At a Regular Meeting of the Orange County Board of Supervisors held on Tuesday, April 23, 2024, 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; Keith F. Marshall, Vice Chairman; Eduward M. Van Hoven; Crystal D. Hale; and J. Bryan Nicol. Also present: Theodore L. Voorhees, County Administrator; Andrew McRoberts, Interim County Attorney; and Alyson A. Simpson, Chief Deputy Clerk.

RE: ADOPTION OF AGENDA

On the motion of Mr. Marshall, seconded by Mr. Nicol, which carried by a vote of 5-0, the Board adopted the agenda, as modified. Ayes: Johnson, Van Hoven, Marshall, Hale, Nicol. Nays: None.

RE: SPECIAL PRESENTATIONS AND APPEARANCES

RE: PRESENTATION OF THE PROCLAMATION RECOGNIZING NATIONAL CRIME VICTIMS' RIGHTS WEEK

Chairman Johnson read the Proclamation Recognizing National Crime Victims' Rights Week and presented a signed, framed copy to Jennifer Hayes, Victim/Witness Program Director. Ms. Hayes offered remarks on the importance of recognizing the rights of the victims of crime and the efforts in place through the County's Victim/Witness Program.

RE: CONSENT AGENDA

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

Ayes: Johnson, Van Hoven, Marshall, Hale, Nicol. Nays: None.

RE: FY24 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
30052001-39900	Appropriated Fund Balance	$ (4,647,217.41)	$ (104,389.00)	$ (4,751,606.41)
41221501-43150	Prof. Services - Legal	199,700.00	104,389.00	304,089.00
TOTALS		**$ (4,447,517.41)**	**$ 0.00**	**$ (4,447,517.41)**

RE: RESOLUTION TO DISSOLVE THE AIRPORT COMMISSION

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

RESOLUTION TO DISSOLVE THE ORANGE COUNTY AIRPORT COMMISSION

WHEREAS, the Orange County Airport Commission was previously established by the Board of Supervisors to serve as an advisory body on matters affecting aviation policies, programs, personnel, finances, the acquisition and disposal of property, and long-range plans related to the Orange County Airport, during such a time when Orange County did not employ any staff at the Airport; and

WHEREAS, operations at the Orange County Airport have shifted over the years, and Orange County now employs both part-time and full-time staff at the Airport who oversee the day-to-day operations, develop the long-range plans, and recommend and manage the budgets, thus departing from the initial purpose of the Airport Commission; and

WHEREAS, as such, the Board of Supervisors desires to dissolve the Airport Commission it previously created, hereby recognizing the responsibility of both the Airport Operations Manager and the Assistant County Administrator of Operations to direct the operations of the Airport and to make recommendations to the Board in an advisory capacity;

NOW, THEREFORE, BE IT RESOLVED, on this 23rd day of April, 2024, that the Orange County Board of Supervisors, based on the reasoning above, hereby dissolves the Orange County Airport Commission, effective immediately.

RE: PROCLAMATION RECOGNIZING OLDER AMERICANS MONTH

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

A PROCLAMATION TO RECOGNIZE
THE MONTH OF MAY AS
OLDER AMERICANS MONTH

By virtue of the authority vested in the Orange County Board of Supervisors, we hereby proclaim the month of May as Older Americans Month in Orange County, Virginia.

WHEREAS, Older Americans Month is a time to recognize and honor Orange County's older adults and their immense influence on every facet of American society; and

WHEREAS, through their wealth of life experience and wisdom, older adults guide younger generations and carry forward abundant cultural and historical knowledge; and

WHEREAS, older Americans improve their communities through intergenerational relationships, community service, civic engagement, and many other activities; and

Whereas, communities benefit when people of all ages, abilities, and backgrounds have the opportunity to participate and live independently; and

Whereas, Orange County must ensure that older Americans have the resources and support needed to stay involved in their communities, reflecting the County's commitment to inclusivity and connectedness;

NOW, THEREFORE, BE IT PROCLAIMED, on this 23rd day of April, 2024, that the Orange County Board of Supervisors hereby recognizes May, 2024, as Older Americans Month in Orange County, and calls upon its residents to join in recognizing the contributions of older citizens, urging the promotion of programs and activities that foster connection, inclusion, and support for older adults; and

BE IT FURTHER PROCLAIMED, that the Board of Supervisors support this year's theme, "Powered by Connection," which emphasizes the profound impact of meaningful interactions and social connections on the wellbeing and health of older adults.

