

BOARD OF SUPERVISORS MINUTES**FEBRUARY 27, 2024**

At a Regular Meeting of the Orange County Board of Supervisors held on Tuesday, February 27, 2024, beginning at 5:00 p.m., in the Meeting Room of the Public Safety Building, 11282 Government Center Drive, Orange, Virginia. Present: R. Mark Johnson, Chairman; Keith F. Marshall, Vice Chairman; Eduward M. Van Hoven; Crystal D. Hale; and J. Bryan Nicol. Also present: Theodore L. Voorhees, County Administrator; Andrew McRoberts, Interim County Attorney; and Alyson A. Simpson, Chief Deputy Clerk.

RE: ADOPTION OF AGENDA

On the motion of Mr. Marshall, seconded by Ms. Hale, which carried by a vote of 5-0, the Board adopted the agenda, as modified. Ayes: Johnson, Van Hoven, Marshall, Hale, Nicol. Nays: None.

RE: SPECIAL PRESENTATIONS AND APPEARANCES**RE: VIRGINIA DEPARTMENT OF TRANSPORTATION QUARTERLY UPDATE**

Willie Gordon, Assistant Residency Administrator, provided a quarterly update to the Board on VDOT-related matters.

The Board thanked Mr. Gordon for his update.

RE: SEMI-ANNUAL UPDATE FROM THE VOLUNTEER FIRE CHIEFS' ASSOCIATION

Chief Jeff Mendonca, President of the Volunteer Fire Chiefs' Association, provided a semi-annual update to the Board.

The Board thanked Chief Mendonca for his update.

RE: CONSENT AGENDA

On the motion of Mr. Marshall, seconded by Mr. Van Hoven, which carried by a vote of 5-0, the Board adopted the Consent Agenda, as presented.

Ayes: Johnson, Van Hoven, Marshall, Hale, Nicol. Nays: None.

RE: FY24 BUDGET AMENDMENTS (SUPPLEMENTALS AND TRANSFERS)

As part of the Consent Agenda, the Board approved the following budget amendments, as presented:

ACCOUNT NUMBER	ACCOUNT DESCRIPTION	PREVIOUS BUDGET	BUDGET CHANGE	AMENDED BUDGET
49420001-48090 A1027	T Hanger Design/Construct.	\$ 300,555.00	\$ 2,909,445.00	\$ 3,210,000.00
49420001-48150 A1038	Airport Tractor	46,000.00	(14,000.00)	32,000.00
30045006-35775	State - Airport Grant	(255,199.00)	(1,162,015.00)	(1,417,214.00)
30046002-37025	Federal - Airport Grant	(275,175.00)	(1,441,001.00)	(1,716,176.00)
30051005-39100	Transfer from General Fund	(316,872.00)	(292,429.00)	(609,301.00)
49310001-47504	Transfer to Airport Fund	316,872.00	292,429.00	609,301.00
30052001-39900	Appropriated Fund Balance	(4,305,957.41)	(292,429.00)	(4,598,386.41)

30030002-33625	Donations - Triad	(9,567.00)	(500.00)	(10,067.00)
43177003-46800	Project Lifesaver Expenses	7,913.00	500.00	8,413.00
TOTALS		(4,491,430.41)	0.00	(4,491,430.41)

RE: ADOPTION OF THE FEBRUARY 13, 2024 WORKSESSION MINUTES

As part of the Consent Agenda, the Board adopted the February 13, 2024 Worksession minutes, as presented.

RE: ADOPTION OF THE FEBRUARY 13, 2024 REGULAR MEETING MINUTES

As part of the Consent Agenda, the Board adopted the February 13, 2024 Regular Meeting minutes, as presented.

RE: NEW BUSINESS

There were no matters for New Business at this time.

