

BOARD OF SUPERVISORS MINUTES**SEPTEMBER 10, 2024**

At a Regular Meeting of the Orange County Board of Supervisors held on Tuesday, September 10, 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; Amy F. Wilson, County Attorney; and Alyson A. Simpson, Chief Deputy Clerk.

RE: ADOPTION OF AGENDA

On the motion of Mr. Nicol, seconded by Mr. Marshall, 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: UPDATE ON THE WILDERNESS WATER TREATMENT PLANT**

Theodore L. Voorhees, County Administrator, Dwayne Roadcap, Director of the Virginia Department of Health Office of Drinking Water, and Tim Clemons, General Manager of Rapidan Service Authority, each provided independent updates on their agency's response and investigation efforts related to the objectionable odor that led to a "Do Not Use" and "Do Not Drink" order for customers of the Wilderness Water Treatment Plant in late August.

Members of the Board asked specific questions, and discussion ensued regarding: when isovanillin was determined to be present in the water and the potential source of odor; additional and ongoing water testing efforts; distinction between the odor event and the ongoing byproducts deficiencies; failure of the wet well pumps; detection of hydrocarbons in the water samples; how to know the water was safe for use and consumption; components of the food-safe mineral oil that potentially leaked from the submersible pumps; use of the current diesel pump; age of the submersible pumps that failed; detection of the objectionable odor at the plant, not the intake; sensor and filtration options; after-action items and communication efforts; commitment to additional town halls after the final event report was received; near-term and long-term water plant efforts; the sequence of pump failures; and thanks to the Department of Health and Rapidan Service Authority for their ongoing efforts.

RE: BUSINESS SPOTLIGHT

Monica Garrett, Principal Designer and Owner of Monica Garrett Interiors, appeared before the Board to spotlight her business.

The Board thanked Ms. Garrett for her presentation.

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: FY25 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
47310001-43210	Data Processing Servers	\$ 100,801.00	\$ 3,000.00	\$ 103,801.00

47310001-46016	Dig. Content for Public Use	57,000.00	2,874.00	59,874.00
47310001-43385	Other Maint. Contracts	550.00	400.00	950.00
47310001-46452	Books - Juv. - Other Vendor	7,420.00	1,000.00	8,420.00
47310001-46457	Books - Yng. Ad. - Oth. Ven.	2,020.00	1,000.00	3,020.00
47310001-46475	Library Supplies	2,100.00	2,300.00	4,400.00
47310001-48140	Furniture & Fixtures	340.00	800.00	1,140.00
47310001-46800	Library Program Expenses	8,926.00	1,000.00	9,926.00
47311001-46452	Books - Juv. - Other Vendor	5,400.00	1,000.00	6,400.00
47311001-46457	Books - Yng. Ad. - Oth. Ven.	1,275.00	1,000.00	2,275.00
47312001-43385	Other Maint. Contracts	0.00	600.00	600.00
47312001-46452	Books - Juv. - Other Vendor	3,500.00	750.00	4,250.00
47312001-46457	Books - Yng. Ad. - Oth. Ven.	1,900.00	810.00	2,710.00
47312001-46475	Library Supplies	1,300.00	168.00	1,468.00
47312001-48140	Furniture & Fixtures	300.00	1,850.00	2,150.00
30045060-35950	State Share - Libraries	(225,973.00)	(18,552.00)	(244,525.00)
30045001-35825	State Miscellaneous	0.00	(400.00)	(400.00)
41211005-46050	Promotional Expenses	3,000.00	400.00	3,400.00
30045006-35775	State - Airport Grant	(473,562.00)	(981.00)	(474,543.00)
48170001-43370	Grounds Maintenance	63,887.00	981.00	64,868.00
30045065-35880	Virginia Tourism Corp. Grant	0.00	(20,000.00)	(20,000.00)
48160003-43600	VTC Grant Expenses	0.00	20,000.00	20,000.00
30030006-33500	Donations - Animal Shelter	(940.00)	(953.00)	(1,893.00)
43520003-43115	Prof. Serv. - Emergency Vet	1,440.00	953.00	2,393.00
30033502-33250	Miscellaneous	(4.00)	(2,000.00)	(2,004.00)
43120001-46350	Police Supplies	38,043.00	2,000.00	40,043.00
30034005-34030	Sheriff OT Reimbursement	0.00	(391.00)	(391.00)
43120001-41200	Wages - Overtime	243,202.00	391.00	243,593.00
TOTALS		\$ (158,075.00)	\$ 0.00	\$ (158,075.00)

