At a regular meeting of the Orange County Board of Supervisors held on Tuesday, November 13, 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. Graves and carried, to adopt 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 following consent agenda items as presented:

RE: SUPPLEMENTAL APPROPRIATIONS

The Board approved the following supplemental appropriations:

- $10,118.00 from Revenue (3-100-23070-0101) Clerk's Office Tech Trust Fee to Clerk Circuit Court, TTF Salary (4-100-21600-1301);
- $79,517.00 from Revenue (3-100-23070-0101) Clerk's Office Tech Trust Fee to Clerk Circuit Court, TTF Equipment/Imaging (4-100-21600-8107);
- $200.00 from Expenditure Refund (3-100-18030-0100) to Sheriff, Professional Services (4-100-35100-3115);
- $177.58 from Expenditure Refund (3-100-18030-0100) to Sheriff, Community Policing Supplies (4-100-31200-5844);
- $7,258.06 from Insurance Recov. (3-100-41010-0100) to Sheriff, Repair & Maintenance: Vehicle (4-100-31200-6009);
- $100.00 from Miscellaneous (3-100-18990-0300) to Sheriff, Community Policing Supplies (4-100-31200-5844);
- $250.00 from Triad Grant Donations (3-100-18990-0520) to Sheriff, Office Supplies (4-100-31770-6001);
- 125.00 from Triad Grant Donations (3-100-18990-0520) to Sheriff, Professional Services (4-100-31770-3100);
- $404.25 from Miscellaneous (3-100-18990-0800) to Animal Shelter, Pet Food (4-100-35200-6003);
- $745.03 from Reimbursement (3-100-41010-0100) to Fire & EMS, Salaries (4-100-32310-1111);
- $5,215.21 from Reimbursement (3-100-41010-0100) to Fire and EMS, Salaries (4-100-32310-1111);
- $745.03 from Reimbursement (3-100-41010-0100) to Fire and EMS, Salaries (4-100-32310-1111);
- $1,911.62 from Insurance Recoveries (3-100-41010-100) to Welfare & Social Services, State/Local Hospitalization (4-100-53010-5714);
- $3,516.00 from Litter Control Grant (3-513-24040-0700) to Litter Control Grant, Litter Projects (4-513-42710-5851).

RE: MINUTES

The Board approved the following minutes as presented:

- September 11, 2007, Regular Meeting;
- September 25, 2007, Regular Meeting.

RE: NATIONAL AMERICAN INDIAN HERITAGE MONTH PROCLAMATION

The Mine Run Chapter of the Daughters of the American Revolution, requested that the month of November be proclaimed as National American Indian Heritage Month.

Mr. Wallace moved, seconded by Mr. Dodson and carried, to proclaim the month of November as National American Heritage Month:

NATIONAL AMERICAN INDIAN HERITAGE MONTH PROCLAMATION

WHEREAS, the History and Culture of our great nation have been significantly influenced by American Indians and indigenous peoples; and

WHEREAS, the contributions of American Indians have enhanced the freedom, prosperity, and greatness of America today; and

WHEREAS, their customs and traditions are respected and celebrated as part of a rich legacy throughout the United States; and

WHEREAS, Native American Awareness Week began in 1976 and recognition was expanded by Congress and approved by President George Bush in August 1990, designating the month of November as National American Indian Heritage Month; and

WHEREAS, in honor of National American Indian Heritage Month, community celebrations as well as numerous cultural, artistic, educational and historical activities have been planned.

NOW, THEREFORE, the Orange County Board of Supervisors does hereby proclaim November, 2007, as National American Heritage Month, and urge all citizens to observe this month with appropriate programs, ceremonies and activities.

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

RE: BUDGET TRANSFERS

Mrs. Pace pulled the budget transfers for discussion. She voiced concern regarding the merit pay transfers due to the recent salary increases associated with the pay and classification study. She stated that she had a problem with the pay and classification study and the localities used for the comparisons including: the City of Charlottesville; the City of Fredericksburg; Spotsylvania County; Albemarle County; and Louisa County. With the Cost of Living Raises, the current budget cannot accommodate merit pay raises this close to the pay and classification raises.