RE: OLD BUSINESS

RE: MEMORANDUM OF UNDERSTANDING WITH THE SHERIFF CONCERNING ANIMAL CONTROL

Theodore L. Voorhees, County Administrator, indicated this Memorandum of Understanding with the Sheriff regarding Animal Control had been tabled from a previous meeting. He presented the MOU to the Board for its consideration at this time.

On the motion of Mr. Nicol, seconded by Ms. Hale, which carried by a vote of 5-0, the Board approved the Memorandum of Understanding with the Sheriff concerning Animal Control and authorized the Chairman to execute the agreement on behalf of the Board, as presented.

Ayes: Johnson, Van Hoven, Marshall, Hale, Nicol. Nays: None.

RE: DEPARTMENT DIRECTOR / CONSTITUTIONAL OFFICER REPORTS

Sheriff Jason Smith provided a report to the Board, which included a review of activities and statistics of the Sheriff's Office since January.

The Board thanked Sheriff Smith for his report.

RE: COUNTY ATTORNEY'S REPORT

The County Attorney had nothing to report on at this time.

RE: COUNTY ADMINISTRATOR'S REPORT

The County Administrator had nothing to report on at this time.

RE: BOARD COMMENT

RE: LIVESTOCK ADVISORY COMMISSION

Supervisor Van Hoven stated that, in conjunction with the Sheriff's Office, a Livestock Advisory Commission was proposed to be formed as a tool for the farming community and law enforcement to use when making decisions related to the seizure of animals.

On the motion of Mr. Van Hoven, seconded by Mr. Marshall, which carried by a vote of 5-0, the Board authorized the creation of a Livestock Advisory Commission, with the understanding that the necessary governing documents would be developed and presented for consideration at a future meeting.

Ayes: Johnson, Van Hoven, Marshall, Hale, Nicol. Nays: None.

RE: INFORMATIONAL ITEMS

The Board received the following correspondence for its information:

- Orange County Economic Development and Tourism Annual Report for 2023

RE: APPOINTMENTS TO BOARDS, COMMISSIONS, AND COMMITTEES

By consensus, the Board appointed Brandon Van Hoven as the District Two Representative on the Planning Commission for a four-year term, with said term commencing April 1, 2024, and expiring on March 31, 2028.

By consensus, the Board appointed Jordan Marshall as the District Three Representative on the Planning Commission for a four-year term, with said term commencing April 1, 2024, and expiring on March 31, 2028.

By consensus, the Board re-appointed James Reid as the Orange County Representative on the Virginia Alcohol Safety Action Program (VASAP) Board for a three-year term, with said term commencing March 14, 2024, and expiring on March 13, 2027.

RE: CALENDAR

The Board received copies of its calendar of meetings for the months of February 2024, March 2024, and April 2024.

RE: SCHEDULE A PUBLIC HEARING FOR REZ 23-07 (RENAISSANCE HEALTHCARE)

By consensus, the Board authorized staff to advertise for and schedule a public hearing for REZ 23-07 on Tuesday, March 26, 2024, as presented.

RE: SCHEDULE A PUBLIC HEARING FOR SUP 23-06 (ESA SOLAR)

By consensus, the Board authorized staff to advertise for and schedule a public hearing for SUP 23-06 on Tuesday, April 9, 2024, as presented.

RE: SCHEDULE A PUBLIC HEARING FOR CPA 24-01 (COMP PLAN AMENDMENT)

By consensus, the Board authorized staff to advertise for and schedule a public hearing for CPA 24-01 on Tuesday, April 9, 2024, as presented.

RE: PUBLIC HEARING #1; ZTA 23-04

Josh Frederick, Planning and Zoning Services Manager, presented the staff report regarding proposed amendments to the Zoning Ordinance, which had previously been initiated and discussed by the Board. He reviewed the proposed language, indicating that the Planning Commission's vote had resulted in a recommendation of approval.

Discussion ensued among the Board regarding: access to the internal roads by emergency vehicles; and review by Fire and EMS during the Application Review Committee process.

