

**BOARD OF SUPERVISORS MINUTES**

**May 10, 2011**

At a regular meeting of the Orange County Board of Supervisors held on Tuesday, May 10, 2011 beginning at 4:00 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 Ashley Jacobs, Chief Deputy Clerk.

*\*Supervisor Abbs exited the meeting at 5:05 p.m. and re-entered the meeting at 7:00 p.m.*

*\*\*Supervisor Goodwin entered the meeting at 7:00 p.m.*

RE: ADOPTION OF AGENDA

Mr. Burkett moved, seconded by Mrs. Abbs and carried, to adopt the agenda as modified. Ayes: Abbs, Burkett, Frame, Wilson. Nays: None. Absent: Goodwin.

RE: CONSENT AGENDA

Mr. Burkett moved, seconded by Mrs. Abbs and carried, to approve the consent agenda as presented.

RE: SUPPLEMENTAL APPROPRIATIONS

The Board approved the following supplemental appropriations:

DEPT	ACCOUNT DESCRIPTION	AMOUNT	Funding Source
Animal Shelter	Emergency Vet	\$ 2,049.74	Donations
Animal Shelter	Vaccinations	\$ 922.80	Donations
<b>Subtotal Animal Shelter</b>		<b>\$ 2,972.54</b>	
Library	Library Refunds	\$ 424.46	Refunds of Books
Library	Library Refunds	\$ 251.03	Refunds of Books
Library	Library Refunds	\$ 856.76	Refunds of Books
<b>Subtotal Library</b>		<b>\$ 1,532.25</b>	
Sheriff	Forfeited Assets	\$ 229.60	Forfeited Assets
<b>Subtotal Forfeited Assets</b>		<b>\$ 229.60</b>	
Office on Youth	Supplies	\$ 60.00	Office Youth Fundraiser
Office on Youth	Conference & Education	\$ 75.00	Child Care Training
<b>Subtotal Office on Youth</b>		<b>\$ 135.00</b>	
<b>Total this request</b>		<b>\$ 4,869.39</b>	
<b>Total Year to Date</b>		<b>\$ 275,580.21</b>	

RE: MINUTES

The Board approved the following minutes as presented:

- February 22, 2011 - Regular Meeting

RE: PROCLAMATION FOR SAFE BOATING WEEK

The Board approved the following proclamation:

A RESOLUTION DECLARING MAY 21-27, 2011, AS SAFE BOATING WEEK IN ORANGE COUNTY, VIRGINIA

Recreational boating is fun and enjoyable, and we are fortunate in this county to have a variety of resources to meet pleasure boating demands. While being a marvelous source of recreation, boating can be a risky sport to the unprepared, untrained and uncaredful. Knowing and

obeying the Navigation Rules, avoiding alcohol and drugs while operating a boat, and wearing a life jacket when one should be worn, are all examples of making the correct choice.

WHEREAS, the vast majority of boating accidents are caused by human error or poor judgment and not by the boat, equipment, or environmental factors; and

WHEREAS, on average, 700 people die each year in boating-related accidents in the U.S., and 70% of these fatalities are caused by drowning; and

WHEREAS, Virginia must strive to improve its record, having ranked 6th for boating deaths and 10th for boating accidents across the nation in 2009; and

WHEREAS, approximately 80% of boaters who lose their lives by drowning each year would be alive today had they worn their life jackets; and

WHEREAS, modern life jackets are more comfortable, attractive, and wearable than styles of years past and deserve a fresh look by today's boating public; and

WHEREAS, boating safety knowledge provided through an approved course gives operators an excellent foundation to manage the risks of boating; and

WHEREAS, Virginia requires that all operators complete on a phased-in schedule a boating safety course, and approved courses are available in the Lake Anna area.

NOW THEREFORE BE IT RESOLVED THAT, the Orange County Board of Supervisors, does hereby support the goals of the North American Safe Boating Campaign and proclaims May 21-27, 2011, as Safe Boating Week in Orange County and the renewal of our continuing year-round effort to promote safe boating.

AND BE IT FURTHER RESOLVED THAT, the Orange County Board of Supervisors urges all boat operators to complete a safe boating course at your earliest opportunity, to "Boat Smart. Boat Safe. Wear it." and to practice safe boating habits.

