At a Regular Meeting of the Orange County Board of Supervisors held on Tuesday, September 13, 2022, beginning at 5:00 p.m., in the Meeting Room of the Public Safety Building, 11282 Government Center Drive, Orange, Virginia. Present: R. Mark Johnson, Chairman; James P. Crozier, Vice Chairman; James K. White; Keith F. Marshall; and Lee H. Frame. Also present: Theodore L. Voorhees, 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. Crozier, which carried by a vote of 5-0, the Board adopted the agenda, as presented. Ayes: Johnson, White, Marshall, Crozier, Frame. Nays: None.

RE: SPECIAL PRESENTATIONS AND APPEARANCES

RE: BUSINESS SPOTLIGHT

Leney Breeden and Owen Peterson, Owners of Folkling, appeared before the Board to spotlight their business.

The Board thanked Ms. Breeden and Mr. Peterson for their presentation.

RE: CONSENT AGENDA

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

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

RE: FY23 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 | $ (1,274.00) | $ (705.00) | $ (1,979.00) |
| 43520003-43115 | Prof. Serv. - Emergency Vet | 1,774.00 | 705.00 | 2,479.00 |
| 30030006-33500 | Donations - Animal Shelter | (1,274.00) | (5,683.00) | (6,957.00) |
| 43520003-43115 | Prof. Serv. - Emergency Vet | 1,774.00 | 5,683.00 | 7,457.00 |
| 30045004-35975 | For. Assets - DCJS Sheriff | 0.00 | (884.80) | (884.80) |
| 43120006-46800 | Forfeited Asset Expenses | 0.00 | 884.80 | 884.80 |
| 30045004-35975 | For. Assets - DCJS Sheriff | 0.00 | (359.66) | (359.66) |
| 43120006-46800 | Forfeited Asset Expenses | 0.00 | 359.66 | 359.66 |
| 30030002-33625 | Donations - Triad | (640.00) | (600.00) | (1,240.00) |
| 43177002-46800 | Guardian Pendant Expenses | 540.00 | 600.00 | 1,140.00 |
| 30045025-35850 | State Miscellaneous | 0.00 | (1,003.00) | (1,003.00) |
| 43120050-46800 | Program Expenses | 0.00 | 1,003.00 | 1,003.00 |
| 30052001-39900 | Appropriated Fund Balance | (4,156,762.40) | (829.00) | (4,157,591.40) |
| 45370101-46800 | Child Abuse Prevention | 0.00 | 829.00 | 829.00 |
| 30052001-39900 | Appropriated Fund Balance | (4,156,762.40) | (618.00) | (4,157,380.40) |

