

Stephanie Straub, Director of Management Services, presented a lease agreement to the Board for its consideration. She indicated the agreement was between the County of Orange and the Orange County School Board regarding the lease of a portion of School-owned property for the construction and maintenance of a public safety radio tower.

Ms. Straub recommended approval of the lease agreement, noting the Orange County School Board was anticipated to take the same action.

On the motion of Mr. Goodwin, seconded by Mr. Frame, which carried by a vote of 5-0, the Board approved a Lease Agreement between the County of Orange and Orange County School Board regarding a portion of property addressed as 202 Dailey Drive to be used for the construction and maintenance of a public safety radio tower, as presented.

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

RE: ADOPTION OF REVISED FMLA POLICY

This item was struck from the agenda.

RE: VIRGINIA PUBLIC SCHOOL AUTHORITY (VPSA) REFUNDING OF SCHOOL FINANCING BONDS

R. Bryan David, County Administrator, stated the County was recently advised by Bond Counsel of a potential refunding opportunity for the Schools' 2000, 2001, and 2002 General

Obligation School Bonds. He explained the refunding would allow for an estimated savings of \$161,412 in interest over the remaining terms for the bonds.

Mr. David provided the refunding schedule to the Board, which required submission of the signed Certificate of Refunding by April 12, 2019. He added the School Board Chair had been authorized to sign the Certificate of Refunding and, as such, he was seeking similar authorization for the Chairman of the Board to sign the Certificate as well.

On the motion of Mr. Frame, seconded by Mr. Goodwin, which carried by a vote of 5-0, the Board authorized the Chairman to sign the completed Certificate of Refunding of Local School Bonds for the Virginia Public School Authority, 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: NEXT GENERATION 911 (NG911) MIGRATION PROPOSAL

Domonique Curry, Emergency Communications Center Director, provided an overview to the Board on Orange County's migration to Next Generation 911 (NG911), noting the migration was mandated for all PSAPs by July 1, 2023. She summarized the technology and system enhancements required for the NG911 standard and provided information on the contract Fairfax County had in place with AT&T to serve as ESInet provider, a contract that could be "piggy-backed" by other localities.

Ms. Curry indicated the Virginia Information Technology Agency (VITA) was prepared to award Orange County \$281,044 to apply toward the migration. The funds would be used to cover fees from AT&T, to upgrade and replace identified call-handling equipment, to upgrade text-to-911 services, and to fund the first two years of the anticipated increased monthly service costs that would be incurred following deployment of NG911. Ms. Curry stated that the increase to monthly service costs was estimated at \$3,877, which would have to be absorbed in the County's operating budget following the first two years funded by VITA.

Ms. Curry reviewed the planned deployment schedule with the Board, as well as the next steps identified in the migration. It was recommended by both staff and VITA that the County proceed with utilizing the Fairfax County contract and select AT&T as its ESInet provider, understanding a Proposal Acceptance Letter would be required by VITA prior to providing funding.

Discussion ensued among the Board regarding: why the monthly service costs would increase; timing of the equipment upgrades with the new public safety facility; payment of upgrades by VITA, and the desire to utilize the Fairfax County contract.

On the motion of Mr. Crozier, seconded by Mr. Johnson, which carried by a vote of 5-0, the Board authorized utilization of the Fairfax County contract for Next Generation 911 (NG911) core services and authorized submission of the Proposal Acceptance Letter (PAL), as presented.

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

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 County's recent sponsorship of the Chamber of Commerce's First Coffee and noted the Volunteer Fire Chiefs Association recently held its elections.

RE: INFORMATIONAL ITEMS

The Board received the following correspondence for its information:

- Social Services Quarterly Report
- Letter from Lake of the Woods Volunteer Fire & Rescue Company
- Letter from FEMA Regarding Hazard Mitigation Plan

RE: APPOINTMENTS TO BOARDS, COMMISSIONS, AND COMMITTEES

By consensus, the Board re-appointed Jim Crozier as an At-Large (Orange County) Representative on the Rapidan Services Authority (RSA) for a four-year term, with said term commencing June 25, 2019, and expiring on June 24, 2023.

