

BOARD OF SUPERVISORS MINUTES**DECEMBER 2, 2025**

At a Regular Meeting of the Orange County Board of Supervisors held on Tuesday, December 2, 2025, 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; Eduward M. Van Hoven, Vice Chairman; Crystal D. Hale, Keith F. Marshall and J. Bryan Nicol. Absent: None. Also present: Glenda B. Paul, County Administrator; Amy Wilson, County Attorney; and LaToya M. Smith, Chief Deputy Clerk.

RE: REMOTE PARTICIPATION

Pursuant to the Board of Supervisors' Bylaws, Supervisor Hale joined the meeting via Zoom video conference to participate remotely as she was recovering from surgery. As such, the minutes are required to reflect that Supervisor Hale participated from 7081 Everona Road, Culpeper, VA 22701.

RE: ADOPTION OF AGENDA

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

RE: SPECIAL PRESENTATIONS AND APPEARANCES

There were no special presentations and appearances to be made at this time.

RE: CONSENT AGENDA

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

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

RE: FY26 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
30026501 32400	Orange Library-Lost Books	(531.00)	(130.00)	(661.00)
30026501 32475	Wilderness Library-Lost Books	(175.00)	(72.00)	(247.00)
30026501 32525	Gordonsville Library-Lost Book	(120.00)	(20.00)	(140.00)
30030004 32420	Donations-Orange Library	(975.00)	(110.00)	(1,085.00)
30030004 32490	Donations-Wilderness Library	(500.00)	(100.00)	(600.00)
30030004 32540	Donations-Gordonsville Library	(500.00)	(2,000.00)	(2,500.00)
30026501 32425	Friends Of The Library Donatio	(954.00)	(300.00)	(1,254.00)
47310003 46466 P2216	Replacement Books - Refunds	684.00	130.00	814.00
47320003 46466 P2216	Replacement Books - Refunds	1,162.00	72.00	1,234.00
47330003 46466 P2216	Replacement Books - Refunds	120.00	20.00	140.00
47330003 46415 P2216	A/V Materials-Adult	4,500.00	500.00	5,000.00
47330003 46462 P2216	Books-Adult-Oth Ven	5,400.00	1,000.00	6,400.00
47330005 46800 P2247	Teen Library Program Exp.	2,421.00	400.00	2,821.00
47330001 46200 P2261	Food Supplies & Food Service	400.00	100.00	500.00
47320003 46415 P2216	A/V Materials-Adult	7,300.00	20.00	7,320.00
47320003 46462 P2216	Books-Adult-Oth Ven	6,600.00	20.00	6,620.00
47320003 46467 P2216	Books-Refer-Other Ve	500.00	20.00	520.00
47320003 46457 P2216	Books-Young Adult OV	2,236.00	20.00	2,256.00
47320003 46452 P2216	Books-Juv-Other Vend	8,000.00	20.00	8,020.00
47310001 48140 P2261	Furniture & Fixtures	6,300.00	300.00	6,600.00
47310003 46462 P2216	Books-Adult-Oth Ven	10,130.00	110.00	10,240.00
49310006 47100	To General Fund	1,975.00	2,210.00	4,185.00
30051001 39312	Transfer From Capital Proj Fun	(1,975.00)	(2,210.00)	(4,185.00)

RE: FY26 SCHOOL BUDGET AMENDMENTS (SUPPLEMENTALS AND TRANSFERS)

As part of the Consent Agenda, the Board approved the following school budget amendments, as presented, which represent additional State and Federal grant revenue awarded to Orange County Public Schools, and will increase the Operating budget by \$283,324:

Operating	Federal Funds – Carl Perkins CTE Program	\$27,242
Operating	Federal – Title III Immigrant Youth	\$3,316
Operating	State – Security Equipment Grant	\$2,766
Operating	State – Security Equipment Grant	\$250,000

RE: OLD BUSINESS

There were no matters for Old Business at this time.

RE: NEW BUSINESS

There were no matters for New Business at this time.

RE: MATTERS FOR DISCUSSION OR CONSIDERATION

RE: REQUEST FOR LETTER OF SUPPORT – VIRGINIA ASSOCIATION OF AREA AGENCIES ON AGING

Supervisor Hale informed fellow Board members that the Virginia Association of Area Agencies on Aging (VAAAA) is seeking a \$10 million investment from the Commonwealth of Virginia in the FY26 state budget to address the ever-increasing, unmet need for seniors across Virginia. The VAAAA and Encompass Community Supports have requested that Orange County send a letter of support to Governor Youngkin regarding this funding request, no later than Monday, December 8, 2025.

