BOARD OF SUPERVISORS MINUTES **JUNE 10, 2008**

At a regular meeting of the Orange County Board of Supervisors held on Tuesday, June 10, 2008 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; Teri L. Pace, Vice-Chairman; Zack Burkett; S. Teel Goodwin; and Lee H. Frame, Jr. Also present: William C. Rolfe, County Administrator; Todd G. Patrick, County Attorney; and Donna D. Curry, Chief Deputy Clerk.

RE: ADOPTION OF AGENDA

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

RE: CONSENT AGENDA

Mr. Frame moved, seconded by Mr. Goodwin 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
Sheriff	Travel, lodging	$	248.60	Expenditure Refunds
Sheriff/Forfeited	Sheriff forfeited assets	$	22.68	State Assets
Sheriff/Triad	Supplies	$	170.00	Donations-Triad
Sheriff/Triad	Supplies	$	850.00	Donations-Triad
Sheriff	K-9 Food	$	100.00	Miscellaneous Revenue
Sheriff	K-9 Food	$	120.00	Miscellaneous Revenue
Subtotal Sheriff		**$**	**1,511.28**	
Office on Youth	After Prom	$	125.00	Substance Abuse
Office on Youth	After Prom	$	1,513.00	Substance Abuse
Subtotal Office on Youth		**$**	**1,638.00**	
Library	Books Adult	$	34.39	Friends of the Library
Subtotal Library		**$**	**34.39**	
Animal Shelter	Adoptable S/N	$	3,560.00	S/N Adoption Fees
Animal Shelter	Emergency Vet Fund	$	673.15	Donations
Animal Shelter	Building	$	88.75	Donations
Animal Shelter	Adoptable S/N	$	1,248.00	Donations
Animal Shelter	Adoptable S/N	$	1,315.00	S/N Adoption Fees
Animal Shelter	Adoptable S/N	$	800.00	S/N Adoption Fees
Animal Shelter	Vaccinations	$	30.86	Expenditure Refunds
Subtotal Animal Shelter				
Information Tech	Training-refund	$	78.00	Expenditure Refunds
Subtotal Information Technology		**$**		
County Attorney	Professional Services	$	9,800.00	Miscellaneous Revenue
Subtotal County Attorney	**$9,800.00**			
Board of Super	Telephone	$	259.24	Expenditure Refunds
Board of Super	Telephone	$	169.71	Expenditure Refunds
Subtotal Board of Supervisors	**$ 428.95**			

June Total	**$**	**21,206.38**
Fiscal Year to Date Total	**$**	**1,388,670.47**

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

RE: BUDGET TRANSFERS

Mrs. Pace requested that this item be pulled from the consent agenda for discussion. She inquired about the Gordon Building security. Karen Karasinski, Finance Director, stated that the project had been budgeted in the General Fund and was now being moved to the capital projects fund. She explained that this was a "housekeeping" item of trying to get all of the projects in the capital projects fund. Mrs. Pace also inquired about park development. Chairman Johnson stated that that is also moving a project in the capital projects fund. Mrs. Pace suggested leaving the funds in the general fund until further clarification could be obtained from the County Administrator concerning the status of the projects. Mr. Burkett requested that this item be added to the discussion at the next meeting. Chairman Johnson explained that the proposed action would put the funds in the proper line item. Mr. Burkett stated that Parks and Recreation has been completely reorganized and that he would like to see where the County stands with this department.