At 5:49 p.m., Chairman Johnson called the Public Hearing to order to receive comments on the following:

ZTA 23-04

The Board of Supervisors will consider County-initiated amendments to the Zoning Ordinance which would: Amend Sec. 70-1 with a new definition for “rural retreat” that allows lodging operations with more than 15 guestrooms; Amend Sec. 70-303 to permit a rural retreat as a special use in the Agricultural (A) zoning district; Create Sec. 70-310 to establish specific performance standards for a rural retreat in the (A) zoning district; and Amend Sec. 70-621 to clarify the distinction and allowance for principal and accessory structures for various circumstances and uses.

There being no speakers, Chairman Johnson closed the Public Hearing at 5:49 p.m.

On the motion of Mr. Johnson, seconded by Mr. Marshall, which carried by a roll call vote of 5-0, the Board adopted the following ordinance, as presented:

ORDINANCE APPROVING AMENDMENTS TO CHAPTER 70 (ZONING), ARTICLE I (IN GENERAL),
ARTICLE IV (DISTRICT REGULATIONS), AND ARTICLE V (SUPPLEMENTARY DISTRICT
REGULATIONS), OF THE ORANGE COUNTY CODE OF ORDINANCES CONCERNING RURAL
RETREATS

WHEREAS, Planning Commission action was previously initiated on amendments to Chapter 70 (Zoning), Article I (In General), Article IV (District Regulations), and Article V (Supplementary District Regulations), of the Orange County Code of Ordinances concerning Rural Retreats; and

WHEREAS, the recommended language for the text amendments was prepared, which was presented to the Planning Commission for consideration; and

WHEREAS, the Planning Commission advertised and conducted a Public Hearing on the proposed text amendments on January 18, 2024; and

WHEREAS, after discussing the proposed text amendments, the Planning Commission recommended approval of the proposed text amendments to the Board of Supervisors, as modified during its meeting; and

WHEREAS, the Board of Supervisors advertised and conducted a Public Hearing on the proposed text amendments on February 27, 2024; and

WHEREAS, following discussion at the Public Hearing, the Board of Supervisors hereby supports the proposed text amendments, as presented during its Public Hearing; and

WHEREAS, public necessity, convenience, general welfare, and/or good planning and zoning practice also support approval of the proposed text amendments, as presented during the Public Hearing;

NOW, THEREFORE, BE IT ORDAINED, on this 27th day of February, 2024, that the Orange County Board of Supervisors hereby approves the proposed amendments to Chapter 70 (Zoning), Article I (In General), Article IV (District Regulations), and Article V (Supplementary District Regulations), of the Orange County Code of Ordinances concerning Rural Retreats, as presented and shown below.

Ayes: Johnson, Van Hoven, Marshall, Hale, Nicol. Nays: None.

Amendments to the Orange County Code of Ordinances

As adopted in Ord. No. 240227 – PH1
by the Orange County Board of Supervisors
on February 27, 2024

Chapter 70 – Zoning

Article I – In General

Sec. 70-1 – Definitions

The following words, terms, and phrases, when used in this Chapter, shall have the meanings ascribed to them in this Section, except where the context clearly indicates a different meaning. All terms used in this Chapter that are defined in §15.2-2201 VA Code Ann. shall be construed as having the meanings set forth in that section.

[...]

Rural Retreat means any establishment on a minimum of thirty (30) acres within the Agricultural (A) zoning district, having more than fifteen (15) guestrooms, but no more than fifty (50) guestrooms, the total of which is dependent upon property acreage, offering transitory lodging to the public for compensation. A rural retreat shall be considered a principal use.

[...]

Article IV – District Regulations

Division 2 – Agricultural Zoning District

Sec. 70-303 – Uses Permitted by Special Use Permit

In the Agricultural zoning district, the following uses may be permitted upon issuance of a Special Use Permit by the Board of Supervisors:

[...]

(x) Rural retreat.