RE: OLD BUSINESS

RE: ADOPTION OF THE TAX AND FEE SCHEDULE FOR FISCAL YEAR 2025

Glenda Bradley, Deputy County Administrator, presented the Tax and Fee Schedule for Fiscal Year 2025 for the Board's consideration, noting that changes which were previously discussed and presented had been included.

Supervisor Nicol made a motion to eliminate the proposed tax rate for aircraft, which failed for lack of a second.

Supervisor Nicol stated that the aircraft tax rate was an arbitrary amount that generated very little revenue, thus he was not supportive of implementing the tax.

On the motion of Mr. Marshall, seconded by Mr. Van Hoven, which carried by a roll call vote of 4-1, with Mr. Nicol voting against, the Board adopted the Tax and Fee Schedule for Fiscal Year 2025, as presented.

Ayes: Johnson, Van Hoven, Marshall, Hale. Nays: Nicol.

RE: ADOPTION OF THE ORDINANCE FOR TAX RATES FOR CALENDAR YEAR 2024

On the motion of Mr. Marshall, seconded by Ms. Hale, which carried by a roll call vote of 4-1, with Mr. Nicol voting against, the Board adopted the following ordinance, as presented:

ORDINANCE TO ESTABLISH TAX LEVIES FOR THE
TAX YEAR BEGINNING JANUARY 1, 2024

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 Tuesday, April 16, 2024, to receive public comment; and

NOW, THEREFORE, BE IT ORDAINED, on this 23rd day of April, 2024, 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, 2024:

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, pursuant to §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 - AUTOMOBILES, 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: $3.60 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 -3506.1 VA Code Ann., including but not limited to, other motor vehicles, but excluding automobiles, trucks, and motorcycles included in other categories, 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.: $0.50 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, pursuant to §58.1-3505(8) and (10) VA Code Ann.: $0.00 per $100.00 of assessed valuation.

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

COMPUTER EQUIPMENT & PERIPHERALS USED IN A DATA CENTER, pursuant to §58.1-3506(A)(43) VA Code Ann.: $1.25 per $100.00 of assessed valuation.

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

FOREST HARVESTING MACHINERY, pursuant to §58.1-3508 VA Code Ann.: $0.00 per $100.00 of assessed valuation.

MERCHANTS' CAPITAL, pursuant to §58.1-3000 and §58.1-3509 *et seq.* VA Code Ann.: $0.40 per $100.00 of assessed valuation.

MOTOR VEHICLE LICENSE TAX, pursuant to §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, Van Hoven, Marshall, Hale. Nays: Nicol.

RE: ADOPTION AND APPROPRIATION OF THE OPERATING AND CAPITAL BUDGET FOR FISCAL YEAR 2025

Prior to voting, Supervisor Hale disclosed that she was the Director of Orange County Social Services, but her vote on the budget would not impact her specifically and she could participate in the vote fully and fairly.

On the motion of Mr. Van Hoven, seconded by Mr. Marshall, which carried by a roll call vote of 4-1, with Mr. Nicol voting against, the Board adopted the following resolution, as presented:

RESOLUTION TO ADOPT AND APPROPRIATE THE FISCAL YEAR 2025 OPERATING AND CAPITAL BUDGETS

WHEREAS, the Fiscal Year 2025 Budget has been duly prepared and presented to the Board of Supervisors; and

WHEREAS, various budget discussions have been conducted; and

WHEREAS, the Board of Supervisors conducted a duly-advertised Public Hearing on Tuesday, April 16, 2024, to receive public comment; and

WHEREAS, the Board of Supervisors has considered the services required and desired by the citizens of Orange County;

