

BOARD OF SUPERVISORS MINUTES**OCTOBER 11, 2022**

At a Regular Meeting of the Orange County Board of Supervisors held on Tuesday, October 11, 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. White, which carried by a vote of 5-0, the Board adopted the agenda, as modified. Ayes: Johnson, White, Marshall, Crozier, Frame. Nays: None.

RE: SPECIAL PRESENTATIONS AND APPEARANCES**RE: BUSINESS SPOTLIGHT**

Patrick McAloon, Owner of The Holladay House, appeared before the Board to spotlight his business.

The Board thanked Mr. McAloon for his presentation.

RE: QUARTERLY UPDATE FROM THE VOLUNTEER FIRE CHIEFS ASSOCIATION

Jeff Mendonca, President of the Volunteer Fire Chiefs Association, provided a quarterly update to the Board on behalf of the Association, which included information on the following: training efforts; apparatus; work with First Arriving on recruitment and retention; and experiencing an overall increase in costs, particularly related to apparatus.

The Board thanked Chief Mendonca for the update.

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
43220014-46840	Lake of the Woods Rescue	\$ 90,000.00	\$ (90,000.00)	\$ 0.00
49310012-47312	Trans. to Cty. Capital Project	143,809.00	90,000.00	233,809.00
30051003-39275	Trans. from Fire&EMS Fund	(143,809.00)	(90,000.00)	(233,809.00)
49400003-48260	LOW Vol. Ambulance Repl.	0.00	90,000.00	90,000.00
30046005-37110	BPV - Dept. of Justice	0.00	(4,307.31)	(4,307.31)
43120011-46800	Program Expenses	0.00	4,307.31	4,307.31
30052001-39900	Appropriated Fund Balance	(4,959,587.40)	(39,467.54)	(4,999,054.94)

45342201-41111	Wages - Regular	75,698.00	13,363.57	89,061.57
45342201-42100	FICA & Medicare	7,741.00	828.54	8,569.54
45342201-42100	FICA & Medicare	7,741.00	193.77	7,934.77
45342201-42210	Retirement	7,010.00	1,237.47	8,247.47
45342201-42310	Medical Insurance	10,899.00	3,713.13	14,612.13
45342201-42310	Medical Insurance	10,899.00	85.41	10,984.41
45342201-42400	Group Life Ins.	1,015.00	179.07	1,194.07
45342201-42500	Disability Insurance	297.00	66.82	363.82
45342201-42710	Workers Comp.	686.00	65.99	751.99
45342101-41111	Wages - Regular	59,127.00	13,363.57	72,490.57
45342101-42100	FICA & Medicare	9,755.00	828.54	10,583.54
45342101-42100	FICA & Medicare	9,755.00	193.77	9,948.77
45342101-42210	Retirement	5,464.00	1,237.47	6,701.47
45342101-42310	Medical Insurance	12,506.00	3,713.13	16,219.13
45342101-42310	Medical Insurance	12,506.00	85.41	12,591.41
45342101-42400	Group Life Ins.	792.00	179.07	971.07
45342101-42500	Disability Insurance	260.00	66.82	326.82
45342101-42710	Workers Comp.	879.00	65.99	944.99
30045004-35975	For. Assets - DCJS Sheriff	0.00	(746.85)	(746.85)
43120006-46800	Forfeited Asset Expenses	20,734.00	746.85	21,480.85
30030006-33500	Donations - Animal Shelter	(1,274.00)	(2,438.35)	(3,712.35)
43520003-43115	Prof. Serv. - Emergency Vet	171,479.00	2,438.35	173,917.35
43120007-46350	Police Supplies	0.00	719.00	719.00
30045009-37100	Byrne Grant	0.00	(719.00)	(719.00)
43120007-46350	Police Supplies	0.00	1,003.00	1,003.00
30045009-37100	Byrne Grant	0.00	(1,003.00)	(1,003.00)
TOTALS		\$ (4,445,618.40)	\$ 0.00	\$ (4,445,618.40)

RE: ADOPTION OF THE SEPTEMBER 27, 2022 REGULAR MEETING MINUTES

As part of the Consent Agenda, the Board adopted the September 27, 2022 Regular Meeting minutes, as presented.

RE: NEW BUSINESS

RE: APPOINTMENT FOR VACO'S ANNUAL BUSINESS MEETING

On the motion of Mr. Frame, seconded by Mr. Johnson, which carried by a vote of 5-0, the Board designated James P. Crozier as the voting delegate to cast a vote(s) on behalf of the Orange County Board of Supervisors at the Annual Business Meeting of the Virginia Association of Counties, to be held on November 15, 2022, as presented.

