At a regular meeting of the Orange County Board of Supervisors held on Tuesday, August 14, 2007, beginning at 4:00 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; Todd G. Patrick, County Attorney; and Donna D. Curry, Chief Deputy Clerk.

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

RE: SUPPLEMENTAL APPROPRIATIONS

The Board approved the following supplemental appropriations for FY07 and FY08:

FY07

- $100.00 from Donations, Culpeper Hospital (3-100-18990-1700) to Youth Commission, Skyline CAP Operating Supplies (100-53770-6001)

FY08

- $45,350.25 from Carry over (100-41050-0100) to E911 & Central Dispatch, Fire/Rescue Paging Equipment (100-94520-1067);
- $2,140.00 from Carry over (100-41050-0100) to E911 & Central Dispatch, Programming for Pagers (100-94520-1067).

RE: BUILDING PERMIT FEE REFUND REQUEST – PEEK

The Board approved a refund request in the amount of $22.50 to Calvin Peek for an electrical permit issued on July 9, 2007, as the owner changed his mind.

RE: GOVERNOR'S OFFICE FOR SUBSTANCE ABUSE PREVENTION (GOSAP)

The Board approved to recognize the $14,480.00 in grant revenue (3-100-24040-1491) and appropriate (4-100-53700-3100) the same for the Governor's Office for Substance Abuse Prevention (GOSAP) grant.

RE: LANDFILL STONE

The Board authorized the County Administrator to enter into a contract with Cedar Mountain Stone Corporation for stone to be used to maintain roads in the landfill.

RE: PUBLIC APPEARANCES

RE: EMPLOYEE OF THE MONTH PRESENTATION

Jerry Dillon, Maintenance Foreman in the Public Works Department, was recognized as the Employee of the Month for July.

RE: VDOT UPDATE, DON GORE, RESIDENT ENGINEER

Don Gore, VDOT Resident Engineer, updated the Board on the status of projects in Orange County.

RE: ROUTE 20 CORRIDOR STUDY – PHASE II

Andy Boenau of Vanasse Hangen Brustlin, Inc. presented a brief overview to the Board of the draft report for Phase II of the Route 20 Corridor Study which covers Route 20 from Route 522 west to Route 15 in the Town of Orange.

Mr. Dodson moved, seconded by Mr. Wallace and carried, to schedule a public hearing on September 11, 2007, to receive comment on the draft report of Phase II of the Route 20 Corridor Study. Ayes: Johnson, Graves, Dodson, Pace, Wallace. Nays: None.

RE: UPDATE ON WIRELESS BROADBAND SYSTEM

Vanetta Pledger, Information Technology Director and Kevin Leibel of Advanced Network Systems updated the Board on the status of the Wireless Project.

Discussion ensued among the Board including: the need to get wireless service to every household in the County; tower sites and reliability/redundancy to attract a service provider.

RE: ACTIONS ITEMS

RE: SCHEDULING A PUBLIC HEARING FOR A PROPOSED ORDINANCE TO DESIGNATE PRIVATE ROADS IN SOMERSET FARM SUBDIVISION AS HIGHWAYS FOR LAW ENFORCEMENT PURPOSES

Mr. Rolfe explained that Supervisor Pace has been requested by the citizens in the Somerset Farm subdivision to provide law enforcement services on the private roads in their subdivision. He stated that there are over 100 homes in the subdivision and noted that he resides in the subdivision. Section 46.2-1307 of the Code of Virginia, 1950, as amended provides the Board of Supervisors with the authority to adopt an ordinance designating the private roads in subdivisions with 100 or more lots as highways for law enforcement purposes. Such ordinance may also provide for certification of road signs and speed limits by private licensed professional engineers using criteria developed by the Commonwealth Transportation Commissioner. Mr. Rolfe concluded by saying that a public hearing would have to be held on the proposed ordinance.

Sheriff Amos stated that, if approved, manpower will be an issue and the expectation that the Sheriff's Office will be there frequently will be an issue as well. He concluded by saying that the proposed action opens the door to every other subdivision in the County.

Discussion ensued among the Board including: other subdivisions currently being patrolled by deputies; the difficulties of patrolling of public roads without adding subdivisions; the need for deputies to enforce laws on private roads and provide traffic enforcement; and setting a dangerous precedent.

Mrs. Pace indicated that the Homeowners Association understood that there would be limited patrol and they are not expecting any more coverage than they are already getting. Mr. Rolfe noted that this is the only subdivision in Orange County that has a public golf course which makes this subdivision very unique. Mrs. Pace confirmed with Sheriff Amos that, if in the area, it would be advantageous to enforce traffic violations. Sheriff Amos indicated that it would, he just didn't want there to be an expectation that the area would be patrolled on a regular basis. Mr. Wallace stated that Mr. Rolfe made a good point that there is a public facility on a private road which doesn't make much sense.