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

Transfer from department	Transfer from line item	Transfer to department	Transfer to line item	Amount
Sheriff-Courts	Group Life	Sheriff Courts	Overtime	30.00
Sheriff-Courts	Hospitalization	Sheriff Courts	Overtime	200.00
Sheriff-Courts	Wages Part-time	Sheriff Courts	Overtime	400.00
Sheriff-Courts	Salaries	Sheriff Courts	Overtime	1,100.00
Sheriff-Courts	Workers Comp	Sheriff Courts	Overtime	325.00
Sheriff-Courts	Pages	Sheriff Courts	Overtime	200.00
Animal Control	Salaries	Sheriff Courts	Overtime	745.00
E911	Salaries	E911	Salary Overtime	13,500.00
E911	Salaries	E911	Salary Part-time OT	1,600.00
E911	Salaries	E911	FICA	4,900.00
E911	Vehicle Fuel	E911	FICA	300.00
E911	E911 Map reprodc	E911	Pager	100.00
E911	Postage	E911	Pager	100.00
E911	Conference	E911	Pager	100.00
E911	Conference	E911	Workers Comp	10.00
E911	Holiday Differential	E911	Wages Part time	3,000.00
E911	Retirement	E911	Wages Part time	3,000.00
E911	Hospitalization	E911	Wages Part time	5,500.00
E911	Group Life	E911	Wages Part time	550.00
E911	E911 Expenses	E911	Wages Part time	2,000.00
E911	E911 Telephone	E911	Wages Part time	4,500.00
E911	Conference	E911	Wages Part time	90.00
E911	Dues	E911	Wages Part time	500.00

E911	Signs & Mainten.	E911	Wages Part time	600.00
E911	Vehicle Mainten	E911	Wages Part time	1,000.00
E911	Uniforms	E911	Wages Part time	500.00
E911	Motor Vehicle	E911	Wages Part time	1,000.00
E911	Conference	E911	Wages Part time	1,100.00
E911	Advertising	E911	Travel Mileage	375.00
Animal Shelter	Animal hndl supp	Animal Shelter	Vaccinations	1,400.00
Animal Shelter	Uniforms	Animal Shelter	Vaccinations	673.00
Animal Shelter	Telephone	Animal Shelter	Vaccinations	2,400.00
Animal Shelter	Cleaning supplies	Animal Shelter	Vaccinations	1,200.00
Animal Shelter	Hospitalization	Animal Shelter	Vaccinations	1,200.00
Animal Shelter	Pet Food	Animal Shelter	Vaccinations	500.00
Animal Shelter	Repair & Maint	Animal Shelter	Vaccinations	227.00
Animal Shelter	Dues & Members	Animal Shelter	Vehicle Fuel/Oil	100.00
Animal Shelter	Repair & Maint	Animal Shelter	Repair of Vehicle	40.00
Animal Shelter	Criminal History	Animal Shelter	Employee Physical	20.00
Animal Shelter	Dues & Members	Animal Shelter	Employee Physical	4.00
Animal Shelter	Advertising	Animal Shelter	Electricity	350.00
Animal Shelter	Advertising	Animal Shelter	Postage	58.32
Animal Shelter	Prof Serv S/N	Animal Shelter	Repair & Maint Sheltr	940.23
Animal Shelter	Prof Serv S/N	Animal Shelter	Salary Part-time OT	1,100.00
Animal Shelter	Prof Serv S/N	Animal Shelter	Salary Overtime	975.00
Animal Shelter	Group Life	Animal Shelter	Salaries	83.00
Animal Shelter	Prof Serv S/N	Animal Shelter	Salaries	235.97
Animal Shelter	Repair & Maint	Animal Shelter	Salaries	33.00
Animal Shelter	Advertising	Animal Shelter	Salaries	51.68
Animal Shelter	Vehicle Insurance	Animal Shelter	Salaries	35.55
Animal Shelter	Dues & Members	Animal Shelter	Salaries	32.00
Human Resources	Reserve Raises	Parks & Recreat.	Part-time Wages	447.20
Human Resources	Reserve Raises	Parks & Recreat.	FICA	34.21
Human Resources	Reserve Raises	Parks & Recreat.	Workers Comp	10.35
Human Resources	Reserve Raises	Circuit Court Clerk	Salary	1,864.20
Human Resources	Reserve Raises	Circuit Court Clerk	FICA	142.61
Human Resources	Reserve Raises	Circuit Court Clerk	Retirement	263.23
Human Resources	Reserve Raises	Circuit Court Clerk	Group Life	18.64
Human Resources	Reserve Raises	Circuit Court Clerk	Workers Comp	2.71
Human Resources	Reserve Raises	OFEMS	Salary	953.28
Human Resources	Reserve Raises	OFEMS	FICA	72.92
Human Resources	Reserve Raises	OFEMS	Retirement	134.60
Human Resources	Reserve Raises	OFEMS	Group Life	9.53
Human Resources	Reserve Raises	OFEMS	Workers Comp	65.63
Remodel	Gordon Bldg Secrty	Capital Projects	Gordon Bldg Secrty	28,740.50
Animal Shelter	Shltr Renov. Donat	Capital Projects	Shltr Renov. Donate	11,345.81
E911 Central Disp	Fire/Rescu Pg Eqp	Capital Projects	Fire/Rescu Pg Equip	47,490.25
Planning & Zoning	Fiscal Impact Model	Capital Projects	Fiscal Impact Model	1,277.63
Parks & Recreat	Park Development	Capital Projects	Park Development	25,000.00
Parks & Recreat	Neighborhood II	Capital Projects	Neigborhood II	42,000.00