RE: BUSINESS AND INDUSTRY APPRECIATION WEEK RESOLUTION  
The Board approved the following resolution:

**RESOLUTION FOR BUSINESS & INDUSTRY APPRECIATION WEEK**

WHEREAS, Orange County is the home of over 800 business and industry employers providing approximately 9,000 jobs and generating annual payrolls in excess of \$200,000,000; and

WHEREAS, business and industry in Orange County offers a broad range of employment opportunities in agriculture, commercial and manufacturing services, and provide a stable revenue base to help support County and Town public services including education and public safety; and

WHEREAS, Orange County has always endeavored to promote balanced growth and development by recognizing the importance of its historic and scenic land and water resources along with the need to provide jobs and incomes to the citizens of Orange County and future generations; and

WHEREAS, the jobs and investments created by business and industry have contributed greatly to Orange County's growth and prosperity and recognition as one of Virginia's most outstanding communities to work and live;

NOW, THEREFORE, BE IT RESOLVED THAT: the Orange County Board of Supervisors, Gordonsville Town Council, Orange Town Council, and Orange County Chamber of Commerce hereby salute our existing business and industry employers and express sincere appreciation for their outstanding contributions to Orange County's economy and employment base;

AND BE IT FURTHER RESOLVED THAT: the week of May 2-6, 2011 is hereby declared Business and Industry Appreciation Week in Orange County and the Towns of Gordonsville and Orange.

RE: REFUND REQUEST-FREEMAN ZONING PERMIT

The Board approved a refund request from the Department of Planning and Zoning for a zoning permit that was erroneously issued on April 26, 2011 to Randall Freeman.

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

RE: PUBLIC APPEARANCES

RE: PRESENTATION OF SERVICE AWARDS: JULIE JORDAN, COUNTY ADMINISTRATOR

Connie Clark, Accounts Payable Technician for the Finance Department, was recognized for her ten years of dedicated service to the County.

RE: INTRODUCTION OF NICOLA TIDEY, E911 MANAGER AND ASHLEY JACOBS, CHIEF DEPUTY CLERK: JULIE JORDAN, COUNTY ADMINISTRATOR

Ms. Jordan introduced the new E-911 Manager, Nicola Tidey. Ms. Jordan announced that Nicola comes to Orange County from Culpeper and has over seven years of progressive experience in public safety. Ms. Jordan also stated that Nicola has several certifications, too many to mention. Chairman Frame welcomed Nicola Tidey to Orange County.

Ms. Jordan introduced the new Chief Deputy Clerk, Ashley Jacobs. Ms. Jordan announced that Ashley comes to Orange County from the Town of Grottoes and that she is a proud Orange County High School graduate and a James Madison University graduate. Ms. Jordan also announced that she has three years of local government experience. Chairman Frame welcomed Ashley Jacobs to Orange County.

RE: APPOINTMENT OF CHIEF DEPUTY CLERK

Supervisor Abbs nominated Ashley Jacobs, as Chief Deputy Clerk to the Board. The motion was seconded by Mr. Burkett and carried. Ayes: Abbs, Burkett, Frame, Wilson. Nays: None. Absent: Goodwin.

RE: LANDFILL UPDATE: KURT HILDEBRAND, DIRECTOR OF PUBLIC WORKS AND BILL HASE, DRAPER ADEN ASSOCIATES REPRESENTATIVE

Mr. Hildebrand, Director of Public Works, introduced Bill Hase, with Draper Aden Associates. Mr. Hildebrand stated that we are almost near completion for obtaining the permit, but that the public hearing with the Department of Environmental Quality (DEQ) must be held, and stated the target day is June 22, 2011. Mr. Burkett asked where the hearing would be held and Mr. Hildebrand stated in the Board Meeting Room and further stated that this hearing would be conducted by DEQ. Mr. Hildebrand further stated, that after the public hearing there will be a fifteen day public comment period. Mr. Burkett asked what would happen after the permit was obtained. Mr. Hildebrand stated that we would need to begin work on the new landfill and mitigate the wetlands between the two sites. Discussion continued about the upcoming work to be completed.

RE: ACTION ITEMS

RE: UPDATES TO ORANGE COUNTY CODE: SHARON PANDAK, COUNTY ATTORNEY  
Sharon Pandak, County Attorney, presented part two of the proposed amendments to the Orange County Code of Ordinances to the Board, as a result of the 2011 General Assembly.

