At a regular meeting of the Orange County Board of Supervisors held on Tuesday, June 26, 2007 beginning at 7:00 p.m., in the Meeting Room of the Gordon Building, 112 West Main Street, Orange, Virginia. Present: R. Mark Johnson, Chairman; Clement L. Dodson, Jr., Vice-Chairman; Thomas E. Graves; Teri L. Pace; and Richard D. Wallace. Also present: William C. Rolfe, County Administrator; and Donna D. Curry, Chief Deputy Clerk. Absent: Todd G. Patrick, County Attorney.

RE: ADOPTION OF AGENDA

Mr. Dodson moved, seconded by Mr. Wallace and carried, to approve the agenda as revised. Ayes: Johnson, Graves, Dodson, Pace, Wallace. Nays: None.

RE: CONSENT AGENDA

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

RE: SUPPLEMENTAL APPROPRIATIONS

The Board approved the following supplemental appropriations:

- $17,200.00 from Donation, Miscellaneous Revenue (3-100-18990-0800) to Sheriff's Office, Special Response Team Supplies (100-31200-6060);
- 300.00 from Triad Grant (3-100-18990-0520) to Triad, Supplies/Miscellaneous (100-31770-6001);
- $500.00 from Bounceback Prosecutor's fees (3-100-16020-0105) to Commonwealth Attorney, Bounce Back Program Supplies (100-22100-6040);
- $140.00 from Friends of the Library Donation (3-100-16150-0700) to Orange Library, Audio-Visual: Young Adult (100-73100-6027);
- 200.00 from Friends of the Library Donation (3-100-16150-0700) to Wilderness Library, Library Programs (100-73110-5840);
- $354.50 from Forfeited Asset Fund Balance (3-150-041050-0150) to Commonwealth Atty – Forf. Asset Exp. (150-22100-5844);
- $2,900.00 from SNAF Spay/Neuter (3-100-16060-0150) to Animal Shelter, (Prof. Services – Spay/Neuter (Adoption) (100-35200-3116);
- $1,064.75 from Donations 3-100-18990-0305) to Animal Shelter, Emergency Vet Fund (100-35200-3115);
- $1,200.00 from Donations (3-100-18990-0305) to Animal Shelter, Shelter S/N (100-35200-3116).

RE: BUDGET TRANSFERS

The Board approved the following budget transfers:

- $12,000.00 from Sheriff's Office, Repair & Maintenance/Vehicles (100-31200-6009) to the Sheriff's Office, Vehicle Supplies: fuel, oil (100-31200-6008);
- $1,303.26 from Emergency Management, Terrorism Incident Prevention (100-94520-8193), $4,524.80 from Emergency Management, Fire/Rescue Equipment (100-94520-1067), $600.00 from Emergency Management, Radio Equipment (100-35500-3311), $250.00 from Emergency Management, Service Contract (100-35500-3320, $200.00 from Emergency Management, Postage (100-35500-5210), $1,300.00 from Emergency Management, Telephone (100-35500-5230), $500.00 from Emergency Management, Travel (100-35500-5510), $300.00 from Emergency Management, Dues (100-35500-5810), $1,200.00 from Emergency Management, Emergency Supplies (100-35500-6014), $10,178.06 to Emergency Management, Overtime (100-31400-1221);$103.40 from E-911 & Central Dispatch, Motor Vehicle (100-31400-8205), $10,000.00 from E-911 & Central Dispatch, E-911 Telephone Contracts (100-31400-3161), $740.66 from Emergency

Management, Fuel and oil (100-35500-6008), $2,467.15 from Emergency Management, Computer Hardware (100-35500-8207), $3,288.00 from Emergency Management, Four gas monitor (100-35500-8213), $2,200.00 to E-911 & Central Dispatch, Supplies (100-31400-6001), $12,500.00 to E-911 & Central Dispatch, Supplies Signs, Maint., Installs (100-31400-6007), $928.06 to E-911 & Central Dispatch, Supplies, Uniforms (100-31400-6011), $971.15 to E-911 & Central Dispatch, Computer Hardware (100-31400-8107);

- $3,695.18 from Human Resources (Personnel), Reserve for HR contingency (100-12220-9210) to Information Technology, Furniture and Fixtures (100-12510-8102).