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

RE: PUBLIC APPEARANCES

RE: PRESENTATION OF RESOLUTION OF APPRECIATION

A Resolution of Appreciation was presented to V. Rea Jones for his many years of service on the Rapidan Service Authority.

Mr. Jones thanked the Board for the resolution and the opportunity to serve. Chairman Johnson reminisced about his service on the Board with Mr. Jones and personally thanked him for his many years of service and for always putting the County's best interest's first.

RE: EMPLOYEE OF THE MONTH

Maria "Toyita" Rivera, was recognized as the Employee of the Month for June, 2008.

RE: SERVICE AWARD PRESENTATIONS

Five Year Service Awards were presented to: Captain Bradley Taylor of the Fire & EMS Department and Jana Sikora, E911 Dispatcher.

Twenty Year Service Awards were presented to: Ruth Anne Paisley, Director of the Office on Youth and Teresa Carroll, Chief Deputy Clerk in the Circuit Court Clerk's Office.

RE: VDOT UPDATE

Don Gore, VDOT Resident Engineer, updated the Board on the status of road projects in Orange County. Mrs. Pace inquired about closing the last entrance to Lafayette Drive. Mr. Gore stated that Mr. Tate has been trying to contact the homeowners but has not spoken to all of them.

Mr. Burkett moved, seconded by Mr. Johnson and carried, to close the last entrance to Lafayette Drive. Ayes: Johnson, Burkett, Goodwin, Pace, Frame. Nays: None.

The Board thanked Mr. Gore for the road trip on Saturday, May 31, 2008, and indicated that is was very beneficial.

RE: REQUEST FROM THE SCHOOLS TO CARRY FORWARD FUNDS

Barbara Hill, Schools Finance Director, presented a request from the School Board to carry forward funds from fiscal year 2007 to fiscal year 2008. She explained that they had received $154,081 in state funds with a required local match of $66,609 totaling $220,690. Mrs. Hill reported that $132,325 of state funds had been spent. Therefore, they are requesting to carry over $88,365 to FY2008.

Discussion ensued regarding the required local match and how the money will be spent. Following the discussion, Mr. Frame moved, seconded by Mr. Goodwin and carried, to approve the School Board's request to carry over funds in the amount of $88,365 as presented. Ayes: Johnson, Burkett, Goodwin, Pace, Frame. Nays: None.

RE: ACTION ITEMS

RE: 2008 COMPREHENSIVE SERVICES ACT (CSA) ADJUSTMENT

Ruth Ann Paisley, Office on Youth Director, explained the Orange County Community Policy and Management Team (CPMT) is requesting a supplemental allocation of state and local funds in order to provide services for the remainder of the fiscal year. She stated that the original FY08 budget was $554,632 which included $285,632 in local money and $269,000 in state funds. Mrs. Paisley reported that this year's funding for the mandate population is going to far exceed

that amount. The projected amount is $1,310,000 of which the locality is responsible for 40.83% or $534,873.

Discussion ensued including: success rate; percentage of reoccurrence; why the budgeted amount was so low; how this can be prevented from happening again; anticipation of future needs; and the need for advanced notice in the future.

Mr. Frame moved, seconded by Mrs. Pace and carried, to transfer and appropriate $249,241 from the unreserved/undesignated fund balance of the County General Fund to Comprehensive Services (department 53510) line items as needed; and also recognize and appropriate $506,127 in state funds to this same line item. Ayes: Johnson, Burkett, Goodwin, Pace, Frame. Nays: None.