Following discussion, Mrs. Pace moved, seconded by Mr. Wallace, to schedule a public hearing at the first Board meeting in September on the proposed ordinance to designate the private roads in Somerset Farm subdivision as highways for law enforcement purposes. Ayes: Pace, Wallace. Nays: Johnson, Graves, Dodson.

RE: AWARD OF ROUTE 20 SEWER PROJECT

Julie Jordan, Economic Development Director, stated that the Route 20 Sewer Project continues to progress and has now reached the point where a contract award is needed to install the pump station and sewer line. A Request for Bids was advertised with eight bidders responding. Waste Water Management (WWM), the project engineer, prepared a bid analysis after reviewing all of the bids. The lowest bidder was Key Construction Company, Inc., in the amount of $999,985.00. WWM supports the award of the bid to Key Construction Company, Inc., as they believe the costs are in line with expectations, that Key Construction Company, Inc. has the experience necessary, that the schedule is reasonable, and that their references are positive. Ms. Jordan concluded by saying that staff concurs with the recommendation to award the construction contract to Key Construction Company, Inc.

Mr. Rolfe explained that there have been comments made in the community as to why the County is installing a sewer line that initially doesn't have the ability to serve the homes on the south side of Route 20 predominately. He clarified that this project is occurring because of a Community Development Block Grant (CDBG). Originally, the concept was discussed with the State regarding connection of some of those homes in the initial phase of the project. The State very quickly explained that this was an economic development CDBG and that anything that is provided service to, other than industry, will reduce their participation proportionately in the project. Mr. Rolfe stated that they had hoped to install a pump station at Bloomsbury Road but there would have needed to be a 30 feet deep pump station which would be too deep to clean or send a technician to repair. The engineers recommended that the pump station be brought back to the eastern end of the airport property. He noted that this does not prohibit the County from coming back to install more gravity lines or pump stations along the line. As part of the grant project, the County agreed to submit a planning grant to the Department of Housing and Community Development (DHCD) to do a housing project which would allow existing homes to connect to the system. He reported that the Rappahannock Rapidan Regional Commission is preparing an application to determine if there is a need and if it is feasible to connect existing homes to the sewage lines. Mr. Graves indicated that there are a number of homes with failing drain fields between Gas & Stuff and the Sheriff's Office. Mrs. Pace asked if there would be a pump station for every residence and Mr. Rolfe indicated that there would not be a pump station at each residence. Mr. Rolfe stated that he just wanted the Board to understand that one other pump station on Route 20 would not serve the rest of the community by gravity line. He stated that the Town of Orange does not allow any connection to force main sewers, directly from a house to a force main; therefore, additional lines will have to be gravity lines feeding back into one or more pump stations depending on the need in the corridor and the distance a gravity line can go from a pump station. Mrs. Pace stated that in the contract with Key Construction Company, Inc., they did not list a pump station project and she was concerned whether Mr. Rolfe had had a discussion with the construction company to make sure they had done a pump station project. Mr. Rolfe indicated that yes he has had conversations with Key Construction Company Inc. and they plan to bring in a subcontractor to do some of that work.

Mr. Wallace moved, seconded by Mr. Dodson and carried, to award the Route 20 Sewer Project to Key Construction Company, Inc. in the amount of $999,985.00 and to authorize the County Administrator to execute the necessary documents for award of the contract. Ayes: Johnson, Graves, Dodson, Wallace. Nays: Pace.

RE: FINAL PAYMENT OF BOND PROCEEDS

Karen Karasinski, Finance Director, explained that in preparing for the refinancing of the Industrial Development Authority (IDA) Public Facility Lease Revenue Bonds, it was discovered that there was a balance in bond proceeds and interest that had not been requisitioned by the County. There were additional costs eligible for reimbursement that had not been submitted. Requisition 55 was submitted to the Trustee and final payment of this project was received in the

amount of $128,020.34. She stated that Requisition 55 was submitted for interest paid on the debt during the construction period. Although this payment originated from the Debt Service Fund, the Board appropriates debt payments from the General Fund annually, therefore, it is not recommended to deposit the proceeds into the Debt Service Fund. She concluded by saying that it is recommended that the Board of Supervisors deposit the proceeds into the Capital Project fund to support future project needs. These funds will not be available to spend unless and until the Board authorizes expenditure by appropriation of these funds.