RE: RESOLUTION FOR PLANNING COMMISSION TO HOLD PUBLIC HEARING TO INITIATE PROPOSED ADDITION TO ZONING ORDINANCE SEC 70-41 NOTICE TO OWNER

Mr. Burkett moved, seconded by Mr. Wilson and carried, to approve the following resolution as presented:

**INITIATE PROPOSED ADDITION TO ZONING ORDINANCE SEC 70-41 NOTICE TO OWNER**

WHEREAS, the Board of Supervisors of Orange County desires to consider the attached addition to Chapter 70 of the County Code. Zoning. Sec. 70-41, Notice to owner consistent with changes to the § 15.2-2204 VA Code Ann, and in order to do so must initiate the new section for consideration; and

WHEREAS, public necessity, convenience and general welfare support the proposed addition to the Zoning Ordinance;

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of Orange County does hereby initiate the addition of Sec. 70-41, Notice to owner, and requests the Planning Commission hold a public hearing and provide a recommendation thereon, so that the Board can then schedule and advertise a public hearing prior to taking action.

Sec. 70-41. Notice to owner.

When a party other than the owner of a property requests that the zoning administrator or any other administrative officer provide a written order, requirement, decision or determination or undertake any other action within the scope of his authority that would bind the owner of the property, written notice shall be given to the owner of the property within 10 days of the receipt of such request by the administrator or officer.

State law reference – Authority, Code of Virginia § 15.2-2204 VA Code Ann.

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

RE: RESOLUTION TO AUTHORIZE PUBLIC HEARING ON PROPOSED AMENDMENTS TO FIRE PREVENTION AND PROTECTION SEC. 30-1

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

**AUTHORIZE PUBLIC HEARING ON PROPOSED AMENDMENTS TO FIRE PREVENTION AND PROTECTION SEC. 30-1**

WHEREAS, the Board of Supervisors of Orange County desires to consider the attached proposed amendments to Chapter 30 of the County Code. Fire Prevention and Protection. Sec. 30-1: Fireworks Display Permit, in order to update the ordinance consistent with changes to the enabling legislation § 15.2-974 VA Code Ann;

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of Orange County does hereby authorize a public hearing to consider adoption of the attached proposed

amendment to Sec. 30-1 of the County Code.

Sec. 30-1. Fireworks display permit

- (a) *Issuance.* The County administrator may issue permits, upon application in writing, for the aerial display of fireworks, commonly known as pyrotechnic displays, for fair associations, amusement parks or by any organization, individual or group of individuals. It shall be unlawful for any person to hold, present or give any such display of fireworks without first having obtained such permit from the county administrator.
- (b) *Applications.* Applications for the display of fireworks shall be submitted in writing to the county administrator not less than 30 days prior to the event. Such application shall include the following information:
- (1) The name and address of applicant.
  - (2) Date, time and place of the display.
  - (3) The name of at least one certified pyrotechnician ~~person~~ who shall participate in displaying the fireworks and who has experience in displaying the type of fireworks proposed to be displayed.
  - (4) A statement that the fireworks will be arranged, located, discharged, and fired in a manner that will not be a hazard to property or endanger any person.
  - (5) A statement that the applicant will assume full liability for any injuries to any person or damages to any property that may be caused by the negligence of any person involved in the display, and that the applicant will hold the county harmless from all claims for injuries or damages.
- (c) *Approval.* Upon approval of an application for a permit to display fireworks, the county administrator shall write across such application the wording "Approved," and the application shall be signed and dated.
- (d) *Permit on file and on display.* After being approved as aforesaid, one copy of the application, which will then become a permit to display fireworks, shall be kept on file by the county administrator until after the date the fireworks are displayed; one copy shall be returned to the applicant and shall be in possession of the person in charge of displaying the fireworks at the time and place they are being displayed; one copy shall be forwarded to the Orange County Sheriff; and one copy shall be forwarded to the Federal Bureau of Alcohol, Tobacco, Firearms, and Explosives.

State law reference – Authority, Code of Virginia § 15.2-974

Discussion ensued regarding removal of the word "individual" in Section 30-1. Supervisor Burkett suggested that the word "individual" be removed. Ms. Pandak, indicated the word "individual" could be removed.

Mr. Burkett asked Ms. Pandak to provide information on what someone has to do, to become a certified pyrotechnician. Ms. Pandak suggested including further State Code language into the County Code. Chairman Frame also asked for a definition of what kind of fireworks require a pyrotechnician and what can be done by individual citizens.