RE: REVISE AND AMEND SCHOOL BUDGET AND APPROPRIATION

Karen Karasinski, Finance Director, explained that on May 6, 2008, the School Board adopted a budget for less than the County Board of Supervisors adopted on April 15, 2008. The amount was less due to changes in the state and federal revenue estimates. She presented a spreadsheet comparing the two budgets for the Boards review. She stated that the School Finance Director has requested that the Board of Supervisors revise and amend the School budget and appropriations to reflect the lower revenue estimates. Mrs. Karasinski noted that the County Attorney and staff were comfortable with the request.

Mr. Frame moved, seconded by Mr. Goodwin and carried, to amend and revise the fiscal year 2009 budget and appropriation to reflect the lower revenues in the School Operating Fund and School Cafeteria Fund. Ayes: Johnson, Burkett, Goodwin, Pace, Frame. Nays: None.

RE: REQUEST FROM THE SCHOOLS TO USE CHILD GARDEN EQUIPMENT

Julie Jordan, Assistant County Administrator, explained that a request had been received from Dr. Crawford, Superintendent of Schools, regarding the School Board's intentions of opening a child care program to serve staff members and students beginning August 1, 2008. She stated that Dr. Crawford is requesting the Board's permission to use, lease or purchase the preschool equipment from the Child Garden.

By consensus, the Board directed staff to work with Dr. Crawford on a proposal and bring back to the Board on June 24, 2008, for further discussion and consideration. Also by consensus, the Board directed the School Board to proceed with their plans to offer child care to its school employees.

RE: WORKSESSION

The Board held a worksession with the Phyllis Yancey, Treasurer, and Donna Chewning, Commissioner of the Revenue, to discuss the possible transition from a tax year to a budget year.

RE: PUBLIC COMMENT/APPEARANCES

There was no one present wishing to speak during public comment.

RE: BOARD COMMENT

Mr. Frame commented on a proposed resolution from the Virginia Association of Counties (VACo) regarding transportation funding issues and requested that this item be added to the June 24, 2008 agenda for further discussion and consideration.

Mr. Burkett commented on remarks that he previously directed at Robin Knepper, reporter for the Free Lance Star, and wanted to publicly apologize to her.

Supervisor Goodwin read the following statement: *"Two weeks ago Mr. Burkett presented us with comments about the supposed witch hunt against himself and his supporters. I was somewhat dismayed at his statements but gave him the benefit of the doubt as I felt he was defending his wife which could be seen as honorable. Then I read the Orange Review and found the perfectly placed editorial to say how Ms. Landau had done such wonderful work and was not the person who had just admitted doing something that passed of questionable morality. How timely that was. And I am glad that she did good work since that was the job she was employed to perform. Mr. Burkett says that he does not want to make issues of campaign violations, I am sure he did not. Based on the findings from the state police, not Mrs. Wheeler, there is fire behind the smoke and mirrors. He says he wants free and honest elections, the actions of his wife speak otherwise. He says it affects the efforts of the Board to operate but I hadn't felt any problems existed. If we agree, we vote together; if we disagree we don't. Ms. Landau says we're making a mountain out of a mole hill, it's a damn big hill from my view point. Mr. Burkett says he wants to control the spending of government but his wife costs us great sums of money and wasted the limited resources of the state police to investigate the websites that she now admits she did. He now points the finger at me and others to shift attention from his present quagmire. This is damage control. Plain, pure and simply something running Washington by spin doctors and covert ops people. Mr. Burkett raised charges of polling place issues in District Three. The only campaign workers that I know that violated the forty foot buffer to influence voters worked for my opponent. There was one who was badgering the grandmother of one of my own employees. The woman was quite eager to let me know. Mr. Burkett questioned my own campaign reporting. I took it upon myself to have the local Board of Election officers to investigate the issue and fine me if indeed I missed something. I am awaiting the results of that query and I hope we hear something tonight. Quite simply the big picture is about breaking the law. Ms. Landau broke the law and admitted doing so only when caught. She was intricately involved in Mr. Burkett's, Mr. Satterfield's and previously Mrs. Pace's campaign. This smacks of manipulation. There are others just as involved and I am sure they will remain in hiding for now. I do hope Mr. Burkett is correct that we can put rural back in the election process because it is lost for now. The Daily Progress said it best . . . honesty is not optional."*

Supervisor Burkett responded to Mr. Goodwin's statement.