Mr. Dodson moved, seconded by Mr. Wallace and carried, to deposit the reimbursement of project costs in the amount of $128,020.34 into the Capital Projects Fund to support future capital projects. Ayes: Johnson, Graves, Dodson, Pace, Wallace. Nays: None.

RE: REASTABLISHMENT OF LAW LIBRARY

Karen Karasinski, Finance Director, explained that in 1989 Orange County passed an ordinance (2-106) to assess and collect fees in support of a law library in accordance with provisions of the Code of Virginia, section 42.1-70. State law requires that such funds are for the acquisition of law books, law periodicals and computer legal research services and equipment for the establishment, use and maintenance of a law library which shall be open for the use of the public at hours convenient to the public. She reported that in fiscal year 2006, the County created a separate fund to account for the fees and expenses associated with the operation of such library. From 1989 to 2005, revenues collected in excess of expenditures were closed to the General fund balance in the amount of $24,560.44. Expenditure totals were not available for 1989-1995 so the average expenditures for the 10 year period of 1996-2006 were used in the calculation. Mrs. Karasinski concluded by saying that staff recommends that $24,560.44 be appropriated from the General fund balance as a transfer to the Law Library Fund. And, appropriate the same amount in department 21900 of the Law Library Fund to support this activity in fiscal year 2008.

Mr. Wallace moved, seconded by Mr. Dodson and carried, to appropriate $24,560.44 from the General Fund Balance as a transfer to the Law Library Fund and to appropriate $24,560.44 in department 21900 of the Law Library Fund for fiscal year 2008 operations. Ayes: Johnson, Graves, Dodson, Pace, Wallace. Nays: None.

RE: WIRELESS BROADBAND MAINTENANCE AGREEMENT RENEWAL

Vanetta Pledger, Information Technology Director, stated that the County's contract with Advanced Network Systems (ANS) for completion of Phase I of the wireless project included a one-year maintenance agreement. While the combination of changes to the components of Phase I and the difficulty in acquiring much needed tower space have extended duration of Phase I, no change has been made to the maintenance agreement. She explained that this action is to address that shortcoming. ANS has proposed a change order to the contract that includes a new one-year maintenance agreement which will provide hardware subscription services, four tower climbs, replacement of defective wireless equipment, monitoring and preventative maintenance of the wireless network. This service level agreement is comparable to that of the original maintenance contract and the quoted cost is $31,797.26. The quoted cost is reasonable based on the life cycle costs established in the original agreement. Ms. Pledger concluded by saying that the Information Technology Department has funds in the FY08 budget for the maintenance renewal and staff recommends that the County accept the offer from ANS.

Mr. Dodson moved, seconded by Mr. Wallace and carried, to authorize the County Administrator to issue a change order that provides for a one-year contract with ANS for maintenance of the wireless system. Ayes: Johnson, Graves, Dodson, Pace, Wallace. Nays: None.

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

Mr. Rolfe explained that the proposed purchase order for The Library Corporation covers the Library's ongoing maintenance for software and hardware, subscriptions to products that provide records for their online catalog, updates for the filtering system, and website hosting services for the entire fiscal year. He reported that the hardware and software maintenance are contractually required and must be maintained or TLC can uninstall their software and render their system inoperable. The items are all renewals of existing services, most of which they have had for several years. Staff recommends that the purchase order for the Library Corporation be approved as presented.

Mr. Dodson moved, seconded by Mr. Wallace and carried, to approve the purchase order request for The Library Corporation as presented. Ayes: Johnson, Graves, Dodson, Pace, Wallace. Nays: None.

RE: AGREEMENT BETWEEN THE BOARD OF SUPERVISORS AND THE ORANGE COUNTY SHERIFF

Theodore R. Coberly, Assistant County Administrator, explained that with the retirement of Sheriff Feldman and the appointment of Mark Amos as Orange County Sheriff, new agreements should be executed between the Board of Supervisors and the Sheriff establishing the treatment and compensation of the Sheriff's employees under the provisions of the County Personnel Policies Manual and the assignment of responsibility of the County Animal Control function to the Sheriff. He stated that the proposed agreement relating to the application of the County Personnel Policy to Sheriff's Office employees has been updated to reflect the current working relationship. The proposed agreement relating to the responsibility for the Animal Control function is as agreed between the Board and Sheriff Feldman. Mr. Coberly concluded by saying that consistent with all agreements with the Constitutional Officers, the proposed agreements are effective until December 31, 2007 or unless sooner canceled by either party with 60 days notice.

