

**BOARD OF SUPERVISORS MINUTES**

**September 27, 2011**

At a regular meeting of the Orange County Board of Supervisors held on Tuesday, September 27, 2011 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; Shannon Abbs, Vice-Chairman; S. Teel Goodwin; Grover Wilson; and Zack Burkett. Absent: None. Also present: Julie Jordan, County Administrator, Sharon Pandak, County Attorney; and Ashley Jacobs, Chief Deputy Clerk.

RE: ADOPTION OF AGENDA

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

RE: CONSENT AGENDA

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

RE: SUPPLEMENTAL APPROPRIATIONS

The Board approved the following supplemental appropriations:

FY11-12 SUPPLEMENTAL APPROPRIATIONS

DEPT	ACCOUNT DESCRIPTION	AMOUNT	Funding Source
Clerk of the Circuit Court	Records Preservation	\$ 4,996.00	Library of VA grant
<b>Subtotal Clerk of the Circuit Court</b>		<b>\$ 4,996.00</b>	
Commonwealth's Attorney	Asset Forfeiture Program	\$ 180.00	Forfeited Assets State (DCJS)
<b>Subtotal Commonwealth's Attorney</b>		<b>\$ 180.00</b>	
Sheriff's Office	Forfeited Assets	\$ 1,600.00	Forfeited Assets State (DCJS)
Sheriff's Office	Overtime Law Enforcement	\$ 10,628.60	DMV Selective Enforcement Grant
Sheriff's Office	In-Car Video	\$ 7,335.00	DMV Selective Enforcement Grant
Sheriff's Office	Camera & drive	\$ 7,335.00	DMV Selective Enforcement Grant
<b>Subtotal Sheriff</b>		<b>\$ 19,563.60</b>	
Animal Shelter	Emergency Vet	\$ 868.27	Donations
Animal Shelter	Reimb Propane	\$ 868.27	Donations
Animal Shelter	Expense	\$ 1,577.90	Donations
Animal Shelter	Vaccinations	\$ 910.00	Donations
<b>Subtotal Animal Shelter</b>		<b>\$ 3,356.17</b>	
<b>Total this request</b>		<b>\$ 28,095.77</b>	
<b>Total Year to Date</b>		<b>\$ 106,552.86</b>	

RE: PROCLAMATION FOR NATIONAL 4-H WEEK

The Board approved the following proclamation as presented:

PROCLAIM OCTOBER 2-8, 2011 – NATIONAL 4-H WEEK – ORANGE COUNTY

WHEREAS, Orange County 4-H is an admirable positive youth development program which has provided life skills development for youth ages 5-19 for more than 100 years so that the whole child including head, heart, hands and health, might step up to the challenges of a complex and changing world with confidence; and

WHEREAS, 4-H as part of the Virginia Cooperative Extension Program of Virginia Tech and Virginia State University is a program where youth learn through opportunities that provide them hand-on experiences in 4-H's mission mandates of science, engineering and technology, healthy living and citizenship; and

WHEREAS, 4-H is the nation's largest youth development organization with more than six million 4-H youth in urban neighborhoods, suburban schoolyards and rural farming communities who stand out among their peers: building revolutionary opportunities and implementing community-wide change at an early age; and

WHEREAS, 4-H in Orange County claims 569 members in clubs and camping programs and over 1,400 members in 4-H special interest programs; and

WHEREAS, 4-H in Orange County undoubtedly could not have achieved the success it has today were it not for the service of over 450 volunteers, who have given generously of their time, talents, energies, and resources to the youth of the community; and

NOW, THEREFORE, BE IT RESOLVED that the Orange Board of County Supervisors does hereby proclaim October 2-8, 2011 as National 4-H Week in Orange County and urges the people of this community to take advantage of the opportunity to become more aware of this special program that enhances our young people's interests in their futures as part of Orange County 4-H Youth Development and to join us in recognizing the unique partnership between our County and our State University System.