| | | | | |
|---|---|---|---|---|
| 45370101-46806 | School Supplies Program | 0.00 | 618.00 | 618.00 |
| 30052001-39900 | Appropriated Fund Balance | (4,156,762.40) | (12,293.00) | (4,169,055.40) |
| 45371002-46800 | After Prom Expenses | 0.00 | 12,293.00 | 12,293.00 |
| 30052001-39900 | Appropriated Fund Balance | (4,156,762.40) | (3,083.78) | (4,159,846.18) |
| 45371002-46800 | After Prom Expenses | 0.00 | 3,083.78 | 3,083.78 |
| 30052001-39900 | Appropriated Fund Balance | (4,156,762.40) | (2,389.90) | (4,159,152.30) |
| 45374201-46803 | Donated Program Expenses | 0.00 | 2,389.90 | 2,389.90 |
| 30046008-37210 | Cat. Aid - Fed - Utility Assist. | 0.00 | (1,952.70) | (1,952.70) |
| 43552060-45665 | Pass-Thru Grant Payments | 0.00 | 1,952.70 | 1,952.70 |
| 49420001-48100 | Obs. Removal RW-26 | 0.00 | 109,000.00 | 109,000.00 |
| 48170001-43370 | Grounds Maintenance | 53,000.00 | (2,180.00) | 50,820.00 |
| 30045006-35775 | State - Airport Grant | (1,200.00) | (8,720.00) | (9,920.00) |
| 30046002-37025 | Federal - Airport Grant | (13,500.00) | (98,100.00) | (111,600.00) |
| 30045050-36175 | Tobacco Grant - OOY | (30,000.00) | (3,000.00) | (33,000.00) |
| 45374001-41322 | Wages - Part-Time | 7,020.00 | 1,825.00 | 8,845.00 |
| 45374001-42100 | FICA & Medicare | 537.00 | 140.00 | 677.00 |
| 45374001-42710 | Worker's Compensation | 14.00 | 4.00 | 18.00 |
| 45374001-45540 | Tuition/Registration | 1,071.00 | (795.00) | 276.00 |
| 45374001-46000 | Office Supplies | 19,258.00 | 1,826.00 | 21,084.00 |
| 30045050-36176 | Obesity Prev. Grant - OOY | (30,000.00) | (3,000.00) | (33,000.00) |
| 45374201-41322 | Wages - Part-Time | 20,598.00 | 1,067.00 | 21,665.00 |
| 45374201-42100 | FICA & Medicare | 1,576.00 | 81.00 | 1,657.00 |
| 45374201-42710 | Worker's Compensation | 12.00 | 31.00 | 43.00 |
| 45374201-45540 | Tuition/Registration | 627.00 | 104.00 | 731.00 |
| 45374201-46000 | Office Supplies - Other | 5,387.00 | 1,717.00 | 7,104.00 |
| 30044002-35650 | Comp Board - Tech. Trust | 0.00 | (81,481.00) | (81,481.00) |
| 42160002-48110 | EDP Equipment | 0.00 | 81,481.00 | 81,481.00 |
| 30045003-35750 | For. Assets - DCJS CA | 0.00 | (423.90) | (423.90) |
| 42210002-46800 | Forfeited Asset Expenses | 0.00 | 423.90 | 423.90 |
| **TOTALS** | | **$(20,748,512.00)** | **$ 0.00** | **$ (20,748,512.00)** |

RE: <u>RENEWAL OF THE CONTRACT WITH TYLER TECHNOLOGIES FOR CLOUD SERVICES FOR MUNIS AND ENERGOV</u>

As part of the Consent Agenda, the Board authorized staff to renew the contract with Tyler Technologies (MUNIS-03-13FRC) for cloud services for both Munis and EnerGov for one (1) year, per the terms of the master contract, as presented.

RE: <u>ADOPTION OF THE AUGUST 9, 2022 REGULAR MEETING MINUTES</u>

As part of the Consent Agenda, the Board adopted the August 9, 2022 Regular Meeting minutes, as presented.

RE: <u>ADOPTION OF THE AUGUST 23, 2022 REGULAR MEETING MINUTES</u>

As part of the Consent Agenda, the Board adopted the August 23, 2022 Regular Meeting minutes, as presented.

RE: NEW BUSINESS

RE: WAIVER OF ROAD REQUIREMENTS FOR TWIN LAKE VILLAS

Kyra Davis, Planner, explained that the Board had previously amended the Subdivision Ordinance, as part of STA 22-02, which allowed for private community roads, now reflected in Section 54-121, Subsection (c). She noted that only the Board could permit a waiver of the public road requirements in order to allow for a complete system of private streets within a residential community. Ms. Davis stated that Mansour Azimipour, developer of Twin Lake Villas, had submitted a waiver request for said development, pursuant to the new provision in the Subdivision Ordinance.

On the motion of Mr. Frame, seconded by Mr. Crozier, which carried by a vote of 5-0, the Board granted a waiver to allow private community roads in the Twin Lake Villas development, pursuant to Section 54-121 (c) of the Subdivision Ordinance, as presented.

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

RE: AWARD OF THE CONTRACT FOR GENERATOR MAINTENANCE AND REPAIR

Amanda Amos, Contract and Procurement Specialist, explained that staff released a solicitation on August 4, 2022, for generator maintenance and repairs. The Request for Proposal was advertised on the County's website, in The Orange Review, and on eVA, and five (5) responses were received.

Ms. Amos indicated that, after reviewing and calculating all bids, Carter Machinery was the lowest responsive bidder. She added that staff had previously worked with Carter Machinery and had been pleased with their support. Ms. Amos provided pricing for the various services.