Sec. 70-310 – Use-Specific Regulations

Uses below shall adhere to the additional regulations set forth herein, in addition to all other regulations set forth in this Chapter. These regulations shall be considered a minimum standard which may be supplemented by special use permit conditions or proffers with a conditional zoning application.

(a) Rural retreat.

- (1) As set forth in the use definition, a rural retreat may be permitted an additional guestroom for every two (2) full acres above thirty (30) acres, not to exceed a total of fifty (50) guestrooms. Guestrooms spread across multiple adjoining parcels under the same ownership are considered a single retreat. However, said guestrooms shall be arranged such that if the use were to discontinue in the future, structures on individual lots could be subdivided in accordance with Zoning Ordinance and Subdivision Ordinance requirements.
- (2) Guestrooms may be provided in multiple structures, each of which is considered a principal structure. Each structure may have up to ten (10) guestrooms. Such structures must have permanent foundations, must be constructed in accordance with the Virginia Uniform Statewide Building Code, and must have means of water and wastewater services approved by the Virginia Department of Health or a public utility provider. Multiple guestroom structures may be provided at a ratio of one (1) per every fifteen (15) full acres, not to exceed the maximum of fifty (50) guestrooms in total as set forth above.
- (3) All structures associated with the use are considered principal structures for determining setback and yard requirements.

- (4) A retreat may serve meals, the specifics of which shall be determined with the Special Use Permit.
- (5) Accessory uses to the retreat may be permitted, the specifics of which shall be determined with the Special Use Permit.
- (6) For any retreat with ten (10) or more total guestrooms, the property must abut and have direct access from a public road, subject to all VDOT requirements.
- (7) Each guestroom structure must be accessible by emergency services vehicles.
- (8) Road standards contained elsewhere in the Zoning Ordinance or Subdivision Ordinance notwithstanding, a rural retreat may be permitted to utilize internal gravel roads provided they do not conflict with the intent and purpose of standard 7 above. Internal road specifications shall be set as part of the SUP application.
- (9) Parking provided in accordance with Sec. 70-671 *et seq.* shall be provided for each individual building or use associated with the retreat, adjacent to said building or use.
- (10) Any retreat within the Madison Barbour Rural Historic District, as listed in the National Register of Historic Places, shall not be permitted any digital sign(s), as defined.

Article V – Supplementary District Regulations

Division 3 – Building Standards

Sec. 70-621 – Principal Structures Allowed

(a) Only one principal structure, and those structures customarily accessory to it, may be permitted on any lot, except as provided below.

- (1) Accessory structures associated with a farm or agritourism use, as well as intensive livestock, dairy, and poultry facilities, all as defined, shall be exempt from this provision.
- (2) This provision may be modified with a conditional zoning application approved pursuant to Sec. 70-193, or with a special use permit application approved pursuant to Sec. 70-141 *et seq.*
- (3) This provision may be modified where expressly authorized for specific uses in the zoning district regulations.

(b) Up to seven (7) farm tenant houses may be considered accessory to a farm, as defined in Sec. 70-1. Any road serving three (3) or more addressed dwelling units on such a farm shall be named.

RE: PUBLIC HEARING #2; REZ 24-00221

Kyra Davis, Planner, presented the staff report and request for Rezoning from Kimberly Oliver, on behalf of Grymes Memorial School, Inc., which included information on the location and specifications of the subject property, the request to rezone the property from Limited Residential (R-1) to Limited Commercial (C-1) Conditional, and the recommendation of approval from the Planning Commission.

Lee Baines, Consultant for Grymes Memorial School, shared brief remarks on the purpose of the Rezoning and the addition planned for Grymes.

Discussion ensued among the Board regarding: addressing the comments received from the Culpeper Soil and Water Conservation District regarding buffering.