Chairman Johnson stated that the merit pay plan was adopted as a “sister” to the pay and classification study so that the County wouldn’t get back into the situation to where salaries were all over the place. Merit pay raises are awarded to employees who are doing a good job and those who aren’t don’t get an increase.

Mr. Rolfe explained how the merit pay plan works and that that the County now has a mechanism for putting an unsatisfactory employee on probation and gives an opportunity to step up to the plate or separate from Orange County employment.

Following discussion, Mr. Wallace moved, seconded by Mr. Graves and carried, to approve the following budget transfers as presented:

- $1,502.71 from Human Resources, Reserve for Merit pay (100-12220-1900) $1,201.50 to Airport, Salaries (504-81700-1111), $91.91 to Airport, FICA (504-81700-2100), $169.65

to Airport, Retirement (504-81700-2210), $12.02 to Airport, Group Life Insurance (504-81700-2400), $27.63 to Airport, Workers' Compensation (504-81700-2710).

- $1,469.26 from Human Resources, Reserve for Merit Pay (100-12220-1900), $446.25 to Library, Salaries (100-73100-1111), $34.14 to Library, FICA (100-73100-2100), $63.01 to Library, Retirement (100-73100-2210), $4.46 to Library, Group Life (100-73100-2400), $.58 to Library, Workers' Compensation (100-73100-2710), $749.25 to Library-Gville Branch, Salaries (100-73120-1111), $57.32 to Library-Gville Branch, FICA (100-73120-2100), $105.79 to Library-Gville Branch, Retirement (100-73120-2210), $7.49 to Library-Gville Branch, Group Life (100-73120-2400), $.97 to Library-Gville Branch, Workers' Compensation (100-73120-2710).
- $999.55 from Human Resources, Reserve for Merit Pay (100-12220-1900), $821.25 to LGES-Child Care, Salaries (100-71330-1111), $62.83 to LGES-Child Care, FICA (100-71330-2100), $101.92 to LGES-Child Care, Retirement (100-71330-2210), $8.21 to LGES-Child Care, Group Life (100-71330-2400), $5.34 to LGES-Child Care, Workers' Compensation (100-71330-2710).
- $826.10 from Human Resources, Reserve for Merit Pay (100-12220-1900), $651.75 to Landfill-Solid Waste Collections, Salaries (513-42300-1111), $49.86 to Landfill-Solid Waste Collections, FICA (513-42300-2100), $92.03 to Landfill-Solid Waste Collections, Retirement (513-42300-2210), $6.52 to Landfill-Solid Waste Collections, Group Life Insurance (513-42300-2400), $25.94 to Landfill-Solid Waste Collections, Workers' Compensation (513-42300-2710).
- $1,637.12 from Human Resources, Reserve for Merit Pay (100-12220-1900), $1,268.25 to Fire and Rescue, Salaries (100-32310-1111), $97.02 to Fire and Rescue, FICA (100-32310-2100), $179.08 to Fire and Rescue, Retirement (100-32310-2210), $12.68 to Fire and Rescue, Group Life (100-32310-2400), $80.09 to Fire and Rescue, Workers' Compensation (100-32310-2710).
- $2,343.04 from Human Resources, Reserve for Merit Pay (100-12220-1900), $977.33 to Sheriff, Salaries (100-31200-1111), $74.77 to Fire and Rescue, FICA (100-31200-2100), $138.00 to Sheriff, Retirement (100-31200-2210), $9.77 to Sheriff, Group Life (100-31200-2400), $1.27 to Sheriff, Workers' Compensation (100-31200-2710), $917.33 to Sheriff, Salaries (100-21700-1111), $70.18 to Sheriff, FICA (100-21700-2100), $129.53 to Sheriff, Retirement (100-21700-2210), $9.17 to Sheriff, Group Life (100-21700-2400), $15.69 to Sheriff, Workers' Compensation (100-21700-2710).
- $1,608.00 from Human Resources, Merit Pay (100-12220-1900), $1,318.00 to Treasurer, Salaries (100-12410-1111), $101.00 to Treasurer, FICA (100-12410-2100), $186.00 to Treasurer, Retirement (100-12410-2210), $1.00 to Treasurer, Group Life (100-12410-2400), $2.00 to Treasurer, Workers' Compensation (100-12410-2700).
- $14,000.00 from Capital Projects, Pitney Bowes (312-94350-8205) to Treasurer, Tax Tickets (100-12410-6017).
- $1,660.00 from Library, Wilderness, DP Svcs. (100-73110-3165), $390.00 from Library, Wilderness, Telephone (100-73110-5230), $2,050.00 to Library, Wilderness Office Supplies (100-73100-6001).

