BOARD OF SUPERVISORS MINUTES

At a regular meeting of the Orange County Board of Supervisors held on Tuesday, September 8, 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, Chairman; S. Teel Goodwin, Vice-Chairman; R. Mark Johnson; Zack Burkett; and Teri L. Pace. Absent: None. Also present: Julie G. Jordan, Acting County Administrator; Sharon Pandak, County Attorney; and Donna D. Curry, Chief Deputy Clerk.

RE: ADOPTION OF AGENDA

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

RE: CONSENT AGENDA

Mr. Goodwin moved, seconded by Mrs. Pace and carried, to approve the following consent agenda items, excluding the minutes of August 18, 2009, as presented:

RE: SUPPLEMENTAL APPROPRIATIONS

The Board approved the following supplemental appropriations:

	ACCOUNT			
DEPT	DESCRIPTION	AMOUNT		Funding Source
Sheriff	Firing Range Donation	\$	1,500.00	Donation CVRJ Donation City of
Sheriff	Firing Range Donation	\$	1,500.00	Manassas
Sheriff	SWAT	\$	500.00	Donation
Subtotal Sheriff		\$	3,500.00	
Animal Shelter	Vaccinations	\$	831.14	Donation
Subtotal Animal Shelter		\$	831.14	
Montpelier	Montpelier Enhancement	\$	230,379.96	Grant
Subtotal Montpelier		\$	230,379.96	
	Total this request	\$	234,711.10	_
	Total year to date	\$	264,545.95	=

RE: MINUTES

The Board approved the minutes of August 11, 2009 Regular Meeting as presented.

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

RE: MINUTES OF AUGUST 18, 2009 – ZONING ORDINANCE WORKSESSION

Mrs. Pace requested that the minutes of August 18, 2009 be pulled from the Consent Agenda. She explained that she was absent from the meeting and planned to abstain from the vote.

Mr. Burkett moved, seconded by Mr. Goodwin and carried, to approve the minutes of August 18, 2009 as presented. Ayes: Johnson, Burkett, Goodwin, Frame. Nays: None. Abstain: Pace.

RE: PUBLIC APPEARANCES

RE: <u>VDOT UPDATE</u>

Roy Tate, Assistant Resident Engineer, updated the Board on the status of road projects

in the County.

RE: QUARTERLY REPORT PRESENTATION

Karen Karasinski, Finance Director, briefly reviewed the 4th quarter report for fiscal year 2009.

Discussion ensued including: the upcoming budget cycle; three year projection; and the need to be frugal.

RE: <u>INTRODUCTION OF NEW TOURISM MANAGER</u>

Ms. Jordan introduced Suzanne Grange who was recently hired to be the full-time Tourism Manager. Ms. Grange commented that she looked forward to working with the Board and promoting tourism in the County.

RE: ACTION ITEMS

RE: PERSONAL PROPERTY TAX RELIEFT ACT (PPTRA)

Karen Karasinski, Finance Director, explained that in accordance with the County ordinance, each year County staff, in consultation with the Commissioner of the Revenue and the Treasurer, determines the extent to which Personal Property Tax Relief Act (PPTRA) funds projected to be received from the state will provide relief to the Orange County taxpayers. She stated that staff has reviewed the actual personal property tax revenues to be received in calendar year 2009 and compared those to the budgeted PPTRA funds expected from the State and determined the personal property tax relief available in tax year 2009 to be 47%. Mrs. Karasinski reported that the calculation was done with actual assessment values from the Commission of Revenue. Historically, the percentage of relief provided has been 70%, 63%, 56%, and 52% figures for 2005, 2006, 2007, and 2008 respectively and the revenue received from the State has remained constant for all years.