RE: MINUTES

The Board approved the following minutes:

- September 13, 2011 Regular Meeting

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

RE: PUBLIC COMMENT/PUBLIC APPEARANCES

RE: PUBLIC COMMENT

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

- Andy Hromyack, Orange, VA, commented on the denial of the Skydive Orange lease renewal.
- Bruce Kay, 105 Constitution Boulevard, Locust Grove, VA, commented on Channel 18, the Rapidan Service Authority, and the Large Retail Use ordinance.
- Greg Wichelns, of the Culpeper Soil and Water Conservation District, commented on the Upper York Total Maximum Daily Loads.

RE: EMPLOYEE OF THE MONTH

The Board recognized the E-911 Department as a whole, as the Employee of the Month for September 2011. The employees recognized are as follows: Nicola Tidey (911 Manager), Amy French, Kenneth Fowler, Jason Guckert, John Hudgins, Thomas Joyce, Whit Jacobs, Pamela Lace, Allen Kuser, Robin Lewis, William Martin, Jr., Peggy McDaniel, Tiffany Myers, Steven Riner, and Anna Simmons. The following employees were present to receive the award on behalf of the Department: Jason Guckert, Pamela Lace, Peggy McDaniel, and E911 Manager, Nicola Tidey.

RE: PRESENTATION OF RESOLUTION OF APPRECIATION FOR THE E-911 CENTER

The Board presented a Resolution of Appreciation to the E-911 Department for their efficient, reliable and professional services provided to the residents of Orange County and the Fire/EMS staff/volunteers during the earthquake on August 23, 2011, and the storm that affected Lake of the Woods on August 25, 2011; as well as for their continued service and exceptional representation of Orange County, Virginia.

RE: DEPARTMENT OF CONSERVATION AND RECREATION (DCR) – TOTAL MAXIMUM DAILY LOAD, WATERSHED IMPLEMENTATION PLAN-PHASE II PRESENTATION

Christine Watlington, DCR Policy and Budget Analyst for DCR, presented an update on Phase II of the Total Maximum Daily Load, Watershed Implementation Plan. She explained local goals, measurement tools, and the role of Best Management Practices (BMP's), as well as the Phase II timetable.

Discussion ensued regarding the Phase II timetable, notification to localities, and future assistance for localities.

Ms. Watlington stated that as part of the outreach process the Virginia Assessment Scenario Tool (VAST) has been created and that training on the assessment tool will be provided on October 19, 2011 through the Rappahannock Rapidan Planning District Commission. She also stated that there is a Circuit Rider program through the Center for Watershed Protection for technical assistance and that there is a request for proposals which has recently been released for grant money for the planning phase of this plan.

The Board expressed its concern with the timetable, the lack of locality notification and lack of demand for locality involvement.

RE: REASSESSMENT UPDATE

Gary Eanes, Vice-President Wampler-Eanes Appraisal Group, provided the Board with an update on the reassessment process. He stated that 20,191 properties have been assessed and that notices are proposed to be sent out on October 21, 2011. He further stated that residents would be able to have appeal hearings with the firm beginning on November 7, 2011 and that the Board of Equalization would hear appeals beginning in January or February.

Discussion ensued regarding the decrease in assessment figures. Mr. Eanes stated that the figures were down 10% - 35% County wide, but that this depended largely on the location of the property and the market area.

Julie Jordan, County Administrator, informed the Board that in October the Board of Equalization would need to be discussed and its members would need to be appointed.

RE: SKYDIVE ORANGE UPDATE

Kurt Hildebrand, Public Works Director, introduced Gigi Rucker, Treasurer of Skydive Orange, to the Board. Ms. Rucker updated the Board on the construction of the new hangar and provided the Board with statistics regarding first time skydive jumpers and total skydive jumps facilitated by Skydive Orange. She also stated that work with the Military for United States training exercises, has accounted for an increase in activity. Ms. Rucker further stated that Skydive Orange has obtained a special troop carrier rating from the Department of Justice, which opens the Skydive Orange jumping establishment to all branches of the U.S. government.

Chairman Frame asked what percentage of the establishments' business is from work with the federal government and Ms. Rucker stated approximately 15-20% and it is increasing.