Mr. Dodson moved, seconded by Mr. Graves and carried, to approve the proposed agreements between the Board of Supervisors and the Sheriff of Orange County relative to the applicability of the provisions of the Orange County Personnel Policies and Procedures Manual to the Sheriff's employees and the assumption of the Sheriff of the responsibilities for Animal Control. Ayes: Johnson, Graves, Dodson, Pace, Wallace. Nays: None.

RE: APPOINTMENTS TO BOARDS, COMMISSIONS, AND COMMITTEES

The Board made no appointments at this time.

RE: INFORMATION ITEMS

The following information was presented to the Board for its information:

- Treasurers Report as of July 31, 2007, prepared by Phyllis M. Yancey, Treasurer;
- RRCSB Executive Director's Report – July, 2007.

RE: CALENDAR

The Board received copies of its calendar for the months of August, September, and October, 2007.

RE: CONSIDERATION OF A MOTION FOR CLOSED SESSION

At 5:31 p.m., Mr. Wallace stated: "Mr. Chairman, I move this meeting be recessed and that the Orange County Board of Supervisors immediately reconvene in closed session for the following purpose:

- Consultation with legal counsel and staff regarding actual litigation by James and Barbara Lovelace, Margaret Fletcher and Belleview L. P., where such consultation or briefing in an open meeting would adversely effect the negotiating or litigating posture of the County, as permitted by Virginia Code section 2.2-3711(A)(7)."

Mr. Dodson seconded the motion. Ayes: Johnson, Graves, Dodson, Pace, Wallace. Nays: None.

RE: OPEN SESSION

At 7:00 p.m., Mr. Dodson moved, seconded by Mr. Wallace and carried; to reconvene in open session where upon the Board adopted the following resolution:

WHEREAS, the Orange County Board of Supervisors has convened a closed meeting on this date pursuant to an affirmative recorded vote and in accordance with the provisions of the Virginia Freedom of Information Act; and

WHEREAS, Section 2.2-3712 of the Code of Virginia requires a certification by this Orange County Board of Supervisors that such closed meeting was conducted in conformity with Virginia law;

NOW THEREFORE, BE IT RESOLVED, that the Orange County Board of Supervisors hereby certifies that, to the best of each member's knowledge, (i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification resolution applies, and (ii) only such business matters as were identified in the motion convening the closed meeting were heard, discussed or considered by the Orange County Board of Supervisors.

The motion carried. Ayes: Johnson, Graves, Dodson, Pace, Wallace. Nays: None.

RE: PUBLIC COMMENT

There being no one to speak, public comment was closed.

RE: BOARD COMMENT

Supervisor Graves commented on the retirement of Sheriff Feldman and the excellent job he did. He noted that Sheriff Feldman was instrumental in restoring the relationship between the Board of the Supervisors and the Sheriff's Office.

RE: RECESS

The Board took a short recess at 7:06 p.m. and reconvened in open session at 7:30 p.m.

RE: PUBLIC HEARINGS

RE: SUP 07-2: AN APPLICATION FOR A SPECIAL USE PERMIT TO CONSTRUCT A MIDDLE SCHOOL

At 7:30 p.m., this being the time and place as advertised in the Orange County Review, Chairman Johnson called the public hearing to order to receive comments on the following:

> SUP 07-2: An application for a special use permit to construct a middle school and associated playing fields; potential bus parking area; solid waste convenience center; and a county public safety radio and wireless broadband communications tower. The site is located at the intersection of Routes 20 and 601 and is identified on Orange County zoning maps as a portion of parcel 23-12.

Deborah S. Kendall, Director of Strategic Planning, gave the staff report. She concluded by saying that the Planning Commission recommended that the application be forwarded to the Board for approval with the following conditions:

- Minimize clearing associated with site development through the use of "fingerprint clearing", thereby reducing the amount of increased impervious surface and associated increase in stormwater runoff;
- Maintain a 50' wide natural buffer on all sides of the streams and wetland areas located on the property;
- Any road improvements needed as identified in the traffic impact analysis being conducted for the project will be implemented by the county;
- The placement and type of lighting associated with the development of the property will be such that impact on surrounding properties is minimized.

Mrs. Pace asked Mrs. Kendall to clarify the parcel on which the school will be located. She also questioned whether there were any other schools in the State of Virginia that were in close proximity to 500 KV power and transmission line as the proposed school would be. Mrs. Kendall stated that she did not have that information.