By consensus, the Board re-appointed John Frey as the District 4 Representative on the Library Board of Trustees for a four-year term, with said term commencing July 1, 2019, and expiring on June 30, 2023.

By consensus, the Board re-appointed Donald Lundry as the Rotating At-Large Representative on the Library Board of Trustees for a four-year term, with said term commencing July 1, 2019, and expiring on June 30, 2023.

RE: CALENDAR

The Board received copies of its calendar of meetings for the months of April 2019, May 2019, and June 2019.

RE: SCHEDULE A PUBLIC HEARING FOR REZ 19-02 (DREW TAYLOR; INDUSTRIAL (I-2) TO AGRICULTURAL (A))

On the motion of Mr. Frame, seconded by Mr. Goodwin, which carried by a vote of 5-0, the Board authorized staff to advertise for and schedule a Public Hearing on REZ 19-02 (Drew Taylor; Industrial (I-2) to Agricultural (A)) on Tuesday, May 14, 2019 at 7:00 p.m., as presented.

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

RE: SCHEDULE A PUBLIC HEARING FOR SUP 19-01 (AUSTIN AND LINDA NAMMACK; AMEND SUP TO ALLOW ADDITION AT COUNTRY CLUB KENNELS)

On the motion of Mr. Frame, seconded by Mr. Goodwin, which carried by a vote of 5-0, the Board authorized staff to advertise for and schedule a Public Hearing on SUP 19-01 (Austin and Linda Nammack; Amend SUP to allow addition at Country Club Kennels) on Tuesday, May 14, 2019 at 7:00 p.m., as presented.

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

RE: CLOSED MEETING

At 6:04 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 or consideration of the assignment or performance of a specific employee of the public body. - §2.2-3711(A)(1) of the Code of Virginia
- Consultation with legal counsel employed or retained by the public body regarding specific legal matters concerning Wilderness Shores and employment law, 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) 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. Goodwin, 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: CERTIFICATION OF CLOSED MEETING

At 7:00 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 7:00 p.m., Chairman White opened the floor for public comment.

There being no speakers, public comment was closed at 7:00 p.m.

RE: PUBLIC HEARING #1; LEASE WITH FOUR COUNTY PLAYERS, INC.

R. Bryan David, County Administrator, explained that the County currently had a lease with Four County Players, Inc. for County-owned property located in Barboursville, which had been revised in 2017. He indicated the proposed addendum to the 2017 lease reflected the Theater's expansion project, and both Four County Players and the Barboursville Ruritan Club were in agreement with the addendum and exhibit.

Discussion ensued among the Board regarding: necessary revisions to Exhibit B of the lease to accurately reflect the location of the sidewalk.

At 7:04 p.m., Chairman White called the Public Hearing to order to receive comments on the following:

PROPOSED LEASE WITH FOUR COUNTY PLAYERS, INC.

The Board of Supervisors will consider a proposed lease with Four County Players, Inc. of County-owned property addressed as 5256 Barboursville Community Center in Barboursville, Virginia. Said property is located at the intersection of Spotswood Trail (Route 33) and Governor Barbour Street (Route 678) and is identified as Tax Map No. 54-144. Consideration of said lease would update and revise the terms of the current lease from 2017.

There being no speakers, Chairman White closed the Public Hearing at 7:04 p.m.

On the motion of Mr. Johnson, seconded by Mr. Goodwin, which carried by a vote of 5-0, the Board adopted the following resolution, as presented:

RESOLUTION TO ENTER INTO A LEASE AGREEMENT WITH FOUR COUNTY PLAYERS, INC.

