At a regular meeting of the Orange County Board of Supervisors held on Tuesday, April 5, 2011, beginning at 5:00 p.m., in the Meeting Room of the Gordon Building, 112 West Main Street, Orange, Virginia. Present: Lee H. Frame, Jr., Chairman; Shannon Abbs, Vice-Chairman; S. Teel Goodwin; Grover Wilson; and Zack Burkett. Absent: None. Also present: Julie G. Jordan, County Administrator; Sharon Pandak, County Attorney; and Teresa Lamb, Senior Office Assistant.

RE: ADOPTION OF AGENDA

Mr. Burkett motioned, seconded by Mr. Goodwin and carried, to approve the agenda as revised. Aves: Abbs. Burkett. Goodwin. Wilson. Frame. Navs: None.

RE: CLOSED MEETING AUTHORIZATION

At 5:03 p.m., Ms. Pandak read the following resolution:

WHEREAS, the Board of Supervisors of Orange County desires to discuss in Closed Meeting the following matter(s):

- One matter of discussion of assignment of specific appointees of the Board (§2.2-3711.A.1 VA Code Ann.);
- One matter of discussion concerning a prospective business or industry where no previous announcement has been made of the business' or industry's interest in locating in the community (§2.2-3711.A.5 VA Code Ann.);
- Friends of Wilderness Battlefield, et al., v. Board of Supervisors, et al., and legal advice related thereto (§2.2-3711.A.7 VA Code Ann.);
- Estate of Jason Goodman v. Orange County, et al., and legal advice related thereto (§2.2-3711.A.7 VA Code Ann.);
- Lovelace v. Kendall, and legal advice related thereto (§2.2-3711.A.7 VA Code Ann.);
- Legal advice related to a pending regulatory proceeding (§2.2-3711.A.7 VA Code Ann.); and

WHEREAS, pursuant to §§2.2-3711.A. 1, 5 and 7 VA Code Ann., such discussion(s) may occur in Closed Meeting;

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of Orange County does hereby authorize discussion of the aforestated matter(s) in Closed Meeting.

Mr. Burkett moved, seconded by Mr. Goodwin and carried, to approve the Resolution as presented. Ayes: Abbs, Burkett, Goodwin, Wilson, Frame. Nays: None.

RE: <u>CLOSED MEETING CERTIFICATION</u>

At 6:21 p.m., Ms. Pandak read the following resolution certifying the 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 does hereby certify 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 applies, 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.

Mrs. Abbs moved, seconded by Mr. Goodwin and carried, to approve the Closed Meeting Resolution as presented. Ayes: Abbs, Burkett, Goodwin, Wilson, Frame. Nays: None.

RE: ACTION FOLLOWING CLOSED MEETING

Ms. Pandak explained that Comcast Cable Communications has filed with the Federal Communications Commission, a petition of determination of effective competition, and the following resolution is to authorize the County Attorney to file comments in response to the petition, saying that it is unnecessary and pre-mature.

Mr. Burkett moved, seconded by Mrs. Abbs and carried, to adopt the following resolution:

AUTHORIZE FILING OF COMMENTS IN RESPONSE TO COMCAST CABLE PETITION TO FCC

WHEREAS, Comcast Cable has filed a petition with the Federal Communications Commission seeking relief from rate regulation and

WHEREAS, such petition is premature and does not contain substantiated data;

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of Orange County does hereby authorize the County Attorney to file comments on behalf of the Board in response to the Comcast petition.

Ayes: Abbs, Burkett, Goodwin, Wilson, Frame. Nays: None.

RE: <u>OPPOSE HB1500, AMENDMENT 24, ITEM 274 COMPREHENSIVE SERVICES ACT (CSA) PROGRAM)</u>

Ms. Jordan explained that Supervisor Abbs asked for a CSA alert regarding the HB1500 item be added to the agenda for potential response from the Board of Supervisors to the members of the General Assembly.

Mrs. Abbs motioned, seconded by Mr. Burkett and carried to approve the County Administrator to send a letter opposing the HB1500, Amendment #24, Item 274 (CSA Program) to the Legislatures.

Ayes: Abbs, Burkett, Goodwin, Wilson, Frame. Nays: None.

RE: VDOT 6-YEAR PLAN ROAD TOUR

Ms. Jordan reminded the Board about the tour with VDOT representatives scheduled for Friday,

April 8, 2011.

Discussion ensued including: who was available to attend the tour and each member scheduling individually with VDOT.

By consensus, the Board agreed that each member would schedule individually with a VDOT representative, and a media announcement, would be released announcing the cancellation of the April 8, 2011, meeting.

Supervisor Burkett asked Ms. Jordan, if VDOT would be able to give him a list of the secondary roads in District Two.

