

**BOARD OF SUPERVISORS MINUTES**

**APRIL 10, 2018**

At a regular meeting of the Orange County Board of Supervisors held on Tuesday, April 10, 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 modified. Ayes: Johnson, White, Goodwin, Crozier, Frame. Nays: None.

RE: CONSENT AGENDA

On the motion of Mr. Frame, seconded by Mr. Crozier, 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       |
|-------------------------|-----------------------------|----------------------|----------------|----------------------|
| 30030006-33500          | Donations - Animal Shelter  | \$ (26,594.97)       | \$ (5,687.00)  | \$ (32,281.97)       |
| 43520003-43115          | Prof. Serv. - Emergency Vet | 27,094.97            | 5,687.00       | 32,781.97            |
| 30023001-31575          | Sheriff Firing Range Fees   | (1,010.00)           | (1,815.00)     | (2,825.00)           |
| 43120001-41200          | Wages - Overtime            | 175,195.00           | 1,815.00       | 177,010.00           |
| 49150001-45620          | DSS Claims & Liabilities    | 8,057.00             | 15,500.00      | 23,557.00            |
| 49140001-45900          | Contingency                 | 284,805.00           | (15,500.00)    | 269,305.00           |
| 49460001-48150<br>L0008 | Compactor - Landfill        | 0.00                 | 22,000.00      | 22,000.00            |
| 49400007-48120<br>C1105 | Water Supply Plan Revision  | 75,000.00            | (22,000.00)    | 53,000.00            |
| 30051006-39312          | From Capital Project Fund   | 0.00                 | (22,000.00)    | (22,000.00)          |
| 49310006-47312          | To Capital Project Fund     | 0.00                 | 22,000.00      | 22,000.00            |
| <b>TOTALS</b>           |                             | <b>\$ 542,547.00</b> | <b>\$ 0.00</b> | <b>\$ 542,547.00</b> |

RE: RESOLUTION OF APPRECIATION FOR BATTLEFIELD FARMS

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

**A RESOLUTION OF APPRECIATION FOR  
BATTLEFIELD FARMS**

WHEREAS, Battlefield Farms graciously and humbly volunteered their time to host a Welcome Ceremony to kick-off a two-day visit from the Netherlands Ambassador to the United States, Henne Schuwer, and the Netherlands Embassy in the United States; and

WHEREAS, Battlefield Farms, during one of their most demanding seasons, provided an impressive venue to welcome the distinguished guests; and

WHEREAS, the staff at Battlefield Farms willingly took on additional responsibilities during this exciting time, including extensive hours of preparation, dedication, attention to detail, and focus to ensure a successful event; and

WHEREAS, Battlefield Farms participated in the Netherlands Market event at Lake of the Woods, where they also generously donated the beautiful, seasonal décor for the event; and

WHEREAS, Battlefield Farms exhibited outstanding support of Orange County's effort to strengthen economic and historic ties with the Netherlands;

NOW, THEREFORE, BE IT RESOLVED, on this 10<sup>th</sup> day of April, 2018, that the Orange County Board of Supervisors hereby recognizes and extends its sincere appreciation to Battlefield Farms and its staff for the generosity, hospitality, and role in making the visit from the Netherlands Embassy a great success.

RE: RENEWAL OF THE CONTRACT WITH SHI INTERNATIONAL CORPORATION FOR DESKTOP PRODUCTIVITY SOFTWARE

As part of the Consent Agenda, the Board authorized staff to renew Contract No. VA-140401-SHI with SHI International Corporation for desktop productivity software, in accordance with the original contract terms, as presented.

RE: RENEWAL OF THE CONTRACT WITH DELL FOR HARDWARE AND MAINTENANCE

As part of the Consent Agenda, the Board authorized staff to renew Contract No. VA-140331-DELL with Dell for hardware and maintenance, in accordance with the original contract terms, as presented.

