BOARD OF SUPERVISORS MINUTES **APRIL 14, 2009**

At a regular meeting of the Orange County Board of Supervisors held on Tuesday, April 14, 2009 beginning at 4:00 p.m., in the Meeting Room of the Gordon Building, 112 West Main Street, Orange, Virginia. Present: Lee H. Frame, Jr., Chairman; S. Teel Goodwin, Vice-Chairman; R. Mark Johnson; Zack Burkett; and Teri L. Pace. Also present: William C. Rolfe, County Administrator; Sharon Pandak, County Attorney; and Donna D. Curry, Chief Deputy Clerk.

RE: ADOPTION OF AGENDA

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

RE: CONSENT AGENDA

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

RE: SUPPLEMENTAL APPROPRIATIONS

The Board approved the following supplemental appropriations:

DEPT	ACCOUNT DESCRIPTION	AMOUNT	Funding Source
Animal Shelter	Emergency Vet	$ 4,398.00	Donations
Animal Shelter	Emergency Vet	$ 1,783.00	Donations
Subtotal Animal Shelter		**$ 6,181.00**	
Sheriff	Community Policing	$ 1,250.00	Donation/Sponsor Fee
Subtotal Sheriff		**$ 1,250.00**	
	Total, This Request	**$ 7,431.00**	
	Fiscal Year to Date Total	**$ 326,998.72**	

RE: BUDGET TRANSFERS

The Board approved the following budget transfers:

Transfer from department	Transfer from line item	Transfer to department	Transfer to line item	Amount	
Salary	Reserve for Raises	Sheriff	Salary	66.17	A
Salary	Reserve for Raises	Sheriff	FICA	5.06	A
Salary	Reserve for Raises	Sheriff	Workers Comp	1.14	A
Salary	Reserve for Raises	Sheriff	Salary	187.00	A
Salary	Reserve for Raises	Sheriff	FICA	14.31	A
Salary	Reserve for Raises	Sheriff	Retirement	26.40	A
Salary	Reserve for Raises	Sheriff	Group Life	1.87	A
Salary	Reserve for Raises	Sheriff	Workers Comp	0.25	A
Salary	Reserve for Raises	Library	Salary	54.98	A
Salary	Reserve for Raises	Library	FICA	4.20	A
Salary	Reserve for Raises	Library	Workers Comp	0.08	A
Salary	Reserve for Raises	Sheriff	Salary	147.17	A
Salary	Reserve for Raises	Sheriff	FICA	11.26	A

Salary	Reserve for Raises	Sheriff	Workers Comp	2.53	A
Salary	Reserve for Raises	Sheriff	Salary	248.00	A
Salary	Reserve for Raises	Sheriff	FICA	18.97	A
Salary	Reserve for Raises	Sheriff	Retirement	35.02	A
Salary	Reserve for Raises	Sheriff	Group Life	2.48	A
Salary	Reserve for Raises	Sheriff	Workers Comp	15.91	A
Salary	Reserve for Raises	Treasurer	Salary	444.33	A
Salary	Reserve for Raises	Treasurer	FICA	33.99	A
Salary	Reserve for Raises	Treasurer	Retirement	62.74	A
Salary	Reserve for Raises	Treasurer	Group Life	4.44	A
Salary	Reserve for Raises	Treasurer	Workers Comp	0.60	A
Emergency Service	Salary	E911	Salary	35,954.00	B
Emergency Service	FICA	E911	FICA	2,750.00	B
Emergency Service	Retirement	E911	Retirement	5,235.00	B
Emergency Service	Group Life	E911	Group Life	320.00	B
Emergency Service	Workers Comp	E911	Workers Comp	500.00	B
Human Resources	Res for Position Rcls	Animal Shelter	Salary Overtime	1,000.00	C
Human Resources	Res for Position Rcls	Animal Shelter	Wages: Part-time	14,000.00	C
Human Resources	Res for Position Rcls	Animal Shelter	Salary Part-time OT	3,000.00	C
Human Resources	Res for Position Rcls	Animal Shelter	Holiday Differential	1,200.00	C
Human Resources	Res for Position Rcls	Animal Shelter	FICA	1,468.00	C
Human Resources	Res for Position Rcls	Animal Shelter	Workers Comp	200.00	C
Human Resources	Res for Position Rcls	Animal Shelter	Electricity	4,000.00	C
Human Resources	Res for Position Rcls	Animal Shelter	Telephone	700.00	C

A merit increases for March
B allocate budget to where salary is charged
C Budget transfers to cover areas that may be short

RE: RESOLUTION REQUESTING VDOT TAKE .23 MILE OF ROUTE 778 INTO STATE SECONDARY HIGHWAY SYSTEM

The Board adopted the following resolution requesting that the Virginia Department of Transportation (VDOT) take .23 mile of Route 778 into the State Secondary Highway System:

RESOLUTION

WHEREAS, the Virginia Department of Transportation has provided this Board with a sketch dated April 2, 2009 depicting the additions, discontinuances and abandonments required in the secondary system of state highways as a result of Project 0778-068-208,N501 which sketch is hereby incorporated herein by reference,