WHEREAS, on July 11, 2017, the County of Orange entered into a lease agreement to rent the building known as the Four County Players Theater to Four County Players, Inc. for a period of twenty (20) years, expiring on August 31, 2037, which replaced the previous lease agreement between the County of Orange and Four County Players, Inc.; and

WHEREAS, the parties desire to amend the 2017 lease; and

WHEREAS, the County desires to continue leasing to Four County Players, Inc. the same property known as:

That certain building known as the Four County Players Theater, including an area ten (10) feet extending outward from all sides of the exterior of the building, located in Barboursville, Virginia, at the intersection of Spotswood Trail (US Route 33) and Governor Barbour Street (VA Route 678), owned by the Orange County Board of Supervisors, identified as a portion of Tax Map No. 54-144, and addressed as 5256 Barboursville Community Center, Barboursville; and

WHEREAS, upon execution, the addendum to the lease agreement shall be effective April 1, 2019 through July 31, 2037; and

WHEREAS, the Board of Supervisors advertised and held a Public Hearing on this matter on April 9, 2019;

NOW, THEREFORE, BE IT RESOLVED, on this 9th day of April, 2019, that the Orange County Board of Supervisors hereby authorizes the Chairman to execute the addendum to the lease agreement with Four County Players, Inc., as presented.

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

RE: PUBLIC HEARING #2; LEASE WITH BARBOURSVILLE RURITAN CLUB

R. Bryan David, County Administrator, explained that the County currently had a lease with Barboursville Ruritan Club for County-owned property located in Barboursville, which had been in place since 2009. He indicated the proposed lease, which would replace the 2009 lease, included the updated location of an ingress/egress easement and waterline that were affected by Four County Players' expansion project, and aligned the dates of the lease with that of the Four County Players lease. Both Four County Players and the Barboursville Ruritan Club were in agreement with the new lease and exhibit.

At 7:06 p.m., Chairman White called the Public Hearing to order to receive comments on the following:

PROPOSED LEASE WITH BARBOURSVILLE RURITAN CLUB

The Board of Supervisors will consider a proposed lease with Barboursville Ruritan Club of County-owned property addressed as 5259 Barboursville Community Center in Barboursville, Virginia. Said property is located at the intersection of Spotswood Trail (Route 33) and Governor Barbour Street (Route 678) and is identified as Tax Map No. 54-144. Consideration of said lease would update and revise the terms of the current lease from 2009.

There being no speakers, Chairman White closed the Public Hearing at 7:06 p.m.

On the motion of Mr. Johnson, seconded by Mr. Goodwin, which carried by a vote of 5-0, the Board adopted the following resolution, as presented:

RESOLUTION TO ENTER INTO A LEASE AGREEMENT WITH BARBOURSVILLE RURITAN CLUB

WHEREAS, on April 14, 2009, the County of Orange entered into a lease agreement to rent the building known as the Barboursville Ruritan Club to the Barboursville Ruritans for a period of fifteen (15) years, expiring on August 31, 2024, which replaced the previous lease agreement between the County of Orange and the Barboursville Ruritans; and

WHEREAS, the parties desire to replace the 2009 lease; and

WHEREAS, the County desires to lease to the Barboursville Ruritans the same property now known as:

That certain building known as the Barboursville Ruritan Club, including an area ten (10) feet extending outward from all sides of the exterior of the building, located in Barboursville, Virginia, at the intersection of Spotswood Trail (US Route 33) and Governor Barbour Street (VA Route 678), owned by the Orange County Board of Supervisors, identified as a portion of Tax Map No. 54-144, and addressed as 5259 Barboursville Community Center, Barboursville; and

WHEREAS, upon execution, the new lease agreement shall be effective April 1, 2019 through July 31, 2037; and

WHEREAS, the Board of Supervisors advertised and held a Public Hearing on this matter on April 9, 2019;

NOW, THEREFORE, BE IT RESOLVED, on this 9th day of April, 2019, that the Orange County Board of Supervisors hereby authorizes the Chairman to execute the new lease agreement with the Barboursville Ruritan Club, as presented.