RE: <u>ACTION ITEMS CONTINUED</u>

RE: <u>LITERARY FUND LOAN APPLICATION</u>

Karen Karaskinski, Finance Director, explained that on September 11, 2007, the Board of Supervisors held a public hearing on the issuance of $50,000,000 Bonds for the construction of a new school in accordance with the requirements of Section 15.2-2606, Code of Virginia of 1950, as amended. She stated that the County sold $5,220,000 in the fall 2007 Virginia Public School Authority (VPSA) bond sale. She concluded by saying that a resolution has been drafted for the Board's consideration authorizing the School Board to apply to the Virginia Board of Education for the Literary Loan for the maximum amount of $7,500,000.

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

RESOLUTION OF THE BOARD OF SUPERVISORS
OF THE COUNTY OF ORANGE, VIRGINIA
APPROVING THE SUBMISSION OF AN APPLICATION TO THE LITERARY FUND

WHEREAS, the Board of Supervisors of the County of Orange, Virginia (the "county") and the School Board of the County propose to finance a portion of the cost of the acquisition, construction and equipping of a new middle school (the "Project") with a loan from the Virginia Literary Fund in the amount of $7,500,000 (the "Loan") and the School Board presented to the Board of Supervisors a proposed application addressed to the Virginia Board of Education for the purpose of borrowing from the Literary Fund the amount of $7,500,000 for the Project;

WHEREAS, the County (or the School Board of the County) expects to pay, after the date hereof, certain expenditures (the "Expenditures") in connection with the acquisition, construction and/or equipping of the Project;

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

1. The application of the School Board to the Virginia Board of Education for the Loan is hereby approved and authority is hereby granted to the School Board of the County to borrow a maximum of $7,500,000 for the purposes set forth in such application. The Board of Supervisors will each year during the Life of the Loan, at the time it fixes the regular levies, fix a rate of levy for schools or make a cash appropriation sufficient for operation expenses and to pay the Loan and the interest thereon, as required by law regulating loans from the Literary Fund.

2. The County hereby declares its intent to reimburse itself with the proceeds of one or more tax-exempt financings for the Expenditures with respect to the Project made on and after that date which is no more than 60 days prior to the date hereof (unless an exception is applicable). The maximum amount of such financings expected to be issued for the Project is $50,000,000.

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

Mrs. Pace stated that it is wonderful to save money but she would not be able to support the proposed action because she feels that the County is not building the right school. Mr. Burkett stated that the school design is not a judicial use of funds and cannot support.

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

RE: CHILD CARE FEES 2008-09

Julie Jordan, Assistant County Administrator, explained the thorough review of the child care sites, staffing, revenues, expenses and other related items. She presented the new fees for the 2008-2009 year. Ms. Jordan highlighted two marked changes from last year being the incorporation of out-of-county rates and the conversion of two positions from full time with benefits to part time positions.

Mr. Frame moved, seconded by Mrs. Pace and carried, to approve the fees for the 2008 - 2009 year for Orange County Child Care effective July 1, 2008 as presented. Ayes: Johnson, Burkett, Goodwin, Pace, Frame. Nays: None.

RE: APPOINTMENTS TO BOARDS, COMMISSIONS, AND COMMITTEES

The Board made no appointments at this time.

RE: DISCUSSION ITEMS

RE: PROPOSED PROFFER POLICY

Debbie Kendall, Director of Strategic Planning, explained the proposed Proffer Policy and distributed additional information. Mr. Frame commented on methodology for schools. Discussion continued after the public hearings.

RE: PUBLIC HEARINGS

RE: PROPOSED AMENDMENT TO CHAPTER 22, SECTION 22-36 OF THE ORANGE COUNTY CODE OF ORDINANCES PERTAINING TO CHANGING THE POLLING PLACE FOR ELECTION DISTRICT 3

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 to Chapter 22, Section 22-36 of the Orange County Code of Ordinances pertaining to the following: changing the location of the polling place for Election District 3 from the Orange Fire Department, 205 Caroline Street, Orange, Virginia 22960, to Prospect Heights Middle School, located at 202 Daily Drive, Orange, Virginia 22960.