At 6:00 p.m., Chairman Johnson called the Public Hearing to order to receive comments on the following:

REZ 24-00221

The Board of Supervisors will consider an application from Grymes Memorial School, Inc. to rezone property located at 13735 and 13775 Spicers Mill Road, Orange, from Limited Residential (R-1) to Limited Commercial (C-1) Conditional. The property is identified as Tax Map Parcel 28-36A and a portion of Tax

Map Parcel 28-36, containing approximately 19 acres and 12.5 acres, respectively. The property is situated in the Town/Suburban Recommended Future Land Use category, as described in the Orange County Comprehensive Plan. Proffers have been volunteered which limit the primary use of the property to a private school with no student boarding, along with other ancillary uses, and restrict the permitted uses of the property.

There being no speakers, Chairman Johnson closed the Public Hearing at 6:00 p.m.

On the motion of Mr. Marshall, seconded by Mr. Van Hoven, which carried by a roll call vote of 5-0, the Board adopted the following ordinance, as presented:

ORDINANCE APPROVING REZ 24-00221 TO REZONE APPROXIMATELY 31.5 ACRES FROM
LIMITED RESIDENTIAL (R-1) TO LIMITED COMMERCIAL (C-1) CONDITIONAL, REQUESTED BY
KIMBERLY OLIVER, ON BEHALF OF GRYMES MEMORIAL SCHOOL

WHEREAS, Kimberly Oliver, on behalf of Grymes Memorial School, has requested the rezoning of property located at 13735 and 13775 Spicers Mill Road, Orange, identified as Tax Map No. 28-36A and a portion of Tax Map No. 28-36, totaling approximately 19 acres and 12.5 acres, respectively, from Limited Residential (R-1) to Limited Commercial (C-1) Conditional, pursuant to Section 70-191 and Section 70-193 of the Orange County Zoning Ordinance; and

WHEREAS, the Planning Commission advertised and conducted a Public Hearing on the request on February 15, 2024; and

WHEREAS, the Planning Commission considered whether the proposed Rezoning would further the purposes of the Comprehensive Plan and the Zoning Ordinance; would not threaten the public health, safety, or welfare; would be compatible with its surroundings; would not unduly impact the environment or natural, scenic, or historic assets of the County; and would not result in substantial detriment to the surrounding property; and

WHEREAS, the Planning Commission reviewed the request and determined that the request was consistent with the considerations above, and, as such, recommended approval of the request to the Board of Supervisors, as presented during its Public Hearing; and

WHEREAS, the Board of Supervisors advertised and conducted a Public Hearing on the request on February 27, 2024; and

WHEREAS, following the Public Hearing and discussion, the Board of Supervisors hereby supports the request, as presented during its Public Hearing; and

WHEREAS, the Board of Supervisors has determined that public necessity, convenience, general welfare, and/or good planning and zoning practice also support approval of this Rezoning request, as presented during the Public Hearing;

NOW, THEREFORE, BE IT ORDAINED, on this 27th day of February, 2024, that the Orange County Board of Supervisors hereby approves REZ 24-00221 to rezone property located at 13735 and 13775 Spicers Mill Road, Orange, identified as Tax Map No. 28-36A and a portion of Tax Map No. 28-36, totaling approximately 19 acres and 12.5 acres, respectively, from Limited Residential (R-1) to Limited Commercial (C-1) Conditional, subject to the Legal Summary and the proffers dated February 9, 2024, as set forth below, as presented during the Public Hearing.

Ayes: Johnson, Van Hoven, Marshall, Hale, Nicol. Nays: None.

Legal Summary

As adopted in Ord. No. 240227 - PH2

by the Orange County Board of Supervisors
on February 27, 2024

REZ 24-00221: Kimberly Oliver, on behalf of Grymes Memorial School

From Limited Residential (R-1) to Limited Commercial (C-1) Conditional

Tax Map No. 28-36A and a portion of Tax Map No. 28-36

This Legal Summary for this zoning map amendment (Rezoning) shall apply to the portions of property identified on County Tax Map No. 28-36A and 28-36, as well as any future division or consolidation of said property, unless otherwise specified herein. Compliance is the responsibility of the applicant, owners, and assigns.