RE: SHELTERING ARMS CLOSURE

Mary Lee Hensel, Treasurer for Sheltering Arms, stated that the Shelter was closing for financial reasons. She noted that there are currently 25 people housed in the shelter, 12 of which are children. Ms. Hensel stated that she is unsure of the exact date of closure, as the Shelter would need approximately \$22,000 to stay open through October 31, 2011, and that the Department of Housing is not providing any funding next year.

Bob Lingo, Director of Social Services, commented that the situation has been progressively deteriorating and is inescapable and inevitable. He stated that he would be remiss if he did not acknowledge with profound gratitude the efforts made by local churches, members of the community, shelter employees, the Board of Directors, the Board of Supervisors, and volunteers, thus far.

Discussion ensued about the options for those people that are homeless and are currently in the shelter, the cost of staffing the shelter, and potential cuts to operating costs for the shelter. The Board questioned why prior notice had not been provided to the Board of Supervisors. Mr. Lingo stated that the Sheltering Arms Board of Directors is a hopeful group of people who have been successful in the past and had hoped to be successful at this time.

The Board conveyed their distressing concern about the situation.

Mr. Goodwin moved, seconded by Mr. Burkett and carried, to appropriate \$22,000 from the Contingency Fund to Sheltering Arms to provide for the soft closing of the shelter by the end of October, 2011.

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

RE: RECESS

The Board recessed the meeting at 8:24 p.m.

RE: RECONVENE

The Board reconvened at 8:32 p.m. in Open Meeting.

RE: BOARD COMMENT

Supervisor Burkett stated that he would like to examine the location of the Emergency Operations Center and the potential for having the Center relocated to a different building.

Discussion ensued regarding alternative options for the Emergency Operations Center location, the potential to relocate the E911 Center, and back-up options for the Emergency Operations Center location and the E911 Center location.

By consensus, the Board directed staff to look into alternative location options for the County's Emergency Operations Center (EOC) in emergency situations, if necessary, and permanently.

RE: ACTION ITEMS

RE: CENTRAL VIRGINIA REGIONAL JAIL EXPANSION AND RENOVATION

Glenn Aylor, Central Virginia Regional Jail Superintendent, appeared before the Board to explain the planned expansion project. Mr. Aylor stated that Mr. Bob Schwartz and Sheriff Mark Amos, Jail Authority members, and two representatives from Mosley Architects were also present.

Mr. Aylor presented a presentation on the jail, the history of its existence, and the planned expansion. Discussion ensued regarding: re-entry beds, the female population versus the male population, locality share calculations, the lifespan of the expansion for the beds, programs provided for the prisoners, the average number of inmates from Orange County, and the associated costs.

Supervisor Abbs stated that we need to be cognizant of the size of the Jail and the need for the Jail to work together with the Town of Orange. Mr. Schwartz commented that they plan to abide by the Town's screening and height restriction rules. Sheriff Amos stated that the location of the Jail is an asset to the County, because they do not have to transport prisoners very far.

Discussion ensued regarding the overall budget of the expansion and the existing magistrate's office.

Mr. Burkett moved, seconded by Mr. Goodwin and carried, to approve the following resolution:

RESOLUTION OF THE BOARD OF SUPERVISORS OF ORANGE COUNTY, VIRGINIA,  
REGARDING THE EXPANSION OF THE CENTRAL VIRGINIA REGIONAL JAIL

WHEREAS, the Counties of Orange, Greene, Madison, Fluvanna and Louisa, Virginia (collectively, the "Participating Jurisdictions"), operate the Central Virginia Regional Jail (the "Regional Jail") through a Regional Jail Authority, formed pursuant to Chapter 3, Article 5 of Title 53.1 VA Code Ann., and pursuant to an agreement dated February 12, 1988, and amended on December 15, 2008;

WHEREAS, by Resolution dated December 15, 2008, the Board of Supervisors of Orange County considered plans by the Participating Jurisdictions to make improvements to the existing Regional Jail facilities, including the construction of an expansion thereto to provide 200 additional beds, and any necessary improvements to the existing facility to accommodate the additional bed space (the "Project");

WHEREAS, by the same Resolution dated December 15, 2008, the County acknowledged that the preliminary estimate of the capital costs of the Project was \$10,000,000.00, and the Project is to be financed as provided in Chapter 3, Article 3.1 of Title 53.1 VA Code Ann.(the "Act").