RE: PUBLIC HEARING #3; REZ 19-01

R. Bryan David, County Administrator, presented the staff report to the Board regarding initiated rezonings in Unionville and Mine Run. He explained that the Board had previously initiated Planning Commission action on said rezonings, which were intended to make corrections to land uses and clean-up parcels that were split-zoned as a result of the implementation of zoning in the 1960s. Mr. David noted that the Planning Commission had recommended approval.

At 7:08 p.m., Chairman White called the Public Hearing to order to receive comments on the following:

REZ 19-01

An application by the Orange County Board of Supervisors for a zoning map amendment for four (4) tax parcels; three (3) of which are in Unionville and one (1) of which is in Mine Run. The following parcels are being considered as part of the zoning map amendment from split-zoned Limited Commercial (C-1) and Limited Residential (R-1) to entirely Limited Residential (R-1): TM 32-100 (2.22 acres of which is C-1); TM 32-50 (2.23 acres of which is C-1); and TM 32-50A (1.315 acres of which is C-1). The final parcel being considered as part of the zoning map amendment from split-zoned Agricultural (A) and General Industrial (I-2) to entirely Limited Residential (R-1): TM 35-29B (1.57 acres of which is I-2). The first three (3) parcels are identified as the Village designation and the final parcel is identified as the Agricultural (A-2) designation on the Recommended Future Land Use Map in the Comprehensive Plan.

There being no speakers, Chairman White closed the Public Hearing at 7:08 p.m.

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

ORDINANCE APPROVING REZ 19-01 FOR BOARD-INITIATED REZONING OF
TAX PARCELS IN UNIONVILLE AND MINE RUN

WHEREAS, the Board of Supervisors previously initiated Planning Commission action on the rezoning of identified tax parcels in the Unionville and Mine Run areas; and

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

WHEREAS, the Planning Commission advertised and held a Public Hearing on said rezoning on April 4, 2019; and

WHEREAS, the Planning Commission considered whether said rezoning would further the purposes of the Comprehensive Plan and the Zoning Ordinance; threaten the public health, safety, or welfare; be compatible with its surroundings; or would result in substantial detriment to the surrounding property; and

WHEREAS, the Planning Commission reviewed the request and determined that the request was consistent with the considerations above, and, as such, recommended approval of said rezoning request to the Board of Supervisors; and

WHEREAS, the Board of Supervisors advertised and held a Public Hearing on said rezoning on April 9, 2019; and

WHEREAS, after deliberation, the Board of Supervisors has determined that public necessity, convenience, general welfare, and/or good zoning practice support approval of said rezoning;

NOW, THEREFORE, BE IT ORDAINED, on this 9th day of April, 2019, that the Orange County Board of Supervisors hereby approves REZ 19-01 for the Board-initiated rezoning of tax parcels in Unionville and Mine Run, more specifically for Tax Parcels 32-100, 32-50, 32-50A, and 35-29B, as presented.

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

RE: PUBLIC HEARING #4; STA 19-01

Thomas Lacheney, County Attorney, explained that the Board had recently initiated Planning Commission action on amendments to the Subdivision Ordinance regarding the construction of private roads and the ability of the Planning Commission to grant variations or exceptions to the standards. He added that the Planning Commission had recommended approval of the ordinance amendments.

At 7:09 p.m., Chairman White called the Public Hearing to order to receive comments on the following:

STA 19-01

The Board of Supervisors will consider an amendment to Sec. 54-121 of the Orange County Subdivision Ordinance regarding approval, construction, and maintenance standards for roads. Notably, this amendment clarifies the County's intent for all new roads to be constructed in accordance with VDOT standards while also recognizing the unusual situations where construction of a road to VDOT standards may result in substantial injustice or hardship. As such, this amendment restates and clarifies the Planning Commission's current ability to approve a private road, based on a number of qualifying conditions.