WHEREAS, the street(s) described on the attached Additions Form AM-4.3, fully incorporated herein by reference, are shown on plats recorded in the Clerk's Office of the Circuit Court of Orange County, and

NOW, THEREFORE BE IT RESOLVED, this Board requests the Virginia Department of Transportation to add the street(s) described on the attached Additions Form AM-4.3 to the secondary system of state highways, pursuant to {33.1-229, Code of Virginia, and the Department's Subdivision Street Requirements, and

Project: 0778-068-208, N501-2

Type Change to the Secondary System of State - Addition

The following additions to the Secondary System of State Highways, pursuant to the statutory provision or provisions cited, are hereby requested; the right-of-way for which, including additional easements for cuts, fills and drainage, as required, is hereby guaranteed:

Reason for Change: Access Project, Recreational
Pursuant to Code of Virginia §33.1-229, §33.1-223

Street Name and/or Route
► Bloomsbury Rd., State Route Number 778
Old Route Number: 0

• From: 0.23 Mi. N. of Rte. 20
To: 0.459 Mi. N. of Rte. 20, a distance of: 0.23 mile.

Recordation Reference: Instr. 070005352, 080001962
Right-of-Way width (feet) = 60 feet

BE IT FURTHER RESOLVED, this Board guarantees a clear and unrestricted right-of-way, as described, and any necessary easements for cuts, fills and drainage, and

BE IT FURTHER RESOLVED that a certified copy of this resolution is forwarded to the Resident Engineer for the Virginia Department of Transportation.

RE: MINUTES

The Board approved the following minutes as presented:

- February 26, 2009 Budget Worksession;
- March 3, 2009 Budget Worksession;
- March 10, 2009 Regular Meeting; and
- March 24, 2009 Regular Meeting.

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

RE: PUBLIC APPEARANCES

RE: VDOT UPDATE

Roy Tate, VDOT Assistant Resident Engineer, updated the Board on the status of current road projects in the County.

RE: INTRODUCTION OF THE NEW REGISTRAR, RAYMOND L. CADY, JR.

Marty Caldwell, Electoral Board Secretary, introduced Raymond L. Cady, Jr., who began employment with Orange County on April 1, 2009, as the new Registrar. Mr. Cady stated that he looks forward to working in Orange County and with the Board of Supervisors.

RE: ACTION ITEMS

RE: RESOLUTION TO ADOPT AND APPROPRIATE THE FY2010 ORANGE COUNTY BUDGET

Mr. Goodwin made a motion to adopt the following resolution to establish, adopt, and appropriate the Fiscal Year 2010 Orange County Budget as presented:

RESOLUTION OF ADOPTION & APPROPRIATION
FISCAL YEAR 2010 ORANGE COUNTY BUDGET

WHEREAS, the Fiscal Year 2010 Budget has been duly prepared and presented to the Board of Supervisors; and

WHEREAS, the appropriate advertisements and public hearings, as required by the Code of Virginia, have been conducted; and

WHEREAS, numerous budget work sessions, open to the general public have been conducted; and

WHEREAS, the Board of Supervisors has considered the services required and desired by the citizens of Orange County.

NOW, THEREFORE, BE IT RESOLVED, this 14th day of April 2009 by the Board of Supervisors of Orange County Virginia, that the Fiscal Year 2010 Budget is established, adopted, and all funds appropriated, as attached with such limitations and instructions as may be included herein by operation of the Board's discretion and authority,

BE IT FURTHER RESOLVED as follows:

Estimates of revenues are approved in total and appropriations are hereby authorized at the department level within the General Fund and Law Library Fund.

Estimates of revenues are approved in total and appropriations for remaining Governmental funds are approved in total for each fund, including the Debt Service Fund, County Capital Projects Fund, Virginia Public Assistance Fund, School Operating Fund, School Federal Stimulus Fund, School Textbook Fund, Head Start Fund, Cafeteria Fund, and Adult Education.

Appropriations designated for Capital Project Funds will not lapse at the end of the fiscal year but shall remain appropriated until the completion of the project or until the Board of Supervisors, by appropriate resolution, changes or eliminates the appropriation.

Federal, State, and Charges for Services for all School Funds and Social Services are hereby appropriated for expenditures only up to the amounts actually received from the Federal or State sources.

Enterprise funds including the Airport Fund and Landfill Fund are authorized to operate as determined by activity levels, within constraints of anticipated revenues and available surplus in accordance with the law, and budget modifications approved by the Board of Supervisors.

The County Administrator may increase appropriations for non-budgeted revenue for insurance recoveries for County vehicles and other property for which County funds have been expended to make repairs, up to $30,000 per incident.

The County Administrator may appropriate both revenue and expenditure donations made to support County programs up to $500. Any remaining balance of a restricted donation at the fiscal year end will be re-appropriated into the subsequent fiscal year.

The County Administrator is charged with the responsibility for the quarterly reporting of revenues and expenditures compared to the adopted budget as amended, to the Board of Supervisors.