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

RE: PUBLIC APPEARANCES

RE: EMPLOYEE OF THE MONTH PRESENTATION

Billie Jo Crites, Gordonsville Librarian, was recognized as the Employee of the Month for November, 2007.

RE: SERVICE AWARD PRESENTATIONS

Debra Bickley, Director of Parks & Recreation, was recognized for her 25 years of service to Orange County.

RE: VDOT UPDATE

Roy Tate, Assistant Resident Engineer, updated the Board on the status of projects in Orange County and discussed information regarding the intersection of Route 20 and Route 601.

RE: VIRGINIA DEPARTMENT OF FORESTRY UPDATE

Erik Filep, Area Forester, introduced himself to the Board and gave a brief history and overview of the Virginia Department of Forestry.

RE: HABITAT FOR HUMANITY UPDATE

Chairman Johnson stated that this item had been on the Board's agenda last month; however, no action was taken at that time. Adrianna Cowan-Waddy has requested an opportunity to update the Board on the status of the project as she was not present at the meeting when the item was discussed.

Mrs. Cowan-Waddy stated that Orange County Habitat for Humanity is requesting the Board's support of their Community Development Block Grant (CDBG) Planning Grant request for the construction of a road onto property recently acquired for the construction of habitat homes.

Mr. Rolfe explained the process for applying for a CDBG Planning Grant.

Mr. Wallace moved, seconded by Mr. Graves, to authorize staff to submit a planning grant application to the Department of Housing and Community Development.

Discussion ensued including: concerns that the proposed project will promote a community within itself and concerns about the size of the project.

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

RE: ACTION ITEMS

RE: REDUCTIONS OF APPROPRIATED FUNDS

Mr. Rolfe explained that due to cuts made by Governor Kaine, the Library will be receiving less state aide. The total reduction is 4% of the library's state aid plus 4% of the filtering grant ($7,605.89). The impact of this reduction will be fewer new items on the shelves. He concluded by saying that in order to realign the line item budget with the new lower amount of offsetting state revenue, reduction of the appropriated funds is necessary.

Mr. Dodson moved, seconded by Mr. Wallace and carried, to reduce the following appropriations: $3,265.89, $2,790.00, and $1,550.00 in departments 73100, 73110, and 73120 respectively. Ayes: Johnson, Graves, Dodson, Pace, Wallace. Nays: None.

RE: LANDFILL CLOSURE COSTS

Karen Karasinski, Finance Director explained to the Board that in preparation for closing the landfill in 2012, the County requested Draper Aden to estimate closure costs using two cost estimating models; the Department of Environmental Quality (DEQ) formula and a cost estimate based on comparable closures in the area. The DEQ formula is a conservative estimate of closure costs totaling $1,629,944, whereas, using comparable landfill actual closure costs the estimate is $4,295,936. She stated that accounting rules for the landfill fund require that the County record a liability at June 30, 2007 for estimated closure costs in the amount no less than $1,629,944, the DEQ estimate. In the next few years, prior to closing the landfill, it is necessary to accumulate reserves designated for this purpose in the amount of $1,008,654; $621,290 less than the required minimum. Mrs. Karasinski explained that in order to fund both the DEQ minimum amount and the potential current year closure expenses a transfer will be required from

the general fund balance to the landfill fund in the amount of $815,330 (621,290 + 194,040). She indicated that although the audit report is not complete, staff is confident that there will be excess resources in the general fund balance to maintain the reserve for financial stability and transfer money to the landfill fund. The preliminary analysis of fund balance shows that $1,763,165 for the community development block grant and airport grant projects previously subtracted from the general fund are accounted for in other funds and do not need to be subtracted. Additionally, as of June 30, 2007 total revenues exceeded the amount budgeted and actual expenditures were less than authorized. She concluded by saying that, at this time, staff recommends the Board authorize a transfer from the general fund to the landfill fund in the amount of $815,330 to fund both the DEQ minimum amount and the potential current year closure expenses.