Ms. Hale disclosed for the record that she would abstain from voting on this matter, as she serves on the Board of Directors for Encompass Community Supports.

On the motion of Mr. Nicol, seconded by Mr. Marshall, which carried with a vote of 4-0, the Board approved and authorized Chairman Johnson to sign a letter supporting the request of the Virginia Association of Area Agencies on Aging for \$10 million in state funding in the FY26 budget, as presented. Ayes: Marshall, Van Hoven, Nicol, Johnson. Nays: None. Abstained: Hale. Absent: None.

RE: EXTERNAL AGENCY FUNDING REQUEST – PIEDMONT REGIONAL WARMING SHELTER

Glenda Paul, County Administrator, informed the Board that the Piedmont Regional Warming Shelter is requesting a local contribution from Orange County to support its operations during the 2025–2026 season. Located in Culpeper, the Shelter anticipates serving approximately 80–100 unsheltered individuals from Culpeper and the surrounding region, including Orange County. The Shelter plans to operate from early December 2025 through early or late March 2026, depending on available funding.

Ms. Paul advised that Orange County has not previously contributed to this organization. However, the Orange County Department of Social Services (OC DSS) has committed \$5,000 for the current year. Staff understands that Orange County residents do utilize the Shelter, and the Church of the Nazarene plans to assist with transporting individuals in need to Culpeper. Ms. Paul also noted that the most recent point-in-time count identified 19 homeless individuals in Orange County.

Ms. Paul stated that the Board may consider an additional contribution of its choosing for FY26, beyond the planned OC DSS contribution. Alternatively, the Board may elect to recognize the \$5,000 DSS contribution as Orange County's local contribution for FY26 and direct staff to advise the Shelter to submit a funding request through the external entities process for consideration in the FY27 budget.

After discussion, the Board deferred this matter to its next regularly scheduled meeting on December 16, 2025, and requested additional information regarding the Orange County Department of Social Services contribution and the anticipated use of the shelter by Orange County residents.

RE: MOU AMENDMENT – ORANGE COUNTY, VIRGINIA AND VOLUNTEER FIRE CHIEF'S ASSOCIATION, INC.

Stephanie Straub, Deputy County Administrator, appeared before the Board to request consideration of an amendment to the existing Memorandum of Understanding (MOU) between Orange County and the Orange County Volunteer Fire Chief's Association regarding the operating expenses of the volunteer fire and rescue companies. Ms. Straub advised that the original MOU term was three years, with the option to renew for an additional three-year term. Upon the conclusion of the initial term, staff contacted the Orange County Volunteer Fire Chief's Association and requested a one-year extension, rather than a three-year renewal, to allow sufficient time for both parties to collaboratively refine the MOU. Staff anticipate presenting a revised MOU for Board consideration by July 1, 2026. The amendment presented reflects the requested one-year extension.

On the motion of Mr. Nicol, seconded by Mr. Van Hoven, which carried by a vote of 5–0, the Board approved and authorized staff to execute the amendment to the MOU with the Orange County Volunteer Fire Chief's Association, as presented, extending the term for one year, effective June 30, 2025, through June 30, 2026. Ayes: Marshall, Van Hoven, Hale, Nicol, Johnson. Nays: None. Absent: None.

RE: DEPARTMENT DIRECTOR / CONSTITUTIONAL OFFICER REPORTS

There were no reports presented at this time.

RE: COUNTY ATTORNEY'S REPORT

Ms. Wilson had nothing to report at this time.

RE: COUNTY ADMINISTRATOR'S REPORT

Ms. Paul had nothing to report at this time.

RE: BOARD COMMENT

Supervisors Nicol and Hale offered remarks expressing appreciation to staff for their efforts leading up to the ribbon-cutting ceremony held earlier that afternoon for the new T-Hangar at the Orange County Airport.

RE: INFORMATIONAL ITEMS

There were no informational items at this time.

RE: APPOINTMENTS TO BOARDS, COMMISSIONS, AND COMMITTEES

Chairman Johnson addressed the Board regarding the upcoming vacancy on the Health Center Commission that will occur upon his departure, noting that one of the Supervisors would need to be appointed to serve as the Board's representative on the Health Center Commission. Chairman Johnson further noted that the Health Center Commission's final meeting of the year is scheduled for Friday, December 5th, and it would be beneficial for the appointed representative to attend the meeting in an observational capacity.

Mr. Nicol nominated Supervisor-Elect Jason Capelle to serve as the Board's representative on the Health Center Commission beginning January 1, 2026. Supervisor-Elect Capelle was present and indicated his willingness to serve.