RE: MINUTES

The Board approved the minutes of May 8, 2007, Regular Meeting as presented.

RE: LANDFILL TIPPING FEE WAIVER REQUEST – ORANGE COUNTY FAIR ASSOCIATION

The Board approved a request from the Orange County Fair Association for a waiver of Tipping Fees at the Orange County Landfill for Updike Industries for the debris and trash collected from the Fairgrounds at Montpelier during the Orange County fair scheduled for July 26-29, 2007.

RE: LANDFILL TIPPING FEE WAIVER REQUEST – GORDONSVILLE VOLUNTEER FIRE COMPANY AUXILIARY

The Board approved a request from the Gordonsville Volunteer Fire Company Auxiliary for a waiver of Landfill Tipping Fees associated with its annual street festival on Saturday, October 6, 2007.

RE: PROCLAMATION FOR ORANGE COUNTY COMMUNITY CHURCH DAY

The Board approved a request to proclaim the first Sunday in the month of October as Orange County Community Church Day.

Ayes: Johnson, Graves, Dodson, Pace, Wallace. Nays: None.

RE: PUBLIC COMMENT

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

- Tony Rizzo, 28225 Big H Ranch Road, Culpeper, commented on the proposed cluster ordinance. Chairman Johnson explained that the public hearing was held on June 12, 2007 and that it had been closed. Therefore, citizens were prohibited to comment on a closed public hearing.
- Margaret Mincey, 12131 St. Just Road, Unionville, commented on the intersection of Route 20 and Route 611. She also submitted a petition to the Board requesting that turn lanes and any other improvements to make this a safer intersection be done as soon as possible.
- Ken Dotson, 33225 Constitution Highway, Locust Grove, commented on improvements to the intersection of Route 20 and Route 611.

RE: BOARD COMMENT

There were no comments made by Board members at this time.

RE: ACTION ITEMS

RE: COURTHOUSE REFINANCING AND NURSING HOME FINANCING

Mr. Rolfe stated that the Economic Development Authority (EDA) held public hearing regarding the financing of the project. There were no speakers at the public hearing. He concluded by saying that the EDA unanimously adopted the appropriate resolution.

Discussion ensued among the Board and Ted Cole, Financial Advisor, regarding: future borrowings; interest rate; credit rating; and Memorandum of Understanding with the Nursing Home concerning the debt service.

Mrs. Pace voiced concerns regarding the proposed transaction jeopardizing the County's credit rating or the interest rate for future borrowings on capital projects. Mr. Cole assured her that this transaction will not impact the County's ability or the cost to borrow money for future capital projects.

As the Board's representative to the Nursing Home Commission, Mr. Graves stated that this project began ten years ago and the Commission had hoped to get financing through the United Stated Department of Agriculture (USDA). However, due to the continuing resolution in Congress, it could be next spring before those funds become available. He indicated that going this route, working with the County, preliminary numbers indicate that the Nursing Home can save in excess of $5.5 Million throughout the life of the loan. This would be significant savings to Nursing Home as well as lower room rates for patients. Mr. Graves expressed the need to get the building built to get existing assisted living patients in the new facility to allow room for more beds. He indicated that the Nursing Home received a certificate of need three years earlier and they have been unable to fulfill that obligation.

Mr. Graves moved, seconded by Mr. Dodson, to approve the following resolution authorizing the borrowing of the funds necessary to refinance the Courthouse and to finance the expansion project at the Nursing Home as presented:

RESOLUTION OF THE BOARD OF SUPERVISORS OF THE
COUNTY OF ORANGE, VIRGINIA

WHEREAS, the Board of Supervisors of the County of Orange, Virginia (the "County") adopted a resolution on May 8, 2007 (the "Prior Resolution") requesting the Economic Development Authority of the County of Orange, Virginia (the "Authority") to issue its lease revenue and refunding bonds (the "Bonds") to refund certain bonds and to assist in financing construction of an assisted living facility (the "Facility").