Discussion ensued regarding non-compliance issues. Following discussion, Mr. Graves moved, seconded by Mr. Dodson and carried, to transfer $815,330.00 from the General Fund to the Landfill Fund as of June 30, 2007. Ayes: Johnson, Graves, Dodson, Pace. Nays: None. Absent: Wallace *(Mr. Wallace stepped out of the meeting momentarily at 4:48 p.m. and returned at 4:50 p.m.)*

RE: INCREASE IN PART-TIME FUNDING FOR THE COMMONWEALTH'S ATTORNEY

Ted Coberly, Assistant County Administrator, explained that the Commonwealth's Attorney has requested an increase in part-time wages to provide 20 hours per week of office assistant labor through the end of the fiscal year. Assuming the part-time employee begins work November 1, 2007, the increase in funding through the end of the fiscal year is $2,942. The total increase in funding required to support this position on an annual basis is $7,107.

Mr. Dodson moved, seconded by Mr. Wallace and carried, to transfer $2,942 from the contingency fund to the following Commonwealth's Attorney budget lines: 22100-1322 (part-time wages): $2,731.00; 22100-2100 (FICA): $209.00; and 22100-2710 (Workers' Compensation): $2.00. Ayes: Johnson, Graves, Dodson, Pace, Wallace. Nays: None.

RE: SUPPLEMENTAL AIRPORT APPROPRIATIONS

Ted Coberly, Assistant County Administrator, explained that FY 07 was the first year in which the airport operated as an enterprise fund separate from the General Fund. Based on final closing figures, the net revenue from fuel sales exceeded that budgeted by $24,823. Further, rental income exceeded budgeted income in the amount of $3,586. Finally, non-grant reimbursements were received from the State totaling $3,625 in excess of the budget. In total, the Airport Fund has available $32,034 of airport business revenue in excess of that budgeted. When the airport fund becomes self-sufficient, these funds would be set aside for future airport projects. He stated that even though the airport is not self-sufficient and still receives a subsidy from the General Fund, staff recommends that these funds be used to cover unexpected FY 08 project costs. Specifically, to meet the following requirements:

- Local funds to cover costs associated with Disadvantaged Business Enterprise (DBE) Study in case the Federal Aviation Administration (FAA) denies request for reimbursement.

- Obligation of a prepared site on which SkyDive Orange can build its new hangar. The majority of the site preparation is part of the apron project and represents no additional cost to the County; however, it has been decided that all commercial hangars should be offset 40' from the apron to allow room for aircraft parking outside the hangar but not in the apron taxiway.

- The Virginia Department of Aviation approved cost for final design work for the new Airport Terminal and final design of the site work for the terminal (parking area, utilities, etc.) is $13,176 greater than that budgeted, with an increase in the County share of

$4,230.04. Additional funds must be appropriated to accept the grants and proceed, and a source must be found for the increased County share.

- State officials have proposed to complete the fencing along Route 20 and Bloomsbury Drive this fiscal year instead of next year as planned. State security funds are available if the County can provide 10% matching money. Based on the work done last year, it is anticipated that no more than $12,000 of County money would be required to get the work done, leaving only a small portion of the airport to be fenced when the terminal is completed.

Mr. Coberly concluded by saying that staff recommends that the excess Airport Fund balance be used for the purposes discussed. Use of this money will have no impact on the General Fund balance or Contingency Fund as approved in the current budget.

Discussion ensued including: revenues received; County's contribution; and building what the County can afford now and add on at a future date.

Mr. Wallace moved, seconded by Mr. Dodson and carried, to appropriate $28,830.04 in excess funds from the Airport Fund Balance to the following lines: $12,600.00 to line 504-94200-1080, Aircraft Parking Apron; $4,230.04 to line 504-94200-1082, GA Terminal Design; and $12,000.00 to line 504-94200-1062, Airport Security Fencing. Further, that an additional $8,945.96 in State grant funds be appropriated to line 504-94200-1082, GA Terminal Design and authorize the County Administrator to proceed with these projects. Ayes: Johnson, Graves, Dodson, Wallace. Nays: Pace.