Mr. Johnson seconded the motion.

Mrs. Pace stated that this has been a very difficult budget year. She voiced concern regarding the anticipation of a 25% increase in the budget next year. Mrs. Pace stated that she cannot support the proposed budget as the County could have changed the course of

expenditures and not burdened the citizens with such a huge increase. She concluded by saying that this is irresponsible.

Mr. Burkett stated that he is aware that everyone worked hard to get the budget where there is no property tax increase but he cannot support the budget as the anticipated 25% increase next year will only be debt service and does not include additional operating expenses.

Mr. Goodwin stated that the problem with an overcrowded middle school will not be solved by building an elementary school. The problem was already here and the Board is elected to take care of the problem which sometimes can be painful.

Mrs. Pace explained that extra taxpayer money was spent to build middle schools in 2004 which were expandable. Building an elementary school is much cheaper to build.

Discussion ensued between Mr. Goodwin and Mrs. Pace regarding the costs associated with the construction of an elementary school versus a middle school.

Mr. Johnson stated that there are many things in the budget that he doesn't like, but the middle school decision has been made. He stated that budgets are a collaborative effort, not one person's ideas, but much compromise. Mr. Johnson reiterated that there are a lot of things in the budget that he doesn't like, but he will support it because the County must continue to do business on July 1st.

Mr. Frame stated that 60% would be there whether the school was built or not. The school decision has been made independently. Expenditures for the new school are not reflected in the budget. The hurdle is passed, like it or not. He stated that there is not much in the budget that can be changed unless the school is taken out and that is not going to happen.

Ayes: Johnson, Goodwin, Frame. Nays: Burkett, Pace.

RE: ORDINANCE TO FIX AND ADOPT LEVIES FOR THE TAX YEAR BEGINNING JANUARY 1, 2009

Mr. Goodwin moved, seconded by Mr. Johnson and carried, to adopt the following ordinance to fix and adopt levies for the tax year beginning January 1, 2009 as presented:

WHEREAS, notice was advertised of proposed levies pursuant to §§15.2-1427 and 58.1-3007 VA Code Ann., and a public hearing was held on April 7, 2009;

NOW, THEREFORE, BE IT ORDAINED by the Orange County Board of Supervisors that the tax levies for the County of Orange are established for the tax year beginning January 1, 2009, as follows:

REAL ESTATE, pursuant to §58.1-3000 VA Code Ann., including equalized public service corporation real estate as defined by §58.1-2605 VA Code Ann., including a manufactured home as defined by §36-85.3 VA Code Ann.: $0.47 per $100.00 of assessed valuation (subject to County land use tax ordinance and ordinance granting tax relief for the elderly and handicapped).

MOBILE HOMES CLASSIFIED AS PERSONAL PROPERTY, as defined by §36-85.3 VA Code Ann. and pursuant to §58.1-3506(A)(10) VA Code Ann.: $0.47 per $100.00 of assessed valuation.

TANGIBLE PERSONAL PROPERTY, pursuant to §58.1-3000 VA Code Ann. and classified by §58.1-3500 through -3506.1 VA Code Ann., including equalized public service corporation tangible personal property as defined by §58.1-2605 VA Code Ann., but excluding watercraft and boats, aircraft, forest harvesting machinery and farm machinery, and business tangible personal property: $3.27 per $100.00 assessed valuation (subject to County ordinance granting exemption

for pollution control equipment).

BUSINESS TANGIBLE PERSONAL PROPERTY, pursuant to §58.1-3506(A)(26) VA Code Ann., including furniture, equipment, trade fixtures, hand-powered tools, office machines, business mobile telephones, books, signs, and other tangible personal property used in business except for automobiles or trucks, which will be taxed as tangible personal property: $2.20 per $100.00 assessed valuation.

PROGRAMMABLE COMPUTER EQUIPMENT AND PERIPHERALS USED IN A TRADE OR BUSINESS, pursuant to §58.1-3506(A)(27) VA Code Ann.: $2.20 per $100.00 assessed valuation.

AIRCRAFT: pursuant to §58.1-3506(A)(2), (3), (4) and (5) VA Code Ann.: $0.70 per $100.00 assessed valuation.

WATERCRAFT AND BOATS, pursuant to §58.1-3506(A)(1)(a), (1)(b), (12), (28), (29), (35) and (36) VA Code Ann.: $2.09 per $100.00 assessed valuation.

FARM MACHINERY, as defined by §58.1-3505(8) and (10) VA Code Ann.: $0.00 per $100.00 assessed valuation.

MACHINERY AND TOOLS, as defined by §58.1-3507 VA Code Ann.: $1.831 per $100.00 assessed valuation.

HEAVY CONSTRUCTION EQUIPMENT, as defined by §58.1-3508.2 VA Code Ann.: $2.20 per $100.00 assessed valuation.

FOREST HARVESTING MACHINERY, as defined by §58.1-3508 VA Code Ann.: $0.00 per $100.00 assessed valuation.