There being no speakers, Chairman White closed the Public Hearing at 7:09 p.m.

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

ORDINANCE APPROVING AMENDMENTS TO ARTICLE VIII (ROAD AND ACCESS STANDARDS),
SECTION 54 (SUBDIVISIONS), OF THE ORANGE COUNTY CODE OF ORDINANCES CONCERNING
PRIVATE ROADS

WHEREAS, the Board of Supervisors previously initiated Planning Commission action on amendments to Article VIII (Road and Access Standards), Section 54 (Subdivisions), of the Orange County Code of Ordinances concerning private roads; and

WHEREAS, the County Attorney 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 April 4, 2019; 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 April 9, 2019, to receive public comment; and

WHEREAS, following discussion at the Public Hearing, the Board of Supervisors hereby supports the proposed text amendments, as presented 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 9th day of April, 2019, that the Orange County Board of Supervisors hereby approves the proposed amendments to Article VIII (Road and Access Standards), Section 54 (Subdivisions), of the Orange County Code of Ordinances concerning private roads, as presented and shown below.

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

Amendments to the Orange County Code of Ordinances

**As adopted in Ord. No. 190409 – PH4
by the Orange County Board of Supervisors
on April 9, 2019**

Chapter 54 - Subdivisions

Article VIII - Road and Access Standards

Division 2 - Standards for Roads and Access

Sec. 54-121. - Approval, Construction, and Maintenance Standards

Roads and driveways shall be constructed and maintained as follows:

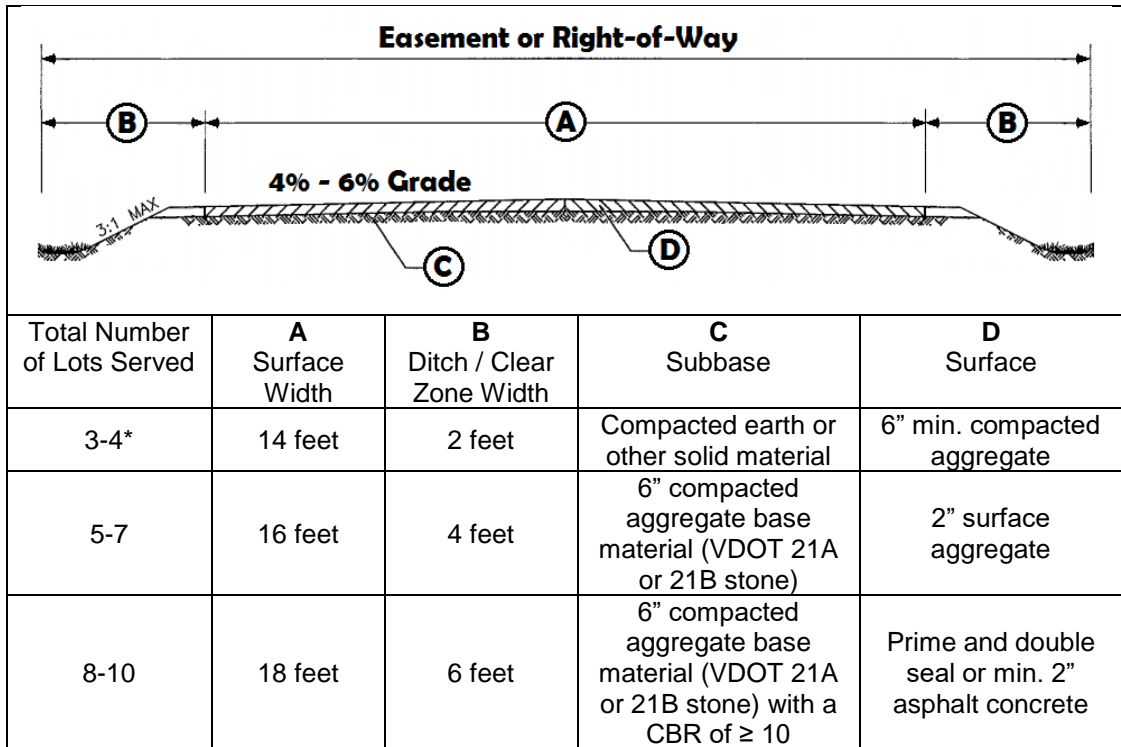
- (a) *Driveways.* Any vehicular travelway created to serve one (1) or two (2) lots shall be considered a driveway for the purposes of this ordinance, and may be constructed and maintained at the discretion of the owners. However, any lot which is served by a driveway onto a private road shall be considered served by said private road for the purposes of subsections (b) and (c) below.
 - i. The Subdivision Agent may grant a modification to the requirements of this subsection for a situation in which an owner of a property with an existing driveway onto a state road wishes to grant an easement elsewhere on the property for a driveway to serve up to two (2) new lots. This modification may be used to exclude the consideration of the lot granting the easement as being served by said easement. There may be only one (1) such modification granted per lot and the subdivision plat shall properly denote this arrangement.