By consensus, the Board approved the appointment of Supervisor-Elect Jason Capelle as the Board of Supervisors' representative on the Health Center Commission for the term effective January 1, 2026, through December 31, 2026.

Mr. Nicol informed the Board that Lee Ann Johnson, a local realtor and resident of Lake of the Woods, has agreed to serve as an alternate member of the Board of Equalization.

By consensus, the Board approved the recommendation to the Circuit Court to appoint Lee Ann Johnson as an alternate member of the Orange County Board of Equalization.

Mr. Nicol recommended the re-appointment of Robert Fuqua as an At-Large Member of the Encompass Community Supports Board of Directors.

By consensus, the Board approved the re-appointment of Robert Fuqua as an At-Large Member of the Encompass Community Supports Board of Directors for the term effective January 1, 2026, through December 31, 2028.

Mr. Nicol reported that Janis Rieley's term on the Encompass Community Supports Board of Directors expires on December 31st. He noted that Ms. Rieley has not expressed interest in reappointment. Mr. Nicol recommended the appointment of Jeanne Comeau to the Board upon the expiration of Ms. Rieley's current term.

By consensus, the Board approved the appointment of Jeanne Comeau as an At-Large Member of the Encompass Community Supports Board of Directors for the term effective January 1, 2026, through December 31, 2028.

The Board directed staff to contact George Allman and Danny Gooch to determine their interest in reappointment to the Board of Building Code Appeals.

The Board also directed staff to contact members of the Tourism Advisory Committee whose terms have expired or will soon expire to determine their interest in reappointment.

RE: CALENDAR

The Board received copies of its updated calendar of meetings for the months of December 2025, January 2026, and February 2026.

RE: PUBLIC HEARING; REZ-2025-00437

Kyra Davis, Planner, presented the staff report regarding this rezoning request. The applicant, Boyd Eheart, was present to represent this request, along with his wife, Tina Eheart.

At this time, Chairman Johnson called the Public Hearing to order to receive comments on the following:

REZ-2025-00437: An application by Boyd Eheart to rezone an approximately 3.5-acre property, identified as tax parcel 53-83 and addressed as 3080 Spotswood Trl in Barboursville, from Limited Commercial (C-1) to Limited Residential (R-1). The property is situated in the Agricultural A2 Recommended Future Land Use category per the Orange County Comprehensive Plan.

No one spoke. Chairman Johnson closed the Public Hearing.

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

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

RE: ORDINANCE APPROVING REZ-2025-00437 (Eheart Rezoning)

WHEREAS, Boyd Eheart has applied to rezone approximately 3.5 acres of property, designated as tax parcel 53-83 and addressed as 3080 Spotswood Trl. in Barboursville, from Limited Commercial (C-1) to Limited Residential (R-1); and

WHEREAS, the request is pursuant to Sec. 70-191 of the Orange County Zoning Ordinance; and

WHEREAS, the Planning Commission advertised and conducted a Public Hearing on this rezoning request on November 6, 2025; 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 promote compatibility 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 December 2, 2025; 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 2nd day of December, 2025, that the Orange County Board of Supervisors hereby approves REZ-2025-00437, to rezone approximately 3.5 acres of property, designated as tax parcel 53-83 and addressed 3080 Spotswood Trl. in Barboursville, from Limited Commercial (C-1) to Limited Residential (R-1).

RE: PUBLIC HEARING: SUP-2025-00420

Joe Ryan, Planner, presented the staff report regarding this request for a Special Use Permit. The applicants, Winoka and Kevin Nicklow, were present to represent this request.

Mr. Ryan noted that Condition No. 4 should be removed, as it has been determined that the fence belongs to the adjoining property owners. Condition No. 4 reads as follows: *The existing fencing along the southern property line, as shown on the concept plan, shall be maintained as shown for as long as the use is in operation.*

At this time, Chairman Johnson called the Public Hearing to order to receive comments on the following:

SUP-2025-00420: An application by Winoka and Kevin Nicklow for a special use permit to operate an approx. 1,000 sq. ft. small engine repair garage on property identified as tax parcel 58-12C and addressed as 15672 Mountain Track Rd in Orange. The property is zoned Agricultural (A) and is situated in the Agricultural A2 Recommended Future Land Use category per the Orange County Comprehensive Plan.

The following individuals spoke:

- Janice Edelberg; Broadmoor Lane, Orange, VA
- Zack Edelberg; Mountain Track Road, Orange, VA

Chairman Johnson closed the Public Hearing. The Board had previously been provided copies of written correspondence submitted by August and Janice Edelberg; Zachary and Tara Edelberg; and Alison Edelberg-Moore.