RE: MINUTES

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

- March 27, 2018 Regular Meeting
- April 3, 2018 Budget Public Hearing

RE: SPECIAL PRESENTATIONS AND APPEARANCES

RE: EMPLOYEE OF THE QUARTER

R. Bryan David, County Administrator, presented the Employee of the Quarter award to Rosanna Zamudio, Office Assistant with the Department of Parks and Recreation.

RE: SERVICE AWARDS

This item was struck from the agenda.

RE: PRESENTATION OF A RESOLUTION OF APPRECIATION FOR BATTLEFIELD FARMS

Chairman White read the Resolution of Appreciation for Battlefield Farms and presented a signed, framed copy to Bobby van Hoven.

RE: BUSINESS SPOTLIGHT

Jamie and Douglas King, owners of Locust Grove Title, LLC, appeared before the Board to spotlight their business. Mr. King explained that the business recently opened in Locust Grove

and offered services related to residential real estate transactions and title searches. He added that, as a locally-owned business, he and his wife focused on providing quality service to their clients to create customer satisfaction and repeat customers.

The Board thanked Mr. and Mrs. King for their presentation.

RE: NEW BUSINESS

RE: ORDINANCE TO ESTABLISH TAX LEVIES FOR THE TAX YEAR BEGINNING ON JANUARY 1, 2018

R. Bryan David, County Administrator, indicated the Board held its Public Hearing on the proposed tax levies for Tax Year 2018 on Tuesday, April 3, 2018. He presented an ordinance to the Board for its consideration, which would establish said tax levies, as previously advertised. Mr. David noted there were no changes to the tax rates proposed this year and rates would remain the same as last year.

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 presented:

ORDINANCE TO ESTABLISH TAX LEVIES FOR THE TAX YEAR BEGINNING  
JANUARY 1, 2018

WHEREAS, notice was advertised of proposed tax levies pursuant to §§15.2-1427 and 58.1-3007 VA Code Ann., and a public hearing was held on April 3, 2018;

NOW, THEREFORE, BE IT ORDAINED, on this 10<sup>th</sup> day of April, 2018, that the Orange County Board of Supervisors hereby establishes the tax levies for the County of Orange, Virginia, as follows, for the tax year beginning January 1, 2018:

REAL ESTATE, pursuant to §58.1-3000 VA Code Ann., including equalized public service corporation real estate as defined by §58.1-2605 VA Code Ann., including a manufactured home as defined by §36-85.3 VA Code Ann.: \$0.804 per \$100.00 of assessed valuation (subject to County land use tax ordinance and ordinance granting tax relief for the elderly and handicapped).

MOBILE HOMES CLASSIFIED AS PERSONAL PROPERTY, as defined by §36-85.3 VA Code Ann. and pursuant to §58.1-3506(A)(10) VA Code Ann.: \$0.804 per \$100.00 of assessed valuation.

TANGIBLE PERSONAL PROPERTY, pursuant to §58.1-3000 VA Code Ann. and classified by §58.1-3500 through -3506.1 VA Code Ann., including but not limited to, motorcycles and other motor vehicles, but excluding watercraft and boats, aircraft, forest harvesting machinery and farm machinery, and business tangible personal property: \$3.75 per \$100.00 assessed valuation (subject to County ordinance granting exemption for pollution control equipment).

BUSINESS TANGIBLE PERSONAL PROPERTY, pursuant to §58.1-3506(A)(26) VA Code Ann., including furniture, equipment, trade fixtures, hand-powered tools, office machines, business mobile telephones, books, signs, and other tangible personal property used in business except for automobiles or trucks, which will be taxed as tangible personal property: \$2.20 per \$100.00 assessed valuation.

PROGRAMMABLE COMPUTER EQUIPMENT AND PERIPHERALS USED IN A TRADE OR BUSINESS, pursuant to §58.1-3506(A)(27) VA Code Ann.: \$2.20 per \$100.00 assessed valuation.