Mr. Goodwin moved, seconded by Mr. Burkett and carried, to adopt the following resolution to enact the specific relief method as personal property tax relief for calendar year 2009 at the rate of 47%:

WHEREAS the Personal Property Tax Relief Act of 1998, Va. Code Section 58.1-3523 et seq. ("PPTRA"), has been substantially modified by the enactment of Chapter 1 of the Acts of Assembly, 2004 Special Session I (Senate Bill 5005), and the provisions of Item 503 of Chapter 951 of the 2005 Acts of Assembly (the 2005 revisions to the 2004-06 Appropriations Act, hereinafter cited as the "2005 Appropriations Act"); and

WHEREAS these legislative enactments require the County to take affirmative steps to implement these changes, and to provide for the computation and allocation of relief provided pursuant to the PPTRA as revised; and

WHEREAS these legislative enactments provide for the appropriation to the County, commencing in 2006, of a fixed sum to be used exclusively for the provision of the tax relief to owners of qualifying personal use vehicles that are subject to the personal property tax ("PPT") on such vehicles; and

WHEREAS on December 13, 2005, the Orange County Board of Supervisors adopted an ordinance to provide for the implementation of the 2004-2005 changes to the Personal Property Tax Relief Act of 1998-Specific Relief; and

WHEREAS the Orange County Commission of the Revenue, Orange County Treasurer and the Orange County Finance Director has calculated that the revenue to be received by the County from the State for PPTRA equates to approximately 47% rather than the 52%.

NOW THEREFORE BE IT RESOLVED by the Orange County Board of Supervisors as follows:

- 1.) In accordance with the current State requirements for PPTRA, any qualifying vehicle sitused within the County commencing January 1, 2009, shall receive personal property tax relief in the following manner:
- 2.) Personal use vehicles valued at \$1,000 or less will be eligible for 100% tax relief;
- 3.) Personal use vehicles valued at \$1,001 to \$20,000 will be eligible for 47% tax relief;
- 4.) Personal use vehicles valued at \$20,001 or more shall only receive 47% tax relief on the first \$20,000 of value; and
- 5.) All other vehicles which do not meet the definition of "qualifying" (business use vehicles, farm use vehicles, motor homes, etc.) will not be eligible for any form of tax relief under this program.

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

RE: DELTA AIRPORT CONSULTANTS - AMENDMENT #8

Kurt Hildebrand, Director of Public Works, reported that the State Water Control Board mandated that existing Virginia Pollutant Discharge Elimination System (VDPES) permits be renewed by July 1, 2009. The permit issued to the Orange County Airport was renewed and the revised permit has been issued. He explained that a second component of this new permit requires that the Airport's Storm Water Pollution Prevention Plan (SWPPP) be updated by October 1, 2009. Delta Airport Consultants has presented Amendment No. Eight (8) – Revision #2 for approval. The scope of work to be covered by the proposed amendment shall include:

 UPDATE STORM WATER POLLUTION PREVENETION PLAN (SWPPP). The ENGINEER will update the Orange County Airport's Storm Water Pollution Prevention Plan (SWPPP) to conform to the revised requirement of the State Water Control Board mandated for Virginia Pollutant Discharge Elimination system (VPDES) permits issued after June 30, 2009. The format of the SWPPP will allow for future updates through the removal and replacement of Plan items to reflect changes at the Airport and changes to the regulations.

Mr. Hildebrand stated that the amendment has been reviewed and approved by the Virginia Department of Aviation (VDOA). Delta Airport Consultants fee for this amendment is \$8,000. The fee is eligible for 80% reimbursement by VDOA, making the local share \$1,600. He concluded by saying that staff recommends approval of Amendment No. Eight (8) – Revision #2. He noted that while VDOA will likely fund 80% of the project, should the funding not be available, the SWPPP must be updated so the County would have to fund 100% of the amendment.

Mr. Goodwin moved, seconded by Mr. Johnson and carried, to authorize the Acting County Administrator to execute Amendment No. Eight (8) with Delta Airport Consultants Inc., in the amount of \$8,000.00, for Update of the Orange County Airport Storm Water Pollution Prevention Plan (SWPPP).

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

RE: PROPOSED CODE CHANGES

RE: PROPOSED AMENDMENTS - COUNTY RECOVERY OF COSTS RELATED TO RESPONDING TO DUI OFFENSES

Sharon Pandak, Orange County Attorney, explained that during a recent review of the Orange County Ordinances, it was discovered that the County Code section regarding recovery of costs of responding to Driving Under the Influence (DUI) incidents

can be updated to provide more reimbursement for the County's response. Ms. Pandak briefly reviewed the proposed amendments. She stated that staff has discussed the possible changes with Sheriff Amos and Jamie Clark, Director of Fire and EMS. Both have indicated that they are in favor of the proposed change. She stated that staff has also indicated the possibility of the proposed change to the Commonwealth's Attorney who did not express any opposition. Ms. Pandak concluded by saying that in order to receive the full benefit of the proposed amendment, staff may need to provide some education about the amendment to the General District Court.

