

BOARD OF SUPERVISORS MINUTES

JULY 28, 2009

At a regular meeting of the Orange County Board of Supervisors held on Tuesday, July 28, 2009 beginning at 7:00 p.m., in the Meeting Room of the Gordon Building, 112 West Main Street, Orange, Virginia. Present: Lee H. Frame, Jr., Chairman; S. Teel Goodwin, Vice-Chairman; R. Mark Johnson; Zack Burkett; and Teri L. Pace. Also present: Julie G. Jordan, Acting County Administrator; Sharon Pandak, County Attorney; and Donna D. Curry, Chief Deputy Clerk.

RE: ADOPTION OF AGENDA

Mr. Johnson moved, seconded by Mr. Burkett and carried, to adopt the agenda as revised. Ayes: Johnson, Burkett, Goodwin, Pace, Frame. Nays: None. Absent: None.

RE: CONSENT AGENDA

Mr. Johnson moved, seconded by Mr. Burkett and carried, to approve the following consent agenda items as presented:

RE: SUPPLEMENTAL APPROPRIATIONS

The Board approved the following supplemental appropriations:

DEPT	ACCOUNT DESCRIPTION	AMOUNT	Funding Source
OFEMS	Supplies	\$ 7,900.00	Grant
Subtotal Fire and EMS		\$ 7,900.00	
Total this request		\$ 7,900.00	
Total Year to Date		\$ 11,526.53	
Tourism	Advertising	\$ 23.00	Sales Revenue
Subtotal Tourism		\$ 23.00	
Total this request		\$ 23.00	
Total Year to Date		\$ 11,549.53	

RE: MINUTES

The Board approved the following Minutes as presented:

- June 30, 2009 Regular Meeting; and
- July 3, 2009 Special Meeting.

RE: WAIVER OF LANDFILL TIPPING FEES: ORANGE COUNTY FAIR ASSOCIATION, INC.

The Board approved a request from the Orange County Fair Association, Inc. for a waiver of landfill tipping fees associated with the Orange County Agricultural Fair, scheduled for July 23 through July 26, 2009.

RE: REFUND REQUEST - BRODERICK

The Board approved a refund request for Joseph and Laura Broderick in the amount of \$200.00 for a Special Use Permit that was issued on May 29, 2009; whereupon further review the permit was not necessary.

RE: SUPPLEMENTAL APPROPRIATIONS FOR ORANGE COUNTY PUBLIC SCHOOLS

The Board approved a supplemental appropriation request from the Orange County

Public School for the appropriation of \$17,139 in the Cafeteria fund and \$1,692 in the Head Start Fund as presented.

Ayes: Johnson, Burkett, Goodwin, Pace, Frame. Nays: None.

RE: MINUTES OF JULY 14, 2009

Supervisor Goodwin requested that the minutes of July 14, 2009 be removed from the consent agenda as he was absent at the meeting.

Mr. Burkett moved, seconded by Mr. Johnson and carried, to approve the Minutes of July 14, 2009 as presented. Ayes: Johnson, Burkett, Pace, Frame. Nays: None. Abstain: Goodwin.

RE: PUBLIC COMMENT/PUBLIC APPEARANCES

Chairman Frame opened the floor for public comment.

Robert Cooke, 214 Madison Circle, Locust Grove, commented on the driveway leading into the Orange County Animal Shelter and the need for repairs.

There being no additional speaker, Chairman Frame closed Public Comment.

RE: BOARD COMMENT

Chairman Frame informed the Board that he had received an invitation from the Orange County Chamber of Commerce "thank you" breakfast for sponsors of the Business & Industry Reception; and the 2009 Convocation Ceremony scheduled for August 14, 2009.

RE: ACTION ITEMS

RE: PURCHASE ORDER REQUEST FOR THE LIBRARY CORPORATION (TLC)

Katie Hill, Library Director, commented on a purchase order request for The Library Corporation which would provide ongoing maintenance for software and hardware; subscriptions to products that provide records for the online catalog; updates for the filtering system, and website hosting services for the entire year.

Discussion ensued including: contract competition; other options; usage of the on-line catalog; and the quality of service.

Mr. Goodwin moved, seconded by Mr. Burkett and carried, to approve a purchase order request for The Library Corporation (TLC) for ongoing maintenance services for FY2010 as presented. Ayes: Johnson, Burkett, Goodwin, Pace, Frame. Nays: None.

RE: REQUEST FOR SUPPLEMENTAL STAFFING AT MINE RUN VOLUNTEER FIRE COMPANY

Jamie Clark, Director of Fire and EMS, and Jimmy Woodcock, Fire Chief of the Mine Run Volunteer Fire Company, explained the need for supplemental staffing of fire apparatus at the Mine Run Fire Station. Mr. Clark indicated that the request is for Orange County staff to supplement Mine Run's existing volunteers and recommended that a Driver Pump Operator and a Fire Fighter Medic be located at the station Monday through Friday, 8:00 a.m. to 6:00 p.m. He briefly reviewed the proposed Memorandum of Agreement.

