

**MINUTES**  
**BERRYVILLE TOWN COUNCIL**  
**Tuesday, February 11, 2014**  
**Berryville-Clarke County Government Center**  
**Regular Meeting**  
**7:30 p.m.**

**Town Council:**

Present: Wilson Kirby, Mayor; Harry Lee Arnold, Jr., Recorder; Allen Kitselman; Mary Daniel; Douglas Shaffer; David Tollett

Absent: None

**Staff:** Keith Dalton, Town Manager; Desiree Moreland; Assistant Town Manager/Treasurer; Christy Dunkle, Assistant Town Manager/Planner; Neal White, Chief of Police; Celeste Heath, Town Clerk

**Press:** Val Van Meter, Winchester Star

**1. Call to Order:** Wilson Kirby, Mayor  
Mayor Kirby called the regular meeting to order at 7:30 p.m.

**2. Pledge of Allegiance**

**3. Public Hearings**  
Two Public Hearings were called to order at 7:31 p.m.

**Special Use Permit**

David Anderson, Owner (Anderson Control Inc.), is requesting a Special Use Permit in order to operate a professional office at the property located at 105 South Buckmarsh Street, identified as Tax Map Parcel number 14A4-((A))-53, zoned R-2 Residential under Section 202.2(b) of the Berryville Zoning Ordinance. SUP 01-14

There was no public comment.

**Text Amendments**

The Berryville Planning Commission is recommending text amendments to the Berryville Zoning Ordinance, Articles II and III, establishing Section 204.1(qq) allowing apartments other than first story storefront as a use by right and requiring a Special Use Permit for first story storefront apartments by deleting Section 204.2(c) and establishing Section 204.2(h), both in the C General Commercial Zoning District and modifying Section 310.9(a) requiring one off-street parking space for apartments 1,000 square feet or less and two off-street parking spaces for apartments larger than 1,000 square feet. TA-01-14

There was no public comment.

Upon motion by Council member Kitselman, seconded by Council member Daniel the Public Hearings were closed at 7:34 p.m.

**4. Approval of Minutes**

January 14, 2014

Upon motion by Recorder Arnold, seconded by Council member Tollett, the minutes of the January 14, 2014 meeting were unanimously approved.

**5. Citizens Forum**

There was no public comment.

**6. Report of the Mayor**

FY 2014 Audit

The Mayor introduced Josh Roller from the firm of Robinson, Farmer and Cox. Mr. Roller presented the findings of the Fiscal Year 2014 Audit of the Town of Berryville. He said that the audit gives an unqualified opinion which is the best opinion you can get. Mr. Roller then pointed out some highlights of the audit. There was no comment from the Town Council.

**7. Planning and Zoning Matters**

Action Items – Public Hearings

Special Use Permit

Ms. Dunkle reported that the Planning Commission held a public hearing on the following matter at their January 28, 2014 meeting and recommended that the Town Council approve the request as presented.

**David Anderson, Owner (Anderson Control Inc.), is requesting a Special Use Permit in order to operate a professional office at the property located at 105 South Buckmarsh Street, identified as Tax Map Parcel number 14A4-((A))-53, zoned R-2 Residential under Section 202.2(b) of the Berryville Zoning Ordinance. SUP 01-14**

Ms. Dunkle said that Mr. Anderson has purchased the property located at 105 South Buckmarsh Street in order to operate his office there and that professional offices are a use by special permit in the R-2 zoning district. She said that there is sufficient off-street parking per Section 305 of the Berryville Zoning Ordinance and that the business will not have any outdoor storage.

Upon motion by Recorder Arnold, seconded by Council member Kitselman the Council of the Town of Berryville approved the Special Use Permit at the property located at 105 South Buckmarsh Street, identified as Tax Map Parcel number 14A4-((A))-53, zoned R-2 Residential in order to operate a professional office under Section 202.2(b) of the Berryville Zoning Ordinance.