Ms. Amos stated that staff recommended awarding a contract to Carter Machinery for generator maintenance and repairs, reporting that funding for said services had been included in the adopted budget.

On the motion of Mr. Crozier, seconded by Mr. Marshall, which carried by a vote of 5-0, the Board authorized staff to enter into a contract with Carter Machinery for generator maintenance and repair services for a one (1) year term, with the option of four (4) additional one-year renewals, as presented.

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

RE: CONSIDERATION OF AN ADJUSTMENT TO THE PERSONAL PROPERTY TAX RATE FOR 2022

Glenda Bradley, Deputy County Administrator, stated that tax rates for 2022 were originally adopted on April 26, 2022, and included a $0.25 per $100 valuation reduction in the personal property tax rate for automobiles and trucks due to the anticipated increase in vehicle values. However, based on the final values now available to the Commissioner of the Revenue, an additional reduction of $0.25 per $100 valuation was recommended by the Budget Guidance Subcommittee. Ms. Bradley noted that, in addition, motorcycles were recommended to be added to the category receiving the lower rate, as they were inadvertently left out of the previous rate reduction. She explained that the additional reduction recommended for approval would result in the adjusted personal property tax rate for 2022 being $3.25 per $100 valuation for automobiles, trucks, and motorcycles.

Ms. Bradley indicated that, because the tax rates were originally adopted by ordinance, this amendment would also need to be adopted in the form of an ordinance. However, because of the timeline requirements for filing the 2022 Personal Property Tax Book with the Department of Taxation, the County Attorney had recommended adopting the amended ordinance under the emergency provision of Virginia Code §15.2-1427 at this time, with the advertised public hearing and ratification of the emergency ordinance to follow at the meeting on September 27, 2022.

Discussion ensued among the Board regarding: whether the tax bills to be mailed would include the adjusted tax rate so there would be no confusion to taxpayers.

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

EMERGENCY ORDINANCE TO AMEND TAX LEVIES FOR THE TAX YEAR BEGINNING JANUARY 1, 2022

WHEREAS, notice was advertised of proposed tax levies pursuant to §§15.2-1427, 58.1-3007, and 58.1-3604 of the Code of Virginia; and

WHEREAS, the Board of Supervisors conducted a duly-advertised Public Hearing on April 12, 2022, to receive public comment; and

WHEREAS, tax levies were adopted by the Board of Supervisors on April 26, 2022, based on estimated property values at that time; and

WHEREAS, values for certain personal property have substantially exceeded those estimates, resulting in the need for further amendments to the adopted rates;

NOW, THEREFORE, BE IT ORDAINED, on this 13th day of September, 2022, that the Orange County Board of Supervisors, in accordance with §58.1-3012 of the Code of Virginia, hereby amends the original adopted tax levies for the County of Orange, Virginia, as follows, for the tax year beginning January 1, 2022:

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.: $0.61 per $100.00 of assessed valuation (subject to County land use tax ordinance and ordinance granting tax relief for the elderly and handicapped).

COUNTY-WIDE FIRE AND EMS DISTRICT, pursuant to §27.23.1 VA Code Ann.: $0.14 per $100.00 of assessed valuation.

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.: $0.75 per $100.00 of assessed valuation.

~~TANGIBLE PERSONAL PROPERTY - AUTOS AND TRUCKS, pursuant to §58.1-3000 VA Code Ann. and classified by §58.1-3506.1 VA Code Ann., including automobiles and trucks: $3.50 per $100.00 of assessed valuation.~~

TANGIBLE PERSONAL PROPERTY - AUTOS, TRUCKS, AND MOTORCYCLES, pursuant to §58.1-3000 VA Code Ann. and classified by §58.1-3506.48 VA Code Ann., including automobiles, trucks, and motorcycles: $3.25 per $100.00 of assessed valuation.

TANGIBLE PERSONAL PROPERTY - REGULAR, pursuant to §58.1-3000 VA Code Ann. and classified by §58.1-3500 through -3506 VA Code Ann., including tractor trailers (non-interstate), trailers, mobile offices, non-farming equipment, storage homes and signs, and excluding personal property classifications included in separate categories, such as automobiles, trucks, and motorcycles, watercraft and boats, aircraft, forest harvesting machinery and farm machinery, and business tangible personal property: $3.75 per $100.00 of 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 of 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 of assessed valuation.

