

King and Queen County  
Board of Supervisors Meeting

King and Queen County Courts and Administration Building  
General District Courtroom

Tuesday, October 11, 2011  
7:00 P.M.

“Minutes of the Meeting”

**INVOCATION AND PLEDGE OF ALLEGIANCE TO THE FLAG OF THE UNITED STATES**

Chairman Simpkins called the regular meeting to order and provided the invocation, followed by the Pledge of Allegiance to the Flag of the United States.

Mr. Simpkins noted that all members of the Board were present.

**APPROVAL AND SIGNING OF THE AUGUST 22, 2011, SEPTEMBER 7<sup>TH</sup> AND 12<sup>TH</sup>, 2011 MINUTES OF THE BOARD.**

A motion was made by Mrs. Morris and seconded by Mr. McDuff to approve the minutes, as presented.

AYES: J. L. SIMPKINS, S. C. ALSOP, J. M. MILBY, JR., D. H. MORRIS, M. W. MCDUFF  
NAYS: NONE

**APPROVAL AND SIGNING OF THE OCTOBER 2011 WARRANTS AND APPROPRIATIONS**

A motion was made by Mr. McDuff and seconded by Mr. Milby to approve the warrants and appropriations, subject to audit.

Ms. Alsop questioned how the new part-time employee in the Registrar’s Office is paid. Finance Director Kathleen Gunn advised that part-time is included under the Registrar’s budget and is 100% local funded.

AYES: J. L. SIMPKINS, S. C. ALSOP, J. M. MIBLY, JR., D. H. MORRIS, M. W. MCDUFF  
NAYS: NONE

## **BUDGET AMENDMENTS/TRANSFERS**

Chairman Simpkins advised that the following budget amendments/transfers have been submitted for the Boards approval, those being:

(1)

Sheriff's Department - \$677.65 for courtroom security for the month of August and September 2011. The amount is to be pulled from the general fund.

(2)

E-911 – Budget Amendment in the amount of \$3,800.00 to cover emergency purchase of PC battery backup for E-911 computers. The battery system failed and a new battery was needed to keep the system running until power or a generator was restored.

(3)

E-911 Budget Transfer – Greg Hunter EMS Coordinator is requesting that \$600.00 be moved from office supplies to pay for the APCO fall conference. No funds were budgeted for education, as he was not employed during budget discussions.

A motion was made by Ms. Alsop and seconded by Mr. Milby to approve the three (3) budget amendments/transfers above.

AYES: J. L. SIMPKINS, S. C. ALSOP, J. M. MILBY, JR., D. H. MORRIS, M. W. MCDUFF

NAYS: NONE

## **PUBLIC COMMENT PERIOD**

Chairman Simpkins asked those that wish to speak during this time, to please come forward, stating their name and the district that they reside in and to please limit their comments to three (3) minutes.

The floor was open for public comment. Those speaking:

Cynthia Johnston, St. Stephens Church, Virginia was present questioning why King and Queen County with a population of under 7,000 and King William County with almost 16,000 and approximately 10 times the number of businesses, budget is \$15,655 more than King William. Ms. Johnston further compared King William salaries and budget totals, with the King and Queen Salaries pertaining to the County Administrator, County Attorney and the budget of the Commissioner of Revenue, expressing there should be a larger difference in our budget.

Further concerns related to:

- the fairness and accuracy of how properties in King and Queen are assessed

- How many Board Members would be attending the annual meeting at “The Homestead” and what the cost is at the taxpayer’s expense?
- Why teachers received only a 1% increase and why we do not have a recreation budget.

After hearing all comments, the public comment period was closed.

Chairman Simpkins explained that the policy of the Board is not to answer questions during public comment period, as the Board does not want to misspeak or misquote figures or facts.

Mr. Simpkins further advised Ms. Johnston that the Board would make note of her concerns and get back with her.

## **DEPARTMENT HEADS AND SCHOOL SUPERINTENDENT’S REPORT**

Treasurer Irene Longest was not present, however, it was noted that her report was included in the Board’s packet.

Commissioner of the Revenue Helen H. Longest was not present, however, a report was provided at the meeting.

Commonwealth’s Attorney Charles Adkins had a previous engagement and was not present.

Sheriff Charboneau was present advising that he was invited to a walkathon at Central High School on Sunday and did not realize how much effort the new principal along with King and Queen CD Organization had put into the event, and commending them for their efforts in raising over \$3,000.00.