RE: ADOPTION OF THE AUGUST 13, 2024 WORKSESSION MINUTES

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

RE: ADOPTION OF THE JULY 23, 2024 REGULAR MEETING MINUTES

On the motion of Ms. Hale, seconded by Mr. Johnson, which carried by a vote of 5-0, the Board adopted the July 23, 2024 Regular Meeting minutes, as modified.

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

RE: OLD BUSINESS

RE: RESOLUTION TO ESTABLISH THE REAL ESTATE ASSESSMENT DEPARTMENT

Glenda Bradley, Deputy County Administrator, explained that during the recent General Assembly Session, legislation was adopted to add Orange County to the list of localities permitted to establish real estate assessment departments. Now that Section 58.1-3274 of the Code of

Virginia had been codified, as of July 1, 2024, it would be appropriate for the Board to adopt the required resolution “officially” establishing the Real Estate Assessment Department.

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

RESOLUTION TO ESTABLISH THE REAL ESTATE ASSESSMENT DEPARTMENT

WHEREAS, in May 2023, the Board of Supervisors authorized staff to take the steps required to establish a real estate assessment department, allowing the reassessment process to be overseen and managed in-house and completed on a more frequent basis; and

WHEREAS, among other necessary steps, the Board requested legislative support of Senate Bill 9, which would amend Section 58.1-3274 of the Code of Virginia to add Orange County to the list of localities permitted to establish, by duly adopted resolution, a real estate assessment department; and

WHEREAS, now that Section 58.1-3274 of the Code of Virginia has been amended and codified to include Orange County, it would be appropriate for the Board to take said action;

NOW, THEREFORE, BE IT RESOLVED, on this 10th day of September, 2024, that the Orange County Board of Supervisors hereby establishes its Real Estate Assessment Department.

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

RE: DRAFT ORDINANCE FOR REAL ESTATE ASSESSMENT

Glenda Bradley, Deputy County Administrator, presented a draft ordinance outlining the general powers and duties of the newly-established Real Estate Assessment Department, which also set timelines and deadlines for certain related processes and established a permanent Board of Equalization. She noted that the ordinance was based on a five-member Board of Equalization and used the hybrid assessment model anticipating a 2025 reassessment. She requested the Board’s consideration to schedule the required public hearing for adoption.

On the motion of Ms. Hale, seconded by Mr. Nicol, which carried by a vote of 5-0, the Board authorized staff to advertise for and schedule the public hearing to consider the real estate assessment ordinance on Tuesday, October 8, 2024, as presented.

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

RE: NEW BUSINESS

RE: PURCHASE OF REPLACEMENT CARDIAC MONITORS

Amanda Amos, Contract and Procurement Specialist, explained that the Capital Improvements Plan provided for the systematic replacement of the County’s cardiac monitors for Fire & EMS, included as Project C1029 via lease-purchase. Cardiac monitors had an approximate useful life of seven years and were most recently purchased in FY16.

Ms. Amos stated that staff currently used Lifepak 35 cardiac monitors, which could be purchased from Stryker Sales using Cooperative Contract # 041823 with Sourcewell, a cooperative purchasing agency. The cost to replace eight monitors with accessories was \$449,989, coming in under the budgeted amount of \$450,000.

Ms. Amos added that maintenance on the eight monitors totaled \$103,802, which spanned throughout the useful life. Those services were budgeted in the Fire & EMS Levy Fund under Medical Equipment Maintenance Contracts.

On the motion of Mr. Nicol, seconded by Mr. Marshall, which carried by a vote of 5-0, the Board authorized the purchase of eight Lifepak 35 cardiac monitors with accessories and maintenance services from Stryker Sales utilizing Cooperative Contract # 041823 with Sourcewell, as presented.

