

## **VIRGINIA:**

A meeting of the Lancaster County Board of Supervisors was held in the Administrative Building Board/Commission Meeting Room of said county on Thursday, October 27, 2011.

Members Present: B. Wally Beauchamp, Chair  
F.W. Jenkins, Jr., Vice Chair  
Ernest W. Palin, Jr., Board Member  
Peter N. Geilich, Board Member  
Jack S. Russell, Board Member

Staff Present: Frank A. Pleva, County Administrator  
Don G. Gill, Planning and Land Use Director

Mr. Beauchamp called the meeting to order at 7:00 p.m.

## **PUBLIC INPUT**

Bill Warren, President, Partners Foundation stated he wanted to give the board a brief update on Mercer Place. He said Mercer Place consist of sixteen units two bedroom/two baths and this \$2.0M complex opened July 1, 2011 and was 100% leased out at the end of August 2011. The residents currently leasing are teachers, social services counselors, healthcare work and a few private sector employees. He provided the board with a break down of the \$2.0M cost with the construction contract at \$1.4M, Builder - Community Housing Partners Corporation, Architect - Wayne Jones, Raleigh, North Caroline, Site Engineering/Design - Bay Design, Construction Loan – Chesapeake Bank with a 3.5% fixed rate over 30 years, and Mortgage Loan – VHDA. Because PARTNERS Foundation is a not for profit they spend just about all they take in which is why the rent is only \$625 a month. He also provided the board with Lancaster County notable demographics/data, major sponsors and donors, “Partners” Foundation Board members, and the community benefits.

Dr. Russell stated it was through Mr. Warren’s determination that this project came to completion and also thank Mr. Warren for doing a great job at the high school as a physics instructor.

By consensus of the board, job well done by Mr. Warren.

## **Coyote Problems**

Catherine Bennett stated she has a farm where she has raised sheep for seventeen years and about eight years ago a pack of dogs came onto her property and killed about a dozen of her sleep. She said Lancaster Animal Control partnered with Northumberland County and killed about seven dogs. Currently she stated she is having problems with coyotes which is a wide spread problem in many counties, in the past month she has had four attacks. The coyotes come at night, she has contact the Animal Control Officer and they indicated they do not get involved in such services and was told to contact the Conservation Officer (formerly Game Warden) and he also stated he is not involved in such services, that this is an individual property owner issue. This is a pack of approximately six coyotes and has been told by other live stock owners that they too are having problems. Coyote sightings have occurred in Windmill Point, Fleet’s Bay Road, and other areas. She stated she was appearing before the board to ask for assistance or direction. She was told by Conservation Officer to research, interview, hire, and pay someone to take care of the coyote problems which is unreasonable since it is a county wide problem not just an individual property owner. She said coyotes will mate with dogs and new pups are less timid of people, therefore they are coming closer to the house. She stated she has been out at night with her dog and scared the coyotes off by honking the horn and the attacks take place between 8:00 p.m. - 1:00 a.m. During her research she found that in June of this year a toddler was dragged into the woods by a coyote in North Carolina. Again, she stated this is a community issue not just an individual property owner and ask the board for assistance/direction.

Mr. Palin asked if she has contacted the Game and Inland Fisheries.

Mrs. Bennett stated she has and they are now called Conservation Officer.

Mr. Jenkins asked if the sheep are on her property and what is the purpose for raising and breeding sheep.

Mrs. Bennett stated she uses their wool and sells the wool.

Mr. Jenkins asked if she profits from selling the wool.

Mrs. Bennett said she hopes to profit, but it is a struggler.

Mr. Jenkins stated if something is endangering your live stock which you hope to make a profit, he asked her if she felt the responsible to take care of the problem before the tax payers of Lancaster County.

Mrs. Bennett stated if it was only happening on her property she believe it would be responsible, but it is not just a problem on her property, it is county wide.

Mr. Jenkins stated he appreciate her taking the lead, but has not heard from other property owner and whereas there is a reason for concern; however, without having other property owners coming forth there is no way to know how wide spread problem.