Clerk of the Circuit Court Debbie Longest was present reporting that jury questionnaires that were sent out by the Supreme Court have been coming back to their office. The master list of jurors comes from the list of registered voters and would like for everyone that received them to please fill them out and return to them.

School Board Superintendent Charles Clare was not present, as he was attending a seminar.

Social Services Director Betty Dougherty was not present.

## **PUBLIC HEARING – REGIONAL WATER SUPPLY PLAN AND WATER CONSERVATION ORDINANCE**

Chairman Simpkins opened the public hearing and verified proof of publication. Mr. John Marling, EEE consulting was present to provide a brief overview of the Regional Water Supply Plan and Water Conservation Ordinance, and to answer any questions.

Mr. Marling advised that the process began back in 2003 when the General Assembly passed a law requiring the preparation of a statewide water supply plan. In 2005 DEQ passed regulations that required each locality to prepare a water supply plan, allowing jurisdictions to group together to come up with a regional plan of which they have prepared. The regulations require the submittal of the plan and any documents be submitted to DEQ by November 4<sup>th</sup>. Following the submittal of the plan and acceptance by the State Water Control Board, regulation requires that within 5 years the plan get an adequacy review and then every 10 years thereafter the plan be reviewed and revised and sent to DEQ. Mr. Marling further commented that the plan is focused on publicly owned water supplies and privately owned community systems that serve more than 25 people. The proposal before the Board relating to the Drought Response Contingency Plan gives the County Administrator or the County Administration the ability and not the requirement to act in case a drought condition develops.

Ms. Alsop expressed that we do not have fees for service and that it is just an ordinance on the books of which she felt was ridiculous.

The floor was open for public hearing. Chairman Simpkins asked that those wishing to speak to please come forward, stating their name, the district they reside in and to limit their comments to 3 minutes. After hearing no comments, the public hearing was closed.

A motion was made by Ms. Alsop and seconded by Mr. Milby to approve the Plan and Ordinance as presented:

**A RESOLUTION APPROVING THE REGIONAL WATER SUPPLY PLAN FOR THE MIDDLE PENINSULA OF VIRGINIA.**

**WHEREAS**, Virginia State Water Control Board Regulation 9 VAC 25-780, Local and Regional Water Supply Planning, requires all counties, cities and towns in the Commonwealth of Virginia to prepare and submit a water supply plan to the Department of Environmental Quality (DEQ); and

**WHEREAS**, King and Queen County is a participant in the Middle Peninsula Regional Water Supply Planning Group as reported to DEQ by letter before the November 2, 2008 deadline; and

**WHEREAS**, on October 11, 2011, King and Queen County held a public hearing to accept public comment on the Regional Water Supply Plan; and

**WHEREAS**, the adopted Regional Water Supply Plan will be submitted to the DEQ on or before November 2, 2011.

**NOW, THEREFORE BE IT RESOLVED** that the King and Queen County Board of Supervisors hereby adopts the Regional Water Supply Plan as it pertains to King and Queen County. Approval and adoption of this regional plan indicates support for and general agreement with the regional planning approach, but does not indicate approval or disapproval of conclusions and recommendations presented in the plan as they pertain to other localities. King

and Queen County reserves the right to comment on specific water supply alternatives in the future even though such alternatives may be recommended in this adopted plan. King and Queen County will not be limited to specific water supply alternatives in this adopted plan and reserves the right to recommend additional alternatives for consideration in the future.

**BE IT FURTHER RESOLVED** that the Board of Supervisors of King and Queen County intends that the Regional Water Supply Plan shall be revised to reflect changes in relevant data at least once every five years and resubmitted to DEQ every ten years in accordance with the regulation and sound planning practice.

**PASSED, APPROVED AND ADOPTED** by the Board of Supervisors of King and Queen County at a meeting held on October 11, 2011.

## **ARTICLE VII WATER CONSERVATION ORDINANCE**

### **Sec. 22-276. Purpose and Authority to Declare Water Emergencies**

For purposes of this section, unless the context clearly requires a contrary meaning, the term "water" shall mean potable water withdrawn from any water utility system that is owned and/or operated "by a locality, authority, or company distributing water for a fee or charge".

In the event of an actual or anticipated shortage of potable water due to climatic, hydrological, mechanical and/or other extraordinary conditions, King and Queen County may determine that certain uses of water should be reduced, restricted, curtailed and/or prohibited. These reductions, restrictions, curtailments and/or prohibitions are intended to protect the health, safety and welfare of the residents of King and Queen County.