VOTE:

Recorded Vote:

- Ayes:
  - Wilson Kirby, Mayor
  - Harry Lee Arnold, Jr., Recorder
  - Mary Daniel
  - Allen Kitselman

Douglas Shaffer  
David Tollett  
Nays: None  
Absent: None  
Abstain: None

Text Amendments

Ms. Dunkle reported that the Planning Commission held a public hearing on the following matter at their January 28, 2014 meeting and recommended that Council approve the request a presented.

**The Berryville Planning Commission is recommending text amendments to the Berryville Zoning Ordinance, Articles II and III, establishing Section 204.1(qq) allowing apartments other than first story storefront as a use by right and requiring a Special Use Permit for first story storefront apartments by deleting Section 204.2(c) and establishing Section 204.2(h), both in the C General Commercial Zoning District and modifying Section 310.9(a) requiring one off-street parking space for apartments 1,000 square feet or less and two off-street parking spaces for apartments larger than 1,000 square feet. TA-01-14**

Ms. Dunkle said that the Planning Commission has been discussing this issue since last year. She said that they have recommended changes to Section 204 General Commercial adding second story apartments as a use by right in Section 204.2 and modifying Section 204.2(c) to require a Special Use Permit for first story storefronts and basement apartments. She said they also recommended an amendment to Section 310 Apartments requiring one off-street parking space for apartments 1,000 square feet or less and two off-street parking spaces for those larger than 1,000 square feet. The current ordinance requires two off-street spaces for every apartment.

Upon motion by Council member Daniel, seconded by Council member Shaffer the Council of the Town of Berryville approved the attached ordinance amending Articles II and III, of the Berryville Zoning Ordinance establishing Section 204.1(qq) allowing second story apartments as a use by right; modifying Section 204.2(c) requiring an approved special use permit for first story and basement apartments; and modifying Section 310.9(a) requiring one off-street parking spaces for apartments 1,000 square feet or less and two off-street parking spaces for apartments greater than 1,000 square feet.

VOTE:

Recorded Vote:

Ayes: Wilson Kirby, Mayor  
Harry Lee Arnold, Jr., Recorder  
Mary Daniel  
Allen Kitselman  
Douglas Shaffer  
David Tollett

Nays: None  
Absent: None

Abstain: None

AN ORDINANCE AMENDING  
ARTICLE II, C GENERAL COMMERCIAL, ESTABLISHING SECTION 204.1(QQ);  
MODIFYING SECTION 204.2(C); AND ARTICLE III, APARTMENTS, MODIFYING  
SECTION 310.9(A)  
OF THE TOWN OF BERRYVILLE ZONING ORDINANCE

BE IT ORDAINED, by the Council of the Town of Berryville, that Article II, Section 204 General Commercial and Article III, Section 310 Apartments, of the Town of Berryville Zoning Ordinance shall be amended as follows:

ARTICLE II

204.1 USES PERMITTED BY RIGHT

204.1(qq) Second story apartments as set forth in Section 310. **(02/14)**

204.2 USES PERMITTED BY SPECIAL PERMIT

204.2(c) First story storefront and basement apartments as set forth in Section 310. **(02/14)**

ARTICLE III

310.9 USES PERMITTED BY RIGHT

310.9(a) Off-street parking, whether in a garage or on-lot, shall be provided on the premises at the rate of one (1) space for each apartment unit 1,000 square feet or less and two (2) spaces for each apartment unit greater than 1,000 square feet. **(02/14)**

SIGNED: \_\_\_\_\_  
Wilson Kirby, Mayor

ATTEST: \_\_\_\_\_  
Harry Lee Arnold, Jr., Recorder

Planner's Report

Ms. Dunkle reported that the Planning Commission elected Mr. Shaffer as Chair and Kim Kemp as Vice-Chair. She reported that Mr. Lincoln would be leaving the Planning Commission and that a small reception will be held for him before the next Planning Commission meeting. She noted that the BADA meeting was cancelled because of weather.

Safe Routes to Schools

Ms. Dunkle presented a resolution authorizing the Town Manager to sign documents related to the Safe Routes to Schools infrastructure grant.

Upon motion by Recorder Arnold, seconded by Council member Kitselman the Council of the Town of Berryville approved the attached resolution to obtain financial assistance through a Safe Routes to School Infrastructure Grant and to authorize the Town Manager to sign required documents.