AIRCRAFT, pursuant to §58.1-3506(A)(2), (3), (4) and (5) VA Code Ann.: \$0.00 per \$100.00 assessed valuation.

WATERCRAFT AND BOATS, pursuant to §58.1-3506(A)(1)(a), (1)(b), (12), (28), (29), (35) and (36) VA Code Ann.: \$2.09 per \$100.00 assessed valuation.

PRIVATELY OWNED MOTOR HOMES USED FOR RECREATIONAL PURPOSES, pursuant to §58.1-3506(A)(30) VA Code Ann.: \$2.62 per \$100.00 of assessed valuation.

ALL OTHER RECREATIONAL VEHICLES, pursuant to §58.1-3506 (A)(18), §58.1-3506(B) VA Code Ann., including but not limited to, privately owned camping and travel trailers, and certain trailers used for the transportation of horses: \$2.62 per \$100.00 of assessed valuation.

FARM MACHINERY, as defined by §58.1-3505(8) and (10) VA Code Ann.: \$0.00 per \$100.00 assessed valuation.

MACHINERY AND TOOLS, as defined by §58.1-3507 VA Code Ann.: \$1.831 per \$100.00 assessed valuation.

HEAVY CONSTRUCTION EQUIPMENT, as defined by §58.1-3508.2 VA Code Ann.: \$2.20 per \$100.00 assessed valuation.

FOREST HARVESTING MACHINERY, as defined by §58.1-3508 VA Code Ann.: \$0.00 per \$100.00 assessed valuation.

MERCHANTS CAPITAL, as defined by §58.1-3000, §58.1-3509 *et seq.* VA Code Ann.: \$0.40 per \$100.00 of assessed valuation.

MOTOR VEHICLE LICENSE TAX, as defined by §46.2-752 VA Code Ann. and §62-36 *et seq.* Orange County Code: \$35.00 per year for cars and trucks, and \$21.00 per year for motorcycles.

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: PARKS AND RECREATION QUARTERLY REPORT

Tim Moubray, Parks and Recreation Director, provided a PowerPoint presentation as a follow-up to the Parks and Recreation Quarterly Report provided at the March 27, 2018 meeting. His presentation provided photos and video highlighting the various winter programs; a summary of discount ticket sales; events from the past quarter; and upcoming programs and events.

The Board thanked Mr. Moubray for his presentation.

RE: REPORT ON THE ROYAL NETHERLANDS EMBASSY VISIT

Lori Landes-Carter, Tourism Manager, provided an overview of the recent visit from the Royal Netherlands Ambassador to the United States, Henne Schuwer, and his staff. Her presentation highlighted the historic connection between Orange County and the Royal Netherlands; the Welcome Ceremony held at Battlefield Farms; the roundtable discussion with Dutch-American entrepreneurs at James Madison's Montpelier; the Ambassador's meeting with Orange County High School students; and the Netherlands Market event at Lake of the Woods. Ms. Carter reviewed plans to continue promoting opportunities with the Netherlands Embassy.

The Board thanked Ms. Carter for her presentation.

RE: TIRE AMNESTY

Jayson Woods, Litter Control Committee Coordinator, provided an update on the proposed Tire Amnesty event at the Landfill, including changes discussed at the most recent Litter Control Committee meeting. He presented the Board with a flyer detailing the proposed event and the changes requested when the proposal was last discussed on January 23, 2018.

Discussion ensued among the Board regarding: fundraising efforts; the limit on tire size; the number of trailers available to collect tires; the maximum number of tires accepted; assistance to unload tires at the event, and the desire to make this a successful event.

By consensus, the Board authorized staff to proceed with the Tire Amnesty event at the Orange County Landfill in partnership with Stream Sweepers, as presented.

RE: UPDATE ON THE CHILDREN'S SERVICES ACT (CSA)

Glenda Bradley, Assistant County Administrator for Finance and Management Services, presented an update to the Board on the Children's Services Act (CSA). She indicated that projected total expenditures for the program represented a significant increase over the original budget appropriation for the current fiscal year. Ms. Bradley explained this increase would require a supplemental appropriation of local funds of approximately \$746,241. She recommended the Board authorize a supplemental appropriation of 50% at this time, which would avoid a delay in processing additional invoices.