WHEREAS, the Prior Resolution authorized the issuance of the Bonds pursuant to certain amendments to agreements providing for issuance of the Series 2002 Bonds (as defined in the Prior Resolution), including a First Amendment to Lease and a First Supplemental Trust Agreement and the Board of Supervisors proposed to authorize the issuance of the Bonds pursuant to the following documents: (i) an Indenture of Trust between the Authority and U. S. Bank, National Association, as trustee (the "Trustee"), with the form of the Bonds attached thereto; (ii) lease or sublease agreements pursuant to which the Facility and all or a portion of the projects refinanced with the Bonds will be leased to the Authority; (iii) a Financing Lease from the Authority to the County (the "Financing Lease"); (iv) a Leasehold Deed of Trust from the Authority to the trustees named therein; (v) an Assignment of Rents and Leases from the Authority to the Trustee; (vi) a Preliminary Official Statement (the "Preliminary Official Statement") and an Official Statement (the "Official Statement") with respect to the issuance and sale of the Bonds; (vii) a Bond Purchase Agreement (the "Bond Purchase Agreement"), among the County, the Authority and Morgan Keegan & Company, Inc., as underwriter (the "Underwriter"); (viii) a Continuing Disclosure Agreement for the benefit of the Underwriter and the Owners of the Bonds, and (ix) an Escrow Agreement among the Authority, the County and the Trustee providing for the defeasance and redemption of the Series 2002 Bonds to be refunded. All of the documents listed above, except the Bonds, the Preliminary Official Statement and the Official Statement, are referred to in this Resolution as the "Basic Documents."

WHEREAS, the Authority adopted a resolution authorizing the issuance of the Bonds and has held a public hearing on June 25, 2007 with respect to the portion of the Bonds that will finance the Facility, consisting of an approximately 66 bed assisted living facility of approximately 92,382

square feet to be located at 120 Dogwood Lane to be subleased to the Orange County Senior Living, Incorporated and operated by the Orange County Nursing Home Commission;

WHEREAS, Section 147(f) of the Internal Revenue Code of 1986, as amended (the "Code") provides that the governmental unit having jurisdiction of the issuer of private activity bonds and over the area in which any facility financed with the proceeds of private activity bonds is located must approve the issuance of the bonds;

WHEREAS, the Authority issues its bonds on behalf of the County of Orange, Virginia ("County"); the Facility is to be located in the County and the Board of Supervisors of the County of Orange, Virginia ("Board") constitutes the highest elected governmental unit of the County;

WHEREAS, the Authority has recommended that the Board approve the issuance of the Bonds; and

WHEREAS, a copy of the Authority's resolution approving the issuance of the bonds, subject to the terms to be agreed upon, a certificate of the public hearing and a Fiscal Impact Statement have been filed with the Board.

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

1. The Board approves the issuance of the Bonds by the Authority for the benefit of Orange County Senior Living, Incorporated, as required by Section 147(f) of the Code and Section 15.2-4906 of the Code of Virginia of 1950, as amended ("Virginia Code") to permit the Authority to assist in the financing of the Facility.

2. The approval of the issuance of the Bonds does not constitute an endorsement to a prospective purchaser of the Bonds of the creditworthiness of the Facility.

3. The Bonds shall be issued pursuant to the Basic Documents as described in this Resolution and the Prior Resolution is hereby amended accordingly.

4. This resolution shall take effect immediately upon its adoption.

Adopted by the Board of Supervisors of the County of Orange, Virginia this 26th day of June, 2007.

Ayes: Johnson, Graves, Dodson, Pace, Wallace. Nays: None.

RE: <u>COUNTY AND SCHOOL SYSTEM OPERATIONAL AGREEMENT ON THE DEVELOPMENT OF A NEW EASTERN MIDDLE SCHOOL</u>

Mr. Rolfe stated that at its last meeting, the Board reviewed a draft of the Operational Agreement between the County and School System on the development of the new eastern middle school project. He noted that the School Board has issues with item #6 *"The Board of Supervisors shall appropriate funds as necessary for the successful completion of this project."* He concluded by saying that staff is comfortable with the agreement and recommends approval by the Board.

Discussion ensued including: the spring bond sale; interest rates; bank qualified loan, VPSA loan; and a safeguard for the citizens.