RE: RECESS

The Board recessed at 5:11 p.m. for a joint dinner meeting with the Orange County Extension Service. The Board reconvened in open session at 7:00 p.m.

RE: PUBLIC COMMENT

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

RE: BOARD COMMENT

The Board members made no comments at this time.

RE: ACTION ITEMS CONTINUED

RE: AIRPORT TERMINAL DESIGN GRANTS AND DELTA CONTRACT MODIFICATION

Ted Coberly, Assistant County Administrator, explained that last fiscal year the County completed its preliminary design of the proposed new airport terminal. In the current budget, the Board approved an appropriation of $220,000 for the two projects, with $100,000 planned to come from County funds. State funding to support final design of the terminal and site (including parking and utilities) was approved at the August Virginia Aviation Board Meeting. He stated that the cost for final design of the terminal building has been approved by the State at $184,598. The State share of this amount is based on an analysis of the total square footage of the building and the amount of square footage authorized by the State based on airport activity levels. For Orange, the final percentage is 48.8% State funding and 51.2% local funding. This translates to a County cost of $9,715.60. Mr. Coberly stated that the total cost of the two design projects is now planned at $233,176 vice the $220,000 approved in the budget. The County share has increased from $100,000 to $104,230.04. By its previous action, the Board appropriated the additional funds required to cover the increased cost. The County is now in receipt of two grant offers from the State. One is to cover the Terminal Building Design in the amount of $90,083.82.

The second is to cover the Terminal Area Site Preparation Design in the amount of $38,862.40. Copies of the grants are attached for Board review. They include the standard terms and conditions. In addition to authorizing the County Administrator to accept the State grant offers, to begin work on the project the Board must authorize the County Administrator to approve Engineering Amendment 12 to the County's Agreement for Professional Services with Delta Airport Consultants, Inc. He noted that the Engineering Amendment has been approved by the State Department of Aviation. Mr. Coberly reported that Orange County's basic agreement with Delta Airport Consultants ends on January 22, 2008. The County is obliged to issue a request for proposals for the basic agreement which cannot be further extended. Should a company other than Delta Airport be selected as the County's Airport Engineering Consultant, Delta would continue to execute Amendment 12 until it is complete.

Mr. Dodson moved to authorize the County Administrator to accept and execute all documents associated with the Commonwealth of Virginia's grant agreement offers for projects CS0037-11 and CS0037-12, and to approve and execute all documents associated with Engineering Amendment 12 to the Agreement for Professional Services between the County of Orange and Delta Airport Consultants. Mr. Wallace seconded the motion.

Mrs. Pace stated that the endeavors that have been made on the airport have been an asset to Orange County but stated her disappointment that the County decided to build a terminal that is going to be so costly to the County when a terminal could have been built to meet the objectives and save the County a lot of money. In lieu of what the state budget costs are going to be and the ramifications on the County; she doesn't feel that it is fiscally responsible to build this kind of terminal at this time. Mrs. Pace stated that the County could have built the core facility and paid a minimal amount. Then at a later date build onto the facility. She concluded by saying that she is unable to support the project.

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

RE: PROPOSED FY08-09 BUDGET MEETING SCHEDULE

Mr. Rolfe stated that a schedule had been drafted of meeting dates and advertising deadlines related to the development and adoption of the FY08-09 County budget for the Board's consideration. Discussion ensued among the Board and Board elect members.

Following discussion, Mrs. Pace moved, seconded by Mr. Johnson and carried, to adopt the Budget Meeting Schedule for FY08-09 as revised. Ayes: Johnson, Graves, Pace. Nays: None. Abstain: Dodson, Wallace.

RE: MORATORIUM ON URANIUM MINING

Supervisor Graves requested that this item be added to the agenda. He stated that in the early 1980's, the Board of Supervisors passed a resolution recognizing the threat to the County water supply and agriculture products via the possible mining and milling of uranium in the County. In 1982 the State Legislature passed a moratorium on the mining and milling of uranium in Virginia until the industry could prove that it could perform such activities safely. He reported that the State is considering the release of the moratorium. He read two proposed ordinances for the Board's consideration encouraging the continued moratorium on the mining and milling of uranium in Virginia.