VOTE:

Recorded Vote:

Ayes:	Wilson Kirby, Mayor Harry Lee Arnold, Jr., Recorder Mary Daniel Allen Kitselman Douglas Shaffer David Tollett
Nays:	None
Absent:	None
Abstain:	None

RESOLUTION OF GOVERNING BODY OF  
**The Town of Berryville**

The governing body of the Town of Berryville, Virginia, consisting of 6 members, in a duly called meeting held on the 11<sup>th</sup> day of February at which a quorum was present, RESOLVED as follows:

**BE IT HEREBY RESOLVED that, in order to facilitate obtaining financial assistance through a Safe Routes to School Infrastructure Grant from the Virginia Department of Transportation, the funds will provide for construction of a sidewalk on the Johnson-Williams Middle School property adjacent to Swan Avenue in the Town of Berryville, Virginia, Clarke County, Virginia, the governing body does hereby adopt and abide by the covenants contained in the Standard Federal-Aid Project Administration Agreement for the Safe Routes to School infrastructure project referenced above.**

**BE IT FURTHER RESOLVED that the Town Manager of the Town of Berryville, Virginia be authorized to execute, on behalf of the governing body, the above agreement and to execute such other documents including, but not limited to, debt or grant instruments and security instruments as may be required in obtaining the said financial assistance.**

This Resolution, along with a copy of the above-named documents, is hereby entered into the permanent minutes of this meeting of the Town Council.

**THE TOWN OF BERRYVILLE**

Attest: \_\_\_\_\_

By: Wilson L. Kirby, Mayor

**CERTIFICATION**

I hereby certify that the above resolution was duly adopted by the Council of the Town of Berryville, in a duly assembled meeting on the 11<sup>th</sup> day of February, 2014.

\_\_\_\_\_  
Harry Lee Arnold, Jr., Recorder

Virginia Commission for the Arts (VCA) Local Government Challenge Grant

Ms. Dunkle reported that the Town has been awarded a \$5,000 Local Government Challenge matching grant from the Virginia Commission for the Arts for the past three years and that 100% of these funds were given to Berryville Main Street and the Fire House Gallery. She said she would like to apply for the grant again. The grant for up to \$5,000 is a match to local government's funding of arts organizations. She said that in previous years the match for this grant was made from the Town of Berryville's annual grant to Berryville Main Street (BMS) and that BMS is again requesting these grant proceeds.

Ms. Dunkle said that she sent notification to other non-profit arts organizations to learn about interest in applying for the funds. She reported that Barns of Rose Hill responded initially but that they are now working with Clarke County to receive grant funds from the same source.

Ms. Dunkle said that VCA requires that programming using Local Government Challenge funds include the Virginia Commission for the Arts and National Endowment for the Arts logos on any marketing material and that this requirement is part of the motion authorizing the Town to apply for the grant and award the proceeds to Berryville Main Street.

Recorder Arnold thanked Ms. Dunkle for continually applying for and receiving these funds.

Upon motion by Recorder Arnold, seconded by Council member Tollett the Council of the Town of Berryville agreed to apply for the Virginia Commission for the Arts' Local Government Challenge Grant identifying Berryville Main Street as the recipient of the match, requiring that all marketing material include both Virginia Commission for the Arts (VCA) and National Endowment for the Arts (NEA) logos for projects funded with this grant, per the terms of the VCA. Matching grant funds shall be appropriated from the Town's annual contribution to Berryville Main Street.

VOTE:

Recorded Vote:

Ayes:	Wilson Kirby, Mayor Harry Lee Arnold, Jr., Recorder Mary Daniel Allen Kitselman Douglas Shaffer David Tollett
Nays:	None
Absent:	None
Abstain:	None

**8. Report of the Town Manager**

Mr. Dalton asked that a Closed Session be added to the agenda. The Town Council agreed.

Mr. Dalton said that we are dealing with a very active snow season and that Public Works is doing a good job. He said that they are preparing for the next storm and appreciate the equipment that the Town Council has provided for them.