MERCHANTS CAPITAL, as defined by §58.1-3000 VA Code Ann.: $0.40 per $100.00 of assessed valuation.

Mrs. Pace stated that she cannot vote to fund a budget that she cannot support. She stated that she appreciated staff's hard work.

Ayes: Johnson, Goodwin, Frame. Nays: Burkett, Pace.

RE: RESOLUTION TO ADOPT THE CAPITAL IMPROVEMENT PLAN FOR FISCAL YEAR 2009-2010 THROUGH 2013-2014

Mr. Goodwin moved, seconded by Mr. Johnson and carried, to approve the following resolution adopting the Orange County Capital Improvement Plan for FY09-10 through FY13-14 as presented and modified by the Board, with the understanding that funds for capital projects will only be appropriated for FY09-10 as part of the adoption of the County's FY10 Budget:

RESOLUTION OF ADOPTION CAPITAL IMPROVEMENTS PLAN
FOR FY 2009-10 THROUGH FY 2013-14

WHEREAS, the Capital Improvements Plan for FY 2009-10 through FY 2013-14 has been duly prepared and presented to the Board of Supervisors; and

WHEREAS, the appropriate advertisements and public hearings, as required by the Code of Virginia, have been conducted; and

WHEREAS, numerous budget work sessions, open to the general public have been conducted; and

WHEREAS, the Board of Supervisors has considered the services required and desired by the citizens of Orange County.

NOW, THEREFORE, BE IT RESOLVED, this 14th day of April, 2009, by the Board of Supervisors of Orange County Virginia, that the Capital Improvements Plan for FY 2009-10 through FY 2013-14 be adopted as presented and modified by the Board, with the understanding that funds for capital projects will only be appropriated for FY 2009-10 as part of the adoption of the County FY 2010 Budget.

Mr. Burkett stated that he applauded everyone for making cuts to the Capital Improvements Plan which shows that the County can cut back when it needs to.

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

RE: VENDING MACHINES

Mr. Rolfe stated that, currently, County buildings and facilities are served by various vending machine companies or not at all. Revenue derived from the vending machines varies from company to company. He indicated that it has been suggested that vending machine service be consolidated and competitively procured based on selection of goods provided, cost to the consumer for products, and commission paid to the County.

Mr. Burkett moved, seconded by Mr. Goodwin and carried, to authorize the County Administrator to competitively procure vending machine services for County Buildings and Facilities. Ayes: Johnson, Burkett, Goodwin, Pace, Frame. Nays: None.

RE: VIRGINIA TOBACCO SETTLEMENT FOUNDATION GRANT

Mr. Rolfe stated that Orange County has been notified that the Virginia Tobacco Settlement Foundation (VTSF) Grant application has been approved for funding for the grant term of July 1, 2009 through June 30, 2012. Total funding awarded for the three fiscal year period is $133,437. He indicated that funding will be available on an annual basis of $45,656 for FY 10; $43,090 for FY11; and $44,691 for FY12. Mr. Rolfe stated that the grant requires no local funding and provides the financial means to provide the Strenghthening Families Program 10-14 (SFP 10-14), a referral resource for the Comprehensive Services Act (CSA), the juvenile courts, schools, and the general public. Mr. Rolfe briefly explained the SFP 10-14 program and stated that the VTSF Grant provides funding for a part time job (15 hours per week) for someone to coordinate the program, funding to pay the group facilitators, funding for the extensive three day and necessary training for the group facilitators, funding for the extensive (three-day) and necessary training required for the program, and all funding needed to administer the program which is at no cost to Orange County.

Mr. Burkett moved, seconded by Mr. Goodwin and carried, to accept the three year grant from the Virginia Tobacco Settlement Foundation, authorize the County Administrator to execute the agreement on behalf of the County, and amend the FY 2010 budget by $45,656 to incorporate the grant funding and appropriate the same. Ayes: Johnson, Burkett, Goodwin, Pace, Frame. Nays: None.

Mr. Goodwin moved, seconded by Mr. Burkett and carried, to adopt the following resolution as revised to include "tosupport the prevention of smoking, drug use, and alcohol use by minors":

A RESOLUTION IN SUPPORT OF THE PREVENTION OF SMOKING, DRUG USE, AND ALCOHOL USE BY MINORS

WHEREAS the Orange County Office on Youth has contracted to receive funds from the Virginia Tobacco Settlement Foundation for the purpose of creating programs to discourage smoking among minors; and

WHEREAS the County desires to continue its support of programs that discourage smoking among minors;

NOW, THEREFORE, BE IT RESOLVED that the County of Orange hereby resolves to support the prevention of smoking, drug use, and alcohol use by minors within its borders through the Virginia Tobacco Settlement Foundation and the Orange County Office on Youth.

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

RE: AWARD OF GORDONSVILLE LIBRARY CONSTRUCTION CONTRACT

Mr. Rolfe reported that the bid opening was held on April 9, 2009, for the Gordonsville Library Construction Project. Twenty-seven (27) bids were received ranging from $610,000 to $888,769. The apparent low bid was received from Mid-Atlantic Contractors, Inc. in the amount of $610,000. He stated that having reviewed the bids received and the reference information submitted by Mid-Atlantic Contractors, Inc., Glenn Reynolds of Reynolds Architects, has recommended that the County proceed with final contract negotiations and execution for the construction of the Gordonsville Branch Library.