Mr. Palin again stated the Game and Inland Fishier is who she should be talking with in order to have the coyotes trapped.

Mrs. Bennett said they do not trap coyotes.

Mr. Beauchamp stated they do trap coyotes and they are not released but rather disposed of. He said there are a number of individuals here in Lancaster County that would be delighted to come, hunt your property and assist with your coyote problem.

Mrs. Bennett said for liability purposes she only wants a professional.

By consensus of the board, work with Mr. Pleva, County Administrator, respond to Mrs. Bennett's inquiry.

## **PRESENTATION**

1. Introduction of Dr. David Chang – District Director, Three Rivers Health Department - Dr. David Chang stated had has been the District Director for Three Rivers Health Department for approximately four months and wanted to take this opportunity to introduce himself. He is a native of California and went to school in North Carolina, got his undergraduate degree at Duke, went back to California to start a software company, found his passion for public service and went back to medical school in Boston. He said he wanted to give some background on of the services the health department provides. The health department has been on the sidelines or in the back but would like to bring change and become more visible in the community. He hopes to build a better working relationship with the county, become more involved, report to the board possibly quarterly to give a report. He provided the board with services the health department provides and data.

Dr. Russell thanked Dr. Chang for coming and providing the board with this information.

## **VIRGINIA DEPARTMENT OF TRANSPORTATION**

### **County Road Maintenance**

Mr. Harper stated the primary and secondary mowing should be completed next week for the county and the contact renewal for next year has been approved, so there should not be a delay with mowing next year.

Mr. Harper said for the upcoming snow removal season they have gotten the bids and Lancaster County has twelve local vendors which are four more then last year with thirty-five pieces of equipment at their disposal.

Mr. Harper informed Mr. Jenkins that the paving on VSH 354 will be done. The contractor started in Westmoreland repairing storm related damage and is working down the Northern Neck hoping than all paving will be done by mid-November.

Mr. Harper said the citizens were absolutely correct and the signs were down and some missing. The signs on James Wharf Road have been ordered and will be erected once they arrive.

Mr. Harper said the speed study results for VSH 1060/Park Point Road came back at 25 mph.

Mr. Harper said they are still working on the speed study for VSH 611/West Point Road and hopefully it will be back within the next week.

Mr. Harper stated Sheriff Crockett had some concern at VSH 3/Devils Bottom Road with the bus traffic and requested more school signs to be put up. The second concern from Sheriff Crockett is in the Town of Kilmarnock in front of Farm and Home where the lanes merge, VDOT will improve signage and put an arrow at that location to merge right.

Mr. Jenkins stated there is more confusion at the center lane in front of Get & Zip.

Mr. Geilich said there are a lot of bikers on VSH 695/Windmill Point Road and need to have some type of bike safety sign erected.

Mr. Beauchamp asked about the status of the bike trail on Irvington Road.

Mr. Harper stated the pavement was completed, the contractor that will be putting stripping back has been delayed but temporary lines have been put down.

## **PUBLIC HEARING**

1. **Ordinance to Co-Hold Conservation Easement** – Mr. Gill presented an ordinance allowing Lancaster County to co-hold Conservation Easements with qualified non-public bodies.

Mr. Gill stated the Board of Supervisors made the policy decision (vote 3-2) at its 1/27/11 meeting to keep working on a conservation easement ordinance to preserve the rural character and heritage of the County as stated in the Comprehensive Plan and accept the risk of possibly defending challenges to easements in the future.

Mr. Gill said the current draft was modeled after the Fluvanna County Conservation Easement Program, which has been in existence since 2006. The Planning Commission has tweaked this proposed ordinance at each of its meetings since June to produce the attached document for the Board's consideration. The attached minutes from those meetings offer a very good chronology of the changes requested and made by the Planning Commission as a result of input from staff, the Planning Commission, the County Attorney and the public. The County Attorney has been involved with the drafting of this ordinance and even though he still maintains a philosophical difference of opinion as to whether or not the County should co-hold conservation easements, the Board of Supervisors has ultimately made the policy decision to pursue this, and from a legal standpoint, his final comment was "good job." The Northern Neck Land Conservancy has also been a part of this process and endorses the proposed ordinance.