## **9. Standing Committee Reports**

a) BADA Liaison – Allen Kitselman

The BADA meeting was cancelled because of inclement weather.

b) Budget Finance / CIP – Jay Arnold

Recorder Arnold said that the Budget and Finance Committee will meet on March 5, 2014 and the Town Council will hold a Budget Work Session on March 12, 2014

c) Community Improvements – Allen Kitselman

Mr. Kitselman reported that the committee had several meetings in January. He said that on January 28 the committee met with representatives of the Farmers Market for a debriefing. He said the market had a great year and that he is looking forward to an even better year.

Council member Kitselman said that Virginia Tourism Corporation representatives came to Berryville on February 5 and the meeting was well attended by about 20 community stakeholders.

Council member Kitselman said that the Committee held a joint meeting with the Police and Security Committee to look at the ordinance regarding chickens in Town.

Council member Kitselman said that the Committee discussed way-finding signs and is in the process of identifying the magnitude of the project including the number of signs and how much they will cost so that we will be ready when VDOT lifts the moratorium on such sign projects. He said that the Committee is also revisiting possible designs for the way-finding signs.

Ms. Dunkle said that she spoke to VDOT about the way-finding signs moratorium and that they are still reviewing the regulations but are encouraging jurisdictions to submit plans for comment and review.

Council member Kitselman said that the Community Improvements Committee will work on this project and then present their recommendations to the full Town Council.

### Snow

Council member Kitselman then discussed snow removal downtown. Mr. Dalton explained the economic and logistical details of the snow removal operation. He said that he has talked to Rick Boor and Public Works will work Friday and Saturday nights to remove snow from downtown. Council member Kitselman noted that we rely on business owners to remove snow from the sidewalks in front of their businesses.

### Chickens in Town

Council member Kitselman said that he has been doing a lot of thinking about the issue and that he believes that we are getting wrapped around the axle. He said that he has concerns about a few items that have been discussed including the suggestion of requiring neighbors' permission to get a permit. He said that we may want to rely on people to do the right thing and that this type of regulation invites conflict. He said that he feels like the regulations need some more work.

Ms. Daniel said that she also thinks that the idea of neighbor consent is a bad one. She said that she also has other concerns including how long permits would be good for and why there is a 6-foot restriction on coops. Mr. Dalton said that the height restriction is because of fence height restrictions that are already in place. Ms. Daniel said that she anticipated that the Town Council would have a public hearing at their next meeting and update the details of the ordinance after that.

Mr. Dalton said that the draft ordinance has been updated at the direction of the Police and Security and Community Improvements Committee and that the draft still needs work in defining chicken coops and accessory buildings and establishing setbacks on corner lots. Mr. Dalton discussed the changes to the draft including the following:

- A permit requirement;
- Restriction of the use to residentially zoned property;
- Parcel sizes are expressed in acreage and not square feet;
- The number of hens allowed would be four in the vast majority of town;
- The setback from adjoining properties would be ten feet;
- Requirement for adjoining property consent (although Mr. Dalton noted that there have been concerns expressed about this);
- A permit length of 5 years;
- Restrictions on commercial sales were eliminated.

Mr. Dalton said that he would also like to have the Town's attorney review the final draft of the ordinance.

Mayor Kirby said that he is concerned for a number of reasons including the cost and staff time involved for developing this ordinance. He said he believes that it would cost the Town about \$1,000 to hold a public hearing on this matter. He said that he finds the adjacent property owner permission requirement troubling. He said that he also has concerns about health issues. He said that he saw an email from the Lord Fairfax Health District written during the City of Winchester's consideration of this issue and it indicated that there are health concerns with keeping chickens. Mayor Kirby noted that there are also covenants restricting this use in several subdivisions in town.

Mayor Kirby said that he has not met one person who is in favor of chickens in Berryville. He asked if the Town Council really wants to go through the exercise of creating an ordinance if ultimately the majority of citizens are against it.