Discussion ensued including: total funds spent to date; whether the total project cost can be amended since the bids received were low; collection of pledges; and appropriated funds.

Mr. Burkett moved, seconded by Mr. Johnson and carried, to award the Gordonsville Library Construction Contract to Mid-Atlantic contractors in the amount of $610,000 and authorize the County Administrator to execute the necessary contracts contingent upon the review and approval of the contract by the County Attorney. Ayes: Johnson, Burkett, Goodwin, Pace, Frame. Nays: None.

RE: GRANT FOR EMERGENCY MEDICAL SERVICES (EMS) FOR ELECTRONIC REPORTING

Mr. Rolfe stated that the Department of Fire and EMS had received information regarding the availability of grant funding from the Virginia Office of Emergency Medical Services to fund Toughbook laptop computers for patient transport vehicles. He reported that the grant would fund 100% of the costs of the laptop computers for all patient transport vehicles for use in completing the Pre-Hospital Patient Care Report electronically. Mr. Rolfe concluded by saying that staff was requesting the Board's permission to submit the grant application. He noted that the proposed resolution authorizes the County Administrator to execute the grant application and any documents to receive, execute and implement the grant on behalf of the locality and the volunteer EMS agencies in the County.

Discussion ensued including: efficiency of information going into the billing system; obligation to replace laptops if one breaks; County's obligation at the end of the grant; state funding; and stimulus money.

Mr. Burkett moved, seconded by Mrs. Pace and carried, to approve the following

resolution authorizing the County Administrator to execute a grant application for Toughbook laptop computers for all EMS patient transport vehicles in the County and to execute any documents to receive, execute and implement the grant on behalf of the locality and the volunteer EMS agencies in the County:

GRANT FOR EMS FOR ELECTRONIC REPORTING

BE IT RESOLVED by the Board of Supervisors of the County of Orange that William C. Rolfe, County Administrator, is hereby authorized to execute for and on behalf of the named applicant, a public entity established under the laws of the State of Virginia, any actions necessary for the purpose of obtaining federal financial assistance provided by the federal Department of Homeland Security and sub-granted through the State of Virginia.

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

RE: APPOINTMENTS TO BOARDS, COMMISSIONS, AND COMMITTEES

Mr. Goodwin nominated Pat Laland for re-appointment to serve as one of the District Three representatives on the Library Board for a four year term expiring June 30, 2013. Ayes: Johnson, Burkett, Goodwin, Pace, Frame. Nays: None.

RE: DISCUSSION ITEMS

RE: FARMLAND AND OPEN SPACE PRESERVATION TECHNIQUES

Deborah S. Kendall, Director of Strategic Planning, stated that she had previously corresponded with the Board regarding a conference session that she attended at the Virginia Citizens Planning Education Association in October, 2008, entitled "Keeping Agriculture Viable in the 21st Century". Since that time, staff has provided information which the Board requested regarding the purchase of development rights (PDR) programs that currently exist in localities around the state. This is but one method available to Orange County for the preservation of farmland and open space. Mrs. Kendall concluded by saying that staff would like to know whether the Board would like additional information regarding other open space and farmland preservation techniques, and whether it would like to invite Kevin Schmidt, Coordinator for the Virginia Department of Agriculture and Consumer Services Office of Farmland Preservation, to make a presentation.

Discussion ensued regarding purchase of development rights (PDR) versus transfer of development rights (TDR).

By consensus, the Board asked Mrs. Kendall to schedule Mr. Schmidt for a worksession on either April 28, 2009; May 26, 2009; or June 23, 2009.

RE: ORANGE COUNTY – SPOTSYLVANIA COUNTY LINE

Deborah S. Kendall, Director of Strategic Planning, stated that in December, 2008, Orange County staff was contacted by Spotsylvania County staff with regard to formally establishing the jurisdictional boundary line between the two counties. She stated that the line has never been surveyed, and from time to time, the issue of land division and sometimes property taxation has been difficult to resolve because the exact location of the line has never been formally established. Mrs. Kendall reported that the matter became an issue recently with Spotsylvania staff when a proposed division of land located along the line again called into question its actual location, and the Spotsylvania County Board of Supervisors asked their staff to research a solution that would give the county line greater definition in order to avoid future problems. She stated that in response to Spotsylvania's request, members of Orange County and Spotsylvania County staffs, including each respective Commissioner of the Revenue, met in