Mr. Burkett moved, seconded by Mrs. Pace and carried, to adopt the following resolution as presented:

WHEREAS, the General Assembly has enacted certain changes to the State Code relating to localities' recovery of costs of responding to DUI offenses; and

WHEREAS, the Orange County Board of Supervisors desires to incorporate those changes into the Orange County Code of Ordinances; and

NOW, THEREFORE, BE IT RESOLVED, that the Orange County Board of Supervisors hereby sends to public hearing the proposed amendments to Chapter 62. : Traffic and Vehicles.

- Sec. 62-2: Reimbursement of expenses incurred in responding to DUI and other traffic incidents.

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

RE: PROPOSED AMENDMENTS TO ORANGE COUNTY CODE OF ORDINANCES

Sharon Pandak, County Attorney, explained that for several reasons, including legislation passed by the Virginia General Assembly and the requests of the Commissioner of Revenue, it is necessary to amend sections of the Orange County Code of Ordinances ("the Code"). Mrs. Pandak presented to the Board a memorandum explaining the proposed changes and requested the scheduling of a public hearing for the general amendments.

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

WHEREAS, the General Assembly has enacted certain changes to the State Code which require amendments to the County Code of Ordinances relating to food and beverage tax, pollution control equipment and land preservation assessment; and

WHEREAS, the General Assembly has also amended the State Code provisions relating to real estate tax exemptions for certain elderly and disabled persons which allow the County to change the income limits for those exemptions and to provide a prorated exemption in limited cases for the spouses of such elderly and disabled persons;

NOW, THEREFORE, BE IT RESOLVED, that the Orange County Board of Supervisors hereby sends to public hearing the proposed amendments to Chapter 58. Taxation:

- Sec. 58-418: Food and Beverage Tax: Exemptions.
- Sec. 58-1-6: Pollution Control Equipment and Facilities: Definitions,
- Sec. 58-382: Land Preservation Assessment Definitions; and
- Division 3. Exemptions for certain elderly and disabled persons:

Sec. 58-133: Qualifications for grant of exemption,

Sec. 58-134: Claim procedure,

Sec. 58-135: Calculation of amount of exemption,

Sec. 58-136: Changes in status,

Sec. 58-137: Penalties for violation of division.

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

RE: <u>APPOINTMENTS TO BOARDS, COMMISSIONS, AND COMMITTEES</u>

The Board made no appointments at this time.

RE: DISCUSSION ITEMS

RE: VEHICLE DECALS FOR ENTRY INTO SOLID WASTE FACILITIES

Kurt Hildebrand, Director of Public Works, stated that the Board of Supervisors and the Solid Waste Committee has indicated a desire to look into implementing vehicle decals as a means of assuring that out-of-County waste is not deposited at Orange County facilities. He reported that multiple discussions have been held and there remain concerns on how to issue the decals, when to issue them, and total costs. Mr. Hildebrand concluded by saying that he and the Orange County Treasurer would like guidance from the Board on how and when to proceed.

Discussion ensued. Chairman Frame confirmed with the Board that it wanted staff to proceed with moving forward on this project. Mrs. Yancey noted that she needs an answer by the end of September in order to include the information in the tax bill mailing.

The Solid Waste Subcommittee will meet to further discuss the issue and report back to the Board at its meeting on September 22, 2009.