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

RE: OLD BUSINESS

There were no matters for Old Business at this time.

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
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:

- VDOT Monthly Report for September

RE: APPOINTMENTS TO BOARDS, COMMISSIONS, AND COMMITTEES
By consensus, the Board appointed John Licata as the District Five Representative on the Economic Development Authority, filling the unexpired four-year term of Doug Rogers, with said term commencing immediately, and expiring on December 31, 2024.

RE: CALENDAR
The Board received copies of its calendar of meetings for the months of October 2022, November 2022, and December 2022.

RE: SCHEDULE A PUBLIC HEARING FOR STA 22-03
By consensus, the Board authorized staff to advertise for and schedule a public hearing for STA 22-03 on Tuesday, October 25, 2022, as presented.

RE: PUBLIC HEARING #1; SUP 22-02 (A&M AUTO)
Eric Bittner, Planner, presented the staff report and request for a Special Use Permit from Vista Construction Group, on behalf of Jeremy and Melannie Beveridge, which included information on the location and specifications of the subject property, the request to expand A&M Auto, and the recommendation of approval from the Planning Commission.

Discussion ensued among the Board regarding: clarification on the inoperable vehicles permitted on the property; and the status of the boundary line adjustment.

Scott Beranek, agent for the applicants, indicated he understood staff's recommendation to defer a decision on the public hearing until the boundary line adjustment was completed. However, completion of the boundary line adjustment was contingent upon approval of the SUP by the Board, as the adjustment would not be necessary if the SUP were denied. He requested the Board consider the SUP at this time, with any potential approval to be contingent upon completion of the boundary line adjustment.

Discussion ensued among the Board regarding: clarification on what the boundary line adjustment was intended to accomplish; and whether a decision could be contingent on completion of said adjustment.

At 5:24 p.m., Chairman Johnson called the Public Hearing to order to receive comments on the following:

SUP 22-02

The Board of Supervisors will consider a Special Use Permit application from Vista Construction Group, on behalf of Jeremy and Melannie Beveridge, to expand A&M Auto to include a garage addition, a new office building, a boundary line adjustment, and an increase in the number of vehicles allowed on the premises, on property located at 8475 Gold Dale Road, Locust Grove. The property is identified as Tax Map Parcel 36-44J, contains 4.54 acres, and is zoned Agricultural (A). The property is situated in the Agricultural (A-2) Recommended Future Land Use category, as described in the Orange County Comprehensive Plan.

There being no speakers, Chairman Johnson closed the Public Hearing at 5:24 p.m.

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 ordinance, as modified:

ORDINANCE APPROVING SUP 22-02 TO ALLOW FOR THE EXPANSION OF PUBLIC GARAGE
A&M AUTO ON TAX MAP NO. 36-44J, REQUESTED BY VISTA CONSTRUCTION GROUP,
ON BEHALF OF JEREMY AND MELANNIE BEVERIDGE

WHEREAS, Vista Construction Group, on behalf of Jeremy and Melannie Beveridge, applied for a Special Use Permit to allow for the expansion of public garage A&M Auto, to include a garage addition, a new office building, a boundary line adjustment, and an increase in the number of vehicles allowed on the premises, on property located at 8475 Gold Dale Road, referenced as Tax Map No. 36-44J, pursuant to Section 70-303 of the Zoning Ordinance; and

WHEREAS, the Planning Commission advertised and conducted a Public Hearing on the request on September 1, 2022; and

WHEREAS, the Planning Commission considered whether the proposed Special Use Permit 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 October 11, 2022; and

WHEREAS, following discussion, the Board of Supervisors hereby supports the request, as presented during its Public Hearing; and

WHEREAS, the Board of Supervisors has determined that public necessity, convenience, general welfare, and/or good zoning practice also support approval of this Special Use Permit request, as presented during its Public Hearing;

NOW, THEREFORE, BE IT ORDAINED, on this 11th day of October, 2022, that the Orange County Board of Supervisors hereby approves SUP 22-02 for a Special Use Permit for Tax Map No. 36-44J to allow for the expansion of public garage A&M Auto, to include a garage addition, a new office building, a boundary line adjustment, and an increase in the number of vehicles allowed on the premises, subject to the four (4) conditions and eleven (11) sub-conditions as set forth below, as presented; and

BE IT FURTHER ORDAINED, that this Special Use Permit and the below conditions shall supersede and replace the action taken and the conditions previously approved for the subject property as part of SUP 12-02; and

BE IT YET FURTHER ORDAINED, that this approval shall be contingent upon, and only effective after, the proper recording of the required boundary line adjustment reviewed and approved by staff, to be completed no later than December 1, 2022.

