

VIRGINIA:

A meeting of the Lancaster County Board of Supervisors was held in the courthouse of said county on Friday, September 19, 2008.

- Members Present: Peter N. Geilich, Chair
Jack S. Russell, Vice Chair
B. Wally Beauchamp, Board Member
F.W. Jenkins, Jr., Board Member
Ernest W. Palin, Jr., Board Member
- Staff Present: William H. Pennell, Jr., County Administrator
Jack D. Larson, Assistant County Administrator
Don G. Gill, Planning and Land Use Director
James E. Cornwell, Jr., County Attorney

Mr. Geilich called the meeting to order at 3:00 p.m.

CLOSED SESSION

Motion was made by Mr. Geilich to enter into closed meeting to discuss matters exempt from the open meeting requirements of the Virginia Freedom of Information Act. The subject matters to be discussed in the closed meeting are briefings by staff members about actual or probable litigation and public discussion would adversely affect the negotiating or litigating posture of the County. The purpose of the closed meeting is to receive advice from the county attorney on pending/actual litigation. The subject and purpose falls within the following exemption(s) under §2.2-3711.A of the Code of Virginia, § 2.2-3711.A.7 of the Code of Virginia, (consultation with legal counsel about probable litigation where public discussion would adversely affect the negotiating or litigating posture of the County and consultation with legal counsel regarding specific contractual matters that require legal advice).

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| VOTE: | Peter N. Geilich | Aye |
| | Jack S. Russell | Aye |
| | B. Wally Beauchamp | Aye |
| | F. W. Jenkins, Jr. | Aye |

Mr. Palin arrived shortly after this vote was taken.

RECONVENE

Motion was made by Mr. Jenkins reconvene open meeting and certification of closed meeting.

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| VOTE: | Peter N. Geilich | Aye |
| | Jack S. Russell | Aye |
| | B. Wally Beauchamp | Aye |
| | F. W. Jenkins, Jr. | Aye |
| | Ernest W. Palin, Jr. | Aye |

CERTIFICATION

WHEREAS, the Lancaster County Board of Supervisors convened in a closed meeting on September 19, 2008 pursuant to an affirmative recorded vote on the motion to close the meeting to discuss Consultation with legal counsel, § 2.2-3711.A.7 of the Code of Virginia, (consultation with legal counsel about probable litigation where public discussion would adversely affect the negotiating or litigating posture of the County and consultation with legal counsel regarding specific contractual matters that require legal advice) of the Virginia Freedom of Information Act;

WHEREAS, §2.2-3712 of the Code of Virginia requires a certification by the board of supervisors that such closed meeting was conducted in conformity with Virginia law;

NOW, THEREFORE BE IT RESOLVED that the Lancaster County Board of Supervisors hereby certifies that, to the best of each member’s knowledge, (1) only public business matters lawfully exempted from open meeting requirements under the Virginia Freedom of Information Act were heard, discussed or considered in the closed meeting to which this certification applies and (2) only such public business matters as were identified in the motion by which the closed meeting was convened were heard, discussed or considered in the meeting to which this certification applies.

Motion was made by Dr. Russell to certify the closed meeting.

Before a vote is taken on this resolution, is there any member who believes that there was a departure from the requirements of number 1 and number 2 above? If so, identify yourself and state the substance of the matter and why in your judgment it was a departure. There was no comment.

Hearing no further statement, Mr. Geilich called the question. A roll call vote was taken:

ROLL CALL

VOTE:	Peter N. Geilich	Aye
	Jack S. Russell	Aye
	B. Wally Beauchamp	Aye
	F. W. Jenkins, Jr.	Aye
	Ernest W. Palin, Jr.	Aye

This certification resolution is adopted.

ACTION

Dr. Russell moved to continue to a future date the August 28, 2008 decision to schedule an appeal of the zoning administrator's decision to litigate the failure of New Tides, LLC to honor its proffer in the rezoning of The Pointe to provide wastewater treatment at the Greentown/Gaskins Road Community Development Grant project.

VOTE:	Peter N. Geilich	Aye
	Jack S. Russell	Aye
	B. Wally Beauchamp	Aye
	F. W. Jenkins, Jr.	Aye
	Ernest W. Palin, Jr.	Aye

ADJOURNMENT

Motion was made by Mr. Beauchamp to adjourn to the meeting.

VOTE:	Peter N. Geilich	Aye
	Jack S. Russell	Aye
	B. Wally Beauchamp	Aye
	F. W. Jenkins, Jr.	Aye
	Ernest W. Palin, Jr.	Aye