Mr. Graves moved, seconded by Mrs. Pace and carried, to approve a resolution supporting a continued moratorium on the mining of uranium in Orange County. Ayes: Johnson, Graves, Dodson, Pace, Wallace. Nays: None.

RE: SOUND BARRIER AT THE ANIMAL SHELTER

Supervisor Graves requested that this item be added to the agenda for discussion. He stated that when the Board of Supervisors decided to locate the animal shelter facility at its current location, one of the conditions was to provide adequate sound buffering for the neighbors. An attempt was made to block the sound by an "earthen dam" that is five feet tall with cedar trees planted on the end. Mr. Graves reported that the neighbors are still affected by the noise. He requested that the Board consider purchasing twenty-five additional Leland Cypress trees to be placed on the western side of the animal shelter to serve as a sound barrier for the neighbors close to the shelter. Mr. Johnson suggested that the soil be enriched before planting anything as there isn't much topsoil there.

Mr. Graves made a motion to purchase 25 Leland Cypress trees (4 feet tall) and plant on the berm located on the west side of the animal shelter which will serve as a sound barrier for the neighbors close to the shelter. Mr. Wallace seconded the motion.

Discussion ensued including: the purchase process; who will plant; expertise on soil enrichment; and possibly using County staff to assist with planting the trees.

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

RE: APPOINTMENTS TO BOARDS, COMMISSIONS, AND COMMITTEES

The Board made no appointments at this time. The Board requested that vacancies be advertised in the newspaper.

RE: PUBLIC HEARINGS

RE: REVISION TO THE FLOOD PLAIN ORDINANCE

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:

> Proposed amendment and re-adoption of Chapter 34, Floods, Sections 34-86, 34-111 and 34-144 of the Code of Ordinances of Orange County, Virginia, to reference hardship requirements and the Virginia Uniform Statewide Building Code and update to include new Flood Insurance Rate Map.

David Grover, Director of Community Development, stated that Orange County staff had been contacted by the National Flood Insurance Program and advised that the Flood Insurance Rate Maps (FIRMS) for Orange County have been updated and amended. This necessitates the amendment of Orange County Code Chapter 34, Section 34-111(a) to reflect the effective date of these new maps.

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

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

AN ORDINANCE TO AMEND CHAPTER 34, FLOODS

WHEREAS, the National Flood Insurance Program was established with the passage of the National Flood Insurance Act of 1968, which, among other items, allows for communities that adopt and enforce a floodplain management ordinance the Federal Government to offer flood insurance within the community for the financial protection against flood losses, and

WHEREAS**,** the National Flood Insurance Program has updated and amended the Flood Insurance Rate Maps for Orange County which requires certain changes in the Code of Ordinances for the County of Orange; and

WHEREAS, this proposed ordinance has been advertised in accordance with the Code of Virginia, 1950, as amended

NOW THEREFORE, BE IT ORDAINED by the Orange County Board of Supervisors that the following sections are amended and readopted as follows:

Sec. 34-86. Appeal authorized.
(a) Whenever any person is aggrieved by a decision of the building official with respect to the provisions of this article, it is the right of that person to appeal to the building code board of appeals for a special exception/variance. Such appeal must be filed, in writing, within 30 days after the determination by the building official. Upon receipt of such an appeal, the building code board of appeals shall set a time and place for the purpose of hearing the appeal, which shall be not less than ten nor more than 30 days from the date of the receipt of the appeal. Notice of the time and place of the hearing of the appeal shall be given to all parties, at which time they may appear and be heard. The determination by the building code board of appeals shall be final in all cases.
(b) In passing upon applications for special exceptions/variances, the building code board of appeals shall satisfy the following factors:
(1) The danger of life and property due to increased flood heights or velocities caused by encroachments. No special exception or variance shall be granted for any proposed use, development or activity within any floodway area that will cause any increase in the 100-year floodplain.
(2) The danger that materials may be swept on to other lands or downstream to the injury of others.
(3) The proposed water supply and sanitation systems and the ability of these systems to prevent disease, contamination and unsanitary conditions.
(4) The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owners.
(5) The importance of the services provided by the proposed facility to the community.
(6) The requirements of the facility for a waterfront location.
(7) The availability of alternative locations not subject to flooding for the proposed use.
(8) The compatibility of the proposed use with existing development and development anticipated in the foreseeable future.
(9) The relationship of the proposed use to the comprehensive plan and floodplain management program for the area.
(10) The safety of access to the property in time of flood of ordinary and emergency vehicles.
(11) The expected heights, velocity, duration, rate of rise, and sediment transport of the floodwaters expected at the site.
(12) The repair or rehabilitation of historic structures upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as historic and the special exception is the minimum necessary to preserve the historic character of the structure.
(13) Such other factors which are relevant to the purposes of this article.
(c) The building code board of appeals may refer any application and accompanying documentation pertaining to any request for a special exception or variance to an engineer or other qualified person or agency for technical assistance in evaluating the proposed project in relation to flood heights and velocities, and the adequacy of the plans for protection and other related matters.
(d) Special exceptions/variances shall only be issued after the building code board of appeals has determined that the granting of such will not result in unacceptable or prohibited increases in flood heights, additional threats to public safety, or extraordinary public expense; create nuisances; cause fraud or victimization to the public, or conflict with local laws or ordinances.