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

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

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

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

BE IT FURTHER ORDAINED, that this ordinance is adopted in accordance with the emergency provision of §15.2-1427 of the Code of Virginia, with said ordinance to be ratified following a duly-advertised public hearing on September 27, 2022.

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

RE: RESOLUTION FOR THE PERSONAL PROPERTY TAX RELIEF ACT (PPTRA) FOR 2022

Sara Keeler, Finance Director, explained that, in accordance with County ordinance, each year, County staff, in consultation with the Commissioner of the Revenue and the Treasurer, determined the extent to which Personal Property Tax Relief Act (PPTRA) funds from the State would provide relief to Orange County taxpayers.

Ms. Keeler reported that staff had reviewed the actual personal property tax revenues to be received in Tax Year 2022 and compared those to the budgeted PPTRA funds expected from the State and had determined the personal property tax relief available in Tax Year 2022 to be 25.46%, down from 27.19% in 2021. She noted that the decrease in the relief rate was due to an 81% increase in vehicles valued over $20,000. Ms. Keeler also noted that the calculation was completed using the assumption that the additional $0.25 tax rate reduction would be approved and was completed using actual assessment values (vs. estimated values) from the Commissioner of the Revenue in order to ensure accuracy.

Discussion ensued among the Board regarding: the increase in assessed value for the total vehicles in the County; and whether the PPTRA amount received from the State was a fixed amount or varied from year to year.

On the motion of Mr. Crozier, seconded by Mr. Frame, which carried by a roll call vote of 5-0, the Board adopted the following resolution, as presented:

RESOLUTION TO ADOPT THE PERSONAL PROPERTY TAX RELIEF ACT (PPTRA) FOR 2022

WHEREAS, the Personal Property Tax Relief Act of 1998, Va. Code Section 58.1-3523 et seq. ("PPTRA"), was substantially modified by the enactment of Chapter 1 of the Acts of Assembly, 2004 Special Session I (Senate Bill 5005), and the provisions of Item 503 of Chapter 951 of the 2005 Acts of Assembly (the 2005 revisions to the 2004-06 Appropriations Act, hereinafter cited as the "2005 Appropriations Act"); and

WHEREAS, these legislative enactments require the County to take affirmative steps to implement these changes, and to provide for the computation and allocation of relief provided pursuant to the PPTRA, as revised; and

WHEREAS, these legislative enactments provide for the appropriation to the County, commencing in 2006, of a fixed sum to be used exclusively for the provision of the tax relief to owners of qualifying personal use vehicles that are subject to the personal property tax ("PPT") on such vehicles; and

WHEREAS, on December 13, 2005, the Orange County Board of Supervisors adopted an ordinance to provide for the implementation of the 2004-2005 changes to the Personal Property Tax Relief Act of 1998-Specific Relief; and

WHEREAS, the Commissioner of the Revenue, Treasurer, and Finance Director have calculated that the revenue to be received by the County from the State for PPTRA equates to approximately 25.46% for Tax Year 2022;

NOW, THEREFORE, BE IT RESOLVED, on this 13th day of September, 2022, that the Orange County Board of Supervisors hereby establishes the following:

In accordance with the current State requirements for PPTRA, any qualifying vehicle sitused within the County commencing January 1, 2022, shall receive personal property tax relief in the following manner:

1. Personal use vehicles valued at $1,000 or less will be eligible for 100% tax relief;

2. Personal use vehicles valued at $1,001 to $20,000 will be eligible for 25.46% tax relief;

3. Personal use vehicles valued at $20,001 or more shall only receive 25.46% tax relief on the first $20,000 of value; and

4. All other vehicles which do not meet the definition of "qualifying" (business use vehicles, farm use vehicles, motor homes, etc.) will not be eligible for any form of tax relief under this program.