January to discuss different scenarios for establishing the line between the two jurisdictions. At that time, everyone agreed that forming the boundary along existing property lines, mostly keeping properties taxed in Orange County within Orange County and those taxed in Spotsylvania County within Spotsylvania County, would be the best way to proceed. Mrs. Kendall indicated that both entities have consulted with their respective county attorneys and have been advised that Virginia statute requires that the Circuit Court be petitioned to establish a boundary line between jurisdictions, and that the petition must include either a plat or a survey of the boundary line. Staff has also been advised that consistently using existing specific metes and bounds descriptions of the properties along the line may be an alternative to surveying the entire line. Any gaps in information would have to be achieved through a survey. She stated that they are endeavoring to use this approach. Mrs. Kendall reported that Spotsylvania County staff have been collecting property boundary information, and to date have compiled metes and bounds descriptions for approximately 68% of the properties along the current county "boundary". They have now asked for help from the Orange County Commissioner's Office to fill in gaps along the line by providing metes and bounds information where they do not have it. She stated that for years, the Commissioner's Office in both Spotsylvania and Orange Counties have informally determined, on a case-by-case basis, how to tax properties straddling the line between the two jurisdictions. Many benefits, such as greater clarity regarding taxation, division rights, zoning, school attendance, etc. may be achieved through a formal delineation of the boundary between Orange and Spotsylvania Counties. Mrs. Kendall concluded by saying that before proceeding further, staff desires to know whether the Board wants to proceed, and if so, any specific direction which the Board desires to provide in that regard.

Discussion ensued among the Board including: estimated costs associated with the project; formulation for determining the boundary line; and beginning/ending points for the line.

By consensus, the Board directed staff to proceed with the project far enough to see what it will entail including: concept for the proposed line; metes and bounds; and a straight line survey.

RE: RESPONSE TO WILDERNESS COALITION

Chairman Frame requested that this item be added to the agenda for discussion. He stated that he had drafted a letter in response to the Wilderness Coalitions offer of a comprehensive planning process for the Wilderness Battlefield/Orange County gateway region.

Mrs. Pace stated that she feels it is really short sighted of the Board not to accept the offer as there will be no cost or effort required from the County.

Following a brief discussion, the Board authorized the Chairman to forward the revised letter to the Wilderness Coalition on its behalf.

RE: INFORMATION ITEMS

The Board received copies of the following reports for its information:

- Treasurer's Report as prepared by Phyllis M. Yancey; and
- Electronic Patient Care Reporting Update.

RE: RECESS

The Board recessed at 5:30 p.m. and reconvened at 6:20 p.m. in an open meeting.

RE: CLOSED MEETING

At 6:20 p.m., Mrs. Pandak read the following resolution to authorize a Closed Meeting:

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

- One (1) specific legal matter requiring the advice of legal counsel

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

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

Mr. Johnson moved to approve the resolution. Mr. Goodwin seconded the motion. Ayes: Johnson, Burkett, Goodwin, Pace, Frame. Nays: None.

RE: RECONVENE IN OPEN MEETING

The Board recessed the Closed Meeting and reconvened in an Open Meeting at 7:00 p.m.

RE: PUBLIC COMMENT

Chairman Frame opened the floor for public comment. There being none, public comment was closed.

RE: BOARD COMMENT

Chairman Frame commented on information that he had received from various agencies and organizations including: Louisa County Sheriff's Office inauguration of its Marine Unit; Aging Together Forum scheduled for May 20, 2009; news release from the Park Service; Anniversary Celebration from the Friends of the Wilderness Battlefield on May 2 – 3, 2009; Kemper-Frye Strother Camp for its annual celebration on June 11, 2009; a letter from Governor Kaine thanking the Board for its letters regarding House Bill 1788 and Senate Bill 1276; letter from The Arts and Cultural Council of the Rappahannock regarding an event on May 15, 2009; and a letter from the Richmond District of the United States Postal Service stating that they intend to close the Locust Grove contract post office, as well as letters from Senator Mark Warner voicing his support of keeping the post office open.

Mr. Burkett and Mrs. Pace indicated that they would be attending the Kemper, Frye, Strother Camp annual celebration.

Mrs. Pace suggested that staff draft a letter to Governor Kaine requested that the Virginia Department of Transportation (VDOT) Culpeper Residency Office remain open as the Warrenton Residency Office is farther away from the Orange community and she feels that services will be greatly compromised. By consensus, the Board directed staff to prepare a letter to Governor Kaine and legislative representatives stress the distance from Orange to Warrenton and that Culpeper is centrally located in the service area.

Mr. Goodwin suggested that staff prepare a resolution of appreciation for Allen Huffman, former manager of Ridgid Products, thanking him and the company for their efforts in providing a new home for the Orange County Fair. By consensus, the Board directed staff to prepare a resolution of appreciation for Mr. Huffman for its consideration at the April 28, 2009 meeting for presentation at the Business and Industry Reception and that a copy be sent to the company headquarters.

RE: RECONVENE IN CLOSED MEETING

The Board reconvened in Closed Meeting at 7:11 p.m. and reconvened in an Open Meeting at 7:30 p.m.