(b) *Public roads.* Any road serving more than two (2) lots shall be constructed to meet the current VDOT standards (including, but not limited to, the Secondary Street Acceptance Requirements, VDOT Road and Bridge Standards, and VDOT Road Design Manual), including the dedication of the rights-of-way for public use. Any existing road upon which property is divided such that the road cumulatively serves eleven (11) or more lots shall be improved to meet these standards. Such a road improvement shall be up to and including the frontage of the subdivided lot(s).

(b)c) *Private roads.* Although it is the intent of the County that all roads be constructed to meet current VDOT standards, the County recognizes there might be unusual situations concerning the construction of a road, or situations when strict adherence to the general regulations, would result in substantial injustice or hardship. In such cases, the Planning Commission may approve a private road subject to the following:

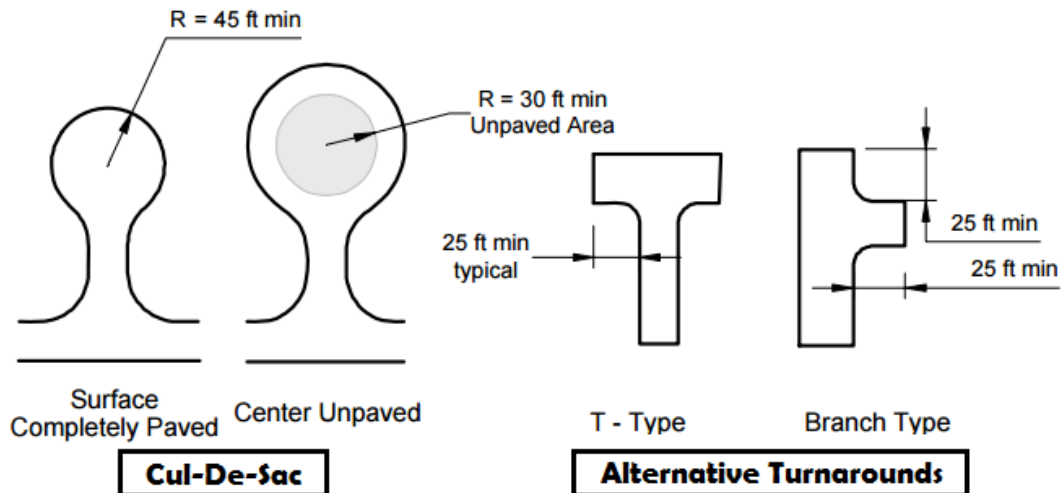
- i. Except as provided in Sec. 54-123 below, the Planning Commission may allow a any road serving up to ten (10) lots to may be privately constructed and maintained, subject to being approved as a private road via resolution by the Planning Commission. Such approvals, and denials as the case may be, shall be at the sole discretion of the Commission. In making its decision on a private road request, the Commission shall consider impacts of the proposed road and its resulting development related to: the future land use objectives of the Comprehensive Plan; the adequacy and safety of the state road network in the area; the availability of other means of accessing the property; sensitive environmental areas; the suitability of the land for utilities; and the proximity and arrangement of neighboring properties. The Planning Commission may impose reasonable conditions on any approval of a private road to address identified impacts. The Planning Commission shall be the sole determiner of whether a variation or exception allowing a private road is granted, and a denied request shall be final and unappealable.
- ~~(e)~~ii. *Private road standards.* The standards governing the construction, maintenance, and usage of all private roads shall be as follows:

1. *Construction standards:*



*The center of the roadway may be grassed and/or non-surfaced

2. *Grades.* No portion of a private road shall exceed a grade of ten percent (10%).
3. *Vertical clearance.* The area between the roadway surface upward a minimum of fourteen (14) feet shall remain clear of tree branches and other obstructions.
4. *Drainage; culverts.* All culverts and other means of drainage for private roads shall be designed and constructed in accordance with the VDOT Road and Bridge Standards.
5. *Turnarounds.* A private road serving five (5) or more lots shall have a turnaround provided and constructed within the easement or right-of-way pursuant to either of the following:



6. *Easement/right-of-way termini.* Where a private road does not extend beyond the boundary of the subdivision and its continuation is not required for access to adjoining property at the time of approval, the end of the road easement/right-of-way shall be no closer than fifty (50) feet to an adjoining property. However, the Subdivision Agent or Planning Commission may require the reservation of an appropriate easement that extends beyond the end of the road easement/right-of-way to accommodate drainage facilities, pedestrian traffic, utilities, or an anticipated potential future vehicular connection.
7. *Floodplain.* Private roads shall not be constructed within any area designated on FEMA Flood Insurance Rate Maps (FIRMs) as flood zone A or AE (areas subject to inundation by the 1%-annual-chance flood event).
8. *Zoning.* A private road shall not traverse a given zoning district in order to provide access to property in another zoning district.
9. *Parking.* Parking within a private road easement or right-of-way is prohibited except in any areas, outside of the travelway(s), which may be approved to be dedicated for parking.
10. *Intersections.* Where two (2) private roads intersect, or where a private road intersects with a state road, the angle of that intersection shall be no less than seventy (70) degrees. A minimum return radius of twenty-five (25) feet shall be utilized between intersecting private roads. The minimum sight distance at any such intersection shall be two-hundred (200) feet. Sight distance easements may be utilized to achieve this requirement.

~~(d) *Public roads.* Any road serving eleven (11) or more lots, and/or any road serving ten (10) or fewer lots not otherwise approved by the Planning Commission as a private road, shall be constructed to meet the current VDOT standards (including, but not limited to, the Secondary Street Acceptance Requirements, VDOT Road and Bridge Standards, and VDOT Road Design Manual), including the dedication of the rights-of-way for public use. Any existing road upon which property is divided such that the road cumulatively serves eleven (11) or more lots shall be improved to meet the standards. Such a road improvement shall be up to and including the frontage of the subdivided lot(s).~~

~~(ed) *Nonresidential roads.* Any road constructed to serve two (2) or more lots used for non-agricultural commercial or industrial uses shall be constructed to meet current VDOT standards (including, but not limited to, the Secondary Street Acceptance Requirements, VDOT Road and Bridge Standards, and VDOT Road Design Manual), including the dedication of the rights-of-way to public use.~~

~~(fe) *Relationship to Zoning Ordinance.* Where the Zoning Ordinance prescribes standards and other criteria related to road construction and maintenance, those provisions shall control.~~

RE: ADJOURN

On the motion of Mr. Goodwin, seconded by Mr. Crozier, which carried by a vote of 5-0, the Board adjourned the meeting at 7:10 p.m. Ayes: Johnson, White, Goodwin, Crozier, Frame. Nays: None.

James K. White, Chairman

R. Bryan David, County Administrator