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

RE: MATTERS FOR DISCUSSION OR CONSIDERATION

There were no Matters for Discussion or Consideration at this time.

RE: DEPARTMENT DIRECTOR / CONSTITUTIONAL OFFICER REPORTS

RE: ORDINANCE REQUEST; PENALTY FOR NON-FILING OF BUSINESS PERSONAL PROPERTY RETURNS

Josh Crawford, Chief Deputy, explained that the County was experiencing a high rate of non-compliance related to filing of annual business personal property returns. He cited that implementation of an ordinance to impose a penalty, similar to penalties imposed on other taxes and filings, would provide incentive for businesses to submit complete, accurate, and on-time information to the Commissioner of the Revenue. Mr. Crawford provided statistics on the number of businesses that filed late returns, or did not file returns at all, which led to increased workload for the Commissioner to issue statutory assessments and represented a high level of inaccuracy.

Discussion ensued among the Board regarding: the current taxing authority for business personal property; why it would be considered an "incentive" to file accurately; the responsibility of "best guess" efforts placed on staff to create statutory assessments; the staff time encumbered by completing the statutory assessments; use of on-site inspections to confirm a business' personal property; the fact this was the only tax with no mechanism for penalty for non-compliance; the average amount of the penalty; the "honor system" to trust the business' filing; types of businesses not complying with the filing requirement; and alternatives to this tax.

By consensus, the Board directed this item be included on the agenda for September 24, 2024, under Matters for Discussion and Consideration, for additional discussion.

RE: COUNTY ATTORNEY'S REPORT

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

RE: COUNTY ADMINISTRATOR'S REPORT

Theodore L. Voorhees, County Administrator, noted that staff had recently been recognized for its efforts through receipt of two VACo Achievement Awards. He indicated that formal presentation of the awards would take place at a future meeting.

RE: BOARD COMMENT

Supervisor Van Hoven indicated concern over the safety at the intersection of Route 629 (Lahore Road) and Route 669 (Marquis Road). He asked that a resolution requesting a safety study be included on the next agenda for consideration.

Supervisor Nicol commented that a new water treatment plant was needed, and an alternate source of water was needed, in order to support the development along Route 3, noting it was time to begin taking action. He also thanked Katie Hill, Library Director, for the great semi-annual report and shared remarks on his desire to see Board members share appointee information ahead of time.

RE: INFORMATIONAL ITEMS

The Board received the following correspondence for its information:

- Library Semi-Annual Report
- Emergency Communications Center Semi-Annual Report

RE: APPOINTMENTS TO BOARDS, COMMISSIONS, AND COMMITTEES

By consensus, the Board appointed Amy Henecke as the District Five Representative on the Youth Commission, filling an unexpired four-year term, with said term commencing immediately, and expiring on September 30, 2027.

RE: CALENDAR

The Board received copies of its calendar of meetings for the months of September 2024, October 2024, and November 2024.

RE: SCHEDULE A PUBLIC HEARING FOR SUP 24-00247

By consensus, the Board authorized staff to advertise for and schedule a public hearing for SUP 24-00247 on Tuesday, October 8, 2024, as presented.

RE: PUBLIC HEARING #1; VACATION OF A PLAT

Josh Frederick, Planning and Zoning Services Manager, presented the staff memo and request for vacation of a portion of a plat, specifically the publicly-dedicated 50-foot right-of-way, from Lorenzo Carrazana, on behalf of Perdue Barboursville, LLC. He provided information on the location of the subject property and presented the recorded plat on which the subject right-of-way existed.

Lorenzo Carrazana, Applicant, indicated that the property owner had placed the subject property in a conservation easement and, therefore, the public right-of-way in question was no longer necessary. He further noted the property owner desired to submit a lot consolidation plat to remove the individual subdivision lots once the right-of-way was vacated.

At 7:12 p.m., Chairman Johnson called the Public Hearing to order to receive comments on the following:

VACATION OF PLAT

The Board of Supervisors will consider an application from Lorenzo Carrazana, on behalf of Perdue Barboursville, LLC, to vacate a portion of a plat titled "Glenbrooke Estates Subdivision," pursuant to Section 15.2-2272 of the Code of Virginia. The subject property is identified as Tax Map Parcels 54-((4))-10 through 54-((4))-18 and is located along Route 738 (Old Barboursville Road). Said plat is recorded with Instrument 070011501 in Plat Cabinet M, Pages 315 through 319, in the Orange County Circuit Court Clerk's Office.