Mr. Gill provided the board with a copy of a Cooperative Agreement which would now be required under Section 27-5B(6) of the ordinance. This Cooperative Agreement has also been tweaked and revised throughout this process by staff, the Planning Commission and the County Attorney. This particular agreement is specific to the Northern Neck Land Conservancy, but something similar would be required of any qualified non-public body seeking a co-hold arrangement with the County. The Cooperative Agreement is not part of the public hearing, but he included it for informational purposes.

Mr. Gill stated advertising for the ordinance has been conducted as required by law. To date, other than the discussion during the various Planning Commission meetings, there has been no response from the public.

Mr. Jenkins stated in paragraph two where it states philosophical difference of opinion with the county attorney, the advice from the county attorney said he wanted to make sure understood they would be assuming a liability.

Chairman Beauchamp opened the public hearing.

John Thompson, Field Director, Northern Neck Land Conservancy (NNLC) thanked the board for reconsidering the ordinance, board member that met with his staff, the county staff, and Planning Commission. The Planning Commission brought forth a number of valid points which were addressed and the ordinance amended.

Albert Pollard said one of the concerns appears to be the liability that the county would take on. The other side of the coin, if the land does not go into easement it could be a development. You have not made a choice of liability for the education of the children from that development, you have not made a choice of the liability of providing police protection for that development, so with the chance it might be a liability in defending an easement is little risk compared to what the county would have to pay if the land is developed. In the long run it would benefit the taxpayers. He asked why people leave metropolitan areas to come here, because of the green open space which is what the NNLC is trying to preserve. He asked the board to approve the conservation easement.

Mary Louise Pollard said they would like to see Lancaster County and the whole Northern Neck grow gracefully. She asked the board to approve the conservation easement.

Tom Smith, District three residents, asked if there was a tax benefit to the person putting in the conservation easement.

Mr. Thompson said yes, the state offers a tax credit and also federal deduction.

Mr. Smith asked for an estimate of the benefits that would be given and does that come from county, state, or federal.

Mr. Thompson said the benefit varies based on appraisal of the land put into the conservation easement and it is strictly state and federal.

Mr. Smith asked if the county does not lose any revenue.

Mr. Gill said from a real estate tax point the land on a conservation easement over five acres would qualify to be taxed at the land use taxation rate and if the land is currently being farm it is probable already under the land use taxation rate.

Mr. Smith indicated he was unable to find the conservation easement ordinance on the county website.

Mr. Gill stated it is on the website and has been for approximately ten days.

Mr. Smith asked if there was a minimum acreage.

Mr. Gill stated there is not minimum acreage for the parent parcel, anything less than five acres would not qualify for the land taxation rate based on the fact that it does qualify under currently county policy, but could qualify for decrease tax assessment.

Mr. Smith stated he believes there should be a minimum on the acreage. He stated he has a one acre waterfront property and he would probable apply, but this will increase the staff work load for monitor, evaluating and enforcing.

Mr. Gill said the sole discretion to approve an easement lay within the board.

Mr. Smith said the minimum acreage should be five for waterfront and ten for inland because there could be historical value to the property. The whole purpose is preserve open land and preserving an acre is not open land. He asked the board to consider his concerns and defer a decision for one month so people can go to the county website and read the conservation easement.

Page Henley, past NNLC President, protecting and preserving farm land. He said for 45 years he has been leasing property to the Forrester's and will continue to farm. Just before the recession a realtor stated investors were looking at property along Moricatto to develop, similar to Hills Quarters subdivision. The opportunity of a conversation easement for farmers or owners of land, that they can obtain some tax benefits and continue farming. He asked the board to approve the conservation easement ordinance.