Ms. Jordan explained that the list was provided by VDOT in the packet that each board member received. She suggested that she invite VDOT representatives to attend the April 12, 2011, meeting to review the proposed 6-year plan with the Board.

By consensus, the Board agreed to have Ms. Jordan contact VDOT and schedule them to attend the April 12, 2011 meeting, to discuss the secondary six year plan.

RE: RECESSED

The Board recessed at 6:27 p.m. and reconvened at 7:00 p.m.

RE: ANNOUNCEMENT

Chairman Frame called the meeting to order and made a comment that Supervisor Burkett had an announcement to make.

Supervisor Burkett offered condolences on the passing of Mr. H. B. Sedwick, owner of Sedwick's Building Supply, in Orange, Virginia.

RE: <u>PUBLIC HEARINGS:</u>

RE: PROPOSED CAPITAL IMPROVEMENTS PLAN FOR FISCAL YEAR 2011-12 THROUGH 2015-16

At 7:00 p.m., this being the time and place as advertised in the Orange County Review, Chairman Frame called the public hearing to order to receive comments on the following:

Proposed Capital Improvements Plan for Fiscal Year 2011-12 through 2015-16.

Chairman Frame opened the floor for public comment. There being none, the public hearing was closed.

RE: PROPOSED BUDGET FOR FISCAL YEAR JULY 1, 2011 TO JUNE 30, 2012

Chairman Frame called the public hearing to order at 7:01 p.m. to receive comments on the following:

Proposed Budget for Fiscal Year July 1, 2011 to June 30, 2012.

Chairman Frame opened the floor for public comment. The following individuals spoke:

- Martha Strawther, 10121 Fox Meadow Lane, Orange, VA 22960
- R. T. Whitman, 11012 Rapidan Road, Orange, VA 22960

- Jill Newman, 107 Goodwin Road, Orange, VA 22960
- Deborah Reed, 146 N. Main Street, Culpeper, VA 22701
- Margaret Darby, 404 Westover Pkwy., Locust Grove, VA 22508
- Bette Winter, 35258 Pheasant Ridge Road, Locust Grove, VA 22508
- Myra Soden, 23199 Monrovia Road, Orange, VA 22960

There being no one else wishing to speak, Chairman Frame closed the public hearing at 7:27 p.m.

RE: PROPOSED TAX RATES FOR CALENDAR YEAR 2012

Chairman Frame called the public hearing to order at 7:27 p.m. to receive comments on the following:

Proposed Tax Rates for Calendar Year 2012.

Chairman Frame opened the floor for public comment. The following individual spoke:

Bette Winter, 35258 Pheasant Ridge Road, Locust Grove, VA 22508.

There being no one else wishing to speak, Chairman Frame closed the public hearing at 7:29 p.m.

RE: <u>RECESSED</u>

The Board recessed at 7:29 p.m. and reconvened at 7:37 p.m.

RE: <u>BUDGET WORKSESSION</u>

Ms. Jordan opened the worksession by answering some questions that were raised at the last worksession and explained to the Board members that she was available to answer any questions that they might have regarding the budget.

Discussion ensued including: the building department's budget; putting money into a reserve fund allocated for the schools; having an excess fiscal stability fund policy; adding money to the sheriff's budget for high velocity weapons; uncertainty of reassessments; rainy day fund; GASB54 and discussion of external entities.

RE: <u>CLOSED MEETING AUTHORIZATION</u>

At 8:40 p.m., Chairman Frame read the following resolution:

WHEREAS, the Board of Supervisors of Orange County desires to discuss in Closed Meeting the following matter:

- Friends of Wilderness Battlefield, et al., v. Board of Supervisors, et al., and legal advice related thereto (§2.2-3711.A.7 VA Code Ann.) and

WHEREAS, pursuant to §§2.2-3711.A.7 VA Code Ann., such discussion may occur in Closed Meeting;

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of Orange County does hereby authorize discussion of the aforestated matter(s) in Closed Meeting.

Mr. Burkett moved, seconded by Mr. Goodwin and carried, to approve the Resolution as presented. Ayes: Abbs, Burkett, Goodwin, Wilson, Frame. Nays: None.

RE: CLOSED MEETING CERTIFICATION

At 8:48 p.m., Chairman Frame read the following resolution certifying the 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 does hereby certify 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 applies, 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.

Mr. Burkett moved, seconded by Mrs. Abbs and carried, to approve the Closed Meeting Resolution as presented. Ayes: Abbs, Burkett, Goodwin, Wilson, Frame. Nays: None.

RE: ADJOURNMENT

There being no further business to discuss, Mrs. Abbs moved, seconded by Mr. Goodwin and carried, to adjourn the meeting at 8:49 p.m. Ayes: Abbs, Burkett, Goodwin, Wilson, Frame. Nays: None.