There being no speakers, Chairman Johnson closed the Public Hearing at 7:12 p.m.

Mr. Johnson motioned for approval, which was seconded by Mr. Nicol. Ms. Simpson requested clarification on the motion, asking if the intended action was to adopt the draft ordinance, as presented, which would vacate the public right-of-way reflected on the subject plat as the "extension of Glenbrooke Lane." Given discrepancies between the draft ordinance and what the Board believed was the requested action from the applicant, the motion was withdrawn.

Discussion ensued among the Board regarding: the desire to have the lot consolidation plat process completed and approved before the Board took action to vacate the public right-of-way.

On the motion of Mr. Johnson, seconded by Mr. Nicol, which carried by a vote of 5-0, the Board tabled this matter until its next meeting on September 24, 2024.

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

RE: PUBLIC HEARING #2; REZ 24-00282

Josh Frederick, Planning and Zoning Services Manager, presented the staff memo and request for Rezoning from BBR, LC, which included information on the location and specifications of the subject property, the request to amend REZ 19-03 to rectify compliance issues, the proffers that would remain in effect, and the recommendation of approval from the Planning Commission.

At 7:32 p.m., Chairman Johnson called the Public Hearing to order to receive comments on the following:

REZ 24-00282

The Board of Supervisors will consider an application from BBR, LC to amend REZ 19-03, approved on October 22, 2019, in order to adjust the boundaries between the Agricultural (A) and General Industrial (I-2) Conditional zoning districts on the subject property, as well as to increase the area zoned I-2 from five (5) acres to six (6) acres. The property is located at 27286 Old Office Road, is identified as Tax Map Parcel 20-17, and contains 31.21 acres. The proffers approved in 2019 are proposed to remain the same. The property is situated in the Agricultural (A2) Recommended Future Land Use category, as described in the Comprehensive Plan.

There being no speakers, Chairman Johnson closed the Public Hearing at 7:32 p.m.

On the motion of Ms. Hale, 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 24-00282 TO AMEND REZ 19-03 IN ORDER TO ADJUST THE BOUNDARIES BETWEEN THE AGRICULTURAL (A) AND GENERAL INDUSTRIAL (I-2) CONDITIONAL ZONING DISTRICTS ON TAX MAP NO. 20-17, REQUESTED BY BBR, LC

WHEREAS, George Browning, on behalf of BBR, LC, has requested amendment of the previously-approved conditional rezoning (REZ 19-03) on property located at 27286 Old Office Road, Culpeper, identified as Tax Map No. 20-17, to adjust the boundaries of the industrial zoning by rezoning an additional one acre from Agricultural (A) to General Industrial (I-2) Conditional, pursuant to Section 70-191 and Section 70-193 of the Zoning Ordinance; and

WHEREAS, the Planning Commission advertised and conducted a Public Hearing on the request on July 18, 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 September 10, 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 10th day of September, 2024, that the Orange County Board of Supervisors hereby approves REZ 24-00282 to amend the previously-approved conditional rezoning (REZ 19-03) on property located at 27286 Old Office Road, Culpeper, identified as Tax Map No. 20-17, to adjust the boundaries of the industrial zoning by rezoning an additional one acre from Agricultural (A) to General Industrial (I-2) Conditional, subject to the Legal Summary and the voluntary proffers dated June 18, 2024, as attached to the original Ordinance retained in the County Administrator's Office, as presented during the Public Hearing; and

BE IT FURTHER ORDAINED, that this Rezoning and the Legal Summary and Proffer Statement shall supersede and replace the previous action taken by the Board of Supervisors on the subject property (REZ 19-03), except to the extent that the voluntary Proffer Statement dated June 18, 2024, allows for the previously-approved voluntary Proffer Statement dated October 10, 2019, to remain in place.