Discussion ensued among the Board regarding: factors driving the increase; and the possibility of having a CSA-related worksession to gain a better understanding of the program and its expenditures.

On the motion of Mr. Frame, seconded by Mr. Goodwin, which carried by a vote of 5-0, the Board approved a supplemental appropriation and budget amendment for the Children's Services Act (CSA) program in the amount of \$765,386, to be funded by \$392,265 in additional State funding and \$373,121 in additional local funding (\$255,693 from Contingency and \$117,428 from the General Fund), as presented.

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

RE: LAKE OF THE WOODS RESPONSE BOAT STORAGE BUILDING

Nathan Mort, Interim Fire and EMS Chief, explained that when Lake of the Woods Volunteer Fire and Rescue Company acquired Fire Engine 29 last year, Fire and EMS was requested to store its ambulance, housed and staffed in the Lake of the Woods Fire Station, outside or in the Rescue Station. He indicated this move to the Rescue Station increased response times of the Medic unit. Despite moving the Medic unit back to the Fire Station late last year, the request had been made again to move the ambulance so the Lake of the Woods response boat could be stored in the Fire Station instead.

Chief Mort stated it was suggested that the County purchase a prefabricated shed where the Lake of the Woods response boat could be stored, so that the Medic unit could remain housed in the Fire Station. He noted the estimated cost was \$8,000, which included the shed and associated ground work. Chief Mort explained the County would retain ownership of the shed.

Discussion ensued among the Board regarding: how long use of this shed would guarantee space for the County's ambulance to be stored; and ongoing discussions between the County and Lake of the Woods relative to a Memorandum of Understanding.

On the motion of Mr. Crozier, seconded by Mr. Frame, which carried by a vote of 5-0, the Board voted to take no action on the request regarding the Lake of the Woods response boat storage building at this time.

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

There was no Board Comment at this time.

RE: INFORMATIONAL ITEMS

The Board received the following correspondence for its information:

- November 16, 2017 Rapidan Service Authority (RSA) Minutes
- VDOT Monthly Report for April
- Central Virginia Partnership for Economic Development – FY2018 Third Quarter Report

RE: APPOINTMENTS TO BOARDS, COMMISSIONS, AND COMMITTEES

On the motion of Mr. Frame, seconded by Mr. Goodwin, which carried by a vote of 5-0, the Board reappointed Maurice "Bud" Moody as an Orange County Representative on the Rappahannock Emergency Medical Services Council for a three-year term, with said term commencing July 1, 2018 and expiring on June 30, 2021.

On the motion of Mr. Frame, seconded by Mr. Goodwin, which carried by a vote of 5-0, the Board reappointed Carla Everhart as the District Five Representative on the Social Services Board for a four-year term, with said term commencing July 1, 2018 and expiring on June 30, 2022.

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

RE: CALENDAR

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

RE: SCHEDULE A PUBLIC HEARING FOR CPA 18-01 (COMPREHENSIVE PLAN AMENDMENT FOR PUBLIC FACILITIES)

On the motion of Mr. Johnson, seconded by Mr. Goodwin, which carried by a vote of 5-0, the Board authorized staff to advertise for and schedule a Public Hearing for CPA 18-01 (Comprehensive Plan Amendment for Public Facilities) on Tuesday, May 8, 2018, at 7:00 p.m., as presented.

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

RE: SCHEDULE A PUBLIC HEARING FOR ZTA 18-03 (ZONING TEXT AMENDMENT CONCERNING TEMPORARY HOUSING)

On the motion of Mr. Johnson, seconded by Mr. Goodwin, which carried by a vote of 5-0, the Board authorized staff to advertise for and schedule a Public Hearing for ZTA 18-03 (Zoning Text Amendment Concerning Temporary Housing) on Tuesday, May 8, 2018, at 7:00 p.m., as presented.