Mr. Dodson moved, seconded by Mrs. Pace and carried, that the proposed agreement between the County and the School System regarding the eastern middle school project be

approved as revised (deletion of item #6) and sent to the School Board for consideration. Ayes: Johnson, Graves, Dodson, Pace, Wallace. Nays: None.

RE: REIMBURSEMENT RESOLUTION FOR THE EASTERN MIDDLE SCHOOL PROJECT

Mr. Rolfe explained that a resolution had been drafted for the Board's review declaring the Board of Supervisors intentions to reimburse itself from future borrowing(s) related to the eastern middle school project for advances made to the project prior to the actual borrowing. Adoption of the proposed resolution does not require the Board to reimburse the County; however, if a resolution of this type is not adopted then the Board may not reimburse the County for expenditures made prior to the actual borrowing of funds.

Discussion ensued concerning the amount of advanced funds to be reimbursed.

Following the discussion, Mr. Dodson moved, seconded by Mr. Wallace, to adopt a resolution regarding reimbursement of $40 Million of advanced funds for the eastern middle school project. Mrs. Pace made a friendly amendment that the resolution reimburse funds of $35 Million. Mr. Dodson and Mr. Wallace accepted the friendly amendment.

RESOLUTION OF THE BOARD OF SUPERVISORS OF
THE COUNTY OF ORANGE, VIRGINIA DECLARING ITS INTENTION
TO REIMBURSE ITSELF FROM THE PROCEEDS OF ONE OR MORE
FINANCINGS FOR CAPITAL PROJECTS FOR PUBLIC SCHOOL PURPOSES

The Board of Supervisors of County of Orange, Virginia (the "County") has determined that it may be necessary or desirable to advance money to pay the costs of certain capital projects for public school purposes (the "Projects").

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

1. The Board of Supervisors adopts this declaration of official intent under Treasury Regulations Section 1.150-2.

2. The Board of Supervisors reasonably expects to reimburse advances made or to be made by the County or the School Board to pay the costs of the Projects from the proceeds of its debt or other financings. The maximum amount of debt or other financing expected to be issued in one or more series for the Projects is $35,000,000.

3. This resolution shall take effect immediately upon its adoption.

Ayes: Johnson, Graves, Dodson, Pace, Wallace. Nays: None.

RE: PROJECT MANAGER FOR NEW EASTERN MIDDLE SCHOOL CONSTRUCTION

Mr. Rolfe explained that a request had been received from the School System for funding to employ a project manager for the eastern middle school project. The position is noted in the Operational Agreement which the Board just approved. He indicated that there is currently $456,831 appropriated in the FY 06-07 budget for the eastern middle school project and that sufficient funds remain unexpended to fund the position. Mr. Rolfe concluded by saying that staff supports the proposed request.

Discussion ensued concerning the need to have someone look over the architect's shoulder to avoid problems. Mr. Graves suggested that additional language be added to cover concerns. Mr. Rolfe stated that he would work with Dr. Crawford to insert language in the

agreement to clarify the responsibility of this position to look over the architect's shoulder to avoid problems.

Mr. Graves moved, seconded by Mr. Dodson and carried, that the County approve the project manager position for the eastern middle school project and make available up to $130,000.00 from the funds currently appropriated for the eastern middle school to support this position. Ayes: Johnson, Graves, Dodson, Pace, Wallace. Nays: None.

RE: REALLOCATION OF SCHOOL FUNDS FOR FY 2006-07

Mr. Rolfe stated that a request has been received from the School System that all unspent school funds in FY 06-07 be reallocated to the schools for FY 07-08. The schools are projecting a balance of approximately $150,000 to $200,000. It appears that they plan to use the funds to purchase classroom instructional supplies and technical training for some of the students. He noted that the schools need to use the additional $85,000 previously approved by the Board to meet some of the aforementioned needs prior to starting the new pre-school class or the recycling program. Mr. Rolfe stated that the use of carry-over funds for normal operation functions is equivalent to increasing the operational budget for the next fiscal year. Normally carry-over funds are used for one-time capital expenditures that do not impact future operational budgets.