Discussion ensued including: proposed relocation of the station; response times; and advantages to the proposed request.

Mr. Burkett moved, seconded by Mrs. Pace and carried, to approve the Memorandum of Agreement, as presented, and to reallocate County Fire & EMS staff to supplement the Mine Run Volunteer Fire Company as per the Agreement. Ayes: Johnson, Burkett, Goodwin, Pace, Frame. Nays: None.

RE: PROPOSED NEW STORM WATER MANAGEMENT REGULATIONS

Debbie Kendall, Interim Planning Director, explained that the Commonwealth of Virginia is currently revising its stormwater management programs to localities and to adopt more stringent stormwater management regulations. Mrs. Kendall presented the Board with a copy of the draft regulations currently under consideration.

Discussion ensued including: cost to localities; and opportunities for training. Discussion continued following the public hearing.

RE: PUBLIC HEARING

At 7:30 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 Tax Exempt status, pursuant to §58.1-3651 VA Code Ann., for three properties owned by The Orange County Historical Society, Inc., tax map no 044A-40016000-10, tax map no 044A-40016001-50, and tax map no 044A-40016001-60. The real property is zoned commercial.

For 2009 the assessed value of the real property for which the exemption is sought will be \$361,000. No tangible personal property of The Orange County Historical Society, Inc. was assessed in 2009. The approximate value of County real estate taxes for 2009 for these three parcels will be \$1,696.70 to the County of Orange.

Chairman Frame opened the floor for public comment at 7:32 p.m. There being none the public hearing was closed.

Mrs. Pandak clarified that the property does not retain tax exempt status if it is sold.

Mr. Burkett moved, seconded by Mr. Goodwin and carried, to adopt the following ordinance as presented:

ORDINANCE TO EXEMPT REAL PROPERTY OWNED BY THE ORANGE COUNTY HISTORICAL SOCIETY FROM TAXATION

WHEREAS, The Orange County Historical Society an IRS § 501(c)(3) tax-exempt nonprofit organization, has petitioned the Board of Supervisors to exempt from taxation certain real property pursuant to Article X, § 6(a)(6) of the Constitution of Virginia; and

WHEREAS, § 58.1-3651 VA Code Ann. sets forth the procedure, including adoption of an ordinance, by which the Board may designate property as tax exempt, establishes certain requirements for a public hearing concerning the adoption of such an ordinance, and sets forth certain questions and materials to be considered prior to the adoption of such an ordinance; and

WHEREAS, the Board, after due notice and conduct of a public hearing, has considered the questions and materials set forth in § 58.1-3651(B) VA Code Ann., has reviewed the information provided by The Orange County Historical Society and has determined that the petition for the proposed exemption from taxation should be granted;

NOW, THEREFORE, BE IT ORDAINED by the Board of Supervisors of Orange County, Virginia, that:

1. In accordance with § 58.1-3651(A) VA Code Ann., the Board designates The Orange County Historical Society as a nonprofit organization, operating with charitable, patriotic, cultural and historical purposes within the context of Article X, § 6(a)(6) of the Constitution of Virginia; and
2. In accordance with § 58.1-3651(A) VA Code Ann., the Board exempts from local property taxation the real property located in Orange County with Tax Map No. 044A-40016000-10, Tax Map No. 044A-40016001-50 and Tax Map No. 044A-40016001-60, and are zoned commercial, owned by The Orange County Historical Society and used by it exclusively for charitable, patriotic, cultural and historical purposes; and
3. Pursuant to §58.1-3605 VA Code Ann., the Orange County Historical Society shall file triennially an application with the Commissioner of the Revenue as a requirement for retention of the exempt status of the properties. Such application shall show the ownership and usage of such properties and shall be filed within the next 60 days preceding the tax year for which such exemptions, or the retention thereof, is sought; and
4. The clerk is directed to forward an attested copy of this ordinance to the Commissioner of the Revenue and the Treasurer, and to The Orange County Historical Society; and
5. The continuance of this exemption shall be contingent on the continued use of such property in accordance with the purpose for which The Orange County Historical Society, is designated; and
6. This ordinance shall become effective upon adoption so that the tax exempt status can be recognized for tax year 2010.

Ayes: Johnson, Burkett, Goodwin, Pace, Frame. Nays: None.

RE: ACTION ITEMS CONTINUED

RE: PROPOSED NEW STORM WATER MANAGEMENT REGULATIONS

Mrs. Kendall stated that the proposed regulations apply to land disturbances of one or more acres. She indicated that Greg Wichelns, Director of the Culpeper Soil & Water Conservation District, offered to attend a Board meeting to further explain the proposed regulations.

By consensus, the Board requested that this item be added to its August 11, 2009 agenda, for further discussion and directed staff to extend an invitation to Mr. Wichelns to attend the meeting.