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

RE: RESOLUTION TO AUTHORIZE A PUBLIC HEARING ON THE REPEAL OF CURRENT SEC. 42-1, UNLAWFUL NOISE, AND THE ADDITION OF NEW SECTIONS 42-1, 42-2, 42-3, 42-4, 42-5, AND 42-6.

AUTHORIZE PUBLIC HEARING ON THE REPEAL OF CURRENT SEC. 42-1, UNLAWFUL NOISE, AND THE ADDITION OF NEW SECTIONS 42-1, 42-2, 42-3, 42-4, 42-5 AND 42-6

WHEREAS, the Board of Supervisors of Orange County desires to consider the attached proposed changes to Chapter 42 of the County Code. Offenses, in order to update the ordinance consistent with the ruling of the Virginia Supreme Court in *Tanner v. City of Virginia Beach*;

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of Orange County does hereby authorize a public hearing to consider adoption of the attached proposed changes to Chapter 42 of the County Code.

Sec. 42-1. Policy.

At certain levels, noise can be detrimental to the health, safety, and well-being of the residents of the County. It is, therefore, the policy of the County to reduce—and eliminate where possible—excessive noise and related conditions.

Sec. 42-2. Definitions.

“Decibel (dB)” means a unit for measuring the volume of a sound.

“Instrument, machine, or device” means any musical instrument, radio, phonograph, compact disc player, cassette tape player, personal media player, speakers, amplifier, or any other device used to reproduce and amplify sound.

“Person” means any individual, partnership, corporation, association or organization. This term shall not be construed to include the federal, state, or county government or any agency thereof.

“Public property” means any real property owned or controlled by the County or any other governmental entity.

“Residential dwelling” means any building or other structure in which one or more persons resides on a permanent or temporary basis, including, but not limited to, single-family homes, townhouses, apartments, condominiums, hotels, and motels.

Sec. 42-3. Use of sound level meters.

The decibel level of any noise regulated by this chapter shall be measured by a sound level meter. In order to implement the provisions of this chapter in an effective and uniform manner, the County Sheriff shall promulgate standards and procedures for using and testing sound level meters used in the enforcement of this chapter.

Sec. 42-4. Violations.

Any person who violates a provision of this chapter shall be deemed to be guilty of a Class 3 misdemeanor for a first offense. Any person who violates a provision of this chapter within one year after a previous conviction shall be deemed to be guilty of a Class 2 misdemeanor.

Sec. 42-5. Excessive noise prohibited.

- (a) Nighttime. It shall be unlawful for any person to engage in an activity that creates a sound level that can be heard in another person’s residential dwelling between the hours of 10:00 p.m. and 7:00 a.m. in excess of 60 decibels.

- (b) Daytime. It shall be unlawful for any person to engage in an activity that creates a sound level that can be heard in another person's residential dwelling between the hours of 7:00 a.m. and 10:00 p.m. in excess of 65 decibels.
- (c) Exceptions. The following activities or sources of noise shall be exempt from subsections (a) and (b) of this section:
- (1) School-sponsored band performances or practices, athletic contests or practices, and other school-sponsored activities on the grounds of public or private schools, colleges, or universities.
  - (2) Athletic contests and other officially sanctioned activities taking place in county parks or facilities.
  - (3) Parades, fireworks, and other such events, so long as the organizer of such event obtains any permits required by federal, state or local law.
  - (4) Firearms training and other activities of law enforcement agencies operating within the County.
  - (5) Lawful discharge of firearms.
- (d) Exceptions. The following activities or sources of noise shall be exempt from the daytime provisions set forth in subsection (b) of this section:
- (1) Activities relating to the construction, repair, maintenance, or other improvement of real property.
  - (2) Gardening, lawn care, tree maintenance, and other landscaping activities, including the use of machinery to assist in such enterprises.
  - (3) Church bells, carillons, or calls to worship by other sound-producing devices.
  - (4) Religious or political gatherings that are protected by the First Amendment to the United States Constitution.
  - (5) Public transportation, waste collection, and sanitation services.
  - (6) Lawful commercial or industrial operations.

Sec. 42-6. Specific prohibitions.