Discussion ensued regarding desired amendments to the conditions recommended by the Planning Commission to address issues identified during the public hearing, including screening along the frontage of the property; the repair or servicing of motor vehicles for compensation, as with a public garage; the location of equipment and/or items awaiting repair; the storage of other items and materials associated with the business to avoid the appearance of junk and/or clutter; the provision of adequate sanitary facilities for the business; and the need to avoid the creation of a salvage yard.

On the motion of Mr. Nicol, seconded by Mr. Marshall, which carried by a vote of 5-0, the Board deferred action on SUP-2025-00420 until its next regular meeting to be held on December 16, 2025.

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

RE: PUBLIC HEARING; ZTA-2025-00455

Josh Frederick, Planning & Zoning Manager, presented the staff report regarding this request for a text amendment to the Zoning Ordinance. The applicant, David McElheney, was present to represent this request.

At this time, Chairman Johnson called the Public Hearing to order to receive comments on the following:

ZTA-2025-00455: An application by David McElheney, on behalf of Somerset Center Store LLC, for an amendment to Zoning Ordinance Sec. 70-646(5) and (7) (primary highway setbacks). Specifically, the request is to reduce the minimum setback requirement on Route 20 and Route 231 at the southeast quadrant of the intersection to allow the property to be developed.

The following individual spoke:

- Michael L. Willis; Constitution Highway, Somerset, VA

Chairman Johnson closed the Public Hearing.

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

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

RE: ORDINANCE APPROVING ZTA-2025-00455: RT. 20/RT. 231 SETBACKS

WHEREAS, David McElheney has applied to amend Sec. 70-646(e) and (g) of the Orange County Zoning Ordinance pursuant to Sec. 70-212; 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 November 20, 2025; and

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

WHEREAS, the Board of Supervisors advertised and conducted a Public Hearing on the proposed text amendments on December 2, 2025; 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 2nd day of December, 2025, that the Orange County Board of Supervisors hereby **approves** the proposed amendments to Sec. 70-646(e) and (g) of the Orange County Zoning Ordinance as presented in ZTA-2025-00455 and attached hereto.

Amendments to the Orange County Zoning Ordinance

**As adopted in Ord. No. 251202 – PH3
by the Orange County Board of Supervisors
on December 2, 2025**

ZTA-2025-00455 – Proposed amendment language in green text

1 **Chapter 70 – ZONING ORDINANCE**

2
3 **Article 70-V Supplementary District Regulations**

4
5 [...]

6
7 **Division 70-V-4 Setbacks**

8
9 **Sec 70-646 Primary Highways**

10 The minimum distance by which any structure, except signs, gasoline pump islands, and their
11 canopies, shall be separated from the right-of-way of a primary highway, irrespective of property
12 lines, shall be as follows:

- 13
14 a) Germanna Highway (VA Route 3): 100 feet, except for individual residential lots within the
15 Lake of the Woods subdivision that abut Germanna Highway the minimum required
16 setback shall be 50 feet.
- 17 b) James Madison Highway (US Route 15) north of the Town of Orange: 150 feet.
- 18 c) James Madison Highway (US Route 15) south of the Town of Orange: 100 feet.
- 19 d) Constitution Highway (VA Route 20) north of the Town of Orange or south of Spotswood
20 Trail (US Route 33) in Barboursville: 100 feet.
- 21 e) Constitution Highway (VA Route 20) south of the Town of Orange and north of Spotswood
22 Trail (US Route 33) in Barboursville: 300 feet, except that between Hardwick Mountain
23 Drive and Maudes Lane the minimum required setback shall be 150 feet and for the lot
24 abutting the southeast quadrant of the intersection of VA Route 20 and VA Route 231 the
25 required setback shall be 3 feet.
- 26 f) Spotswood Trail (US Route 33): 100 feet.
- 27 g) Blue Ridge Turnpike (VA Route 231) north of the Town of Gordonsville: 300 feet, except
28 for the lot abutting the southeast quadrant of the intersection of VA Route 20 and VA Route
29 231 the required setback shall be 15 feet.
- 30 h) Blue Ridge Turnpike (VA Route 231) south of the Town of Gordonsville: 100 feet.
- 31 i) Zachary Taylor Highway (US Route 522): 100 feet.
- 32
33 [...]

RE: PUBLIC HEARING; SPE-2025-00456

Josh Frederick, Planning and Zoning Manager, presented the staff report regarding this request for a Special Exception Permit. The applicant, JM Gingery, was present to represent this request.