WHEREAS, by the same Resolution dated December 15, 2008, to the extent there were other capital costs, including financing proposal costs, the County found that inclusion of such information was impractical;

WHEREAS, after consideration of the actual, approved planning study by the Virginia Board of Corrections on July 10, 2011, it has become apparent that the estimate of the capital

costs of the Project are \$16,928,382.00;

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF ORANGE COUNTY, VIRGINIA.

That the revised preliminary estimate of the capital costs of the Project is \$16,928,382.00, instead of \$10,000,000.00 as set forth in paragraph 5 of the Resolution dated December 15, 2008; and, the remaining provisions of that Resolution remain in effect and unchanged.

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

RE: RELEASE OF SCHOOL CONTINGENCY FUND

Glenda Bradley, Finance Director, reminded the Board as part of the FY12 budget adoption process, the Board appropriated \$140,372 in a contingency line item for an additional local contribution to school operations. After a review of final revenues and expenditures for FY11 leaving \$409,000 remaining in the General Fund appropriation for local contribution, it is now being requested that the Board release the contingency and incorporate the funds into the FY12 local contribution for the School Operating Fund.

Supervisor Abbs commented on the confusion of the situation from the last meeting regarding the fact that the school gave back a net of \$260,000.

Mrs. Abbs moved, seconded by Mr. Goodwin and carried, to release the Contingency Appropriation of \$140,372, and incorporate the funds into the FY12 local contribution for the School Operating Fund.

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

RE: COSTS FOR COURTHOUSE/COURTHOUSE CLOCK RENOVATIONS

Mr. Kurt Hildebrand, Public Works Director, appeared before the Board to explain two options for renovations addressing the current deficiencies of restroom facilities and ADA compliance in using the historic courthouse for community related meetings and/or events. He explained that he had not yet had an opportunity to speak with the Judge concerning all of the options.

Supervisor Burkett requested the discussion of authorization for County staff to explore grants for renovation of the Old Courthouse. Discussion ensued about pursuing grant options and about where the funding would come from if a grant was not obtained. Mr. Hildebrand stated that he had excess roof repair Capital Improvement Plan funds which could be utilized for the cost of the renovations.

By consensus, the Board directed staff to look into grant funding options for restoration/renovations of the historical courthouse and to speak with the judge regarding alternative options for use of the courthouse space.

Mr. Burkett moved, seconded by Mr. Goodwin and carried, to approve restoration of the courthouse clock for a total cost of \$9,960 and to appropriate the funds from the remaining roof replacement Capital Improvement Plan funds.

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

RE: DEPARTMENT OF AVIATION LAND ACQUISITION AND EASEMENT GRANT

Mr. Kurt Hildebrand, Public Works Director, announced a grant offer had been received

dated September 6, 2011, from the Virginia Department of Aviation that it will be used to reimburse the County for properties and easements acquired to date. He reminded the Board that the project is 95% federally funded, 3% state funded, and 2% locally funded.

Mr. Goodwin moved, seconded by Mr. Burkett and carried, to authorize the County Administrator to execute the DOAV Grant Offer identified as Obstruction Removal-Phase 2, Land and Easement Acquisition, Project No. CF0037-13.

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

RE: VIRGINIA DEPARTMENT OF EMERGENCY MANAGEMENT GRANT/STATE  
HOMELAND SECURITY PROGRAM GRANT

Jamie Clark, Fire and EMS Director, explained that they are seeking approval to submit a grant application through the Virginia Department of Emergency Management for purchase and installation of a backup generator system to be installed at the Hornet Center. He explained funds in the amount of \$6,000,000 have been awarded to the State of Virginia to disperse for improvements for emergency shelters throughout the state. He stated that no matching funds would be required from the localities as the grant, if awarded, would be one-hundred (100) percent funded.

Mr. Burkett moved, seconded by Mrs. Abbs and carried, to approve the Fire & EMS Department to submit a grant application through the Virginia Department of Emergency Management for purchase and installation of an emergency back-up generator for the Hornet center.