Dr. Crawford, School Superintendent, commented on the severe cuts to the School budget for FY 07-08. He indicated that there is $129,000 shortfall for next year's instructional supplies. He indicated that he put a spending freeze on all purchases during the last two months of the school year so that funds could be carried over to assist with the shortfall in the FY 07-08 budget. Dr. Crawford reported that they are working with Piedmont Community College to offer technical education to students for the following: welding and construction trades; cosmetology; and video production. He indicated that they had a number of students who had signed up for classes; however, there is no money to fund the program. Dr. Crawford stated that he could have went ahead and spent all of the funds but thought the more appropriate way was to request a carry over of funds from the Board of Supervisors.

Chairman Johnson stated that the School Board chose not to cooperate with the Board of Supervisors during the budget process. He stated that in past years, the County Administrator and the School Superintendent worked together to develop a budget and the County Administrator was able to make a strong case to the Board. This time, the Board was given a huge goodie list and was asked to fund a 26% increase. He stated that that is not the way a budget should be developed and if the schools feel a pinch it is because the School Board chose to do it that way. He stated that the Board of Supervisors was left to develop a formula of its own to keep the schools status quo for the next year. He stated that he would prefer that the schools spend the money on the supplies that they need rather than carry over the funds and inflate the Schools budget. He concluded by saying that the process would work much better if everyone put forth the effort to cooperate since those most affected are the children and the taxpayers.

Dr. Crawford stated that he understood what Chairman Johnson was saying and was not intentionally trying to inflate the budget.

Discussion ensued among the Board regarding the inflation of the School budget should the Board act to carry over the requested funds.

Mrs. Pace moved to reallocate an amount not to exceed $350,000. Motion died for lack of a second. Mr. Wallace moved, seconded by Mrs. Pace, to reallocate an amount not to exceed $200,000.

Mr. Graves stated that the Board could table the matter until a more definitive amount is determined to be needed. Mr. Rolfe stated that Dr. Crawford is trying to offer vocational education programs and if a decision is not made, he will not be able to provide those programs.

Mr. Dodson confirmed that, with the passage of the motion, the vocational education programs would be funded. Dr. Crawford stated that they would.

Mr. Rolfe stated that he had heard that a School Board member was planning to move to purchase new buses with the carry-over funds. He verified with Dr. Crawford that the funds would in fact be used for the vocational education programs. Dr. Crawford stated that the funds would be used for the vocational education programs; computers for students at Locust Grove Elementary School; rolling cart computer labs at Locust Grove Middle School and the remaining funds will be used to purchase supplies during the FY 07-08 school year.

Vote - Ayes: Graves, Dodson, Pace, Wallace. Nays: Johnson.

RE: REVERSE 911 MEMORANDUM OF AGREEMENT WITH LAKE OF THE WOODS ASSOCIATION

Mr. Rolfe explained that staff has been working with the General Manager at Lake of the Woods (LOW) and representatives from the LOW Safety Committee concerning a proposed Memorandum of Agreement (MOA) between the Lake of the Woods Association (LOWA) and the County of Orange. The basic purpose of the MOA is to define responsibilities of each agency in advance regarding the implementation of Reverse 911 during an imminent failure of one of the LOW dams. He stated that during an event such as a dam failure, time is going to be a factor in the prevention of loss of life. Having this agreement in place, in conjunction with established protocols, questions, and pre-recorded messages, will reduce the time it would normally take for activation of the system and accomplish the tasks leading up to that point.

Mr. Dodson moved, seconded by Mr. Wallace, and carried to authorize the County Administrator to execute the Memorandum of Agreement between the Lake of the Woods Association and the County regarding the implementation of Reverse 911 during an imminent failure of one of the Lake of the Woods dams. Ayes: Johnson, Graves, Dodson, Pace, Wallace. Nays: None.