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

RE: PUBLIC HEARING #3; REZ 24-00246

Josh Frederick, Planning and Zoning Services Manager, presented the staff memo and request for Rezoning from Tricord, Inc., which included information on the location and specifications of the subject property, the request to "clean-up" the zoning to align with previously-approved site plans and construction plans for townhomes, the proffers volunteered by the applicant, and the recommendation of approval from the Planning Commission.

Discussion ensued among the Board regarding: confirmation that the maximum number of housing units permitted in the Wilderness Shores Subdivision would not change with this rezoning.

At 7:36 p.m., Chairman Johnson called the Public Hearing to order to receive comments on the following:

REZ 24-00246

The Board of Supervisors will consider an application from Tricord, Inc. to rezone approximately four (4) acres within Sec. 14 of Wilderness Shores subdivision from General Residential (R-2) to Multi-Family Residential (R-4) Conditional. Affected parcels are located at the end of Wilderness Shores Way and include Tax Map Parcels 12B-464R, -465R, -466R, -585R, -586R, -587R, a portion of -588R, and a small common area "I" (12B-I). Volunteered proffers require adherence to the Generalized Development Plan as well as the Site Plan approved on April 13, 2022. The property is situated in the "Platted Buildout of Existing Neighborhood" Future Land Use category, as described in the Germanna-Wilderness Area Plan within the Comprehensive Plan.

There being no speakers, Chairman Johnson closed the Public Hearing at 7:36 p.m.

On the motion of Ms. Hale, 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 24-00246 TO REZONE APPROXIMATELY 4 ACRES WITHIN
SECTION 14 OF THE WILDERNESS SHORES SUBDIVISION FROM GENERAL RESIDENTIAL (R-2)
TO MULTI-FAMILY RESIDENTIAL (R-4) CONDITIONAL, REQUESTED BY TRICORD, INC.

WHEREAS, Tricord, Inc. has requested the rezoning of property within Section 14 of the Wilderness Shores Subdivision, identified as Tax Map Nos. 12B-464R, 12B-465R, 12B-466R, 12B-585R, 12B-586R, 12B-587R, a portion of 12B-588R, and a small common area (12B-I), totaling approximately 4 acres, from General Residential (R-2) to Multi-Family Residential (R-4) Conditional, pursuant to Section 70-191 and Section 70-193 of the Zoning Ordinance; and

WHEREAS, the Planning Commission advertised and conducted a Public Hearing on the request on July 18, 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 September 10, 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 10th day of September, 2024, that the Orange County Board of Supervisors hereby approves REZ 24-00246 to rezone property within Section 14 of the Wilderness Shores Subdivision, identified as Tax Map Nos. 12B-464R, 12B-465R, 12B-466R, 12B-585R, 12B-586R, 12B-587R, a portion of 12B-588R, and a small common area (12B-I), totaling approximately 4 acres, from General Residential (R-2) to Multi-Family Residential (R-4) Conditional, subject to the Legal Summary and the voluntary proffers dated June 10, 2024, as attached to the original Ordinance retained in the County Administrator's Office, as presented during the Public Hearing; and

BE IT FURTHER ORDAINED, that the previously-approved proffer in REZ 93-19, which caps the entirety of Wilderness Shores (both the R-2 and R-4 sections) at 1,006 lots, remains in place and unaffected by this application.

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

RE: PUBLIC HEARING #4; ZTA 24-01
This Zoning Text Amendment was withdrawn.

RE: CLOSED MEETING
At 7:38 p.m., Ms. Wilson read the following motion authorizing Closed Meeting:

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

- 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 specific and currently active and probable litigation cases where the County has been, or is likely to be, named a party. - §2.2-3711(A)(8) of the Code of Virginia

WHEREAS, pursuant to §2.2-3711 (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 aforesated matters in Closed Meeting.

On the motion of Mr. Van Hoven, seconded by Mr. Marshall, 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 8:19 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 Mr. Van Hoven, seconded by Mr. Nicol, which carried by a vote of 5-0, the Board adjourned the meeting at 8:19 p.m. Ayes: Johnson, Van Hoven, Marshall, Hale, Nicol. Nays: None.

R. Mark Johnson, Chairman

Theodore L. Voorhees, County Administrator