The County Administrator with the approval of the Board of Supervisors, or its subsequent ratification by the Board within 48 hours, is authorized to declare water emergencies in the County of King and Queen, as a whole or portions thereof, affecting the use of water.

A Drought Emergency declaration will be issued after consideration of the conditions of individual affected systems. The County Administrator may order mandatory restrictions on water use in response to specific conditions, such as when any system exceeds 90 percent of the permitted capacity for 3 consecutive months. The County Administrator may intervene to declare a drought emergency for privately-owned systems if the private system operation is unable to restrict water usage when needed.

### **Sec. 22-277. Drought Monitoring to Anticipate Water Emergency Conditions**

King and Queen County in cooperation with other jurisdictions of the Middle-Peninsula Water Supply Planning Region will monitor the U.S. Drought Monitor operated by the U.S. Geological Service and made available through DEQ's website at: <http://www.deq.virginia.gov/waterresources/drought.php>. When the USGS Drought Monitor

registers a condition “D1-Moderate Drought” for King and Queen County, the County Administrator shall declare a Drought Watch alert for all water systems addressed by this ordinance.

### **Sec. 22-278. Water Conservation Measures**

After the declaration of a water emergency under the authority provided by Virginia Code Sections 15.2-923 and 15.2-924, and upon a determination by the County Administrator of the existence of the following one or more conditions, the County Administrator shall take the following actions which shall apply to any person whose water supply is furnished from an affected water utility system:

(1) *Condition 1 (Drought Warning)*. When moderate but limited supplies of water are available or when a “D2-Severe Drought” condition is registered on the USGS Drought Monitor, the County Administrator may, through appropriate means, call upon the affected population and entities to employ prudent restraint in water usage and to conserve water voluntarily by whatever methods available.

(2) *Condition 2 (Drought Emergency)*. The County Administrator is hereby further authorized during the duration of a water emergency for which voluntary measures would be insufficient to order the restriction or prohibition of any or all of the following water uses by users of an identified, affected water system after consultation with the affected water system owner/operator:

- a. Watering of outside shrubbery, trees, lawns, grass, plants, home vegetable gardens, or any other vegetation except from a watering can or other container not exceeding five gallons in capacity. This limitation shall not apply to commercial greenhouses, nursery stocks and sod growing, which may be watered in the minimum amount required to preserve plant life between 6:00 p.m. and 8:00 a.m.
- b. Washing of automobiles, trucks, trailers, or any other type of mobile equipment, except in licensed commercial vehicle wash facilities.
- c. Washing of sidewalks, streets, driveways, parking lots, service station aprons, exteriors of homes or apartments, commercial or industrial buildings or any other outdoor surface, except where mandated by federal, state or local law.
- d. The operation of any ornamental fountain or other structure making a similar use of water.
- e. The filling of swimming or wading pools requiring more than five gallons of water, or the refilling of swimming or wading pools that were drained after the effective date of the declaration of emergency, except that pools may be filled to a level of two feet below normal, or water may be added to bring the level to two feet below normal, or as necessary to protect the structure from hydrostatic damage.
- f. The use of water during outdoor recreational activities. This limitation shall not apply to water utilized for drinking and sanitary purposes during such activities.

- g. The use of water from fire hydrants for any purposes other than fire suppression and related training exercises, unless otherwise approved by the county administrator.
- h. The serving of drinking water in restaurants, except upon request.
- i. The operation of any water-cooled comfort air conditioning that does not have water-conserving equipment in operation.

(3) Condition 3. In addition to the restrictions and prohibitions authorized under subsection (2) above, the County Administrator is hereby further authorized during the duration of a water emergency to implement any or all of the following for any of the affected water systems:

- a. For any publicly owned and operated public water utility:

- i. Industrial, institutional, commercial, governmental, and wholesale and all other nonresidential customers shall be allotted a percentage reduction based on that customer's average monthly water consumption for the same billing period of the previous calendar year's consumption.

- ii. Individual residential customers shall be limited to a specific volume or percentage reduction of water per month.

- iii. If the allotted monthly water usage, as determined in subsection (3)a.i. and (3)a.ii. above, is exceeded, the customer shall be charged two times the existing service rate for consumption over the minimum monthly charge for every 1,000 gallons of water consumed above the allotted volume. Where prior consumption data is not available, the county administrator shall estimate allocations based upon the data available from similar activities of equal intensity.