NOW, THEREFORE, BE IT RESOLVED, on this 23rd day of April, 2024, that the Orange County Board of Supervisors hereby approves and adopts the Fiscal Year 2025 Budget, as presented, and appropriates all funds as set forth in the Budget with the limitations and instructions included herein; and

BE IT FURTHER RESOLVED, as follows:

1. Estimates of revenues are approved in total and appropriations are hereby authorized at the functional level within the General Fund.
2. Estimates of revenues are approved in total and appropriations for remaining Governmental funds are approved in total for each fund, including the Law Library Fund, Virginia Public Assistance Fund, Fire and EMS Levy Fund, County Capital Projects Fund, Debt Service Fund, School Operating Fund, School Other Funds, and Insurance Internal Service Fund.
3. Estimates of revenues are approved in total and appropriations for Enterprise funds are approved in total for each fund, including the Airport Fund and the Landfill Fund.
4. Appropriations designated for the COVID-19 Response Fund and capital projects within the County and School Capital Projects Funds, Airport Fund, and Landfill Fund will not lapse at the end of the fiscal year, but shall remain appropriated until the completion of the project or until the Board of Supervisors, by appropriate resolution, changes or eliminates the appropriation.
5. Federal, State, and Charges for Services for all School Funds and Social Services revenues are hereby appropriated for expenditures only up to the amounts actually received from Federal, State, and Charges for Services sources.
6. Enterprise funds, including the Airport Fund and the Landfill Fund, are authorized to operate as determined by activity levels, within constraints of actual revenues and available surplus, and budget modifications approved by the Board of Supervisors.
7. The Board of Supervisors will establish the Personal Property Tax Relief Act (PPTRA) percentage for the 2024 tax year in August, 2024, by separate resolution.
8. The County Administrator may increase appropriations for non-budgeted revenue for insurance recoveries for County vehicles and other property for which County funds have been expended to make repairs and for worker's compensation reimbursements, up to $30,000 per incident or claim.
9. The County Administrator may appropriate both revenue and expenditures from donations made to support County programs up to $500. Any remaining balance of a restricted donation at the fiscal year end will be re-appropriated into the subsequent fiscal year.
10. The County Administrator is charged with the responsibility for the quarterly reporting of revenues and expenditures compared to the adopted budget as amended, to the Board of Supervisors.
11. Where funding is included for the acquisition of certain projects and equipment by debt financing within the FY25-FY29 Adopted Capital Improvements Plan and in the FY25 Adopted Annual Budget, the Board of Supervisors hereby declares its official intent under Treasury Regulations Section 1.150-2 that it reasonably expects to reimburse its original expenditures for such acquisitions from the proceeds of the subsequent

applicable debt obligation. It is expected that the expenditures will be paid from the County's General Fund and other available sources.

12. Adjustments to the classification and compensation program that were recommended by the County Administrator, and for which funding was approved as part of the budget development process, will be integrated into the appropriate position classification schedules for the fiscal year, and are hereby deemed approved by the Board of Supervisors in accordance with its adopted policy. A copy of the adjusted classification schedules will be incorporated into the final budget document as an appendix.

Ayes: Johnson, Van Hoven, Marshall, Hale. Nays: Nicol.

ADOPTED BUDGET

FISCAL YEAR JULY 1, 2024 TO JUNE 30, 2025

GENERAL FUND		
Revenues:		
Local Sources	$	64,959,750
Commonwealth		9,674,130
Federal Government		170,256
Transfers from Other Funds		126,178
General Fund Reserves		3,542,459
Total Revenues	**$**	**78,472,773**
Expenditures:		
General Government Administration	$	7,081,218
Judicial Administration		2,960,492
Public Safety		11,721,144
Public Works		2,137,143
Health & Welfare		6,394,275
Education		43,600
Parks, Recreation & Culture		2,328,631
Community Development		2,138,647
Non-Departmental		75,924
Transfers to Other Funds		43,591,699
Total Expenditures	**$**	**78,472,773**

LAW LIBRARY FUND		
Revenues:		
Local Sources	$	7,000
Total Revenues	**$**	**7,000**
Total Expenditures	**$**	**7,000**