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

RE: GENERATOR TRANSFER SWITCH AT ANIMAL SHELTER

Julie Jordan, County Administrator, gave an overview of the recent donation of a Troy-Bilt XP 7000 watt portable generator by Karl and Carole Santone. She detailed why the generator is needed, and the planned installation of the transfer switch with Board approval. She explained the entire project, including training of the staff, is fully funded by donation and would require no local funds.

Mr. Burkett moved, seconded by Mr. Goodwin and carried, to authorize the County Administrator to approve installation of a generator transfer switch at the Animal Shelter and to accept the specified donations of funding and labor.

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

By consensus, the Board also directed staff to send letters of appreciation on behalf of the Board Chairman to those donors who have made significant donations to the Animal Shelter. Furthermore, the Board directed Beth Hamilton, Animal Shelter Director; to determine which donation levels are appropriate to receive recognition from the Board Chairman.

RE: RESOLUTION FOR SPEED STUDY ON ROUTE 601

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

RESOLUTION BY THE ORANGE COUNTY BOARD OF SUPERVISORS  
TO CONDUCT A SPEED STUDY ON ROUTE 601

WHEREAS, considerable development has occurred on Route 601 with the recent

construction of a new Orange County Public School; and

WHEREAS, Route 601 is a public road that serves the residents of Orange County; and

WHEREAS, funds are available for this project under the Department of Transportation's Secondary System Construction Allocation;

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of Orange County hereby formally requests that the Virginia Department of Transportation conduct a speed study and report back to the Board on findings and recommendations to lower the speed limit on Route 601 between Route 20 and Route 3, utilizing funds available from the Department of Transportation's Secondary System Construction Allocation for Orange County.

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

RE: ORANGE COUNTY CODE CHANGE – QUADRENNIAL ELECTIONS

Mr. Burkett moved, seconded by Mr. Goodwin to remove the table on the Quadrennial Elections matter.

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

Mrs. Abbs moved, seconded by Mr. Goodwin and carried, to deny the approval of the amendment to § 22-39 to revert to Quadrennial Elections.

Ayes: Abbs, Goodwin, Wilson, Frame. Nays: Burkett.

RE: CONCURRENT RESOLUTION FOR RAPIDAN SERVICE AUTHORITY CHARTER

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

CONTINUED CONCURRENT RESOLUTION OF THE BOARDS OF SUPERVISORS OF  
ORANGE, MADISON AND GREENE COUNTY, VIRGINIA, TO AMEND THE ARTICLES OF  
INCORPORATION OF THE RAPIDAN SERVICE AUTHORITY

WHEREAS, the Boards of Supervisors of Orange, Madison and Greene County, Virginia, by concurrent resolutions adopted June 17, 1969, resolved to create the Rapidan Service Authority under the Virginia Water and Sewer Authorities Act (Chapter 28, Title 15.1, Code of Virginia, 1950, as amended);

WHEREAS, a Certificate of Incorporation was issued by the State Corporation Commission on June 24, 1969;

WHEREAS, a first Certificate of Amendment was issued by the State Corporation Commission on July 18, 1980, and a second Certificate of Amendment was issued by the State Corporation Commission on August 31, 1984; and

WHEREAS, a third amendment to the Articles of Incorporation is now necessary to extend the term for the existence of the Rapidan Service Authority as a corporation.

NOW, THEREFORE, IT IS HEREBY RESOLVED by the Board of Supervisors of Orange County, Virginia, the Board of Supervisors of Madison County, Virginia, and the Board of Supervisors of Greene County, Virginia, in separate meetings assembled, that the following third Articles of Amendment to the Articles of Incorporation of the Rapidan Service Authority, be, and it hereby is adopted, to wit:

SECTION 2(e) is amended to state:

“The Authority shall have existence for a term of 50 years from January 1, 2011, as a Corporation.”

In Witness Whereof, the Boards of Supervisors of Orange County, Madison County and Greene County, Virginia, respectively, have caused this third Articles of Amendment to the Articles of Incorporation for the Rapidan Service Authority to be executed on their behalf by the Chairman of the respective Boards of Supervisors, and their seals to be affixed and attested by their respective Clerks on the dates written beside their signature.