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

RE: <u>OLD BUSINESS</u>

RE: <u>REZ 22-01; COMPLETE CARE OF VA</u>

Kyra Davis, Planner, reminded the Board this Rezoning request had been most recently deferred from the Regular Meeting on August 23, 2022. She indicated that revised proffers had been received from Dave Purks, applicant, on September 6, 2022, and were included in the Ordinance of Approval or Denial presented for the Board's consideration.

On the motion of Mr. White, seconded by Mr. Marshall, which carried by a roll call vote of 5-0, the Board adopted the following ordinance, as presented:

ORDINANCE APPROVING REZ 22-01 TO REZONE APPROXIMATELY 4.23 ACRES FROM GENERAL COMMERCIAL (C-2) CONDITIONAL TO GENERAL COMMERCIAL (C-2) CONDITIONAL IN ORDER TO AMEND THE EXISTING PROFFERS LIMITING THE PROPERTY'S USE, REQUESTED BY DAVID PURKS, ON BEHALF OF COMPLETE CARE OF VA

WHEREAS, David Purks, on behalf of Complete Care of VA, has requested the rezoning of property at 23325 Village Road, Unionville, identified as Tax Map Nos. 32-65 and 32-65A, totaling approximately 4.23 acres, from General Commercial (C-2) Conditional to General Commercial (C-2) Conditional in order to amend the existing proffers limiting the property's use, pursuant to Section 70-191 *et seq.* of the Zoning Ordinance; and

WHEREAS, the Planning Commission advertised and conducted a Public Hearing on the request on April 7, 2022; and

WHEREAS, the Planning Commission considered whether the proposed Rezoning would further the purposes of the Comprehensive Plan and the Zoning Ordinance; would not threaten the public health, safety, or welfare; would be compatible with its surroundings; would not impact the environment or any natural, scenic, or historic assets of the County; or would not 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 the request to the Board of Supervisors, as modified during its Public Hearing; and

WHEREAS, the Board of Supervisors advertised and conducted a Public Hearing on the request on May 10, 2022, but deferred action until May 24, 2022, again until June 14, 2022, and further again until August 9, 2022, August 23, 2022, and September 13, 2022; and

WHEREAS, following the Public Hearing and further discussion, the Board of Supervisors hereby supports the request, as most recently presented; and

WHEREAS, the Board of Supervisors has determined that public necessity, convenience, general welfare, and/or good zoning practice also support approval of this Rezoning request, as most recently presented;

NOW, THEREFORE, BE IT ORDAINED, on this 13th day of September, 2022, that the Orange County Board of Supervisors hereby approves REZ 22-01 to rezone property at 23325 Village Road, Unionville, identified as Tax Map Nos. 32-65 and 32-65A, totaling approximately 4.23 acres, from General Commercial (C-2) Conditional to General Commercial (C-2) Conditional in order to amend the existing proffers limiting the property's use, subject to the Legal Summary and the proffers dated September 6, 2022, as set forth within the attachments, as most recently presented; and

BE IT FURTHER ORDAINED, that this Rezoning and the attached proffers supersede and replace the action taken and the proffers previously adopted for the subject properties as part of REZ 97-07.

Legal Summary

As adopted in Ord. No. 220913 - 6A
by the Orange County Board of Supervisors
on September 13, 2022

REZ 22-01: Complete Care of VA

*From General Commercial (C-2) Conditional to General Commercial (C-2) Conditional in order to amend the existing proffers limiting the property's use*

*Tax Map Nos. 32-65 and 32-65A*

This Legal Summary for this zoning map amendment (Rezoning) shall apply to the property identified on County Tax Map Nos. 32-65 and 32-65A, as well as any future division or consolidation of said property, unless otherwise specified herein. Compliance is the responsibility of the applicant, owners, and assigns.

The attached proffers are intended to offset and mitigate impacts of the proposed use, and to render the application consistent with the applicable provisions of the Comprehensive Plan. If this Legal Summary, the attached proffers, or the information on the Rezoning plans or application are in conflict with one another or with the Zoning Ordinance, the more restrictive shall apply, unless specifically modified, waived, or otherwise specified. Violation of this Legal Summary or the attached proffers, in whole or in part, may be cause for the revocation of the Rezoning, pursuant to §15.2-2309(7) of the Code of Virginia.