RE: RESPONSE TO GOVERNOR KAINE/SPEAKER HOWELL'S LETTER

Chairman Frame presented the Board with a letter he had drafted in response to the letter received from Governor Kaine and Speaker Howell. He inquired as to whether the Board wanted to send the response in advance of the public hearing or wait until a decision has been made by the Board.

Discussion ensued including: asking Wal-mart to step back and consider a different location; and the need to listen to constituents.

By consensus, the Board authorized the Chairman to sign a letter, on its behalf, in response to a letter received from Governor Kaine and Speaker Howell regarding the proposed Wal-mart Development, as revised.

RE: ESTABLISH A PUBLIC HEARING DATE FOR SUP 08-07

Mr. Burkett moved, seconded by Mr. Goodwin and carried, to schedule a public hearing on August 24, 2009, beginning at 6:00 p.m., in the Orange County High School Auditorium, for consideration of SUP 08-07 (Wal-mart). Ayes: Johnson, Burkett, Goodwin, Pace, Frame. Nays: None.

RE: APPOINTMENTS TO BOARDS, COMMISSIONS, AND COMMITTEES

Mr. Burkett made a motion to recommend to the Orange County Circuit Court, the appointment of John "Jack" Snyder as the District Two representative on the Board of Zoning Appeals. Ayes: Burkett, Pace, Frame. Nays: Johnson, Goodwin.

RE: DISCUSSION ITEMS

RE: REQUEST FROM THE CENTRAL VIRGINIA BATTLEFIELDS TRUST (CVBT)

Ms. Pandak stated that at its July 14, 2009 meeting, the Board discussed a letter received from the Central Virginia Battlefields Trust (CVBT) which requested that the Board consider exempting CVBT from the second half real estate taxes and donating to CVBT its payment for the first half of the year. She explained that the Board is not authorized to exempt CVBT from taxes for 2009 because the exemption was granted after January 1, 2009. As previously advised, tax exemptions granted after January 1, 2009, as a matter of law, are effective the following calendar year. However, the Board can choose to donate the amount of the taxes to the CVBT.

Following a brief discussion, the Board took no action.

RE: 275TH ANNIVERSARY OF ORANGE COUNTY

Mrs. Pace reported that Saturday, October 3, 2009, is the suggested date for the 275th anniversary celebration for Orange County. Several separate community events have been scheduled for earlier in the day, so the committee felt that an evening celebration, with fireworks, would be better.

Following discussion, the Board, by consensus, scheduled October 3rd beginning at 6:00 p.m. for the 275th anniversary celebration; and authorized a budget of \$15,000 with funding from the Contingency fund.

RE: PROCESS CHANGE FOR PUBLIC HEARING ADVERTISEMENTS

Supervisor Johnson requested that this item be added to the agenda for discussion. As a result of the missing public hearing advertisement in the Orange Review, He suggested that there be a process for making sure that advertisements for public hearings are ran in the paper as requested.

Discussion ensued including: requesting that each department prepare a plan showing that legal requirements are being met; develop checklists; and regulatory change versus cultural change.

Chairman Frame requested that staff provide a copy of checklists they are using, to the

Board at its meeting on September 8, 2009.

RE: INFORMATION ITEMS

The Board received a copy of the Orange County Economic Development Authority (EDA) which expresses its support for the proposed Special Use Permit Application by JDC Ventures, LLC on behalf of Wal-Mart Stores, Inc. The resolution was adopted at a regular meeting of the Orange County EDA on March 17, 2009.

RE: CALENDAR

The Board received copies its calendar for the months of August, September, and October, 2009.

RE: CLOSED MEETING

At 8:44 p.m., Ms. Pandak read the following resolution to authorize a Closed Meeting:

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

- Discussion or consideration of the acquisition of real property for a public purpose where discussion in an open meeting would adversely affect the bargaining position or negotiation strategy of the public body,
- Consultation with legal counsel pertaining to potential litigation where such consultation or briefing in open meeting would adversely affect the negotiating or litigating posture of the board;
- Assignment of employees and legal advice related thereto; and

WHEREAS, pursuant to §2.2-3711.A.1, 3 and 7. VA Code Ann., such discussions may occur in Closed Meeting;

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of Orange County does hereby authorize discussion of the aforesated matters in Closed Meeting.

Ayes: Johnson, Burkett, Goodwin, Pace, Frame. Nays: None.

RE: CERTIFICATION OF CLOSED MEETING

At 9:28 p.m., Mr. Johnson made a motion to adopt the following resolution:

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 seconded the motion. Ayes: Johnson, Burkett, Goodwin, Pace, Frame. Nays: None.

RE: ADJOURNMENT

There being no further business to discuss, Mr. Burkett moved, seconded by Mr. Johnson and carried, to adjourn the meeting at 9:40 p.m. Ayes: Johnson, Burkett, Goodwin, Pace, Frame. Nays: None.