Ayes: Abbs, Goodwin, Wilson, Frame. Nays: Burkett.

RE: HOUSEHOLD HAZARDOUS WASTE EVENT – POTENTIAL ADDITIONAL ALLOCATION

Kurt Hildebrand, Public Works Director, stated that during the last Household Hazardous Waste Event, the event was ended early to avoid exceeding budgeted funds, and it was his understanding that this displeased the Board. Furthermore, he stated that he would like direction from the Board regarding the hours of the upcoming event regardless of the amount of material received and thus the potential for the budgeted amount to be exceeded.

Mr. Wilson moved, seconded by Mrs. Abbs and carried, authorizing the County Administrator to allow for Hazardous Waste Day to be open from 8 A.M. to Noon on Saturday, October 22, 2011. Should material that is received exceed the available budget amount of \$16,945.00, the additional costs will be paid from Reserve for Contingencies 4-100-91400-9210.

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

RE: APPOINTMENT OF ACTING SUBDIVISION AGENT AND ACTING ZONING ADMINISTRATOR

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

APPOINT ACTING SUBDIVISION AGENT

WHEREAS, the Board of Supervisors has appointed the County Administrator as Subdivision Agent pursuant to Sec.54-10 of the County Code; and

WHEREAS, Ms. Jordan will be on leave; and

WHEREAS, Public Works Director Kurt Hildebrand should serve as Acting Subdivision Agent in her absence;

NOW, THEREFORE, BE IT RESOLVED that, during the absence of County Administrator, Julie Jordan, Public Works Director Kurt Hildebrand is appointed to serve as Acting Subdivision Agent.

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

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

APPOINT ACTING ZONING ADMINISTRATOR(S)

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

WHEREAS, appointment of an Acting Zoning Administrator is necessary in the extended absence of the Zoning Administrator, Gregg Zody, and County Administrator Julie Jordan should serve in that role; and

WHEREAS, during this time, when Public Works Director Kurt Hildebrand serves as Acting County Administrator, because Ms. Jordan is on leave, Mr. Hildebrand should serve as Acting Zoning Administrator;

NOW, THEREFORE, BE IT RESOLVED that, until further action of the Board, the Board of Supervisors of Orange County does hereby appoint County Administrator, Julie Jordan, as the Acting Zoning Administrator in the absence of the Zoning Administrator, Gregg Zody; and that, while Ms. Jordan is absent, Public Works Director Kurt Hildebrand shall serve as Acting Zoning Administrator.

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

RE: APPOINTMENTS TO BOARDS, COMMISSIONS, AND COMMITTEES

Supervisor Abbs stated that she would like for the Town of Gordonsville to be solicited for their input for the Gordonsville area representative appointed to serve on the Economic Development Authority.

By consensus, the Board directed staff to reach out to the Town of Gordonsville to see if they have any recommendations for appointment of an individual to the Economic Development Authority.

Mr. Burkett moved to appoint Nora Coleman to the Social Services Board for District Two, for a four year term, with said term expiring on September 30, 2015.

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

Supervisor Goodwin suggested that the two current airport commission members whose terms are set to expire, are very dedicated to the airport and its improvements.

RE: DISCUSSION ITEMS

RE: SKYDIVE ORANGE LEASE DISCUSSION

Discussion ensued regarding airplane noise and general noise from the airport.

Kurt Hildebrand, Public Works Director, stated that Skydive Orange has certainly increased their activity with their recent work with the Military. Mr. Hildebrand also stated that he received a letter from Gunnery Sergeant Shane Denna of the United States Marine Corps, requesting the continued lease of the old hangar, even after Skydive Orange moves into the new hangar.

Discussion ensued regarding leasing the old hangar to Skydive Orange on an annual basis, and options for longer term leases and the condition of the hangar. Mr. Hildebrand stated that the revenue of \$550 per month is needed.

Discussion ensued regarding the campers and trailers at the airport and the potential to ask that they be removed with the exception of bigger planned events.

By consensus, the Board directed staff to discuss with the Airport Commission members the use of campers at the airport by Skydive Orange and report back to the Board on this issue and also to propose varying lease term options to Skydive Orange for the continued lease of the old airport hangar.