1. Controlling Documents – Controlling documents shall be the Legal Summary as set forth herein, the attached proffers, and the documents submitted with the application dated February 10, 2022, including the Concept Plan also dated February 10, 2022.

2. Compliance – Use and development of the subject property shall be in substantial conformance with this Legal Summary and the attached proffers. The Zoning Administrator shall determine "substantial conformance." The property owner shall be responsible for obtaining all required County licenses, site plan approvals, building permits, health permits, VDOT permits, zoning permits, stormwater permits, and erosion & sediment control permits. The property owner shall be responsible for complying with all local, State, and Federal laws and regulations as may be applicable to the business development and operation.

3. Uses – This Rezoning shall permit the operation of an office and ancillary storage for a water treatment business or other businesses, as generally shown on the concept plan and described in the application and the attached proffers.

**Proffer Statement dated September 6, 2022**

Assessor's Parcels 32-65 and 32-65A REZ 22-01 Village Road

David D. Purks

**PROFFERS**

David D. Purks (the "Applicant") is the owner of Assessor's Parcel 32-65 and 32-65A (the "Property"). The Property is zoned to the County's C-2 Zoning District, with Proffers. The Applicant hereby applies for a Zoning Map Amendment to modify and replace the proffers currently running with the Property. In the event the Zoning Map Amendment is not approved as applied for by the Applicant these proffers shall be withdrawn and are automatically null and void and of no force and effect. These conditions shall be deemed accepted by the Board of Supervisors upon approval of this Map Amendment. Any proffers previously accepted by the Board of Supervisors, other than the Proffers below, are withdrawn and are of no further force and effect.

1. Subject to the language below, the use of the property shall be limited to the operation of an office and ancillary storage for a water treatment business or other businesses. In the event the Orange County Board of Supervisors amends the by-right uses permitted in the C-2 Zoning District to include uses not permitted as of the date of these Proffers the foregoing limitation shall not apply to such additional uses. The Applicant may also apply for and the Board of Supervisors may grant a Special Use Permit for any uses permitted in the C-2 Zoning District with such Permit without amending these Proffers.
2. In the event the Applicant places a dumpster on the Property for use of Applicant's business, the Applicant agrees to screen the dumpster from view of the adjacent properties with a board on board or opaque fence or plantings and vegetation of sufficient height and width to accomplish the same from the date of planting.
3. The Applicant shall not store inventory or used parts in front of the building on the premises. Any equipment used in conjunction with Applicant's work shall be parked when not being used on the back of the property.
4. The Property shall be kept free of trash and debris.
5. The Applicant shall remove any old signs on the Property not related to Applicant's present business.
6. The dwelling unit currently located on the Property may be retained.

Kiara D. Timberlake
Commonwealth of Virginia
Notary Public
Commission No. 7640101
My Commission Expires April 30, 2023

DAVID D. PURKS 9-6-22

COMMONWEALTH OF VIRGINIA

CITY/COUNTY OF Orange, to-wit:

I, the undersigned, a Notary Public in and for the City/County and State aforesaid, do hereby certify that David D. Purks has signed the foregoing document and has personally acknowledged the same before me in my aforesaid jurisdiction.

GIVEN under my hand and seal this 6th day of September, 2022.

Notary Public

My Commission Expires: April 30. 2023

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

RE: STA 22-03 (RECORD PLAT REQUIREMENTS AND RECORD PLAT CHECKLIST)

Kyra Davis, Planner, indicated that, following the Board's direction, a working group, comprised of Planning staff, Supervisors Marshall and Crozier, and local surveyors (Randy Grymes and James Luther), met to review and propose changes to the record plat requirements for the purpose of streamlining and condensing the requirements. From the various meetings, proposed amendments to Sections 54-40, 54-41, 54-42, and 54-43 of the Subdivision Ordinance were drafted for preliminary review. Ms. Davis stated that, while outside the original purview of the working group, proposed amendments to Sections 54-6 and 54-46 of the Subdivision Ordinance were also developed. She noted these changes would amend the definition of immediate family, expanding family subdivisions to include aunt, uncle, niece, and nephew, and would clarify the requirements for when an Improvements Plan was required to be submitted with a plat.