VIRGINIA PUBLIC ASSISTANCE FUND

Revenues:		
Commonwealth	$	1,292,477
Federal Government		2,297,736
Transfer from General Fund		2,041,737
Total Revenues	**$**	**5,631,950**
Total Expenditures	**$**	**5,631,950**

FIRE & EMS LEVY FUND

Revenues:		
Local Sources	$	8,730,738
Commonwealth		209,578
Transfer from General Fund		743,448
Reserves		668,472
Total Revenues	**$**	**10,352,236**
Expenditures:		
Fire & EMS Expenses	$	8,547,840
Transfers to Other Funds		1,804,396
Total Expenditures	**$**	**10,352,236**

COUNTY CAPITAL PROJECTS FUND

Revenues:		
Commonwealth	$	61,500
Transfer from General Fund		2,186,552
Transfer from Fire & EMS Fund		384,093
Financing Proceeds		4,005,000
Reserves		291,703
Total Revenues	**$**	**6,928,848**
Expenditures:		
Capital Expenses	$	6,637,145
Transfers to Other Funds		291,703
Total Expenditures	**$**	**6,928,848**

DEBT SERVICE FUND

Revenues:		
Transfer from General Fund	$	7,766,917
Transfer from Fire & EMS Fund		1,420,303
Transfer from Capital Project Fund		291,703
Total Revenues	**$**	**9,478,923**
Total Expenditures	**$**	**9,478,923**

AIRPORT FUND		
Revenues:		
Local Sources	$	407,195
Transfer from General Fund		230,519
Total Revenues	**$**	**637,714**
Total Expenditures	**$**	**637,714**

LANDFILL FUND		
Revenues:		
Local Sources	$	753,415
Commonwealth		13,260
Transfer from General Fund		3,417,244
Financing Proceeds		280,000
Reserves		1,042,453
Total Revenues	**$**	**5,506,372**
Total Expenditures	**$**	**5,506,372**

ORANGE COUNTY PUBLIC SCHOOLS OPERATING FUND		
Revenues:		
Transfer from General Fund	$	23,959,216
Commonwealth		40,244,806
Federal Government		3,008,542
Financing Proceeds		1,014,260
Other		407,575
Total Revenues	**$**	**68,634,399**
Expenditures:		
School Operating Fund	$	67,862,138
Transfers to Other Funds		772,261
Total Expenditures	**$**	**68,634,399**

ORANGE COUNTY PUBLIC SCHOOLS OTHER FUNDS		
Revenues:		
Transfer from General Fund	$	3,246,066
Transfer from School Operating Fund		772,261
Commonwealth		276,851
Federal Government		5,091,620
Other		108,000

Total Revenues	**$**	**9,494,798**
Expenditures:		
School Cafeteria Fund	$	3,242,794
School Headstart Fund		1,767,738
School Adult Education Fund		465,939
School Textbook Fund		772,261
School Debt Service Fund		2,067,400
School Capital Project Fund		1,178,666
Total Expenditures	**$**	**9,494,798**
INSURANCE INTERNAL SERVICE FUND		
Revenues:		
Contributions from Other Funds	$	12,117,298
Total Revenues	**$**	**12,117,298**
Expenditures:		
Health Claims and Administrative Expenses	$	11,991,120
Transfer to Other Funds		126,178
Total Expenditures	**$**	**12,117,298**
Grand Total Expenditures	**$**	**207,262,311**
Less Transfers		(58,577,357)
Total Consolidated Budget	**$**	**148,684,954**

RE: NEW BUSINESS

There were no matters for New Business at this time.

RE: MATTERS FOR DISCUSSION OR CONSIDERATION

RE: POLICY FOR REQUESTS FOR COMPREHENSIVE PLAN CONSISTENCY REVIEWS FOR CONSERVATION EASEMENTS

Theodore L. Voorhees, County Administrator, explained that in December, 2023, the previous Board of Supervisors was presented with requests from the Virginia Outdoors Foundation for determination of consistency with the Orange County Comprehensive Plan for several conservation easements. At that time, Chairman Johnson provided background on the Board's practice of declining to comment on these types of requests for Comprehensive Plan consistency. Citing the need for the practice to be discussed by the new Board of Supervisors in its entirety, further discussion was deferred until this time.