RE: TRANSFER OF APPARATUS

Mr. Rolfe explained that the Orange County Volunteer Rescue Squad (OCRS) would like to trade equipment with the County, specifically, “old Squad 234” for the current hazardous materials trailer. He stated that the hazardous materials trailer responds to calls throughout the County and carries various types of equipment. The Orange Volunteer Fire Company (OVFC) and the Orange County Department of Emergency Management and Operations are responsible for maintaining and operating the trailer. Until recently, the trailer was taken to calls by Salvage 23. With the replacement of Salvage 23 and Wagon 23 by the purchase of Squad 23; it has left responders with no way of transporting the trailer to the scene of hazardous materials incidents within the County. He noted that the old Squad 234 has been offered by OCRS in exchange for the current trailer. Staff can utilize the vehicle for haz-mat purposes and it would also eliminate the need for a tow vehicle. The only cost associated with the proposed transfer would be for having the vehicle striped and letter once turned over to the County. Mr. Rolfe concluded by saying that the OVFC has agreed to continue to assist the Emergency Management and Operations Department with the maintenance of the vehicle as well as operating the vehicle and responding to incidents within the County.

Discussion ensued including: the transfer of equipment; vehicle mileage; and the cost of lettering the vehicle.

Mr. Wallace moved, seconded by Mr. Dodson and carried, to authorize the County Administrator to (1) execute the necessary paperwork between the Orange County Volunteer Rescue Squad and the County of Orange regarding the transfer of apparatus, specifically, the hazardous materials trailer and the old squad 234 and (2) transfer funds not to exceed $3,000.00 from the general fund to cover expenses related to the lettering and striping of the new hazardous materials unit for the County. Ayes: Johnson, Graves, Dodson, Wallace. Nays: None. Abstain: Pace.

RE: DELINQUENT LANDFILL ACCOUNTS

Mr. Rolfe stated that Phyllis M. Yancey, Treasurer, is requesting the Board's authorization to write off several landfill accounts as uncollectible. He explained that the accounts date back to July 30, 2001 through December 30, 2004 totaling $5,505.00. He concluded by saying that the Treasurer's Office has made extensive efforts to collect these funds without success.

Mr. Wallace moved, seconded by Mr. Dodson and carried, to approve the list of landfill accounts in the amount of $5,505.00 to be written off. Ayes: Johnson, Graves, Dodson, Pace, Wallace. Nays: None.

RE: RECIPROCAL AGREEMENT WITH THE TOWN OF ORANGE

Mr. Rolfe explained that the Town of Orange has drafted a reciprocal agreement between the Town and the County relating to the provision of mutual aid during time of need or emergency relating to law enforcement activities for the Board's consideration. He noted that the Sheriff has approved the agreement as well as the Orange Town Council.

Mr. Dodson moved, seconded by Mr. Wallace and carried, to approve the reciprocal agreement between the Town of Orange and County of Orange for the provision of mutual aid during the time of need or emergency as presented. Ayes: Johnson, Graves, Dodson, Pace, Wallace. Nays: None.

RE: REQUEST PUBLIC HEARING DATE FOR PROPOSED BUDGET AMENDMENT

Karen Karasinski, Finance Director, stated that in accordance with an agreement dated May 25, 2000, for the utilization of Transportation Enhancement Program Funds for the Montpelier Gateway Enhancement and Beautification Project, the County has been reimbursed for project costs in the amount of $1,114,046.32 incurred by Montpelier. As previously agreed, the reimbursement for project costs must be passed-through to The Montpelier Foundation. She explained that such reimbursement will require a budget amendment for fiscal year ending June 30, 2007 recognizing the additional revenue and appropriating the same amount as a pass-through to the foundation. Payment will not be processed until the budget amendment is approved; however, because the revenue was received in FY 07, accounting rules require an accrual to The Montpelier Foundation be recorded in the same year. Mrs. Karasinski concluded by saying that state law requires that budget amendments exceeding $500,000 must be accomplished by publishing a notice of the meeting and a public hearing once in a newspaper having general circulation in the locality at least seven days prior to the hearing date.

Mr. Wallace moved, seconded by Mr. Graves and carried, to set a public hearing date for July 10, 2007 at 7:30 p.m. for consideration of amending the County Budget in the amount of $1,114,047.00 to reimburse The Montpelier Foundation grant proceeds for eligible expenditures. Ayes: Johnson, Graves, Dodson, Pace, Wallace. Nays: None.

RE: APPOINTMENTS TO BOARDS, COMMISSIONS, AND COMMITTEES

Mrs. Pace nominated Patricia Seward for reappointment as a District Four representative to the Orange County Library Board of Trustees for four year term, with said term expiring June 30, 2011.