If this Legal Summary or the information on the Rezoning plans or application are in conflict with one another or with the Zoning Ordinance, the more restrictive shall apply, unless specifically modified, waived, or otherwise specified. Violation of this Legal Summary, in whole or in part, may be cause for the revocation of the Rezoning, pursuant to §15.2-2309(7) of the Code of Virginia.

1. Controlling Documents – Controlling documents shall be the Legal Summary as set forth herein, the proffers, and the documents submitted with the application dated January 12, 2024.
2. Compliance – Use and development of the subject property shall be in substantial conformance with this Legal Summary. The Zoning Administrator shall determine “substantial conformance.” The property owner shall be responsible for obtaining all required County licenses, site plan approvals, building permits, health permits, VDOT permits, zoning permits, stormwater permits, and erosion & sediment control permits. The property owner shall be responsible for complying with all local, State, and Federal laws and regulations as may be applicable to this development.
3. Uses – This Rezoning shall permit development, as generally described in the application documents.

RE: PUBLIC HEARING #3; SUP 23-05

Kyra Davis, Planner, presented the staff report and request for Special Use Permit from Orange VAA, LLC, which included information on the location and specifications of the subject property, the request to allow a solar energy generation facility, and the recommendation of approval from the Planning Commission.

Representatives of the applicant provided a presentation, which included more detail on the proposed community solar project.

Discussion ensued among the Board regarding: whether anything would be used in lieu of pesticides or herbicides; depth of the pilings; the ability of the panels to withstand wind; whether there were any springs located on the site; connection to the existing distribution system; ownership of the property following construction; benefits to the community from the applicant’s perspective; decommissioning and plans for the solar panels; reuse or recycling of the panels; and noise generated from the site.

At 7:27 p.m., Chairman Johnson called the Public Hearing to order to receive comments on the following:

SUP 23-05

The Board of Supervisors will consider a Special Use Permit application from Orange VAA, LLC to allow a solar energy generation facility on property located at 16108 Monrovia Road, Orange. The properties are identified as Tax Map Parcels 44-99, 44-99A, and 44-110 (Town of Orange), and contain 21.3 acres total.

The properties located inside Orange County are zoned Limited Residential (R-1) and are situated in the Town/Suburban Recommended Future Land Use category, as described in the Orange County Comprehensive Plan. The solar facility is proposed to consist of approximately 17.3 acres of the total acreage with a generating capacity of approximately 3 megawatts.

The following individuals spoke:

- Karen Boushie, 3249 Rebel Ridge Lane, Culpeper
- Joyce Lumsden Bosworth, 16301 Black Run Road, Orange

There being no further speakers, Chairman Johnson closed the Public Hearing at 7:38 p.m.

Further discussion ensued among the Board regarding: use of farmland for a solar facility; concern with the metal pilings being left in the ground at decommissioning; concern with the springs located on the site; the fact that the “benefits” to the County seemed superficial and focused only on finances; viewshed impacts; and development of an ordinance to provide guidance for solar projects.

On the motion of Mr. Marshall, seconded by Ms. Hale, which carried by a roll call vote of 5-0, the Board adopted the following ordinance, as presented:

ORDINANCE DENYING SUP 23-05 FOR A SOLAR ENERGY GENERATION FACILITY ON TAX MAP NO. 44-99, 44-99A, AND 44-110 (TOWN OF ORANGE), REQUESTED BY ORANGE VAA, LLC

WHEREAS, Orange VAA, LLC applied for a Special Use Permit to allow a solar energy generation facility on property located at 16108 Monrovia Road, Orange, referenced as Tax Map No. 44-99, 44-99A, and 44-110 (Town of Orange), containing 21.3 acres total, and zoned as Limited Residential (R-1), pursuant to Section 70-333(h) of the Orange County Zoning Ordinance; and