RE: PUBLIC HEARINGS

RE: COMPREHENSIVE PLAN AMENDMENT 09-01 AND REZONING 09-01

At 7:30 p.m., this being the time and place as advertised in the Orange County Review, Chairman Frame called the public hearing to order to receive comments on the following and noted that the two public hearings pertaining to the Central Virginia Battlefield Trust would be held consecutively:

- CPA 09-01: An application initiated by the Board of Supervisors to amend the Comprehensive Plan by changing the Future Land Use Map 2025. The proposed amendment would change the proposed future land use from Mixed Use to Agricultural Conservation for properties totaling ±18.347 acres, owned by the Central Virginia Battlefield Trust, located near the intersection of Routes 3 & 20 and identified as parcel numbers 24-11A and 24-11F on County tax maps.

- REZ 09-01: An application initiated by the Board of Supervisors to rezone approximately ±18.347 acres owned by the Central Virginia Battlefields Trust from General Commercial (C-2) to Agricultural (A). The properties are located near the intersection of Routes 3 & 20 and identified as parcel numbers 24-11A and 24-11F on County tax maps.

Chairman Frame opened the floor for public comment. There being none, the public hearing was closed.

Mrs. Pace moved, seconded by Mr. Burkett and carried, to accept the recommendation of the Planning Commission and approve CPA 09-01, amendment of the Orange County Comprehensive Plan, by changing the Future Land Use Map designations for T.M. Parcels 24-11A and 24-11F, properties owned by the Central Virginia Battlefield Trust totaling 18.347 acres, from Mixed Use to Agricultural Conservation. Ayes: Burkett, Goodwin, Pace, Frame. Nays: Johnson.

Mr. Burkett moved, seconded by Mrs. Pace and carried, to adopt the following resolution approving REZ 09-01, the rezoning of T.M. Parcels 24-11A and 24-11F properties owned by the Central Virginia Battlefield Trust totaling 18.347 acres, from General Commercial (C-2) to Agricultural (A):

WHEREAS, the Central Virginia Battlefields Trust, Inc. has asked the Orange County Board of Supervisors to rezone its property with Tax Map Nos. 24-11A, 12.347 acres and 24-11F, 6 acres, from Commercial (C-2) to Agricultural (A); and

WHEREAS, the Board of Supervisors initiated this rezoning and advertised and held a public hearing on the proposed rezoning; and

WHEREAS, this rezoning is consistent with the Comprehensive Plan land use designation of the land as Agricultural Conservation; and

WHEREAS, the Department of Community Development staff and Planning Commission have recommended approval of the rezoning; and

WHEREAS, public necessity, convenience, general welfare, and/or good zoning practice support approval of this rezoning;

NOW, THEREFORE, BE IT ORDAINED, that the Orange County Board of Supervisors hereby approve Rez. 09-01 and rezone Tax Map Nos. 24-11A and 24.11F from Commercial (C-2) to Agricultural (A).
Ayes: Burkett, Goodwin, Pace, Frame. Nays: Johnson.

RE: REZONING 09-02

Chairman Frame called the public hearing to order at 7:33 p.m. to receive comments on the following:

- REZ 09-02: An application initiated by the Board of Supervisors to rezone approximately ±100 acres owned by the Orange County Fair Association, Inc., from General Industrial (I-2) to Agricultural (A). The property is located along State Road 647 and identified as parcel 44-50A on County tax maps.

Chairman Frame opened the floor for public comment. There being none, the public hearing was closed.

Discussion ensued including: restrictions on what can be done on the property; the proposed action would classify the property as industrial in a commercial zoned area; current zoning; and amending the zoning ordinance versus rezoning the property.

Mr. Burkett moved, seconded by Mrs. Pace and carried, to adopt the following resolution approving REZ09-02, the rezoning of T.M. Parcel 44-50A owned by the Orange County Fair Association, Inc., from General Industrial (I-2) to Agricultural (A):

WHEREAS, the Orange County Fair Association, Inc. has asked the Orange County Board of Supervisors to rezone its property with Tax Map No. 44-50A, 100.00 acres from General Industrial (I-2) to Agricultural (A), as part of a future request for a Special Use Permit to allow the County Fair and associated activities to be held on the subject property; and

WHEREAS, the Board of Supervisors initiated this rezoning and advertised and held a public hearing on the proposed rezoning; and

WHEREAS, the Board has determined that, the use of this property for a County Fair which this rezoning will permit, is consistent with the Comprehensive Plan land use designation of Economic Development; and

WHEREAS, the Department of Community Development staff and Planning Commission have recommended approval of the rezoning; and

WHEREAS, public necessity, convenience, general welfare, and/or good zoning practice support approval of this rezoning;

NOW, THEREFORE, BE IT ORDAINED, that the Orange County Board of Supervisors hereby approve Rez. 09-02 and rezone Tax Map No. 44-50A from General Industrial (I-2) to Agricultural (A).

Ayes: Burkett, Pace, Frame. Nays: Johnson, Goodwin.

RE: ACTION ITEMS CONTINUED

RE: PROPOSED ORDINANCES TO GRANT TAX EXEMPT STATUS TO PROPERTY OWNED BY THE CENTRAL VIRGINIA BATTLEFIELDS TRUST AND THE ORANGE COUNTY FAIR ASSOCIATION, INC.