Gloria Gilmore, Electoral Board Secretary, explained the reasons for the proposed polling place change.

Chairman Johnson opened the floor for public comment at 7:33 p.m. There being none, the public hearing was closed.

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

AN ORDINANCE TO AMEND AND READOPT A SECTION OF CHAPTER 22, ELECTIONS, ARTICLE II, ELECTION DISTRICTS

WHEREAS, Section 24.2-307 requires a polling place for each voting precinct; and

WHEREAS, the existing polling place for District 3 Precinct is located at the Orange Fire Department which is no longer sufficient in size to efficiently handle voters; and

WHEREAS, the Electoral Board recommends relocating the polling place for District 3 Precinct at the Prospect Heights Middle School; and

WHEREAS, the authority to enact these changes is vested in the Orange County Board of Supervisors pursuant to Chapter 4, Title 24.2 of the Code of Virginia, 1950; as amended, and

WHEREAS, the Board of County Supervisors advertised the change recommended by the Electoral Board and conducted a public hearing to consider making the change, in accordance with Sections 15.2-1427 and 24.2-306 of the Code of Virginia, 1950, as amended

NOW THEREFORE, BE IT ORDAINED by the Orange County Board of Supervisors that the following section of the Code of Ordinances of Orange County is hereby amended, and enacted as follows:

Section 22-36: Establishment of Polling Places: There is hereby established for voting precincts the following polling places:

Election District One West Precinct
Barboursville Fire House, 5252 Spotswood Trail [Route 33]
Barboursville, VA 22923

Election District One East Precinct
Gordonsville Town Hall, 112 South Main Street
Gordonsville, VA 22942

Election District Two West Precinct
Gordonsville Fire House, 301 East Baker Street
Gordonsville, VA 22942

Election District Two East Precinct
Lightfoot Elementary School, 11360 Zachary Taylor Highway
Unionville, VA 22567

Election District Three Precinct
~~Orange Fire Department, 205 Caroline Street~~
Prospect Heights Middle School, 202 Daily Street
Orange, VA 22960

Election District Four West Precinct
Locust Grove Elementary School, 31230 Constitution Highway
Locust Grove, VA 22508

Election District Four East Precinct ***^MINUTES AMENDED SEPTEMBER 23, 2008***
Mine Run Volunteer Fire Department, 31077 Old Plank Road [Route 621]
Mine Run, VA 22508

Election District Five North Precinct
Lake of the Woods Clubhouse, 205 Lake of the Woods Parkway [Private]
Locust Grove, VA 22508

Election District Five South Precinct
Lake of the Woods Church #1, 1 Church Lane [Private]
Locust Grove, VA 22508

This ordinance shall become effective immediately, subject only to notice of preclearance from the Department of Justice.

Mr. Burkett stated that during the worksession with the Electoral Board, they indicated that one of the reasons for the proposed change was the difficulty in controlling campaign workers at the existing site; however that was not currently mentioned.

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

^AMENDMENT TO THE MINUTES: Due to a scrivener's error, the location of the Election District Four East Precinct polling place is incorrect; therefore, the polling place remains Unionville Elementary School, 10285 Zachary Taylor Highway [Route 522], Unionville, VA 22567. The minutes of the June 10, 2008 meeting were amended at the September 23, 2008 Board of Supervisors Meeting to reflect this amendment.

RE: PROPOSED AMENDMENT TO CHAPTER 22, SECTION 22-1 OF THE ORANGE COUNTY CODE OF ORDINANCES PERTAINING TO THE OPTION OF OPENING THE CENTRAL ABSENTEE VOTER ELECTION PRECINCT

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

Proposed Amendment to Chapter 22, Section 22-1 of the Orange County Code of Ordinances pertaining to the following: the option of opening the Central Absentee Voter Election Precinct, located adjacent to the General Registrar's Office of the County of Orange, Virginia 22960, up to six (6) hours after the other voting precincts on any election day.

Gloria Gilmore, Electoral Board Secretary, explained the reasons for the proposed amendment.

Chairman Johnson opened the floor for public comment at 7:37 p.m. There being none, the public hearing was closed.