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

RE: SCHEDULE A PUBLIC HEARING FOR ZTA 18-04 (ZONING TEXT AMENDMENT CONCERNING OUTDOOR LIGHTING)

On the motion of Mr. Johnson, seconded by Mr. Goodwin, which carried by a vote of 5-0, the Board authorized staff to advertise for and schedule a Public Hearing for ZTA 18-04 (Zoning Text Amendment Concerning Outdoor Lighting) on Tuesday, May 8, 2018, at 7:00 p.m., as presented.

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

RE: SCHEDULE A PUBLIC HEARING FOR ZTA 17-03 (ZONING TEXT AMENDMENT CONCERNING TELECOMMUNICATIONS TOWERS)

On the motion of Mr. Johnson, seconded by Mr. Goodwin, which carried by a vote of 5-0, the Board authorized staff to advertise for and schedule a public hearing for ZTA 17-03 (Zoning Text Amendment Concerning Telecommunications Towers) on Tuesday, May 8, 2018, at 7:00 p.m., as presented.

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

RE: CLOSED MEETING

At 6:06 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 concerning the creation of two (2) new positions and assignment of specific individuals in said positions, and discussion of reorganizing certain employment functions and reassigning specific employees of the public body. - §2.2-3711(A)(1) of the Code of Virginia
- Consultation with legal counsel pertaining to actual or probable litigation with respect to the Orange County Volunteer Rescue Squad case and a zoning violation enforcement case, where such consultation in 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 the public body regarding a dispute on a private road, and the obtaining of avigation easements at the Airport, both of which are 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)(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 aforesaid matters in Closed Meeting.

On the motion of Mr. Crozier, seconded by Mr. Frame, 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 7:02 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 7:02 p.m., Chairman White opened the floor for public comment.

There being no speakers, public comment was closed at 7:02 p.m.

RE: PUBLIC HEARING #1: AMENDMENT TO THE ZONING ORDINANCE (ZTA 18-02) CONCERNING ACCESSORY APARTMENTS

Josh Frederick, Planning and Zoning Director, presented the staff report to the Board regarding proposed amendments to the Zoning Ordinance concerning the definition of accessory apartment. 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 March 1, 2018, a vote resulted in a recommendation of approval.

Discussion ensued among the Board regarding: the reason for removing the language related to the supply of water and sewage.

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

PROPOSED AMENDMENT TO THE ZONING ORDINANCE (ZTA 18-02)

The Board of Supervisors will consider an amendment to Section 70-1 of the Zoning Ordinance which would revise the existing definition for "accessory apartment." Notable changes include an increase in the maximum allowable size (800 gross square feet) of an accessory apartment, and the addition of requirements that stipulate that an accessory apartment cannot contain more than 2 bedrooms, nor be larger than the principal dwelling to which it is accessory.

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

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



ORDINANCE APPROVING AMENDMENTS TO ARTICLE I (IN GENERAL), SECTION 70 (ZONING), OF THE ORANGE COUNTY CODE OF ORDINANCES CONCERNING ACCESSORY APARTMENTS

WHEREAS, staff previously initiated Planning Commission action on amendments to Article I (In General), Section 70 (Zoning), of the Orange County Code of Ordinances concerning accessory apartments; 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 March 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 April 10, 2018, 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 10<sup>th</sup> day of April, 2018, that the Orange County Board of Supervisors hereby approves the proposed amendments to Article I (In General), Section 70 (Zoning), of the Orange County Code of Ordinances concerning accessory apartments, 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. 180410 – PH1  
by the Orange County Board of Supervisors  
on April 10, 2018

Chapter 70 - Zoning

Article I - In General

Sec. 70-1. - Definitions

[...]