Mr. Dodson nominated Xan Spotswood for reappointment as the District Three representative on the Orange County Board of Zoning Appeals for a five year term, with said term expiring June 30, 2012.

Mr. Graves nominated Eloise Poindexter as an At-Large representative on the Rappahannock Rapidan Disability Services Board for a three year term, with said term expiring June 30, 2010. Ayes: Johnson, Graves, Dodson, Pace, Wallace. Nays: None.

RE: DISCUSSION ITEMS

RE: CVILLE RAIL

Mr. Rolfe stated that information had been received from Meredith Richards, Chairman of Cville Rail, seeking the Board's endorsement of their efforts to improve passenger rail service from Charlottesville to Washington, D. C. He explained that the organization is planning to apply for grant funds to undertake a study of market demand for expanded rail service. They would like to be able to approach the County for a possible funding match should the grant be approved.

Discussion ensued regarding the positive service for Orange County from Charlottesville to D. C.; however, there was concern regarding a local funding match.

Following a brief discussion, Mr. Wallace moved, seconded by Mr. Johnson and carried, to approve the following resolution of support for a market study of enhanced passenger rail in the U.S. 29 "Piedmont" Corridor as presented:

RESOLUTION OF SUPPORT FOR A MARKET STUDY OF ENHANCED PASSENGER RAIL IN THE U.S. 29 "PIEDMONT" CORRIDOR

WHEREAS a growing population and a burgeoning commercial explosion have helped to expand Virginia's prosperous economy, but they have also helped to create steadily worsening problems of congestion and accessibility in its major transportation corridors, and

WHEREAS among Virginia's major transportation corridors, U.S. 29 North, or the "Piedmont Corridor", represents a vital and heavily use north-south travel route between Washington, DC and Lynchburg that serves many counties and cities in the Piedmont region of the Commonwealth, and

WHEREAS the counties of Albemarle, Greene, Madison, Orange, Culpeper, Nelson, Amherst, Fauquier and Prince William and the cities of Lynchburg and Charlottesville have a vital interest in providing their citizens with an efficient and affordable transportation alternative to access the population and commercial centers of Northern Virginia, the District of Columbia and the Northeast, and

WHEREAS enhanced passenger rail service in the Piedmont Corridor could be an important part of the solution to the problems of congestion, safety and environmental stresses caused by the fast increasing population in the areas adjacent to U.S. 29 North, I-66 and I-95, and

WHEREAS the economies of the cities and counties of the Piedmont Corridor would greatly benefit from greater accessibility by rail that could accommodate tourists, students, business persons and others who travel on U.S. 29 to and from Northern Virginia and the District of Columbia, and

WHEREAS communities along the corridor between Lynchburg and Washington, DC make heavy use of the services provided by Amtrak, the limited frequency and capacity of these trains do not adequately meet the needs of most travelers who could use this passenger rail alternative. With 20 weekly Amtrak trains, ridership is higher per scheduled train at Charlottesville's Main Street Station than that at either the Richmond or Newport News stations, and

WHEREAS with expanded passenger rail services we believe that substantial numbers of travelers would use these services, reducing the demands placed on overcrowded highways and fuel consumption, while helping to reduce the emissions that contribute to global warming, and

WHEREAS the potential ridership and the accompanying economic and environmental benefits of enhanced passenger rail service in the Piedmont Corridor between Lynchburg and Washington, DC has not yet received the attention of the Virginia Rail Advisory Board and the Commonwealth Transportation Board that we believe is merited, and

WHEREAS sound market research will provide a basis for determining the potential use, costs and benefits that will accrue to the citizens of Albemarle, Greene, Madison, Orange, Culpeper, Nelson Amherst, Fauquier and Prince William counties and the cities of Lynchburg and Charlottesville from enhanced passenger rail service,

NOW THEREFORE BE IT RESOLOVED THAT the Orange County Board of Supervisors joins the Piedmont Rail Coalition in requesting that the market study of the nature and demand for passenger rail service in the aforementioned corridor be conducted, and

BE IT FURTHER RESOLVED THAT the Orange County Board of Supervisors strongly supports the application to the Commonwealth of Virginia to fund a valid and comprehensive survey of citizens throughout this corridor, and understands that such funding may require a local match by participating jurisdictions, and

BE IT FURTHER RESOLVED THAT, upon approval of such funding by the Commonwealth of Virginia, or at such time as it becomes necessary, the Orange County Board of Supervisors will entertain a request to financially participate in any required local match.