RE: POTENTIAL COMPACTOR/COLLECTION SITE OPENING COSTS

Discussion ensued regarding opening all solid waste collection sites on Sundays beginning on October 9, 2011, and closing all sites on County holidays, the consideration of employees' schedule and staff notification of the potential change, notification to the contractor, and future budget cycles.

Mr. Burkett moved, seconded by Mr. Wilson and carried, to open all solid waste collection sites every Sunday from 9:00 a.m. – 5:00 p.m. and the landfill for the remainder of FY12 for a total cost of \$59,473.04 and to close all solid waste collection sites and the landfill on the nine remaining holidays in FY12 for a total cost savings of \$28,980.74. Furthermore, the costs include opening the landfill only to accept the waste delivered by County collection vehicles.

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

The Board also decided to have County Administrator, Julie Jordan, decide where to appropriate the funding from for the additional operating costs and report back to the Board.

RE: INITIATION OF PUBLIC HEARING REGARDING PROPOSED REPEAL OF SECTION 70-1, LARGE RETAIL USE DEFINITION, AND SECTION 70-582, LARGE RETAIL USES

Supervisor Goodwin stated that he would like to repeal the Large Retail Use Ordinance and incorporate the proposed guidelines as standards within the existing Ordinance to accommodate all businesses. Supervisor Burkett stated that he wanted the proposed guidelines to remain guidelines as opposed to requirements.

Sharon Pandak, County Attorney, provided a brief summary of the history of the Board's work with the repeal of the Large Retail Use Definition and Section 70-582, Large Retail Uses.

Supervisor Goodwin stated that regardless he would like to see the repeal of the Ordinance, so as not to impede the process for businesses. The Board took no action on this matter at this time.

Supervisor Abbs stated that the Planning Commission is also very busy with the Comprehensive Plan and need to focus on the completion of their five year review.

RE: UPDATE ON ROUTE 20 RESIDENTIAL SEWER LINE PROJECT

Karen Epps, Economic Development Director, stated that since the last update provided to the Board, staff received a draft proposal from Wiley Wilson for a Preliminary Engineering Report as well as a draft proposal from the Rappahannock-Rapidan Regional Commission (RRRC) to conduct the residential surveys.

Ms. Epps explained that the Department of Housing and Community Development will require a commitment from the Board to implement the project after the planning phase is complete. Supervisor Frame asked about the cost of implementation. Ms. Epps stated that we would not have an estimated cost for implementation until the preliminary engineering report is completed. Discussion ensued about the process by which the matter will be handled and about the proposal options offered by Wiley Wilson and the Rappahannock-Rapidan Regional Commission.

Discussion continued including the cost to make a commitment to implement the project/plan, the two surveying options proposed by the RRRRC, the existing facilities, the proposed facilities, and the potential properties they may serve.

Mr. Frame moved, seconded by Mrs. Abbs and carried, to approve option one consisting of 53 parcels to be surveyed, with a minimum of 50 surveys to be completed for a total cost of \$2,100.

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

RE: RESOLUTION TO SUPPORT LIMITED EMINENT DOMAIN FOR PUBLIC USES

Supervisor Burkett explained why he believed support of House Joint Resolution No. 693 was important and utilized an instance which occurred in Connecticut as an example.

Mr. Burkett moved, seconded by Mr. Goodwin, to approve the following resolution as presented:

SUPPORT OF LIMITED EMINENT DOMAIN FOR PUBLIC USES

WHEREAS, House Joint Resolution No. 693 proposes an amendment to Section 11 of Article 1 of the Constitution of Virginia, relating to taking or damaging of private property; and

WHEREAS, House Joint Resolution No. 693 was agreed to by the Senate on February 22, 2011; and

WHEREAS, House Joint Resolution No. 693 was agreed to by the House of Delegates on February 23, 2011;

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of Orange County does hereby support House Joint Resolution No. 693 as attached.

No vote was taken on this motion.

Sharon Pandak, County Attorney, provided an understanding of eminent domain laws as it pertains to Virginia, other states and particular court cases. Ms. Pandak also stated that approval of House Joint Resolution No. 693, switches the burden of proof to localities to prove that the property in question is in fact going to be used for a public use; and as it stands now, the presumption is that the property in question will be used for a public use.