Mr. Rolfe gave a brief overview as to how the school project has progressed to this point. He stated that the School System felt there was a need for additional classroom space in the eastern end of the County. They ran an ad in the newspaper soliciting people who were interested in selling property to the County for use as a school site. They secured the services of Moseley Architects and subcontractor Timmons Engineering to evaluate and rank all of the sites. The proposed site was the top ranked site. A proposed site plan shows the school surrounded on both the northern and southern sides by ball fields to maintain the 200+ feet buffer of natural trees. The area behind the Rappahannock Electric Cooperative substation shows the location for a proposed public safety radio wireless broadband tower, solid waste convenience site, and possible bus parking area. All development is on the eastern side of the 500kV transmission line. The actual school site itself is 300-400 feet away from the power line. He stated that it is recognized that improvements will need to be made to Route 601 and Route 20, including possible signalization of the intersection. As mentioned at the Planning Commission meeting, while the traffic impact analysis has not been done, a preliminary meeting with VDOT included discussion regarding a five lane road with right and left turn lanes, including a turn lane for the Wilderness Branch Library. An environmental assessment of the site has been completed and there are no outstanding issues in that report that would cause alarm or concern in terms of environment issues with the site itself. Preliminary geological information has been gathered. There are no outstanding issues there. The engineers have said that they have found soil that is soft which they plan to watch out for, but no red flags that would throw up construction issues.

Mike Ross, Chairman of the Orange County School Board, gave a brief overview of student enrollment projections. He indicated that all schools are at capacity or are exceeding capacity at this time. Previously in the Capital Improvements Plan (CIP) there was an elementary school in the eastern end of the County and a planned addition for 200 students at the Locust Grove Middle School. The School Board held a joint meeting with the Board of Supervisors to discuss school space needs. The Supervisors asked the School Board to review projected enrollment and present a long range plan to address space needs from present to 2018. The School Board agreed to a flexible plan to accommodate growth based on enrollment numbers from previously approved and existing developments. The suggested plan includes: converting the current Locust Grove Elementary School into a Kindergarten – 2nd grade school with a 600 student capacity; convert the current Locust Grove Middle School into grades 3 – 5 upper elementary school with a capacity of 600 students; secure a minimum of 45 usable acres for a future school on land in the eastern section of the County; build a 1,200 student middle school to include auxiliary space to accommodate County needs as well as to include acreage for a future high school. The property recommended for this purpose is close to the student

population for the area and has the greatest opportunity for water and sewer via Rapidan Service Authority.

Mr. Graves confirmed that in consideration of all the sites offered, the proposed site became the first choice with the purchase of the entire acreage and the second choice with the purchase of 60 acres, by a unanimous vote of the School Board. Mr. Ross stated that that was correct.

At 7:45 p.m., Chairman Johnson opened the floor for public comment. The following individuals spoke: Dan Holmes, 130 West Main Street, Orange; Joan Bergstrom, 16075 Zachary Taylor, Unionville; Luther J. Bergstrom, 16075 Zachary Taylor Hwy., Unionville; Zack Burkett, 14162 Marquis Road, Unionville; Ron Burleson, Unionville; Phillip Aitken-Cade, 5560 Flat Run Road, Locust Grove; Bruce Carruthers, 1803 Lakeview Parkway, Locust Grove; Jack Snyder, 12574 Chicken Mountain Road, Orange.

Chairman Johnson closed the public hearing at 8:00 p.m.

Due to comments and concerns raised during the public hearing, Mr. Wallace requested that Mr. Ross comment on the power line situated on the proposed property. Mr. Ross stated that when the School Board was first looking at that particular site, the architects provided information pertaining to past studies of electro magnetic fields and their effect with regard to health. The studies suggest a correlation between the effects of EMF and health related issues; however there is no conclusive evidence to prove such a claim. He concluded by saying that power lines 200-300 feet away emit EMF levels comparable to those found within a home including a hair dryer, electric shaver, dishwasher or garbage disposal.

Mr. Graves stated that the site is covered with mature hardwoods. The plan is to keep a 200 feet buffer around the property to help shield the power line from the school site.

Mrs. Pace questioned whether the School Board contacted other schools with power lines this close. Mr. Ross indicated that they had not. He indicated that he had spoken with a representative from Rappahannock Electric Cooperative and learned that there is no conclusive evidence one way or the other but compares itself to household appliances at certain distances.

Mr. Wallace stated that there are a number of homes built much closer to power lines than the school will be, it seems that the Health Department would have issues and they don't.

Discussion ensued regarding the cost analysis and annual escalator.

Mr. Dodson clarified that part of the reason for purchasing the proposed parcel was for future construction of a high school. Mr. Ross stated that it was the intent of the School Board, that based on enrollment numbers, if going to look at property for future growth, it was important to purchase a larger piece of property that could be developed for a high school.