RE: LOCAL LIBRARY FUNDING

Karen Karasinski, Director of Finance, reported that, in order to receive State library funding, a locality must be compliant with a number of regulations such as organization structure, Librarian certifications, collection requirements, hours of operation, and local funding requirements. She stated that at the end of each year, the County must certify expenditures for the Library by funding source. The certification is sent to the Library Board of Virginia to document that the local contribution has not decreased from the prior year. If local funding is reduced, the locality can request a waiver for the Library Board. Mrs. Karasinski stated that, based on the guidelines, localities may request the waiver from the Library Board, but the waiver will not be heard until June of the following year. She explained that when the budget was adopted for fiscal year 2010, local Library funding was reduced. Initially, the thought was that the 2009 funding level would be below the 2008 level causing a reduction in state funding. Final results on the 2009 financials indicate local funding was above the 2008 funding level; thereby no action will be needed for 2009. Mrs. Karasinski stated that current appropriations for fiscal year 2010 to be paid directly by the Library are \$752,665 or \$62,413 less than fiscal year 2009. Indirect costs will not be available until completion of the cost allocation plan in the spring. Capital project expenditures on the Gordonsville Library do not count for this purpose. She concluded by saying that, although the Library was not singled out during the fiscal year 2010 budget process, not all department budgets were reduced. Based on the response of the State Library Board, requests for waiver will not be heard until June, 2011. Staff would like to make the Board aware of the situation and, after the cost allocation is complete, report back the actual funding reduction for fiscal year 2010.

Discussion ensued including: local contribution amount; local expenditure; and the Governor's proposed reduction in library funding.

The Board requested that this item be further discussed during the budget process.

RE: <u>URBAN DEVELOPMENT AREA (UDA)</u>

Debbie Kendall, Interim Planning Director, explained to the Board that HB3202, also known as the "Transportation Act of 2007" requires counties to amend their comprehensive plans to designate urban development areas by July 1, 2011. She stated that the comprehensive plan must provide for commercial and residential densities within the urban development area(s) that are at least four (4) dwelling units per acres for residential use and a minimum floor area ration of 0.4 per gross acre for commercial development. One or more urban development areas must be designated by counties such that each UDA meets projected residential and commercial growth in the locality for at least 10 years and not exceeding 20 years. The boundary of each UDA must be re-examined and, if necessary, revised every five years in conjunction with the update of the local comprehensive plan. Mrs. Kendall stated that, in addition, the comprehensive plan shall also "incorporate principles of new urbanism and traditional neighborhood development", including but not limited to "pedestrian-friendly road design, interconnection of new local streets existing local streets and roads, connectivity of road and pedestrian networks, preservation of natural areas, mixed housing types, reduction of front and side-yard building setbacks, and reduction of subdivision street widths and turning radii at subdivision street intersections." The comprehensive plan must also describe financial and other incentives for attracting growth into the urban development area. Mrs. Kendall indicated that counties have the ability to designate an urban development area in any incorporated town within the county, provided the governing body of the town agrees and has amended its comprehensive plan to designate the same urban development area with at least the same density as designated by the county. She presented information to the Board from the Athey-Vogel joint subcommittee. Mrs. Kendall stated that if it so chooses, there are two options that the Board may pursue to simultaneously update the comprehensive and designate the requisite UDA's. The first, and the more costly of the two, is to engage the services of a consultant to facilitate these projects, which may cost \$100,000 to \$150,000, depending on the scope of work desired by the Board. The other is to develop the updates to be considered by the Board. For either option, discussions with both the Town of Gordonsville and the Town of Orange will need to occur to determine whether either of these areas may be considered an Urban Development Area for the County. She concluded by saying that whatever option is selected by the Board, staff recommends a target adoption date of Tuesday, June 14, 2011, for the updated comprehensive plan and designated urban development areas. This will provide approximately 18 months, counting from late 2009, in which to complete these projects.

Discussion ensued including: the possibility of offering a resolution from the Board to the legislators, committee representatives, and local elected officials regarding its displeasure with the proposed legislation; concern that the proposed legislation will cause more problems in Orange County; stop letting the state tell localities how to deal with their problems; already established current development areas; growth to be accommodated; and the staff time involved with this project when Orange County is not a large locality dealing with urban development area issues.

By consensus, the Board directed the Interim Planning Director to draft a letter for the Board's review stating specific reasons why the Board is opposed to the proposed legislation.

RE: WORKSESSION-AIRPORT

The Board recessed at 5:30 p.m. for dinner. The Board reconvened at 5:40 p.m. for a worksession to discuss new Federal Aviation Administration (FAA) regulations for airport approaches and land easement acquisitions. The worksession was concluded at 6:43 p.m.