In addition to the general prohibitions contained in Section 42-4, the following acts are declared to be violations of this article:

- (a) Schools, churches, courts, etc. Causing or creating a noise which is audible within a school, other educational center, church, court, government building, or hospital at a sound level of greater than 60 decibels, and which interferes with the normal operation of that facility.
- (b) Vehicle horns and other similar devices. Repeatedly sounding a horn or other signaling device on any motor vehicle except as an emergency or danger warning signal.
- (c) Audio devices, musical instruments, etc. Operating or playing any musical instrument, or any machine, or device designed for the playback or amplification of music, including in a motor vehicle, such that it can be heard for 15 minutes or longer at a level of 50 decibels on a public property between the hours of 10:00 p.m. and 7:00 a.m.

- (d) Loudspeakers, public address systems, etc. Using or operating any loudspeaker, public address system, mobile sound vehicle, or any similar amplifying device between the hours of 10:00 p.m. and 7:00 a.m. The use of such at all other times shall be subject to the following conditions:
  - a. The only sounds permitted are music or human speech.
  - b. Sound shall not be issued or devices shall not be used within one hundred (100) yards of hospitals, schools, churches, or courthouses.
- (e) Construction equipment. Operating any bulldozer, crane, backhoe, pile driver, jackhammer, pneumatic drill, or any other piece of construction equipment between the hours of 10:00 p.m. and 7:00 a.m., except as authorized by the County Administrator or when operated in the course of emergency work.
- (f) Commercial vehicles and waste collection. Operating a commercial vehicle or waste collection vehicle between the hours of 10:00 p.m. and 6:00 a.m, except as authorized by the County Administrator or when operated in the course of emergency work.

Discussion ensued regarding the enforceability of the noise ordinance. Ms. Pandak clarified why the revision was needed regarding measuring noise levels for noise ordinance violations. Ms. Pandak further stated that the existing noise ordinance was not being upheld by the Commonwealth's Attorney's Office. Mr. Burkett questioned the price of the decibel meter and Sheriff Amos stated that he would have to look into that.

Supervisor Abbs, questioned how loud 60 decibels is. Discussion ensued regarding location and time of the noise and sustainability of the noise as well as the exclusions. Mr. Burkett expressed interest in including animal noises within an agricultural district within the noise ordinance.

Chairman Frame asked that the noise ordinance topic be added to the discussion list on the next agenda.

RE: APPOINTMENTS TO BOARDS, COMMISSIONS, AND COMMITTEES

RE: RAPIDAN SERVICE AUTHORITY (RSA) BOARD

The following statement was issued by Supervisor Wilson: It has come to my attention that the individual I nominated for one of Orange County's representatives on the RSA Board may have a conflict of interest due to his business and personal interests in development and real estate located in areas of Orange County served by RSA.

Mr. Wilson moved, seconded by Mr. Burkett to rescind the motion appointing Kenny Dotson to the Rapidan Service Authority for conflict of interest. Ayes: Abbs, Burkett, Wilson, Frame. Nays: None. Absent: Goodwin.

Mr. Frame moved, seconded by Mr. Burkett to appoint Mr. Wilson to the Rapidan Service Authority Committee. Ayes: Abbs, Burkett, Wilson, Frame. Nays: None. Absent: Goodwin.

RE: REGIONAL PREPAREDNESS ADVISORY COMMITTEE – INTEROPERABILITY (RPAC-I)

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

APPOINTMENT TO THE REGIONAL PREPAREDNESS ADVISORY COMMITTEE-  
INTEROPERABILITY

WHEREAS, the Regional Preparedness Advisory Committee - Interoperability, further known as RPAC-I, has asked each county in the respected region to appoint a representative to the committee; and

WHEREAS, the RPAC-I has discussed various approaches to identify candidates to fill the seats; and

WHEREAS, the discussions concerning the process is to have each county within the region identify a candidate;

WHEREAS, the previous representative has resigned their position with Orange County;

NOW THEREFORE, BE IT RESOLVED that the Orange County Board of Supervisors appoints Nicola C. Tidey, to fill the RPAC-I seat representing Orange County, effective May 10, 2011; and

BE IT FURTHER RESOLVED that the Orange County Board of Supervisors authorizes Nicola C. Tidey, to represent Orange County on regional grants and equipment decisions that do not require matching funds from Orange County.