Ayes: Johnson, Dodson, Wallace. Nays: Graves, Pace.

Mr. Graves and Mrs. Pace indicated that they were not opposed to rail service but had concerns regarding a local match of County funds.

RE: TAX RELIEF FOR THE ELDERLY

Supervisor Graves requested that this item be added to the agenda for discussion. He requested that the County Administrator and the Commission of the Revenue contact other localities to see what is being done concerning tax relief for the elderly.

By consensus, the Board directed the County Administrator and the Commissioner of the Revenue to contact other localities to see what is being done.

RE: INFORMATION ITEMS

RE: TRANSIENT LODGING TAX

Mr. Rolfe stated that he had received a letter from Cole Hendrix, Orange Town Manager, requesting the County to discontinue collection of the transient lodging tax within the Town limits. Mr. Rolfe noted that the County collected approximately $27,017 in FY 2005-06 and $35,457 in the current fiscal year from lodging establishments in the Town of Orange.

Mr. Dodson moved, seconded by Mrs. Pace and carried, to discontinue collection of the transient occupancy tax in the Town of Orange and the Town of Gordonsville, effective July 1, 2007. Ayes: Johnson, Graves, Dodson, Pace. Nays: Wallace.

RE: CALENDAR

The Board received copies of its June, July and August 2007 calendar.

RE: CLUSTER SUBDIVISION ORDINANCE WORKSESSION

Mr. Johnson stated that if this ordinance were intended to be the final Cluster ordinance which would never change again he would be adamantly opposed to it. The County got into a bind to adopt an ordinance by July 1, 2007 and there was not enough time to develop a proper Cluster ordinance. Since the County is mandated to have an ordinance in place by July 1, 2007, the Planning Commission has prepared a "stop gap" to allow the Board more time to draft a good ordinance using the tools as recommended by the State. He suggested that the Board adopt the ordinance as it stands and then immediately work on preparing a good cluster ordinance that meets the state code requirements and serves the best interest of Orange County.

Mr. Graves stated the proposed ordinance has major problems that need to be addressed. He indicated his concurrence with Mr. Johnson's proposal and stated that he could only support the ordinance under those circumstances.

Mr. Dodson stated that he doesn't like the proposed ordinance because it is too restrictive. As a short term solution he can support. He stated that the Board needs to come to a philosophical decision about what to recommend to the Planning Commission as they need direction. He felt that the Board needs to address issues and concerns so that the document will be more concise and better serve Orange County.

Mr. Wallace stated that four out of five of the Board members say that the proposed document is bad. He stated that he could not support the ordinance as it is written.

Mrs. Pace stated that it is important to remember that the proposed ordinance does not keep clustering out of Orange County as it very restrictive of by-right clustering. She stated that clustering may be good for Orange County but not by-right cluster because that means every tax payer pays for a very few people to put profits in their pockets. She stated that that is not what free enterprise is about. It does not mandate tax payers to put profits into individual's pockets.

Mr. Johnson moved, seconded by Mrs. Pace, to approve the document as presented. Mr. Dodson amended the motion to include that the task of crafting a new cluster subdivision ordinance begin no later than sixty days beginning July 1, 2007. Following a brief discussion, Mr. Dodson withdrew the motion. Ayes: Johnson, Graves, Dodson, Pace. Nays: Wallace.

Mr. Dodson moved, seconded by Mr. Wallace and carried, that the task of crafting a new cluster subdivision ordinance begin no later than sixty days. Ayes: Johnson, Graves, Dodson, Pace, Wallace. Nays: None.

RE: ADJOURNMENT

There being no further business to discuss, Mr. Wallace moved, seconded by Mr. Dodson and carried, to adjourn the meeting at 9:01 p.m. Ayes: Johnson, Graves, Dodson, Pace, Wallace. Nays: None.