- iv. Declaration of a moratorium on new and expanded connections to the public water utility system, unless such connections are primarily intended and designed to provide fire protection and/or potable drinking water to lawfully permitted residential or nonresidential buildings that are existing or substantially constructed at the time that a water emergency is declared.

- b. For any privately owned and operated public water supply:

The system operator shall be required to demonstrate on a monthly schedule, compliance with the capacity requirements set forth by the Virginia Department of Health Waterworks Regulations (12 VAC5-590-520 and 12 VAC5-590-690).

(4) Condition 4. When crucially limited supplies of water are available, the County Administrator shall restrict the use of water from any affected water system to purposes which are absolutely essential to life, health and safety. Such permitted uses of water may include, but may not be limited to, the provision of limited quantities of water for drinking and sanitation purposes to residents, health care facility patients and/or emergency shelter evacuees, who are

unable to utilize their potable water supplies due to the loss of electrical power, storm events or other natural or manmade causes.

**Sec. 22-279. Failure to Address Leaks**

It shall be unlawful for the owner of any residential unit or units, or the owner of any commercial or industrial establishment which is found to be an excessive user of water due to leakage from waterlines or plumbing fixtures on the premises, to fail to take immediate action to repair and to stop such leakage after being so ordered by the County Administrator or his agent.

**Sec. 22-280. Effective Date**

The imposition of the restrictions above shall become effective upon their being printed in any newspaper of general circulation in King and Queen County, or broadcasted upon any radio or television station serving King and Queen County.

**Sec. 22-281. Appeals for Exemptions**

Upon implementation of subsections (2), (3) or (4) above, the County Administrator shall establish an appeals procedure to review customer applications for exemptions from the provisions of subsections (2), (3) or (4) on a case-by-case basis and, if warranted, to make equitable adjustments to such provisions. The County Administrator shall also be empowered to establish regulations governing the granting of temporary exemptions applicable to all or some of the uses of the water supply set forth in subsections (2), (3) or (4). The County Administrator shall, in rendering a decision on such applications, balance economic and other hardships to the applicant resulting from the imposition of water use restrictions or allocations against the individual and cumulative impacts to the water supply resulting from the granting of such exemptions and may impose reasonable conditions to ensure compliance with the terms of the exemption.

Any person subject to a decision rendered by the County Administrator under this section may appeal such decision to the Board of Supervisors. The appeal shall be in writing and shall be submitted to the County Administrator, as agent for and clerk to the Board of Supervisors.

The County Administrator may issue temporary waivers or exemptions within the provisions of this subsection for such periods of time as may be necessary for the Board of Supervisors to formally consider action on the appeal.

The Board of Supervisors shall render a decision on the appeal and may: affirm, with or without modification, the County Administrators decision; or approve the requested exemption, with or without modification. The Board of Supervisors may impose reasonable conditions to ensure compliance with the terms of any exemption granted hereunder.

Any decision rendered by the Board of Supervisors shall be subject to remedies provided by statute.

**Sec. 22-282. Penalty for Violations**

Any person who shall violate any of the provisions of this section, or of any of the conservation regulations promulgated by King and Queen County pursuant thereto, shall, upon conviction thereof, be subject to penalties as provided by law. Each act or each day's continuation of a violation shall be deemed a separate offense.

In addition to the foregoing, the County Administrator may suspend public water utility service to any person continuing to violate the provisions of this ordinance or the regulations promulgated hereunder.

If such public water utility service is terminated, the person shall pay a reconnection fee of \$50.00 before service is restored.

**Sec. 22-282. Declaration of end of Water Emergencies**

The County Administrator shall notify the Board of Supervisors when, in his opinion, the water emergency situation no longer exists. Upon concurrence of the Board of Supervisors the water emergency shall be declared to have ended.

AYES: J. L. SIMPKINS, S. C. ALSOP, J. M. MILBY, JR., D. H. MORRIS,  
NAYS: M. W. MCDUFF

**PRESENTATION BY INGENCO REGARDING THEIR PROPOSED EXPANSION AND SUBLEASE**

Mr. Thomas Hecmanczuk was present for the purpose of petitioning the Board to appoint the appropriate authority to sign a land development application to expand the power plant at the landfill, and advising that they own and operate the fuel to energy plant at the landfill taking methane gas to generate electricity. Mr. Hecmanczuk advised that the landfill has been more productive and there is more gas out there than they expected and would like to expand the plant and use all of the gas to energy. Mr. Hecmanczuk commented that the County is the landowner and is appropriate for the county to sign the land development application.