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

RE: DISCUSSION ITEMS

RE: SCHEDULE PUBLIC HEARING - SUP 11-03: OLSON VETERINARY CLINIC: JULIE JORDAN, COUNTY ADMINISTRATOR

Supervisor Abbs asked Mr. Jordan if we had time to schedule the hearing for the last meeting of the month using the Free Lance Star as the newspaper of general circulation. Ms. Pandak clarified that the advertisement had to run once a week for two weeks. Discussion ensued regarding the scheduling of public hearings. Chairman Frame commented that the Board of Supervisors should be the one to schedule public hearings.

Mr. Burkett moved, seconded by Mr. Wilson and carried, to schedule a public hearing for June 14, 2011, to hear public comments on Special Use Permit 11-03, Olson's request to operate an Animal Hospital/Veterinary Clinic on Tax Map Parcel 13-16E.

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

RE: INFORMATION ITEMS

The Board received the following correspondence for its information:

- Quarterly Financial Report: John Sieg, Interim Finance Director
- Virginia Department of Transportation Monthly Report for May

RE: COMMITTEE REPORTS

Chairman Frame opened the floor for Committee Reports by Board Members. There were no reports at this time.

RE: CALENDAR

The Board received copies of its calendar for the months of May, June, and July, 2011.

RE: POTENTIAL ECONOMIC AND WORKFORCE CHALLENGES PRESENTATION BY MICHAEL HARVEY, PRESIDENT, THOMAS JEFFERSON PARTNERSHIP FOR ECONOMIC DEVELOPMENT

Chairman Frame believes that this presentation would be very useful for the Board to hear. This presentation was scheduled for the June 14, 2011 meeting at 4:00 p.m.

RE: INVITE FOR JAMES LAWSON KEMPER BIRTHDAY CELEBRATION ON JUNE 11, 2011.

Ms. Jordan stated that the Board is invited to attend this event every year. Mr. Burkett volunteered to attend the event again.

Ms. Jordan reminded the Board Members of the following calendar items:

- Orange County Airport Terminal Opening Event on Saturday, May 14, 2011 at 10:00 a.m.
- Business and Industry Appreciation Event at Booster Park on Thursday, May 19, 2011 at 5:00 p.m. until 7:00 p.m.

Scheduled Public Hearings:

- May 24, 2011 – (1) Liberty Mills Farm
- June 14, 2011 – (1) Olson Veterinary Clinic, (2) Sunset Provision, (3) Village Motorsports
- June 28, 2011 – (1) Rezoning of Faulconer Property, (2) Orange County Code Changes, (3) Sign Ordinance Revisions

Ms. Jordan stated that the Workforce Investment Board Ribbon Cutting ceremony will be rescheduled from May 24, 2011 to June 14, 2011.

RE: RECESS FOR DINNER

At 5:14 p.m., Mr. Burkett moved, seconded by Mr. Wilson and carried, to recess the meeting.

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

RE: RECONVENE

At 7:00 p.m., the Board reconvened in Open Meeting.

RE: PUBLIC COMMENT

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

RE: BOARD COMMENT

Supervisor Burkett commented on his attendance at the Battlefield Preservation Conference. He stated that one of the most interesting things that he saw was a restored courthouse that was used for a dinner and other activities. Mr. Burkett stated that the County has a very nicely restored courthouse and that there was a shortage of meeting space here in the County. He stated that he would like for the County to utilize the space for the citizens to use and possibly obtain funds for further repair and updates to the Courthouse.

Supervisor Burkett commented further about the conference stating that there were some very good points brought forward and some very good accomplishments.

RE: CLOSED MEETING

At 10:00 p.m., Mrs. Pandak read the following motion authorizing Closed Meeting:

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

- 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.);
- Three (3) matters of recruitment, assignment or performance of personnel and legal advice related thereto (§2.2-3711.A.1 and 7 VA Code Ann.);
- One matter of legal advice involving a lease (§2.2-3711.A.7 VA Code Ann.);
- One matter of legal advice regarding a possible violation of the County Code or other law;
- *Higginbotham, et al. v. Orange County*, and legal advice related thereto; and

WHEREAS, pursuant to §§2.2-3711.A. 1, 3, 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. Goodwin moved, seconded by Mr. Burkett and carried, to approve the resolution as presented. Ayes: Abbs, Burkett, Frame, Goodwin, Wilson. Nays: None.

RE: CERTIFICATION OF CLOSED MEETING

At 11:15 p.m. Mrs. 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.