*Accessory Apartment* means a ~~dwelling unit which is accessory to a permitted single-family dwelling containing no more than 600 square feet of interior floor area (excluding unconditioned, outdoor living space), which is served by a water supply and sewage disposal system approved by the Virginia Department of Health. No lot shall contain more than one accessory apartment completely independent, standalone dwelling unit located on the same lot as the single-family dwelling to which it is accessory, and which is subject to the following:~~

- 1) The gross square footage of the accessory apartment shall not exceed 800 (excluding unconditioned basements and other unconditioned, attached exterior spaces);
- 2) The accessory apartment shall not exceed the gross square footage of the primary dwelling to which it is accessory;
- 3) The accessory apartment shall not contain more than two (2) bedrooms; and
- 4) No lot shall contain more than one (1) accessory apartment.

[...]

RE: PUBLIC HEARING #2; SUP 17-07; SHENTEL MOBILE, LLC

Thomas Wysong, Planner, reviewed the Staff Report and Special Use Permit (SUP) request from Shentel Mobile, on behalf of Jimmy and Eileen Hayes, which included information on the location and specifications of the subject property, the request to construct a 199-foot monopole telecommunications tower and associated ground facilities, and the conditions of the application. He indicated that following the Planning Commission's public hearing on March 1, 2018, a vote resulted in a recommendation of approval.

Discussion ensued among the Board regarding: the applicability of the provisions indicated in the SUP narrative; the size of the fenced ground area; whether or not the lease was included as part of the application materials; whether or not the co-location space offered for the County was free; and the language regarding a landscaping waiver.

Valerie Long, representative from Shentel Mobile, provided a PowerPoint presentation to the Board, which reviewed the process for providing coverage and selecting a site; alternative sites that were considered; and the landscaping waiver request.

At 7:36 p.m., Chairman White called the Public Hearing to order to receive comments on the following:

SUP 17-07; SHENTEL MOBILE, LLC

The Board of Supervisors will consider a Special Use Permit application by Shentel Mobile LLC, on behalf of Jimmy and Eileen Hayes, to construct a new 199' monopole telecommunications tower and associated ground facilities at 11264 Marquis Road in Unionville on Tax Map Parcel 47-8. The proposed tower will be located on the northeast portion of the 31.592-acre parcel, approximately 268' from Marquis Road. The property is currently zoned Agricultural (A) and the Recommended Land Use Map within the 2013 Comprehensive Plan designates the property as Agricultural A2.

The following individuals spoke:

- Ken Kaval, 11157 Marquis Road, Unionville
- Lura Wharton, 11188 Marquis Road, Unionville
- Darren Opicka, 11384 Marquis Road, Unionville
- Unidentified Speaker, 11384 Marquis Road, Unionville

There being no further speakers, Chairman White closed the Public Hearing at 7:47 p.m.

A motion was made by Mr. Crozier, and seconded by Mr. Frame, to approve the application for discussion purposes only.

Discussion ensued among the Board regarding: efforts to relocate the tower; use of an existing easement on the Hayes' property for access; proximity to Marquis Road; and the application of the language contained in the Zoning Ordinance to provide fair direction to the applicant.

The previous motion for approval was withdrawn.

On the motion of Mr. Crozier, seconded by Mr. Frame, which carried by a vote of 5-0, the Board deferred action on the matter until its Regular Meeting on May 22, 2018.

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

RE: NEW BUSINESS (Continued)

RE: ACTION FOLLOWING CLOSED MEETING; CREATION OF EVIDENCE CLERK POSITION

On the motion of Mr. Crozier, seconded by Mr. Goodwin, which carried by a vote of 5-0, the Board authorized the creation of the Evidence Clerk position, as presented.

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

RE: ADJOURN

On the motion of Mr. Frame, seconded by Mr. Goodwin, which carried by a vote of 5-0, the Board adjourned the meeting at 8:04 p.m. Ayes: Johnson, White, Goodwin, Crozier, Frame. Nays: None.

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James K. White, Chairman

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R. Bryan David, County Administrator