Mr. Simpkins questioned if the Board was approving the land development or the agreement to expand the lease.

County Administrator and Attorney Thomas Swartzwelder advised that there are two issues and it is a little confusing. The reason the lease is before the Board to approve, is it is going to have to come whenever they develop a lease with Republic and they propose a sublease for the Boards review. The catch 22 is that they cannot technically apply and start the process of the land development process without a landowner's signature and we have never discussed what our position is on executing it. Ingenco is handling the application side of it. There are really three things that Ingenco needs, those being they need someone to sign the land development application, they will ultimately need their sublease approved and third they will need to go through the process with the Planning Commission. Ingenco has spent a lot of time with staff

and state agencies and their application is complete now. The Board will still have to approve a lease of some sort.

County Attorney Thomas Swartzwelder commented that the County was never provided a copy of the agreement between Ingenco and BFI at the time, and does not know if the County really knows what that transaction is. Mr. Swartzwelder asked who he felt owns the gas, of which Mr. Hecmanczuk responded that contractively Republic owns all the gas, and they purchase from Republic.

After a lengthy discussion relating to concerns of how much gas is being burned now, the number of members on the grid and how it works, and whether the County is receiving all that they are suppose to, Mr. Milby felt that this issue should be tabled until the County receives more information.

Ms. Alsop expressed that she felt the County Attorney should check into the issues to better understand what we are getting and how much. A big problem for her is the gas that is being burned up in the flare and not getting what we are suppose to be compensated for.

Mr. Milby questioned why Charles City is different from ours and why we cannot have a contract like theirs. We are in hard economic times and we need to use all of our resources to the best of our ability and does not think Ingenco is doing that. One of the main issues is that we want to see the agreement between BFI and Ingenco.

A motion was made by Ms. Alsop and seconded by Mrs. Morris to table.

AYES: J. L. SIMPKINS, S. C. ALSOP, J. M. MILBY, JR., D. H.MORRIS, M. W. MCDUFF

NAYS: NONE

#### APPOINTMENTS/REAPPOINTMENTS TO VARIOUS BOARDS AND COMMISSIONS

##### **Planning Commission** – Stevensville District (to replace Mr. Litchfield)

Tabled

##### **Social Services Board Member** – Shanghai District (to replace Laura Willis)

Mr. McDuff advised that he would like for the new Shanghai Board Member to select who he feels should be appointed.

Tabled

**Industrial Development Authority** – Buena Vista District –

Chairman Simpkins advised that Mrs. Plunard Robinson's term expired September 10, 2011 and is willing to serve if asked.

A motion was made by Mr. Milby and seconded by Ms. Alsop to reappoint Mrs. Plunard Robinson to a four year term on the Industrial Development Authority expiring October 10, 2015.

AYES: J. L. SIMPKINS, S. C. ALSOP, J. M. MILBY, JR., D. H. MORRIS, M. W. MCDUFF  
NAYS: NONE

**Board of Equalization**

Chairman Simpkins explained that the following citizens served as members on the Board of Equalization during the last reassessment. Those being: Mr. George Elliott, Mr. Woodrow Kellum, Mr. James Mitchell, Mr. James D. Sears and Mr. Robert Gibson.

County Administrator Thomas Swartzwelder advised that most of the prior members have been contacted and that Mr. Woodrow Kellum and Mr. Robert Gibson have agreed to serve again if appointed. The Board was also advised that several attempts have been made to reach Mr. Sears. Mr. Swartzwelder further advised that Mr. James Mitchell at the time of the last reassessment was in the surveying business and since that time is now a truck driver.

County Administrator Thomas Swartzwelder asked if the Board still wants staff to try and contact those individuals.

Ms. Alsop advised that Mr. Elliott was not interested in serving again.

It was the consensus of the Board to try and continue to contact Mr. Sears, and that possibly a list of those in the business profession, licensed realtors and contractors could be provided for consideration.

**FYI**

The Board was also advised for information purposes only, that Mr. Robert Dabney's term on the Industrial Development Authority representing the Newtown District, expires November 15<sup>th</sup>, 2011. Also, Mr. William Herrin's term on the Planning Commission representing the Stevensville District expires January 1, 2012.

## **VACO – VOTING CREDENTIALS FOR THE ANNUAL BUSINESS MEETING**

The Board was advised that per VACO bylaws, each county shall designate a representative of its Board of Supervisors to cast its vote at the annual meeting. Mr. Simpkins advised that he and Ms. Alsop will be attending.