Supervisor Burkett stated that he witnessed a situation where the County tried to steal land and that he is interested in protecting the rights of citizens not making it easier to condemn land. He also stated that he believed that it should be very difficult for the government to take land.

Ms. Pandak stated that generally the Virginia Association of Counties does not support House Joint Resolution No. 693.

Mr. Frame moved, seconded by Mrs. Abbs and carried, to table the eminent domain resolution matter until the October 25, 2011 meeting and for staff to schedule a representative from the Virginia Association of Counties to appear before the Board and present on this topic.

Ayes: Abbs, Goodwin, Wilson, Frame. Nays: Burkett.

RE: INFORMATION ITEMS

The Board received the following correspondence for its information:

- Treasurer's Report: Phyllis Yancey, Treasurer

RE: COMMITTEE REPORTS

There were no committee reports.

RE: CALENDAR

The Board received copies of its calendar for the months of September, October, and November 2011.

RE: SCHEDULE PUBLIC HEARING – SUP 11-05: WAL-MART REAL ESTATE BUSINESS TRUST

By consensus, the Board scheduled the public hearing on SUP 11-05 for October 27, 2011, at 6:00 p.m. at the Orange County High School auditorium.

RE: SCHEDULE PUBLIC HEARING – SUP 11-01: LIBERTY MILLS

By consensus, the Board scheduled the public hearing on SUP 11-01 for October 25, 2011, at 7:30 p.m. at the Gordon Building.

RE: PROPOSED SCHOOL DIVISIONS CAPITAL IMPROVEMENT PLAN WORK SESSION

Julie Jordan, County Administrator, stated that she had spoken with Dr. Grimesey, Superintendent of the Schools, regarding a joint meeting with the School Board and the Board of Supervisors. Ms. Jordan read the email correspondence aloud, in which Dr. Grimesey requested a meeting on behalf of the School Board with the Board of Supervisors, to discuss career and technical education needs, facility limitations, and the general traditional Capital Improvement Plan Joint Work Session.

Discussion ensued regarding the Board's desire to have a true work session and the specific need to have a Capital Improvement Plan work session with the School Board so that the Board of Supervisors can proceed with their work on the Capital Improvement Plan.

By consensus, the Board directed staff to ask the School Board to attend a Capital Improvement Plan Joint Work Session with the Board on October 25, 2011, at 5:00 p.m. in the Board Room at the Gordon Building.

RE: SCHEDULE DEDICATION OF JOHNNY SCOTT MEMORIAL GARDEN ON OCTOBER 25, 2011 AT 3:30 P.M. AT THE GORDONSVILLE LIBRARY

By consensus, the Board scheduled the dedication of the Johnny Scott Memorial Garden on October 25, 2011 at 3:30 p.m. at the Gordonsville Library.

RE: CLOSED MEETING

At 11:02 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):

- Three matters regarding assignment, performance or discipline of specific employees, and legal issues related thereto (§2.2-3711.A.1 VA Code Ann.);
- Two matters 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, and legal issues related thereto (§2.2-3711.A.5 VA Code Ann.);
- Two matters of legal advice regarding contractual matters (§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.

Mrs. Abbs made a motion to approve the resolution as presented and to extend the meeting beyond midnight into October 28, 2011. The motion died for lack of a second.

Mrs. Abbs made a motion to extend the meeting beyond midnight into October 28, 2011. The motion died for lack of a second.

Mr. Burkett made a motion, second by Mr. Wilson and carried, to approve the resolution as presented.

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

RE: CERTIFICATION OF CLOSED MEETING

At 11:59 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 made a motion, seconded by Mr. Goodwin and carried, to approve the resolution as presented.

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

RE: ADJOURNMENT

There being no further business to discuss, Mr. Burkett moved, seconded by Mr. Goodwin and carried, to adjourn the meeting at 11:59 p.m. Ayes: Abbs, Goodwin, Wilson, Frame, Burkett. Nays: None.

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Lee Frame, Chairman

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Julie Jordan, County Administrator