WHEREAS, the Planning Commission advertised and conducted a Public Hearing on the request on November 2, 2023, and continued the Public Hearing until January 18, 2024; and

WHEREAS, the Planning Commission considered whether the proposed Special Use Permit would further the purposes of the Comprehensive Plan and the Zoning Ordinance; would not threaten the public health, safety, or welfare; would be compatible with its surroundings; would not unduly impact the environment or natural, scenic, or historic assets of the County; and would not result in substantial detriment to the surrounding property; and

WHEREAS, the Planning Commission reviewed the request and determined that the request was consistent with the considerations above, and, as such, recommended approval of the request to the Board of Supervisors, as presented during its Public Hearing; and

WHEREAS, the Board of Supervisors advertised and conducted a Public Hearing on the request on February 27, 2024; and

WHEREAS, following the Public Hearing and discussion, the Board of Supervisors hereby does not support the request, as presented; and

WHEREAS, the Board of Supervisors has determined that public necessity, convenience, general welfare, and/or good planning and zoning practice also do not support this Special Use Permit request, as presented;

NOW, THEREFORE, BE IT ORDAINED, on this 27th day of February, 2024, that the Orange County Board of Supervisors hereby denies SUP 23-05 for a solar energy generation facility on property located at 16108 Monrovia Road, Orange, referenced as Tax Map No. 44-99, 44-99A, and 44-110 (Town of Orange).

Ayes: Johnson, Van Hoven, Marshall, Hale, Nicol. Nays: None.

RE: PUBLIC COMMENT

At 7:51 p.m., Chairman Johnson opened the floor for public comment.

The following individual spoke:

- Norm Catterton, Resident of Orange

There being no further speakers, public comment was closed at 7:52 p.m.

RE: CLOSED MEETING

At 7:53 p.m., Mr. McRoberts read the following motion authorizing Closed Meeting:

WHEREAS, the Orange County Board of Supervisors desired to discuss in Closed Meeting the following matters:

- Assignment, appointment, promotion, performance, demotion, salaries, disciplining, or resignation of specific public officers, appointees, or employees of the public body concerning the performance and assignment of a specific employee. - *§2.2-3711(A)(1) of the Code of Virginia*
- Consultation with legal counsel pertaining to actual or probable litigation, where such consultation in open meeting would adversely affect the negotiating or litigating posture of the public body concerning a litigation update from the Interim County Attorney regarding six specific pending litigation cases. - *§2.2-3711(A)(7) of the Code of Virginia*
- Consultation with legal counsel employed or retained by the public body regarding specific legal matters requiring the provision of legal advice by such counsel concerning one specific zoning enforcement matter. - *§2.2-3711(A)(8) of the Code of Virginia*

WHEREAS, pursuant to §§2.2-3711 (A)(1), (A)(7), and (A)(8) of the Code of Virginia, such discussions may occur in Closed Meeting;

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

On the motion of Mr. Marshall, seconded by Mr. Nicol, which carried by a vote of 5-0, the Board adopted the resolution authorizing Closed Meeting, as presented. Ayes: Johnson, Van Hoven, Marshall, Hale, Nicol. Nays: None.

RE: CERTIFICATION OF CLOSED MEETING

At 9:25 p.m., Ms. Simpson read the following resolution certifying Closed Meeting:

WHEREAS, the Orange County Board of Supervisors 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 Orange County Board of Supervisors hereby certified 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 applied, 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.

Ayes: Johnson, Van Hoven, Marshall, Hale, Nicol. Nays: None.

RE: ADJOURN

On the motion of Ms. Hale, seconded by Mr. Marshall, which carried by a vote of 5-0, the Board adjourned the meeting at 9:25 p.m. Ayes: Johnson, Van Hoven, Marshall, Hale, Nicol. Nays: None.

R. Mark Johnson, Chairman

Theodore L. Voorhees, County Administrator