Mr. Johnson stated that there are a number of different issues. The precise school size and location have to be in balance. The proposed site is a reasonable site. When the School Board advertised a request for land, he understood this to be the best site. In terms of the transmission line, he has seen nothing that leads him to believe there is any danger. He stated that the State of Virginia puts many requirements on what the Board can and can't do. If there was a true danger from the power line, the State wouldn't allow a school to be built there. It has made no comment that this parcel is too dangerous for kids. He read from an online website of the Health Physics Society concerning potential health concerns regarding power lines which reported that the National Academy of Sciences indicate that there are no proven scientific conclusions that link power lines to cancer. There is a bit of an exaggeration that the County is buying up all the land in Orange County. The person who owns the land had an idea of how he wanted to use the property in association with a school site. Therefore, the Board wanted to

purchase the entire acreage to protect the school site and room to expand other county facilities including a solid waste convenience center, possibly replacing the one at Lake of the Woods, a wireless tower, and ball fields. He addressed the issue concerning commercial growth near schools and stated that the Board of Supervisors can't control what happens within a five mile radius of existing schools let alone the new school. He explained that adding on to the two existing middle schools is not cost effective and you can't go larger than that because the core facility cannot handle that. Therefore, the Board wanted strike a balance to get students out of the learning cottages and bring about stability without bankrupting the County. He concluded by saying that building this size school will allow the County to catch its breath before a future Board is faced with building a new school.

Mr. Graves stated that he walked the site over a year ago when evaluating it for a proposed cluster subdivision. At that time, he recognized that it was a very good school site never thinking that at some point in time it might be offered to the County as a potential school site. The developer decided to offer the property to the County when the School Board solicited possible sites. He noted that he felt that was the correct way of doing business without sending a consultant out to select a school site on Route 3 or Route 20 and say we want this particular piece of land and we will pay whatever to acquire that site. The County solicited property owners through the newspaper and asked them to offer their property for sale. This particular site is very good place for locating a school. He stated that the School System recommended buying the whole site made rather than a portion of it because it may be needed in the future and might not be available then. The cost of the property is $1.1 million for 164.5 acres which works out to be less than $6,700 per acre. The proposed site gives the Board and the School Board a number of options. He concluded by saying that you only have one chance to purchase adjoining property. He commended the School Board for being unified in its vote.

Mr. Dodson stated that Chairman Johnson summed everything up well. If the Board of Supervisors and the School Board wait for a perfect site, the school will never be built. The proposed site has shortcomings but overall the best one at a very good price. He stated that while the Planning Commission's recommended conditions are good, he requested that two additional conditions be added:

- The school building be sited no less than 300 feet from the 500 KV power line;
- That the water and sewer would not be extended beyond the property except for County use.

Mr. Dodson also requested that the following language be added to the first condition recommended by the Planning Commission *"to the greatest extent possible low impact design be used to minimize to the greatest extent possible any problems with the neighbors"*. He also commented that Mr. Aitken-Cade eluded to the fact that there was come collusion between the owner of the five acres and the Board of Supervisors, there have been no promises made regarding those five acres. If he ever wants to come forth with a commercial design, he will have to apply for a rezoning and go through the process just like anyone else does.

Mrs. Pace stated that she was glad Mr. Dodson mentioned the rezoning issue, but the Board did agree that the five acres could be tapped for water; however the Board did not agree that the property across the road could be tapped. Mr. Rolfe stated that that is correct. She stated that she had never been apprised of any information about what the cost would be to add on to the current middle school. Therefore, it is erroneous to say that the proposed plan will be cost effective for the tax payers because the Board never explored the cost to expand the two middle schools or the construction of a new elementary school on the same site. Playing fields have already been established at the current middle school site. The County is already paying for a core facility that will not be utilized. The Board is not being fiscally responsible to the tax payers. She stated that the Board should err on the side of the safety and well being of the students and teachers. Without more specific data regarding other schools in Virginia in close proximity to high voltage power lines, the County can't risk the health of students and teachers

when there are other options. Mrs. Pace stated that yes there needs to be a plan and yes the County needs another elementary school; however, the Board is behind in addressing the need. She concluded by saying that being behind should not force the Board into making an un-wise decision. This is not an ideal site for students or teachers.

Mr. Wallace thanked the School Board and its hard work in being unified on this decision. He questioned the number of learning cottages currently at Locust Grove Elementary. He stated that the County needs to move forward with the project.

Chairman Johnson commented about adding onto the current school. There has been no official study done; however, they have been done in the past. He indicated that he is not aware of any building project being completed without running up a large bill and the addition would be limited to 200 additional students.