Mr. Thompson said this ordinance does require an application fee and the fee in other counties is set at \$750. The property is closely reviewed prior to be accepted into the conservation easement, there are qualifications that need to be met such as historical or associated with habitat of an endangered species (plant or animal).

Chairman Beauchamp closed the public hearing.

Mr. Beauchamp asked if Lancaster County chooses not to co-hold an easement ordinance, he understand the concern is for properties 100 acres or less. What will NNLC do with that open area of five, ten, twenty, hundred acres?

Mr. Thompson said before coming to the county or suggesting to a land owner consider co-hold, they could be better for the Department of Forestry, Virginia Outdoor Foundation, or some other agencies attached to the state. He would suggest they apply at those agencies first because they are directly tied to the state and attorney generals office. But there is a gap for land owners who have property that could be protected thought the conservation easement.

Mr. Gill stated a fee will be required but has not been set yet, the conservation easement is

on the county website and has been advertised properly, if a individual can not get the conservation easement ordinance at the county website a hardcopy can be obtain at the county office, and minimum acreage was discussed in depth at the Planning Commission meeting.

Dr. Russell asked Mr. Gill if a fee amount had been discussed.

Mr. Gill said staff has discussed the fee and would recommend \$750.

Dr. Russell made a motion to Adopt the Conservation Easement Ordinance as presented.

Mr. Geilich stated he believe there are a number of valid question that have be raised and he thinks those questions should be reviewed and answered before moving forward.

Mr. Beauchamp stated he has some reservation going back to the county attorney's comment that potential liability is rare but it does happen.

Mr. Palin said that he voted against this ordinance the first time. He further stated that "personally, I am still in opposition to this easement, but I have been contacted by a number of my constituents that asked me to support the ordinance. Since I am their representative, I will vote in favor of the conservation easement ordinance."

Dr. Russell withdrew his motion.

Mr. Jenkins made a motion to table the Conservation Easement Ordinance to the November 22, 2011 Board of Supervisors meeting.

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

#### **CONSENSUS DOCKET**

Motion was made by Mr. Jenkins to Approve the Consensus Docket and recommendations as follows:

A. Minutes for October 27, 2011

Recommendation: Approve minutes as submitted

B. Amendment to the Northern Neck Regional Enterprise Zone in Northumberland County and the Town of Kilmarnock

Recommendation: Adopt the Resolution

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

#### **CONSIDERATION DOCKET**

The Board considered the following items on its Consideration Docket:

1. Approval of October 2011 Salaries and Invoice Listings

Motion was made by Mr. Palin to approve the salaries for October 2011 in the amount of \$224,374.83\* and Invoice Listings for October 2011 in the amount of \$669,774.47\*.

\*Judicial Center Expenses \$21,609.04

\*Capital Improvements \$87,330.00

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

2. Tabled Application for Special Exception – VA Power – Mr. Gill Application for Special Exception by Dominion Virginia Power to build an electric utility substation on a 14.8379-acre

parcel described as Tax Map 28-202. This property is zoned A-2, Agricultural General and is located near the intersection of VSH 646 (Old Salem Road) and VSH 670 (Ring Farm Road) in District 4.

Mr. Gill said the public hearing for this application was held last month, but the vote was tabled until this month to allow VA Power representatives time to address concerns raised by adjoining property owners. Specifically, VA Power was asked to “flip” the proposed substation in an easterly direction, bringing it closer to Old Salem Road and further from those adjoining property owners. That has been done as depicted on the attached revised sketch. The size of the fenced-in area of the substation has also been reduced from the original 1.35-acres to 0.96-acres. Since last month’s public hearing, the adjacent property owner to the north also called and voiced no concern other than asking why the driveway to the substation needed to be right up against his property line. He passed his concern and contact information on to Courtney Fisher of VA Power, who indicated that the location of the driveway was not “set in stone” and could be moved. The existing driveway on site is located near the center of the parcel, but VDOT will have the ultimate decision as to where it can be moved given the slight turns of Old Salem Road on either side of the property. To date, he has had no further correspondence from any of the adjoining property owners, or the general public, regarding this revised sketch.