A motion was made by Ms. Alsop and seconded by Mr. McDuff designating Mr. Simpkins as the voting delegate and Ms. Alsop as the alternate delegate at the annual meeting at the Homestead.

AYES: J. L. SIMPKINS, S. C. ALSOP, J. M. MILBY, JR., D. H. MORRIS, M. W. MCDUFF  
NAYS: NONE

## **COUNTY ADMINISTRATOR'S COMMENTS**

County Administrator Thomas Swartzwelder had the following comments:

- Reminded the Board that they will need to bring the Planning Commission notebook to start review and discussion relating to legal issues of the proposed zoning issues at the October meeting.
- Provided an update of the FEMA status
- Advised that the School Division sent a nice thank you e-mail, thanking the County for some of the water that was left over from the Hurricane event. The water is not to be sold but used by the School.
- Advised that he has the deed to the real estate transaction of Compass Loop.

## **BOARD OF SUPERVISORS COMMENTS**

Mr. McDuff had the following comments:

- Expressed his appreciation to Lower King and Queen Fire and Rescue, as he was the first one to try out their new ambulance of which is well equipped and the EMT's were very efficient. They did great work in responding to a call.
- Advised that he would not be in attendance at the October workshop
- Thanked everyone for attending.

Ms. Alsop had the following comments:

- Thanked everyone for attending the meeting
- Advised that as a reminder, the Fuel Assistance applications are out, and if they need help to please get the application in.
- Advised that she and the Chairman will be attending the VACO annual Meeting. Ms. Alsop further expressed that VACO provides a unique opportunity for people who sit on Boards and Boards of Supervisors, to discuss what is happening across the state and the

opportunity to attend seminars and classes. By going to these events, you learn what is out there and what things are available, where you normally would not know.

- Advised that a letter was received from the Governor about unfunded mandates and expressed that he is looking into the issues and is asking questions which is more than in the past.
- Expressed that every year around election time, she hears and is questioned of what she makes serving as a member on the Board. Ms. Alsop asked that people try to find out before spreading information that is not true. Ms. Alsop further advised that the Board's salary is \$4,000 a year not a month.

Mrs. Morris had the following comments:

- Thanked everyone for attending, and asked that each month exercise their right to vote and to have a safe trip home.

Mr. Milby had the following comments:

- Advised that he overlooked last month commending the King and Queen Dispatchers for the work they did during the Hurricane
- Thanks to everyone that attended and have a safe trip home

Mr. Simpkins had the following comments:

- Thanked everyone for attending the meeting
- Asked that everyone support Community Pride day that is coming up on Saturday
- Advised of the Farm Bureau event that has been rescheduled for October 23<sup>rd</sup>.
- Advised of a Bluegrass and Barbeque that will be held on the 22<sup>nd</sup> of October
- Asked that each one exercise their right to vote

**CLOSED SESSION PURSUANT TO SECTION 2.2-3711 (a) 1, (a) 6 and (a) 7 OF THE CODE OF VIRGINIA FOR THE PURPOSE OF DISCUSSING A BRIEF PERSONNEL ISSUE, LEGAL CONSULTATION, AND THE POTENTIAL INVESTMENT OF PUBLIC FUNDS IN AN ONGOING NEGOTIATION WHERE PUBLIC DISCUSSION COULD HAMPER NEGOTIATIONS.**

A motion was made by Ms. Alsop and seconded by Mr. Milby to enter into closed session.

**AYES: J. L. SIMPKINS, S. C. ALSOP, J. M. MILBY, JR., D. H. MORRIS, M. W. MCDUFF  
NAYS: NONE**

A motion was made by Mr. McDuff and seconded by Ms. Alsop to come out of closed session with each member certifying by individual vote that only those public business matters lawfully exempted from the open meeting requirement of the Virginia Freedom Information Act were heard discussed or considered in closed session.

AYES: J. L. SIMPKINS, S. C. ALSOP, J. M. MIBLY, JR., D. H. MORRIS, M. W. MCDUFF  
NAYS: NONE

IT IS ORDERED THAT THE BOARD ADJOURN

A motion was made by Ms. Alsop and seconded by Mrs. Morris to adjourn the meeting.

AYES: J. L. SIMPKINS, S. C. ALSOP, J. M. MILBY, JR., D. H. MORRIS, M. W. MCDUFF  
NAYS: NONE

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J. L. Simpkins, Chairman

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K. Diane Gaber, CMC  
Deputy Clerk