Discussion ensued regarding the provision of infrastructure in the area and not allowing others to connect.

Mr. Dodson moved, seconded by Mr. Wallace, to accept the recommendation of the Planning Commission and approve SUP 07-2 including the six conditions as noted:

- Minimize clearing associated with site development through the use of "fingerprint clearing" thereby reducing the amount of increased impervious surface and associated increase in stormwater runoff; and to the greatest extent possible use low impact development and green development techniques.
- Maintain a 50' wide natural buffer on all sides of the streams and wetland areas located on the property.
- Any road improvements needed as identified in the traffic impact analysis being conducted for the project will be implemented by the County.
- The placement and type of lighting associated with the development of the property will be such that impact on surrounding properties is minimized.
- The school shall be built no less than 300 feet from the 500 KV power line located on site;
- It is not the intent of the County to extend water and sewer beyond the site, and the Rapidan Service Authority is encouraged to follow suit.

Mrs. Pace stated that you don't just look at A & B options you must look at the entire alphabet. She explained that if students were rearranged so that the older students could be in the current middle school and build another elementary* school for 600 students, then take the sixth graders out of the current middle school and add on for 200 students, an additional 400 seats would be available which would be more valuable to the County.

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

Discussion concerning this statement took place at the September 25, 2007 Board of Supervisors meeting and the minutes were revised accordingly as approved by the Board.

RE: <u>REZ 07-1: AN APPLICATION BY THE EDA TO REZONE APPROXIMATELY 4.95 ACRES FROM AGRICULTURAL (A) TO GENERAL INDUSTRIAL (I-2)</u>

Chairman Johnson called the public hearing to order at 8:56 p.m. to receive comments on the following:

REZ 07-1: An application by the Orange County EDA to rezone approximately 4.95 acres from Agricultural (A) to General Industrial (I-2). The property is located on State Route 686 (Thoroughbred Road) and is identified on Orange County zoning maps as tax map parcel 57-30F.

Deborah S. Kendall, Director of Strategic Planning, gave the staff report. She concluded by saying that the Planning Commission is recommending denial of the application unless conditions are attached.

Julie Jordan, Director of Economic Development, stated that the proposed property has received interest through the years as an attractive location for business and industry. In March 2003, a rezoning was completed for 25 of the 30 acres to become Industrial-2. Now the EDA is requesting that the remaining 5 acres be rezoned to Industrutial-2 so that the entire site has consistency with its zoning. She explained that due to the appealing location of the site, the rail that borders the site, and the sound topography, the site lends itself to development. Because of the split zoning, the smaller parcel stands as a deterrent to locating a business on site. Business typically does not like unknowns in a site development timeline that an inconsistent rezoning issue represents. This can be a negative decision factor against Orange County when a final site selection is made. Ms. Jordan stated that not only does the EDA consider this site on its own but it also considers it as it relates to the adjacent 150+ acre property owned by Diversified Information Technologies (DIT). The adjacent site is intended by DIT to be developed into a technology campus for technology oriented businesses. The County is committed to providing assistance to this company in regards to their own project but also is allowing the York Property to be included in conceptual master plans for the campus to attract technology companies to Orange County. The current zoning of the 5 acres effects the development of the other 25 acres in a negative way. She concluded by saying that the Board's favorable consideration would be appreciated.

At 9:08 p.m., Chairman Johnson opened the floor for public comment The following individuals spoke: Charles Moubray, 16193 Thoroughbred Road, Orange; Sean Barganier, 24394 Oak Forest Drive, Rapidan; Lona S. Warmack, 13392 Hilltop Farm Road, Gordonsville; Zack Burkett, 14162 Marquis Road, Unionville.

Mr. Patrick suggested that the Chairman not close the public hearing at this time as that would preclude the potential for proffers, should that be the direction that the Board wishes to go.

Chairman Johnson asked whether someone was present to proffer on behalf of the EDA. Ms. Jordan stated that she would need to consult with Jim White, Chairman of the EDA, before making any proffers. Mr. Graves stated that he had a problem with the County proffering to itself.

Discussion ensued including: setback requirements; Orange County water supply; and a possible under ground aquafur.

After consultation with the County Attorney, the Chairman recessed the Public Hearing until August 28, 2007.

RE: <u>PROPOSED ADOPTION OF AN AMENDMENT TO THE FISCAL YEAR 2007-2008 ORANGE COUNTY BUDGET FOR PHASE I OF THE AIRPORT APRON PROJECT</u>

Chairman Johnson called the public hearing to order at 9:35 p.m. to receive comments on the following:

To adopt an amendment to the Fiscal Year 2007-2008 Orange County Budget for Phase I of the Airport Apron Project.