Mr. Gill stated he received an email from Eva Lewis which stated the location of the substation was fine but still has concerns about the type of buffering. He said he spoke with Dominion VA Power representative and there are three type of buffering that could be used eleagnus pungens, forsythia, and loropetalum in two rows.

Dr. Russell stated he has spoken to both Mrs. Lewis and Dominion VA Power representatives and believes they have reached an agreement.

Mrs. Lewis thanked the board for their time and consideration, regarding the buffering and would like to restate the concerns. There are two rows with 18 plantings per row and they are still concerned with the low growing plants. Would like to have Dominion to provide visual and sound safeguards.

Mr. Beauchamp thanked one of the Dominion VA Power Representative for her assistance during Hurricane Irene.

Dr. Russell made a motion to Approve the Application for Special Exception for Dominion Virginia Power with conditions being for adequate buffering as proposed and outlined.

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

3. Request for Abatement of Levies on Damaged or Destroyed Building – Bruce and Norma Jean Edwards (Tax Map 339A-1-21) – Mr. Pleva said during the Board of Supervisors’ regular meeting on August 25<sup>th</sup> that the Commission of the Revenue had received a written request dated August 22, 2011 from Bruce and Norma Jean Edwards to abate the levies (taxes) on their house at 596 Mosquito Beach Lane, White Stone, due to a fire that occurred on January 30, 2011 rendering the house unfit for use and occupancy. The Edwards are requesting the tax abatement under Section 58.1-3222 of the Code of Virginia, 1950, as amended, which states, in part, that “the governing body of any county or city ay provide for the abatement of levies on buildings which are (i) razed, or (ii) destroyed or damaged by a fortuitous happening beyond the control of the owner.”

Mr. Pleva said Section 58.1-3222 also stipulates that to be eligible for a levy abatement that: (1) the minimum threshold of decreased valuation for the damaged or destroyed building shall be \$500; and (2) “no such abatement shall be allowed unless the destruction or damage renders the building unfit for use and occupancy for thirty days or more during the calendar year”. The Edwards request would comply with criteria (1) and (2) listed. Section 58.1-3222 further stipulates that the tax on such deemed or destroyed building shall be prorated based upon the portion of the entire tax year that the building was unfit for use, occupancy and enjoyment.

The Board deferred action on the Edwards’ request until the staff had an opportunity to further investigate the matter, including any previous tax abatements granted by a Lancaster County Board of Supervisors under the aforementioned Virginia Code section and what other criteria or conditions should the Board consider imposing during its consideration of such tax

abatement requests. The staff reported back to Board during its next regular monthly meeting on September 29, 2011, noting observations and recommendations regarding the tax abatement process and the Edwards' tax abatement status, including the issuance of a Certificate of Occupancy for their repaired house on September 15, 2011. Following the discussion, the Board directed the staff to further refine the potential amount tax abatement for the Edwards and to develop a tax abatement application form on which among other things, the applicant(s)/property owner(s) will provide information about the razed, destroyed or damaged building and will attest to the accuracy and veracity of the information. The Levy (Tax) Abatement Process and application form has been developed.

Mr. Pleva said prorating the levy on the damaged building for abatement purposes as provided for in Virginia Code Section 58.1-3222 results in a potential abatement by the Board of \$1,842.24 of the total 2011 tax year levy on the damaged building of \$2,957.60. (The valuation of the house is \$739,400) Conversely, the 137 days that the house was fit for use and occupancy during the 2011 calendar (tax) year would mean that \$1,115.36 of the levy (tax) cannot be abated.

Mr. Geilich made a motion to Approve the Request for Abatement of Levies on Damaged or Destroyed Building by Bruce and Norma Jean Edwards (Tax Map 39A-1-21) contingent on completion of the application.

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

4. Virginia Resource Authority (VRA) Refinancing of Judicial Center Debt – Mr. Pleva said the VRA Refinancing is moving ahead to completion within the parameters set by the Board of Supervisors. The issue is the amount to be refinanced.