(e) Special exceptions/variances shall only be issued after the building code board of appeals has determined that the special exception will be the minimum relief to an exceptional hardship.
(f) The building code board of appeals shall notify, in writing, the applicant for a special exception/variance that the issuance of a special exception/variance to construct a structure below the 100-year flood elevation increases risks to life and property and will eventually result in increased premium rates for flood insurance.
(g) A record of the notification as well as all special exception/variance actions, including justification for their issuance, shall be maintained, and any special exceptions/variances which are issued shall be noted in the annual report submitted to the Federal Insurance Administration.

Sec. 34-111. Basis of districts.
(a) The various floodplain districts shall include areas subject to inundation by waters of the 100-year flood. The basis for the delineation of these districts shall be the 100-year flood elevations or profiles contained in the flood insurance study (FIS) and the accompanying flood insurance rate maps (FIRMs) for the county prepared by the Federal Emergency Management Agency, Federal Insurance Administration, as amended with an effective date of January 2, 2008.
(b) The approximated floodplain district shall be that floodplain area for which no detailed flood profiles or elevations are provided, but where a 100-year floodplain boundary has been approximated. Such areas are shown as zone A on the maps accompanying the flood insurance study. For these areas, the 100-year flood elevations and floodway information from federal, state and other acceptable sources shall be used when available. Where the specific 100-year flood elevations cannot be determined for this area using other sources of data, such as:
(1) U.S. Army Corps of Engineers Floodplain Information Reports;
(2) U.S. Geological Survey Floodprone Quadrangles;
(3) Soil Conservation Service Flood Hazard Analyses; and
(4) Known high water marks from past floods; the applicant for the proposed use, development and/or activity shall determine the 100-year flood elevation in accordance with engineering techniques. Hydrologic and hydraulic analyses shall be undertaken only by professional engineers or others of demonstrated qualifications, who shall certify that the technical methods used correctly reflect currently accepted technical concepts.

Sec. 34-144. Existing structures in floodplain districts.
(a) A structure or use of a structure or premises which lawfully existed before August 12, 1997, but which is not in conformity with this article may be continued subject to the following conditions:
(1) Existing structures in the floodway area shall not be expanded or enlarged unless it has been demonstrated through hydrologic and hydraulic analyses that the proposed expansion would not result in any increase in the 100-year flood elevation.
(2) Any modification, alteration, repair, reconstruction or improvement of any kind to a structure and/or use located in any floodplain district to an extent or amount of less than 50 percent of its market value shall be elevated and/or flood-proofed to the greatest extent possible and in full compliance with the Virginia Uniform Statewide Building Code.
(b) The modification, alteration, repair, reconstruction or improvement of any kind to a structure and/or use regardless of its location in a floodplain district to an extent or amount of 50 percent or more of its market value shall be undertaken only in full compliance with the provisions of this article and the Virginia Uniform Statewide Building Code (VUSBC), and the entire structure shall be made to conform to the VUSBC.
(c) Uses or adjuncts of uses which are or become nuisances shall not be permitted to continue.

This Ordinance shall be effective at 12:01 AM on January 2, 2008.