Ted Coberly, Assistant County Administrator, stated that at its meeting on June 12, 2007, the Board authorized execution of Phase I of the Airport Apron Project. Although the project is an FY 07 project from a funding standpoint by the Federal Aviation Administration (FAA), the Virginia Department of Aviation (DOAV) and the County, the vast majority of its execution will occur in FY 08. Since the funds are not currently budgeted or appropriated for the project in FY 08, Board action is required. He explained that in accordance with state code 15.2-520, grant funds may be

carried forward to a second year and used for the purposes of completing a project without being re-appropriated. The Board appropriated $1,187,578.95 in FY 07 for the project. Of that, $2,750 was spent. The remainder, $1,184,828.95, has been carried forward. The difference between this amount and the full cost of the project must be appropriated in FY 08 which totals $691,368.42.

At 9:39 p.m., Chairman Johnson opened the floor for public comment. There being none the public hearing was closed.

Mr. Dodson moved, seconded by Mr. Wallace, and carried to appropriate $691,368.42 to budget line #504-94200-1080 for Phase I of the airport apron project. The sources for this are a federal grant, $664,000; a state grant, $20,968.42; and the County general fund, $6,400. Ayes: Johnson, Graves, Dodson, Pace, Wallace. Nays: None.

RE: ACTION ITEMS (CONTINUED)

RE: ESTABLISH PUBLIC HEARING DATE ON BORROWING FUNDS FOR EASTERN MIDDLE SCHOOL PROJECT

Mr. Rolfe explained that based on the current pattern of expenditure for the new eastern middle school, it is anticipated that funding beyond the $2.0 million currently available in cash will be needed in November, 2007. The proposed funding for this project will involve financing from the Virginia Public School Authority (VPSA) and a Literacy Fund loan in the amount of $7.5 million. In order to proceed with the VPSA funding for the project, the School Board must adopt a resolution authorizing the submission of an application for funding and the Board of Supervisors must hold a public hearing on the proposed borrowing and then adopt a resolution authorizing the borrowing of the funds. He reported that the School Board adopted the required resolution at its August 7, 2007 meeting and noted that the application and resolution from the School Board must be submitted to the State by August 23, 2007. Mr. Rolfe stated that staff is working with Davenport and Company, the County's financial advisors, to determine the most optimum borrowing scenario for the County. It appears that borrowing an amount equal to approximately the amount needed between now and June, 2008 or the date when plans and specifications for the middle school are complete, whichever is later, would be advisable now. He explained that an application for a Literary Fund loan would be submitted to the State for $7.5 million as soon as the title to the property for the middle school is secured by the County. Then, the County would borrow the remaining funds for the project after the plans and specifications are complete and an accurate cost estimate is provided by the architectural/engineering team. He noted that this may be a straight VPSA loan, a combination of a subsidized VPSA loan and a straight VPSA loan or a VPSA loan and the $7.5 million Literary Fund loan. Mr. Rolfe concluded by saying that in any case, the Board of Supervisors must hold a public hearing before it borrows any funds from VPSA for the middle school project. While the actual borrowing may be in two or three issuances, only one public hearing is necessary if the proposed amount is the total amount estimated for the project.

Mrs. Pace stated that she could not support scheduling a public hearing because it was specifically stated that the funds would be used for a middle school rather than a school in general.

Mr. Wallace moved, seconded by Mr. Dodson and carried, to authorize a public hearing to be held on September 11, 2007 regarding the borrowing of $50 Million from the VPSA for the purpose of financing the new eastern middle school. Ayes: Johnson, Graves, Dodson, Wallace. Nays: Pace.

RE: EXERCISE OPTION TO PURCHASE MIDDLE SCHOOL PROPERTY

Mr. Rolfe explained that per the terms of the option agreement the County has with Newhouse and James Development, L.L.C., will expire at midnight and asked how the Board wished to proceed.

Mr. Dodson moved, seconded by Mr. Wallace to exercise the County's option to purchase the new middle school site from Newhouse and James per the terms of the option agreement and authorize the County Administrator to take the necessary actions to close on the property within the time frame established by the option agreement.

Mrs. Pace stated that she did not feel that the proposed site serves the best interest of the children, teachers or citizens of the County.

Mr. Graves and Mrs. Pace discussed their varying views on the site selected for the new middle school.

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

RE: ADOURNMENT

There being no further business to discuss, Mr. Wallace moved to adjourn the meeting at 9:52 p.m. Mr. Dodson seconded the motion. Ayes: Johnson, Graves, Dodson, Pace, Wallace. Nays: None.