Discussion ensued among the Board regarding: the current practice of not responding to any requests for Comprehensive Plan consistency; whether a written policy existed; the idea that responding to these requests could create future conflicts at the local level; the possibility of only responding if the County was aware of development plans in the subject area; the change in directive from the Virginia Outdoors Foundation; whether the response from the County was binding; and the fact that the Board had no legal obligation to respond.

By consensus, the Board agreed to continue with its current practice of not responding to any requests for Comprehensive Plan consistency reviews for conservation easements.

RE: SPECIAL USE PERMIT (SUP) EXPIRATIONS

Chairman Johnson explained that the standard length of time for substantial progress to be made on a Special Use Permit (SUP) was two years before the permit automatically expired. He added that there was no option for the SUP to be renewed or extended without having to go through the entire application process again.

Mr. Johnson asked for Board consideration to amend the ordinance to allow for more time and for the option of renewals for SUPs. He noted, if adopted, this change would only apply to new Special Use Permits and would not be applicable to any existing SUPs.

Discussion ensued among the Board regarding: where this issue originated and whether this was an ongoing issue; what other localities allowed; and the current ability for SUP applicants to request a longer approval time during the application process.

By consensus, the Board agreed for staff to prepare amendment language or recommendations for discussion at a future meeting.

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

Members of the Board participated in a Moment of Silence in honor of Thomas Lacheney, former County Attorney, who recently passed.

RE: INFORMATIONAL ITEMS

The Board received the following correspondence for its information:

- Economic Development and Tourism Quarterly Report
- Culpeper Soil and Water Conservation District Meeting Minutes; February 6, 2024
- Culpeper Soil and Water Conservation District Meeting Minutes; March 5, 2024

RE: APPOINTMENTS TO BOARDS, COMMISSIONS, AND COMMITTEES

By consensus, the Board re-appointed Deanne Marshall as the District Three Representative on the Social Services Advisory Board for a four-year term, with said term commencing July 1, 2024, and expiring on June 30, 2028.

RE: <u>CALENDAR</u>

The Board received copies of its calendar of meetings for the months of April 2024, May 2024, and June 2024.

RE: <u>PUBLIC HEARING #1; REZ 24-00219</u>

Eric Bittner, Planner, presented the staff report and request for Rezoning from Signature Series Development, LLC, which included information on the location and specifications of the subject property, the specific request to amend the proffered design standards regarding signage, and the recommendation of approval from the Planning Commission.

At 6:06 p.m., Chairman Johnson called the Public Hearing to order to receive comments on the following:

<u>REZ 24-00219</u>

The Board of Supervisors will consider an application from Signature Series Development, LLC, to rezone property at the intersection of Germanna Highway (Route 3) and Somerset Ridge Road (Route 708), Locust Grove, currently zoned as Planned Development - Mixed-Use (PDM) Conditional, to amend the proffered design standards regarding signs. The property is identified as Tax Map Parcel 4-3 and contains approximately 75.8 acres. The property is situated in the Germanna-Wilderness Area Plan (GWAP) Recommended Future Land Use category, as described in the Orange County Comprehensive Plan.

There being no speakers, Chairman Johnson closed the Public Hearing at 6:06 p.m.

On the motion of Ms. Hale, 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 24-00219 TO REZONE APPROXIMATELY 75.8 ACRES FROM PLANNED DEVELOPMENT - MIXED USE (PDM) CONDITIONAL TO PLANNED DEVELOPMENT - MIXED USE (PDM) CONDITIONAL, IN ORDER TO AMEND THE EXISTING PROFFERS CONCERNING SIGNAGE GUIDELINES, REQUESTED BY SIGNATURE SERIES DEVELOPMENT, LLC