RE: PUBLIC COMMENT

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

RE: BOARD COMMENT

The Board members made no comments at this time.

RE: GORDONSVILLE POOL

Chairman Frame stated that Mrs. Curry researched the minutes of past meetings regarding the Gordonsville Pool. Some information was gleaned from former Board member Rick Wilkinson. Karen Karasinski, Finance Director, briefly reviewed the funds that were received for pool donations through the Parks and Recreation Department. She indicated that \$27,934 was set aside for the pool. She stated that she had reviewed cash receipts in the Treasurer's Office that were designated for the pool. If they had been identified with the correct funding code, then it would have been included in the total. She commented on the brick fundraiser and noted that a donor had requested that their \$1,000 donation be transferred to the Gordonsville Library. She noted that the \$27,934 did not include the \$1,000 donation.

Discussion ensued including: returning donations to donors for the brick fundraiser; making the funds available to the Gordonsville Pool for maintenance or refurbishment of the pool; the fact that funds were raised to build a new pool; and that the Town of Gordonsville is now managing the pool.

For the record, the Gordonsville Pool Project has \$27,934 designated for this project. Individuals who made donations for the brick fundraiser will be notified that they may request a refund of those funds which totals \$600. The remaining funds are to stay in the Gordonsville Pool Project Account.

RE: DANGEROUS DOGS

Chairman Frame requested that this item be added to the agenda. He stated that several meetings ago, citizens appeared during public comment concerning dogs that had killed a goat. They requested that the Board consider strengthening the County Ordinance concerning dangerous dogs. He indicated that the County Attorney had done research and has reported there are some areas for improvement.

Mr. Burkett requested amending the ordinance to include attacking livestock and other pets. Ms. Pandak briefly commented on the state Code.

By consensus, the Board asked the County Attorney to proceed with preparing revisions to the County Code regarding dangerous dogs with a variety of options.

RE: <u>275TH ANNIVERSARY CELEBRATION STATUS</u>

Ms. Jordan updated the Board on the status of the preparations for the 275th Anniversary Celebration. She indicated that they are working with Orange Downtown Alliance regarding the Blues Concert; the schools for art and essay contests; and a fireworks presentation. The Committee is pushing forward with plans.

RE: <u>INFORMATION ITEMS</u>

The Board received a copy of the Treasurer's Report as prepared by Phyllis M. Yancey, Treasurer.

RE: CALENDAR

The Board received copies of its calendar for the months of September, October and November 2009.

By consensus, the Board scheduled a Worksession on September 22, 2009 beginning at 2:30 p.m. to discuss GASB Statement 45 and Reserve Balance.

Mr. Burkett requested that the Board consider allowing staff to draw names to see who comes in late after a long public hearing. He feels that it should be an option. Mr. Johnson stated that he feels that it is reasonable. By consensus, leave it to the judgment of the County Administrator.

RE: PUBLIC HEARING

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:

 SUP 09-03: Linda and Austin Nammack are requesting a special use permit to expand the capacity of their boarding kennel as approved by SUP 02-06, and to allow a lighted sign. The site is designated as Agricultural on the Future Land Use Map, and is zoned Agricultural (A), requiring an SUP for a boarding kennel and a lighted sign. The property is identified on County tax maps as parcel 35-6A, and consists of 23.614 acres. The property is located off Pine Glade Lane, near Route 608, approximately 1.08 miles north of Route 621.

Debbie Kendall, Interim Planning and Zoning Director, gave the staff report. She concluded by saying that the Planning Commission voted unanimously to recommend approval of the application with the following conditions:

Proposed Conditions

SUP 09-03, Linda & Austin Nammack – expand capacity of existing boarding kennel (approved by SUP 02-06) and to allow a lighted sign
Orange County T.M. #35-6A
Modified July 16, 2009 to reflect changes by Planning Commission

The following conditions are intended to offset some of the impacts of the proposal and to render the application consistent with the applicable provisions of the Comprehensive Plan. If the conditions of this special use permit or the information on the SUP plans are in conflict with one another or with the Zoning Ordinance or approved proffers, the more restrictive shall apply, unless specifically modified, waived or otherwise specified in these conditions. Violation of these conditions, in whole or in part, may be cause for revocation of the special use permit.