Council member Daniel replied that she is surprised that the Mayor says that he has not talked to anyone in favor of this when the people attending these meetings are in favor of it. She said that all but one of the comments that she has received so far have been in favor of allowing chickens in town. She said the e-mail and attachments that the Town Council received from the Lord Fairfax Health District pretty clearly state that there is not a significant health risk related to chickens unless there is gross neglect, which is unlikely with this number of chickens.

Council member Daniel said that she feels like allowing this will not cause any big issues and planning on the front end will head off issues at the back end. She said that she has not heard why the ordinance regarding this matter was changed in the 1980s and noted that Berryville, Boyce and Winchester are the only localities in the area that don't allow this use. She said that once she saw the Lord Fairfax Health District report saying that making children wash their hands after handling chickens was the primary health concern she knew that the health risk was not significant.

Council member Daniel said she was unaware that members were uncomfortable with the ordinance because she has received no feedback from any council members except those on the Committees. She said that she would like to see this move along but not until the Town Council is comfortable with the language as well as the idea.

Council member Kitselman said that this was initiated by a constituent and that he is sorry to lead the Council down this path but it is his job to address this constituent interest in changing the ordinance.

Council member Shaffer said that he did an informal poll on the issue visiting different subdivisions in Town. He said that he spoke to 41 people and found 37 people against the idea and 7 people for the idea. He said that when he informed people living in subdivisions with covenant restrictions on the activity many of them said that in that case they had no problem with it. Council member Tollett said that the Police and Security Committee talked about the HOA covenant issue and that residents would have to get permission from their HOAs.

Recorder Arnold said that he has also been around town talking to people about the issue. He said he spoke to 5 people who were very excited about the idea, 2 were okay with it if it is regulated properly, 2 were okay with it as long as it is not next door to them and 35 did not want any parts of it.

Mayor Kirby then called for a motion regarding moving forward with this matter. He said that he does not want to move forward and go to the expense if this is not viable. Council member Daniel asked the Mayor to clarify what he means by move forward. Mayor Kirby said that he would like to have a motion on the matter of setting a public hearing and working on ordinance language if anyone would care to do so, although he is not in favor of any further work on the matter. He said that while a public hearing is not required to change the ordinance he certainly would not be in favor of moving forward on this issue without a public hearing on the matter. Council member Kitselman agreed that

although a public hearing is not required that it is wise to have one before making a decision on this matter.

Council member Tollett made a motion to proceed with work on an ordinance allowing chickens in town including completing staff work, developing a sample permit, finalizing on ordinance language and setting a public hearing for the next regular Town Council meeting. Council member Kitselman seconded the motion.

Council member Shaffer encouraged the Town Council to seek out 50 people and ask them how they feel about allowing chickens in town. Council member Daniel asked if there is a way to advertise a public hearing without spending 1,000 dollars. She asked if it could be advertised on the bottom of water bills. Mr. Dalton said that the estimated cost is for a public hearing and for legal review and that he would assume that a public hearing should be advertised like a regular public hearing in the local newspaper as required by law.

Mayor Kirby called the question. The motion failed.

VOTE:

Recorded Vote:

Ayes:

Mary Daniel

Allen Kitselman

David Tollett

Nays:

Wilson Kirby, Mayor

Harry Lee Arnold, Jr., Recorder

Douglas Shaffer

Absent:

None

Abstain:

None

Approval of Minutes

January 28, 2014

Upon motion by Council member Tollett, seconded by Council member Kitselman, the minutes of the January 28, 2014 Community Improvements Committee meeting were unanimously approved.

d) Planning Commission – Doug Shaffer

Council member Shaffer presented a motion honoring John Lincoln.