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

AN ORDINANCE TO AMEND CHAPTER 22

WHEREAS, due to certain changes in the law affecting absentee voter election precincts were made during the 2008 Session of the General Assembly, the Electoral Board recommends providing for the option of opening the central absentee voter election precinct up to six (6) hours after the opening of the other district voting precincts; and

WHEREAS, the authority to modify the operation of the central absentee voter election precinct is vested in the Orange County Board of Supervisors pursuant to Chapter 4, Title 24.2 of the Code of Virginia, 1950; as amended, and

WHEREAS, the Board of County Supervisors advertised this proposed ordinance, as recommended by the Electoral Board, and conducted a public hearing to consider this ordinance, in accordance with Sections 15.2-1427 and 24.2-306 of the Code of Virginia, 1950, as amended.

NOW THEREFORE, BE IT ORDAINED by the Orange County Board of Supervisors that the following is enacted:

SECTION 22-1. CENTRAL ABSENTEE VOTER ELECTION PRECINCT

(a) Established; purpose.

A Central Absentee Voter Election Precinct is hereby established for the purpose of receiving, counting and recording all absentee ballots properly cast in all General Elections excluding primaries within Orange County.

(b) Location.

The Central Absentee Voter Election Precinct shall be located near the Registrar's Office on the second floor of the Sedwick Building, 146 Madison Road, Orange, Virginia 22960.

(c) Officials.

The electoral board shall determine the number of election officials for the Central Absentee Voter Election Precinct, which shall be at least three (3).

(d) Procedure.

The Central Absentee Voter Election Precinct shall process all ballots and applications for absentee ballots in accordance with procedures set forth in section 24.2-712 of the Code of Virginia (1950, as amended), and all other federal and state laws governing the receipt, count or recordation of absentee ballots.

(e) Security.

The security of all marked and unmarked ballots under the control of the Central Absentee Voter Election Precinct shall be the responsibility of the secretary of the electoral board and the secretary shall account for all such marked or unmarked ballots.

(f) Optional Hours of Operation.

The central absentee voter precinct may open after 6:00 a.m. and at any time before noon on the day of the election provided that the office of the general registrar will be open for the receipt of absentee ballots until the central absentee voter precinct is open, and that the officers of election for the central absentee voter precinct obtain the absentee ballots returned to the general registrar's office for the purpose of counting the absentee ballots at the central absentee voter precinct.

This Ordinance shall be effective as of July 1, 2008, subject only to notice of preclearance from the Department of Justice.

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

RE: PROPOSED AMENDMENT TO CHAPTER 70, ZONING, OF THE ORANGE COUNTY CODE OF ORDINANCES

At 7:37 p.m., Chairman Johnson called the public hearing to order to receive comments on the following:

Proposed Amendment to Chapter 70, Zoning, of the Orange County Code of Ordinances pertaining to the following: an addition to Definitions, adding the definition of *Retail use, large*, for those structures in excess of 60,000 square feet, and adding an additional Supplementary District Regulation Division, requiring those structures in excess of 60,000 square feet to obtain a Special Use Permit, as well as establishing certain

standards for those structures pertaining to materials, landscaping, lighting and signage, among other provisions.

David Grover, Director of Community Development, gave the staff report.

Chairman Johnson opened the floor for public comment at 7:43 p.m. The following individuals commented: Jack North, 12460 Mayhurst Lane, Orange; Jeff Slunt, 10618 King Eidor Court, Spotsylvania; Joan Bergstrom, 16075 Zachary Taylor Highway; and Don Faulconer, 10236 West Gordon Avenue, Gordonsville.

Chairman Johnson closed the public hearing at 7:50 p.m.

Discussion ensued including: trees; buffers; language "suggested" versus "shall"; design standards; and the need for guidelines to be flexible.

Mr. Frame moved, seconded by Mr. Burkett and carried, to deny the recommendation of the Planning Commission and approve the following alternate ordinance as discussed:

AN ORDINANCE TO AMEND CHAPTER 70, ZONING

WHEREAS, the Orange County Board of Supervisors recognizes the emergence of large retail stores by various retailers and wishes to prepare for the potential of such retail spaces; and

WHEREAS, the Orange County Board of Supervisors wishes to minimize potential negative impacts that such large retail stores can have on the citizens of the County, 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 enacted:

Definitions

Retail use, large means any large retail single occupant building or unit used for retail purposes where the primary occupant controls space exceeding 60,000 square feet in gross floor area located in a free standing building and may be included or be a part of a shopping center, possibly sharing parking areas and vehicular travel ways with other buildings or uses and which may be connected by walkways and access ways to other buildings or uses.