Uses and Site Design:

- 1. This special use permit is to allow Linda & Austin Nammack to expand the capacity of their boarding kennel and to allow a lighted sign on a property zoned A, Agricultural. Any expansion of the business beyond 80 dogs would require an amendment to this SUP.
- 2. The property owner shall be responsible for obtaining all required zoning permits, sign permits, site plan approvals, land disturbance permits, and building permits prior to commencing development of the site. Commercial dog breeding shall be in compliance with Section 3.2-6507.1 et seq. VA Code Ann.
- 3. The new kennel building approved as part of this SUP shall not exceed 22' x 22' in size, as requested by the applicant.

- 4. Pursuant to Section 3.2-6507.2 VA Code Ann. all dog waste shall be disposed of in accordance with state and federal laws and regulations. All floor drains from kennel buildings shall either discharge into a septic drainfield or through another filtering practice consistent with applicable standards and as approved by the Orange County Planning and Zoning Office.
- 5. The lighting of one sign shall be permitted on site. The sign shall not be lighted during the hours of 9:00pm 5:00am. Lighting used to illuminate the sign shall use full cut-off or directionally shielded lighting fixtures that are aimed and controlled so that the directed light is substantially confined to the object intended to be illuminated. Lighting fixtures shall be downward facing. The lighting intensity shall not exceed 1,310 lumens.

Austin Nammack, applicant, spoke in support of his application.

Chairman Frame opened the floor for public comment at 7:44 p.m. The following individuals commented: Barbara Crozier, 9651 Meadows Road, Mine Run; James Crozier, 9651 Meadows Road, Mine Run; Robert Cooke, 214 Madison Circle, Locust Grove; and Leo Silvan, 229 Birchside Circle, Locust Grove.

Chairman Frame closed the public hearing at 7:54 p.m. Brian Choi stated that he had wished to comment but wasn't aware he needed to sign up. Therefore, Chairman Frame re-opened the public hearing to allow Brian Choi, 2204 Chestertown Drive, Vienna, to speak. Chairman Frame closed the public hearing at 8:02 p.m.

Mr. Nammack responded to comments made by Mr. Choi that one of Mr. Nammack's dogs had bitten Mr. Choi. Mr. Nammack confirmed that it was his personal dog and not a kennel dog. He stated that he has two personal dogs that stay around the house and his other dogs are penned. He responded to questions from the Board including: the close proximity of adjoining homes to his home and whether he allows his dogs to roam freely on the property.

Mr. Burkett commented on agricultural zoning and cautioned the Choi's on living in an agricultural zoned area. He cautioned Mr. Nammack about allowing his dogs to roam around on other people's property.

Mr. Burkett moved to approve the special use permit excluding condition number 4 and amended condition 3 to increase the size of the proposed kennel to 24' x 24'. The motion failed for lack of a second.

Mr. Burkett moved to approve the special use permit amending the kennel size for 24' x 24'. Mr. Goodwin seconded the motion. Ayes: Johnson, Burkett, Goodwin, Pace, Frame. Nays: None.

RE: <u>CLOSED MEETING AUTHORIZATION</u>

At 8:13 p.m. Ms. Pandak read the following resolution:

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

- 1. Discussion concerning a prospective business or industry where no previous announcement has been made of the business' or industry's interest in locating its facilities in the community; and
- 2. Schwind v. Marshall, et al., CL 09-140; and

WHEREAS, pursuant to §2.2-3711.A.5 and 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. Burkett moved to approve the resolution. Mr. Goodwin seconded the motion. Ayes: Johnson, Burkett, Goodwin, Pace, Frame. Nays: None.

RE: <u>CERTIFICATION OF CLOSED MEETING</u>

At 10:17 p.m., Mr. Johnson moved to approve 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. Goodwin seconded the motion. Ayes: Johnson, Burkett, Goodwin, Pace, Frame. Nays: None.

RE: ADJOURNMENT

There being no further business to discuss, Mr. Johnson moved, seconded by Mr. Goodwin and carried, to adjourn the meeting at 10:18 p.m. p.m. Ayes: Johnson, Burkett, Goodwin, Pace, Frame. Navs: None.