At this time, Chairman Johnson called the Public Hearing to order to receive comments on the following:

REZ-2025-00456: An application by JM Gingery, on behalf of David McElheney, for a Special Exception to reduce the minimum setback requirements for parking areas associated with a proposed commercial use, as permitted by Zoning Ordinance Sec. 70-673(e). Specifically, the request is to reduce the parking area setback from the 10' minimum along the eastern property line. The property is tax parcel 41-22B and addressed as 9058/9060 Constitution Hwy in Somerset. It is currently zoned Limited Commercial (C-1) and situated in the Agricultural A1 Recommended Future Land Use category per the Orange County Comprehensive Plan.

R. Lee Baines, the applicant's engineering consultant, explained the unique characteristics of the property that prompted the request, particularly with respect to the location of the planned improvements in relation to the property line.

Chairman Johnson closed the Public Hearing.

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

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

RE: ORDINANCE APPROVING SPE-2025-00456: SOMERSET STORE

WHEREAS, JM Gingery, on behalf of David McElheney, has submitted an application for a Special Exception to reduce the minimum setback requirements for parking spaces associated with a proposed commercial use on property identified as Tax Map Parcel 41-22B; and

WHEREAS, the request is pursuant to Sec. 70-673(e) of the Orange County Zoning Ordinance; and

WHEREAS, the Board of Supervisors did not refer this application to the Planning Commission as permitted by Sec. 70-166 of the Orange County Zoning Ordinance; and

WHEREAS, the Board of Supervisors advertised and conducted a Public Hearing on the proposed special exception permit on December 2, 2025; and

WHEREAS, the Board of Supervisors considered whether the proposed special exception permit would further the purposes of the Comprehensive Plan and the Zoning Ordinance; would not threaten the public health, safety, or welfare; would promote compatibility 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, following discussion at the Public Hearing, 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 special exception permit request, as presented during the Public Hearing;

NOW, THEREFORE, BE IT ORDAINED, on this 2nd day of December, 2025, that the Orange County Board of Supervisors hereby **approves** SPE-2025-00456 with the attached conditions, to reduce the minimum setback requirements for parking spaces associated with a proposed commercial use on property identified as Tax Map Parcel 41-22B, located at 9058/9060 Constitution Highway in Orange County.

Conditions for Approval

**As adopted in Ord. No. 251202– PH4
by the Orange County Board of Supervisors
on December 2, 2025**

SPE-2025-00456 (Somerset Store)

The conditions of this Special Exception Permit (SPE) shall apply to County Tax Parcel 41-22B. Compliance is the responsibility of the applicant, owners, and assigns. The following conditions are intended to offset and mitigate impacts of the proposed use, and to render the application consistent with the applicable provisions of the Comprehensive Plan. If the information on the SPE plans and application are in conflict with one another or with the Zoning Ordinance, 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 the revocation of the special use permit, pursuant to §15.2-2309(7) of the Code of Virginia.

1. Controlling Documents – Controlling documents shall be the conditions as set forth herein and the final application package submitted with SPE-2025-00456.

2. Compliance – Use and development of the subject property shall be in substantial conformance with these conditions. The Zoning Administrator shall determine “substantial conformance.”
3. Uses – This SPE shall permit the encroachment of parking areas along the eastern property line.
4. Expiration – This SPE shall be deemed voided if the use is not commenced within two years of approval or is discontinued for a period of two years.
5. Fencing –Solid/opaque fencing at least 6 feet in height shall be installed and maintained between the subject parking spaces and the eastern property line.
6. Dumpster Enclosure –The dumpster shall be contained within a 4-sided enclosure, at least 8 feet in height, with opaque doors, and which utilizes materials and colors substantially similar to the store structure.

RE: CLOSED MEETING

At 6:42 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:

- Discussion or consideration of prospective candidates, the assignment, appointment, promotion, performance, salary, or resignation of specific employees of the public body concerning the position of the County Administrator, as permitted by Section 2.2-3711.A.1 of the Code of Virginia.
- Consultation with the County Attorney pertaining to actual or probable litigation, specifically where the County has been or is likely to be named a party, where such consultation in open meeting would adversely affect the negotiating or litigating posture of the public body, concerning the status of active or probable cases, as permitted by Section 2.2-3711.A.7 of the Code of Virginia.

WHEREAS, pursuant to §§2.2-3711 (A)(1) and (A)(7) 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. Nicol, seconded by Mr. Van Hoven, which carried by a vote of 5-0, the Board adopted the resolution authorizing Closed Meeting, as presented.

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

RE: CERTIFICATION OF CLOSED MEETING

At 8:18 p.m., Ms. Smith 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: Hale, Johnson, Nicol, Van Hoven, Marshall. Nays: None. Absent: None.

RE: ADJOURN

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

J. Bryan Nicol, Chairman

Glenda B. Paul, County Administrator