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

Conditions for Approval

**As adopted in Ord. No. 221011 - PH1
by the Orange County Board of Supervisors
on October 11, 2022**

SUP 22-02: A&M Auto

To allow for the expansion of public garage A&M Auto, to include a garage addition, a new office building, a boundary line adjustment, and an increase in the number of vehicles allowed on the premises

Tax Map No. 36-44J

The conditions of this Special Use Permit ("SUP") shall apply to the property identified on County Tax Map No. 36-44J, 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 following conditions 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 the conditions of the SUP or the information on the SUP 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 in these conditions. Violation of these conditions, in whole or in part, may be cause for the revocation of the Special Use Permit, pursuant to §15.2-2309 (7) of the Code of Virginia.

1. Controlling Documents – Controlling documents shall be the conditions as set forth herein and the documents submitted with the application dated May 5, 2021.
2. Compliance – Use and development of the subject property shall be in substantial conformance with these conditions. The Zoning Administrator shall determine "substantial conformance." The property owner and/or business 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 and sediment control permits. The property owner and/or business 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 SUP shall allow for the operation of a public garage, including 24-hour towing and storage, lock out, jump start, and flat tire service, as well as the expansion, including a garage addition, a new office building, a boundary line adjustment, and an increase in the number of vehicles allowed on the premises, as generally described in the application and shown on the site plan.
4. Standards and Conditions –
 - a. *Hours of Operation*: All vehicle repair services, except towing services and the drop-off and pick-up of vehicles, shall only be conducted between the hours of 7:00 a.m. to 10:00 p.m., Sunday through Saturday.
 - b. *Number of Vehicles*: At any time, the maximum number of vehicles shall be 70.
 - c. *Concept Drawing*: The concept drawing demonstrates the location of the proposed new Office Building, the Junk Yard, the Salvage Yard, and the areas designated for pick-up and

vehicles awaiting service. It also demonstrates the proposed boundary line adjustment to increase the parking area at the rear of the property.

- d. *Buffers*: A row of ten (10) shade trees, at least 1¼-inch caliper (approximately eight (8) feet in height) at the time of planting, which normally reaches a height of thirty (30) feet or more and a crown spread of twenty (20) feet or more at maturity, shall serve as a buffer between lots 36-44J and 36-44H. All trees within the buffer area must be preserved and maintained, including the prompt replacement of dead or diseased plants, as long as this SUP shall remain in effect.
- e. *Expansion*: A&M Auto will be permitted to expand their building footprint to include an extension onto the working garage (2,400 square feet) and to construct a new building (1,200 square feet) to include office space and a customer waiting area.
- f. *Expiration Date*: Due to the applicant's flagrant violations of the original SUP, this SUP (including the SUP as amended, and the underlying original SUP) will expire by operation of law within two (2) years of the effective date of this SUP. The purpose of this expiration date is to give the Board of Supervisors the opportunity to ensure that the applicant has fully complied with the SUP as amended; to renew the SUP if the Board finds (in its sole discretion) that the applicant has fully complied with the terms of the SUP; and to allow the SUP to expire, unless the Board takes action to extend the SUP before the expiration date. To ensure that the applicant receives a hearing before the expiration date, the applicant shall apply for a new amendment to this SUP (which proposed amendment would renew this expiration date, or propose a new expiration date); and the applicant shall pay the applicable application fees. Applicant shall apply for the SUP amendment within one month of the one-year anniversary of the effective date of this SUP.
- g. *Other Remedies*: Nothing in the foregoing paragraph shall be construed to limit the County's remedies for any violation of the SUP by the applicant, whether at law or in equity, civilly, or criminally, and whether before the SUP's expiration date or afterward.
- h. *Non-Severability*: If any provision of this SUP, as amended, is deemed by any court of competent jurisdiction to be invalid, null, or void, then the entire SUP shall likewise be rendered null and void.
- i. *Inspections*: The applicant will request inspection by the County on at least two occasions prior to the expiration date of the SUP.
- j. *Inoperable Vehicles*: No more than five (5) inoperable vehicles will be allowed on the lot at any given time.
- k. *Site Plan*: The owner shall submit a site plan with a stormwater management plan for approval by the County.

RE: ADJOURN

On the motion of Mr. Frame, seconded by Mr. White, which carried by a vote of 5-0, the Board adjourned the meeting at 5:27 p.m. Ayes: Johnson, White, Marshall, Crozier, Frame. Nays: None.

R. Mark Johnson, Chairman

Theodore L. Voorhees, County Administrator