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

RE: RESOLUTION TO APPOINT ACTING ZONING ADMINISTRATOR TO HANDLE APPEAL OF ROBERT AND WILMA FITHIAN

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

APPOINT ACTING ZONING ADMINISTRATOR TO HANDLE APPEAL OF ROBERT AND WILMA FITHIAN

WHEREAS, pursuant to Sec. 70-36 of the Zoning Ordinance, the Board of Supervisors appoints the Zoning Administrator, and

WHEREAS, appointment of a special Zoning Administrator is required for

purposes of the appeal of Robert and Wilma Fithian, Montebello Parcels TM 66-20, because Zoning Administrator Gregg Zody has a actual or perceived conflict; and

WHEREAS, the County Administrator will also be acting as the Subdivision Agent in handling the Subdivision Ordinance appeal;

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of Orange County does hereby appoint County Administrator Julie Jordan as the special Zoning Administrator for purposes of handling the appeal of Robert and Wilma Fithian, Montebello Parcels, TM 66-20.

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

RE: PUBLIC HEARING

At 7:33 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 Secondary Six-Year Plan for Fiscal Years 2012 through 2017 in Orange County, and on the Secondary System Construction Budget for Fiscal Year 2012.

Ms. Karen Kilby, Culpeper District Programming Director, for the Virginia Department of Transportation, updated the Board on the Proposed Six-Year Plan. Supervisor Burkett raised a question about taking funds from Route 669 and putting it towards Lahore Road, and questioned the timeframe of this process and whether or not the improvements could start at Route 20. Ms. Kilby stated that the Virginia Department of Transportation engineers would have to take a look at it, but that they would keep the Board of Supervisors updated. With no further questions, Mr. Goodwin moved, seconded by Mrs. Abbs and carried, to approve the following resolution as presented:

**SIX YEAR PLAN FOR SECONDARY ROADS FOR FISCAL YEARS 2012-2017 AND THE  
SECONDARY SYSTEM CONSTRUCTION BUDGET FOR FISCAL YEAR 2012**

WHEREAS, Section 33.1-23 and 33.1-23.4 of the 1950 Code of Virginia, as amended, provides the opportunity for each county to work with the Virginia Department of Transportation in developing a Secondary Six-Year Road Plan;

WHEREAS, this Board had previously agreed to assist in the preparation of this Plan, in accordance with the Virginia Department of Transportation policies and procedures, and participated in a public hearing on the proposed Plan (for Fiscal Years 2012 through 2017 as well as the Secondary System Construction Budget for Fiscal Year 2012) on May 10, 2011, after duly advertised so that all citizens of the County had the opportunity to participate in said hearing and to make comments and recommendations concerning the proposed Plan and Priority List;

WHEREAS, Karen Kilby, Culpeper District Programming Director, Virginia Department of Transportation, appeared before the Board and recommended approval of the Six-Year Plan for Secondary Roads for Fiscal Years 2012 through 2017 and the Secondary System Construction Budget for Fiscal Year 2012;

NOW, THEREFORE, BE IT RESOLVED that since said Plan appears to be in the best interests of the Secondary Road System in Orange County and of the citizens residing on the Secondary System, said Secondary Six-Year Plan for Fiscal Years 2012 through 2017 and the Secondary System Construction Budget for Fiscal Year 2012 are hereby approved as presented at the public hearing.

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

Following the Public Hearing, Chairman Frame asked Ms. Kilby if she was prepared to answer

questions on the Monthly Report from VDOT. Ms. Kilby stated that she was not, but that she could take questions and get back to the Board with answers. Chairman Frame stated that he had only one question. He stated that he remembers reviewing a report for the intersection of Route 611 and Route 20. He stated that the report indicated that safety did not justify a traffic light at the intersection but that traffic would justify it. Chairman Frame stated that now it appears that the intersection has been classified as a safety priority. Chairman Frame questioned what changed from a traffic priority to a safety priority. He stated that regardless he was pleased with the proposed installation of the traffic light. Ms. Kilby stated that she would have Marshall Barron respond to the question.

RE: ADJOURNMENT

There being no further business to discuss, Mrs. Abbs moved, seconded by Mr. Burkett and carried, to adjourn the meeting at 7:42 p.m. Ayes: Abbs, Burkett, Frame, Goodwin, Wilson. Nays: None.