WHEREAS, in February, 2023, the Board of Supervisors approved a request from Signature Series Development, LLC to rezone property at the intersection of Germanna Highway (Route 3) and Somerset Ridge Road (Route 708), Locust Grove, identified as Tax Map No. 4-3, totaling approximately 75.8 acres, from General Commercial (C-2) Conditional and Multifamily Residential (R-4) Conditional to Planned Development - Mixed Use (PDM) Conditional, known as REZ 20-01, subject to a Proffer Statement dated February 7, 2023; and

WHEREAS, Signature Series Development, LLC has now requested the rezoning of the same property, identified as Tax Map No. 4-3, from Planned Development - Mixed Use (PDM) Conditional to Planned Development - Mixed Use (PDM) Conditional, in order to amend the existing proffers concerning signage guidelines, pursuant to Section 70-191 and Section 70-193 of the Orange County Zoning Ordinance; and

WHEREAS, the application specifically requested replacement of the existing Proffer VIII (Signage Guidelines) on the Proffer Statement from REZ 20-01, dated February 7, 2023, to be revised with the new Proffer VIII (Signage Guidelines) on the Proffer Statement Amendment dated December 22, 2023; and

WHEREAS, the Planning Commission advertised and conducted a Public Hearing on the request on March 7, 2024; 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 unduly impact the environment or natural, scenic, or historic assets of the County; and 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 presented during its Public Hearing; and

WHEREAS, the Board of Supervisors advertised and conducted a Public Hearing on the request on April 23, 2024; and

WHEREAS, following the Public Hearing and 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 planning and zoning practice also support approval of this Rezoning request, as presented during the Public Hearing;

NOW, THEREFORE, BE IT ORDAINED, on this 23rd day of April, 2024, that the Orange County Board of Supervisors hereby approves REZ 24-00219 to rezone property located at the intersection of Germanna Highway (Route 3) and Somerset Ridge Road (Route 708), Locust Grove, identified as Tax Map No. 4-3, totaling approximately 75.8 acres, from Planned Development - Mixed Use (PDM) Conditional to Planned Development - Mixed Use (PDM) Conditional, in order to amend the existing proffers concerning signage guidelines, subject to the Legal Summary, the voluntary Proffer Statement dated February 7, 2023, and the voluntary Proffer Statement Amendment dated December 22, 2023, as attached to the original Ordinance retained in the County Administrator's Office, as presented during the Public Hearing; and

BE IT FURTHER ORDAINED, that this Rezoning and the Legal Summary, Proffer Statement, and Proffer Statement Amendment shall supersede and replace the previous action taken for the subject property with respect to existing Proffer VIII (Signage Guidelines) on the Proffer Statement from REZ 20-01, dated February 7, 2023, which is hereby replaced and superseded by the new Proffer VIII (Signage Guidelines) on the Proffer Statement Amendment dated December 22, 2023.

Ayes: Johnson, Van Hoven, Marshall, Hale, Nicol. Nays: None.

RE: PUBLIC COMMENT

At 6:07 p.m., Chairman Johnson opened the floor for public comment.

There being no speakers, public comment was closed at 6:07 p.m.

RE: CLOSED MEETING

At 6:08 p.m., Mr. McRoberts 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 disposition of publicly held real property, where discussion in open meeting would adversely affect the bargaining position or negotiating strategy of the public body. - *§2.2-3711(A)(3) of the Code of Virginia*
- Consultation with legal counsel pertaining to actual or probable litigation, 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 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)(3), (A)(7), 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. Marshall, seconded by Ms. Hale, which carried by a vote of 5-0, the Board adopted the resolution authorizing Closed Meeting, as presented. Ayes: Johnson, Van Hoven, Marshall, Hale, Nicol. Nays: None.

RE: CERTIFICATION OF CLOSED MEETING

At 7:08 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, Van Hoven, Marshall, Hale, Nicol. Nays: None.

RE: ADJOURN

On the motion of Mr. Van Hoven, seconded by Ms. Hale, which carried by a vote of 5-0, the Board adjourned the meeting at 7:09 p.m. Ayes: Johnson, Van Hoven, Marshall, Hale, Nicol. Nays: None.

____________________________	____________________________
R. Mark Johnson, Chairman	Theodore L. Voorhees, County Administrator