Mr. Pleva said we are advised that we must provide direction to VRA as to the amount we wish to refinance by close of business, October 28, 2011. The alternatives are to refinance the full amount of remaining loan principal and accrued interest of \$5,877,000 or apply some or all of the remaining funds of about \$1,100,000 to the loan. We would then be refinancing an amount somewhere between \$4,777,000 and the full \$5,877,000.

Mr. Pleva said the cleanest approach and one preferred by VRA is to apply all remaining funds to the remaining principal, thus financing approximately \$4,777,000. We are currently earning only 0.19% on the remaining fund balance with no authority, under the terms of the original borrowing, to move the funds to acquire a higher rate of return. Even with the lower interest rate on the refinancing, we would still be paying the difference of nearly 2.5% for the flexibility of holding funds on hand. The same is true for any other funds being held for future capital improvement needs.

Following represent balances of accounts dedicated to capital improvement items:

Fund Balance as of 10/26/2011	
Capital Improvement Fund	\$ 217,021
Poor House Tract Fund	\$ 335,644
SNAP—Judicial Center	\$ 954,000
SNAP Interest—Judicial Center	\$ 142,946
Total	\$ 1,649,611

Current Capital Improvement Obligations/Plans:

FY 2012 Approved Capital Improvement Items remaining to be funded--\$274,000

Planned FY 2013-2016 Capital Improvement Funding requirements-- \$941,064  
(Provided the board with Capital Improvement Budget Summary Cost Sheet)

Mr. Pleva stated another factor possibly bearing on the decision process is the projected fund balance for the end of FY 2011 which will be at least \$5,000,000 when the audited report is published. This is up from a previously projected \$4,600,000 and is based on the posting of final revenue accruals and fund transfers performed by the auditors whose field work was completed this week.

Mr. Pleva said in summary the decision in this matter is one of prevailing philosophy of the

Board to either retain funds on hand with increased interest expense, or to pay down debt now, accruing less interest expense, and funding future capital improvement needs as part of the operating budget or through new borrowing at the time the need is identified.

Mr. Jenkins made a motion to apply the approximate \$1,100,000 of unexpended bond proceeds to reduce the refunded/refinanced amount to approximately \$4,777,000.

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

## **BOARD REPORTS**

### **Economic Development Authority Appointments**

Mr. Geilich made a motion to reappoint Howard Kyzer, Jr. to the Economic Development Authority as a representative for District 3 for a four year term ending November 11, 2015.

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

Dr. Russell made a motion to reappoint William R. Lee to the Economic Development Authority as a representative for District 4 for a four year term ending November 11, 2015.

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

### **Planning Commission Appointment**

Dr. Russell made a motion to reappoint David R. Chupp to the Planning Commission for District 4 for a four year term ending October 30, 2015.

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

Mr. Beauchamp made a motion to appoint William H. Pennell, Jr. to the Chesapeake Bay Region Partnership to represent VISIONS.

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

## **COUNTY ADMINISTRATOR**

None

## **CLOSED SESSION**

Motion was made by Mr. Beauchamp 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 probable litigation regarding the release and use of bond proceeds for the construction of a subdivision road. The subject and purpose falls within the following exemption(s) under §2.2-3711.A of the Code of Virginia, 1950, as amended.



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

**RECONVENE**

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

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

**CERTIFICATION**

**WHEREAS**, the Lancaster County Board of Supervisors convened in a closed meeting on October 27, 2011 pursuant to an affirmative recorded vote on the motion to close the meeting pursuant to, § 2.2-3711.A.7 of the Code of Virginia, for briefing by staff members about probable litigation regarding the release and use of bond proceeds for the construction of a subdivision road.

**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 Mr. Jenkins 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. Beauchamp called the question. A roll call vote was taken:

**ROLL CALL**

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

This certification resolution is adopted.

There was no action taken as a result of the closed meeting.

**ADJOURNMENT**

Motion was made by Mr. Palin to adjourn.

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