Mr. Rolfe stated that the Board of Supervisors held a public hearing on December 9, 2008, on a proposed ordinance to exempt real property owned by Central Virginia Battlefields Trust from taxation; and on January 13, 2009, the Board held a public hearing on a proposed ordinance to exempt real property owned by the Orange County Fair Association, Inc., from taxation.

Mr. Burkett moved, seconded by Mrs. Pace and carried, to adopt the following ordinance

to grant tax exempt status for property owned by the Central Virginia Battlefields Trust as presented:

ORDINANCE TO EXEMPT REAL PROPERTY OWNED BY THE CENTRAL VIRGINIA BATTLEFIELDS TRUST FROM TAXATION

WHEREAS, Central Virginia Battlefields Trust, Inc., an IRS § 501(c)(3) tax-exempt nonprofit organization, has petitioned the Board of Supervisors to exempt from taxation certain real property pursuant to Article X, § 6(a)(6) of the Constitution of Virginia; and

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

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

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

1. In accordance with § 58.1-3651(A) VA Code Ann., the Board designates Central Virginia Battlefields Trust, Inc., as a nonprofit organization, operating with charitable, patriotic, cultural and historical purposes within the context of Article X, § 6(a)(6) of the Constitution of Virginia; and

2. In accordance with § 58.1-3651(A) VA Code Ann., the Board exempts from local property taxation the real property located in Orange County with Tax Map Nos. 24-11A TODD and 24-11F TODD, owned by Central Virginia Battlefields Trust, Inc., and used by it exclusively for charitable, patriotic, cultural and historical purposes; and

3. Pursuant to §58.1-3605 VA Code Ann., the Central Virginia Battlefields Trust, Inc. shall file triennially an application with the Commissioner of the Revenue as a requirement for retention of the exempt status of the property. Such application shall show the ownership and usage of such property and shall be filed within the next 60 days preceding the tax year for which such exemptions, or the retention thereof, is sought; and

4 The clerk is directed to forward an attested copy of this ordinance to the Commissioner of the Revenue and the Treasurer, and to Central Virginia Battlefields Trust, Inc.; and

5. The continuance of this exemption shall be contingent on the continued use of such property in accordance with the purpose for which Central Virginia Battlefields Trust, Inc., is designated; and

6. This ordinance shall become effective upon adoption.

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

Mr. Burkett moved, seconded by Mrs. Pace and carried, to adopt the following ordinance to grant tax exempt status for property owned by the Orange County Fair Association, Inc. as presented:

ORDINANCE TO EXEMPT REAL AND PERSONAL PROPERTY OWNED BY THE ORANGE COUNTY FAIR ASSOCIATION, INC. FROM TAXATION

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

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

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

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

1. In accordance with §58.1-3651(A) VA Code Ann., the Board designates the Orange County Fair Association Inc. as a nonprofit organization, operating with charitable, patriotic, historical, and cultural purposes within the context of Article X, §6(a)(6) of the Constitution of Virginia; and

2. In accordance with § 58.1-3651(A) VA Code Ann., the Board exempts from local property taxation the real and personal property located in Orange County with Tax Map No. 44-50, owned by the Orange County Fair Association Inc. and used by it exclusively for charitable, patriotic, historical, and cultural purposes; and

3. Pursuant to §58.1-3605 VA Code Ann., the Orange County Fair Association Inc. shall file triennially an application with the Commissioner of the Revenue as a requirement for retention of the exempt status of the property. Such application shall show the ownership and usage of such property and shall be filed within the next 60 days preceding the tax year for which such exemptions, or the retention thereof, is sought; and

4. The clerk is directed to forward an attested copy of this ordinance to the Commissioner of the Revenue and the Treasurer, and to the Orange County Fair Association, Inc.; and

5. The continuance of this exemption shall be contingent on the continued use of such property in accordance with the purpose for which the Orange County Fair Association Inc. is designated; and

6. This ordinance shall become effective upon adoption.

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

RE: CALENDAR
The Board received copies of its calendar for the months of April, May, and June, 2009.

RE: RECESS
The Board recessed the meeting at 7:54 p.m. and reconvened in a Closed Meeting.

RE: CERTIFICATION OF CLOSED MEETING

At 8:22 p.m., Mr. Johnson made a motion to adopt the following resolution:

WHEREAS, the Board of Supervisors of Orange County has this day adjourned into Closed Meeting in accordance with a formal vote, and in accordance with the provisions of the Virginia Freedom of Information Act; and

WHEREAS, the Freedom of Information Act requires certification that such Closed Meeting was conducted in conformity with the law;

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of Orange County does hereby certify that to the best of each member's knowledge, i) only public business matters lawfully exempted from open meeting requirements under the Freedom of Information Act were discussed in the Closed Meeting to which this certification applies, and ii) only such public business matters as were identified in the Motion by which the said Closed Meeting was convened were heard, discussed or considered by it.

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

RE: ADJOURNMENT

There being no further business to discuss, the meeting was adjourned at 8:27 p.m.