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

RE: COURTHOUSE SECURITY PERSONNEL FUNDING FEE ORDINANCE

Chairman Johnson called the public hearing to order at 7:35 p.m. to receive comments on the following:

> Proposed amendment and re-adoption of Chapter 2, Administration, Section 2-109, Security Personnel Funding Fee, to change the security personnel funding fee charged for those convicted of criminal and traffic cases from Five Dollars ($5.00) to Ten Dollars ($10.00).

Mr. Patrick stated that the General Assembly recently changed the code section allowing for the collection of fees to help fund the cost of security personnel for the courthouse. The General Assembly increased the allowable amount from $5.00 to $10.00. These fees are assessed as a cost in the proceedings involving criminal or traffic cases tried at both the General District Court and the Circuit court. The fee is only assessed upon a conviction of the offense. He stated that the fee is utilized only for personnel costs associated with the security of the courthouse. Representatives from both the General District Court and the Circuit Court have requested that the Board consider increasing this allowable cost from the current level of $5.00, to the new maximum of $10.00.

Chairman Johnson opened the floor for public comment at 7:36 p.m. There being none, the public hearing was closed.

Mr. Dodson moved, seconded by Mr. Wallace and carried, to adopt the following amended ordinance as presented:

AN ORDINANCE TO AMEND CHAPTER 2, ADMINISTRATION

WHEREAS, section 53.1-120 of the Code of Virginia 1950, as amended, authorizes the governing body to enact an ordinance to impose a fee as part of the costs of a criminal or traffic case in General District Court or Circuit Court, for the purpose of providing for and maintaining courthouse security, and

WHEREAS, section 53.1-120 of the Code of Virginia 1950, as amended, has recently been amended to allow for the fee to be increased to Ten Dollars ($10.00) per case; and

WHEREAS, this proposed ordinance has been advertised in accordance with the Code of Virginia, 1950, as amended

NOW THEREFORE, BE IT ORDAINED by the Orange County Board of Supervisors that the following is amended and readopted as follows:

Sec. 2-109. Security personnel funding fee.

There is hereby imposed a fee of $10.00 as a part of the costs in each criminal and traffic case in the Orange County District Court and Orange County Circuit Court in which the defendant is convicted of a violation of any statute or ordinance. Such fee shall be collected by the clerk of the court in which the case is heard, remitted to the treasurer, and be held by the treasurer subject to appropriation by the Orange County Board of Supervisors to the sheriff's office for the funding of courthouse security personnel.

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

RE: DISCUSSION ITEMS

1.) LETTER FROM BUTCH DAVIS ON REVENUE SHARING AND GORDONSVILLE BY-PASS

By consensus, the Board directed the County Administrator to send a reply to Mr. Davies concerning revenue sharing and the Gordonsville By-pass.

2.) FIRE APPARATUS PURCHASE

By consensus, the Board requested that this item be added to its December 11, 2007 agenda for further discussion.

RE: INFORMATION ITEMS

The following items were presented to the Board for its information:

- Treasurers Report
- Letter from the Auditor of Public Accounts

RE: PENDING ITEMS

a. Cluster Ordinance Update
b. Subdivision Ordinance Update
c. Proffer Policy Update

RE: CALENDAR

The Board received copies of its calendar for the months of November and December, 2007.

RE: CLOSED SESSION

At 7:49 p.m., Mr. Dodson moved, seconded by Mr. Wallace and carried, to reconvene in Closed Session for the following purposes:

- Discussion on potential disciplinary actions of the County E911 Department and the County Emergency Management Department, where such discussion will necessarily involve specific individuals, as permitted by Virginia Code section 2.2-3711(A)(1);

- Discussion of prospective candidates for the position of Assistant County Administrator, as permitted by Virginia Code section 2.2-3711(A)(1); and

- Discussion and evaluation of the County Administrator's Office and the County Attorney's Office for the year of 2007, where such discussion will necessarily involve specific individuals, as permitted by Virginia Code section 2.2-3711(A)(1).

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

RE: OPEN SESSION

At 9:27 p.m., Mr. Wallace moved, seconded by Mr. Graves 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: ADOURNMENT

There being no further business to discuss, the meeting was adjourned at 9:28 p.m.