Discussion ensued among the Board regarding: the fact that, although it was an administrative document, the Record Plat Checklist could not be changed by staff "on a whim" if the requirements were not codified in the Subdivision Ordinance; development of a consistent list of expectations for plats, which would be used going forward; and appreciation for staff's work and involvement in preparing these amendments.

By consensus, the Board initiated Planning Commission action on STA 22-03, which included amendments to Sections 54-6, 54-40, 54-41, 54-42, 54-43, and 54-46 of the Subdivision Ordinance, as presented.

RE: DEPARTMENT DIRECTOR / CONSTITUTIONAL OFFICER REPORTS

There were no Department Director or Constitutional Officer Reports at this time.

RE: COUNTY ATTORNEY'S REPORT

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

RE: COUNTY ADMINISTRATOR'S REPORT

RE: BOARD OF SUPERVISORS' TWO-YEAR STRATEGIC PRIORITIES; FY 2022 FOURTH QUARTER UPDATE

Theodore L. Voorhees, County Administrator, provided a quarterly update on the Board's Two-Year Strategic Priorities, reviewing the progress that had been made on each priority to-date and highlighting achievements related to each priority.

The Board took the information regarding its Two-Year Strategic Priorities under advisement, and there was no action taken at this time.

RE: BOARD COMMENT

Collectively, the Board shared comments related to Doug Rogers, a renowned member of the community who had recently passed away. Mr. Frame shared that Mr. Rogers had been serving Lake of the Woods and the Orange County community for many years, with tenures on the Lake of the Woods Board of Directors, the Germanna Community College Board, and the Economic Development Authority. He also commented on Mr. Rogers' involvement in creating the East Orange Economic Development Partnership Group and remarked on how much he appreciated Mr. Rogers' support over the years. Mr. White commented on Mr. Rogers' contribution to broadband, specifically his interest in the formulation of State policies and the provision of broadband service in the local community.

RE: INFORMATIONAL ITEMS

The Board received the following correspondence for its information:

- Parks and Recreation Quarterly Report
- Culpeper Soil and Water Conservation District (CSWCD) Minutes; July 5, 2022

RE: APPOINTMENTS TO BOARDS, COMMISSIONS, AND COMMITTEES

There were no appointments at this time.

RE: CALENDAR

The Board received copies of its calendar of meetings for the months of September 2022, October 2022, and November 2022.

RE: SCHEDULE A PUBLIC HEARING FOR SUP 22-02 (A&M AUTO)

By consensus, the Board authorized staff to advertise for and schedule a public hearing for SUP 22-02 (A&M Auto) on Tuesday, October 11, 2022, as presented.

RE: CLOSED MEETING

At 5:31 p.m., Mr. Lacheney read the following motion authorizing Closed Meeting:

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

- Discussion or consideration of the acquisition of real property for a public purpose, or 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 concerning property near the Sedwick Building. - *§2.2-3711(A)(3) of the Code of Virginia*

- Consultation with legal counsel employed or retained by the public body regarding specific legal matters requiring the provision of legal advice by such counsel concerning Daniels Point and Twin Lake Villas. - *§2.2-3711(A)(8) of the Code of Virginia*

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

NOW, THEREFORE, BE IT RESOLVED, that the Orange County Board of Supervisors hereby authorized discussion of the aforestated 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, Marshall, Crozier, Frame. Nays: None.

RE: CERTIFICATION OF CLOSED MEETING

At 6:33 p.m., Ms. Simpson read the following resolution certifying Closed Meeting:

WHEREAS, the Orange County Board of Supervisors 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 Orange County Board of Supervisors 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, Marshall, Crozier, Frame. Nays: None.

RE: ADJOURN

On the motion of Mr. Frame, seconded by Mr. Crozier, which carried by a vote of 5-0, the Board adjourned the meeting at 6:33 p.m. Ayes: Johnson, White, Marshall, Crozier, Frame. Nays: None.

R. Mark Johnson, Chairman

Theodore L. Voorhees, County Administrator