Provisions for Large Retail Uses

Any "large retail use" as defined herein shall submit a Special Use Permit application and site plans. The purpose for this application is to promote architectural excellence and character as well as to ensure compatibility with surrounding uses, enhance property values, improve the environment by mitigating negative impacts, related but not limited to noise, public infrastructure and light pollution, promote improved pedestrian and vehicular movements, encourage efficient use of land and maintain positive community appearance, and meet guidelines as adopted by the Board.

This Ordinance shall be effective upon the date of its adoption.

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

The Board requested that Mr. Grover work with staff on the Design Guidelines and bring back to the Board for further review and discussion.

RE: ACTION ITEMS CONTINUED

RE: COPS SECURE OUR SCHOOLS GRANT APPLICATION

Major Mike LaCasse presented the COPS Secure Our Schools Grant Application that the Sheriff's Office became aware of in the beginning of May, 2008. Major LaCasse indicated that the proposed grant could be used to procure a video camera system for Prospect Heights Middle School. He explained that the camera system would allow complete monitoring to occur and provide both law enforcement and the school system with a valuable tool to address problems and disturbances in the school.

Mr. Frame moved, seconded by Mr. Burkett and carried, to authorize the Sheriff's Office to proceed with the application process for the COPS grant. Ayes: Johnson, Burkett, Goodwin, Pace, Frame. Nays: None.

RE: RECESS

The Board took a short recess and 8:50 p.m. and reconvened at 9:02 p.m.

RE: DISCUSSION ITEMS CONTINUED

RE: PROPOSED PROFFER POLICY CONTINUED

Mrs. Kendall briefly explained the Northern Virginia Proffers Ordinance regarding the utilization of conditional zoning authority. Discussion ensued including: possible growth rate increase and corresponding state legislation.

RE: ROUTE 3 DEVELOPMENT

Mrs. Pace requested that this item be added to the agenda for discussion. She stated that Mr. Rolfe was going to draft a new letter to Mr. King regarding the Route 3 Development and that she had not received a copy of the letter. Julie Jordan, Assistant County Administrator, stated that a letter had been drafted; however, it has not been reviewed by Mr. Rolfe as he has been on vacation. Mrs. Pace stated that she was disappointed that Mr. Rolfe didn't draft the letter before leaving for vacation as this is a big issue. She questioned whether she had the same understanding from the last discussion that the proposed development doesn't have three thumbs and inquired whether Mr. Rolfe thought it did.

Discussion ensued regarding the proposed development.

Mrs. Pace concluded by saying that she is very disappointed that another letter has not gone out.

RE: MIDDLE SCHOOL DESIGN

Mrs. Pace requested that this item be added to the agenda for discussion. She inquired whether the courtyard could be removed from the design and save the County money.

By consensus, the Board asked staff to contact the School Administration to determine the benefits of the courtyard.

RE: MINUTES

Chairman Johnson requested that this item be added to the agenda for discussion. He explained that the minutes are intended to be summations; however, he does not feel that the minutes need to be verbatim. He suggested that the Board adopt a policy that it will not require a verbatim transcription of the minutes.

By consensus, the Board asked staff to draft a paragraph in the Board By-laws stating that the minutes are to be a summary of the action of the Board of Supervisors and not a verbatim transcription.

RE: INFORMATION ITEMS

The Board received a copy of the Treasurer's Report as prepared by Phyllis M. Yancey, Treasurer; and information regarding minor modifications to Orange County's Solid Waste Facility Permit #90.

RE: PENDING ITEMS

a. Comprehensive Review of CIP
b. Wireless Project
c. Illegal Immigration
d. Lighting Ordinance

RE: CALENDAR

The Board received copies of its calendar for the months of June, July and August, 2008.

ADJOURN

At 9:41 p.m., there being no further business to discuss, the meeting was recessed to Tuesday, June 17, 2008, at 5:00 p.m.