Upon motion by Council member Tollett, seconded by Council member Shaffer the Council of the Town of Berryville unanimously approved the attached Resolution of Appreciation and thanks for John Lincoln on his departure from the Planning Commission

VOTE:

Recorded Vote:

Ayes:

Wilson Kirby, Mayor

Harry Lee Arnold, Jr., Recorder

Mary Daniel

Allen Kitselman

Douglas Shaffer

David Tollett

Nays:

None

Absent:

None

Abstain:

None



**COUNCIL OF THE TOWN OF BERRYVILLE  
RESOLUTION OF APPRECIATION AND THANKS**

**WHEREAS**, John Lincoln was first appointed to the Planning Commission on November 11, 1997; and

**WHEREAS**, Mr. Lincoln was appointed several more times serving on that commission for over sixteen years; and

**WHEREAS**, During his tenure Mr. Lincoln has faithfully served the citizens of the Town of Berryville, utilizing his expertise to guide and manage development and lead this important commission through a critical time in our town's history; and

**WHEREAS**, Without fail, in all of his dealings with the public and other public officials, Mr. Lincoln executed the duties of his office in a fair and just manner; and

**WHEREAS**, Through his work with the Town Mr. Lincoln has served as a shining example of a citizen's concern for his community and has truly positively affected the lives of Berryville's residents;

**NOW, THEREFORE, BE IT RESOLVED**, by the Council of the Town of Berryville, that John Lincoln's long and distinguished service to this community is recognized and that he is thanked for his hard work and devotion.

By Order of the Council of the Town of Berryville on this the eleventh day of February, 2014.

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Wilson L. Kirby, Mayor

The Mayor recognized Council member Kitselman to complete his Community Improvements Committee report.

Community Development Block Grant (CDBG)

Council member Kitselman reported on the community meeting held on Josephine Street regarding a CDBG planning grant. He said that the group has come up with a number of goals for the CDBG plan including a community conservation district that would protect existing housing stock on Josephine Street. He said more information about this grant will be presented to the Town Council in coming months.

e) Police and Security – Mary Daniel

Council member Daniel said the Committee held a joint meeting with the Community Improvements Committee.

Council member Daniel said that along with the discussion about chickens in town the committee has also updated the remainder of the ordinance regarding animals and that those changes need to be addressed. She asked Mr. Dalton if staff has advice on how to proceed on this. Mr. Dalton suggested that staff bring the ordinance back to the Police and Security Committee without the language about chickens.

Council member Daniel asked if the opposition to the chicken language was only about the cost of legal review and advertisement. She noted that the two committees have already done a great deal of work on this matter. Mayor Kirby said that while he heard the citizens attending the December meeting in favor of allowing chickens in Town that he thinks the overall sentiment is opposition to chickens in a neighboring yard. He said the feels it would be offensive to more people in town than not.

Council member Daniel said it is interesting that the three gentlemen who have not worked on this issue at all are saying that they don't want to move on with this process. Mayor Kirby said that he truthfully has not spoken to anybody outside of the December meeting that is in favor of allowing chickens in Town. He said his actions represent what is truly in his heart regarding what he has heard from citizens on this matter.

Approval of Minutes

February 5, 2014

Upon motion by Council member Tollett, seconded by Council member Daniel, the minutes of the February 5, 2014 Police and Security Committee meeting were unanimously approved.

f) Streets and Utilities – Wilson Kirby

Mayor Kirby reported that the Streets and Utilities Committee met on January 30<sup>th</sup> and spoke to representatives from VDOT about their traffic signal replacement project at Main and Church Streets.

Approval of Minutes

January 30, 2014

Upon motion by Council member Shaffer, seconded by Mayor Kirby, the minutes of the January 30, 2014 Streets and Utilities Committee meeting were unanimously approved.

Mr. Dalton said that at the last Streets and Utilities Committee meeting he introduced the idea of having a meeting with downtown merchants in the near future to talk about downtown parking. He said the Mayor would like to place the idea on the Town Council's agenda to discuss the following issues:

- Do we wish to reinvest in parking meters?
- If so, we need to review all meter related issues.
- What are the expectations for snow removal downtown?
- What would we like to see happen with parking enforcement?

g) Personnel / Appointments – Jay Arnold

Recorder Arnold reported that the Personnel Committee will be interviewing candidates for the Planning Commission seat that John Lincoln is vacating.

**10. Closed Session**

Closed Session – The Berryville Town Council entered closed session in accordance with §2.2-3711-A-7, Code of Virginia, in order to consult with staff and legal counsel regarding probable litigation related to the construction of the Wastewater Treatment Plant.

a. Motion to enter Closed Session

It was moved by Recorder Arnold, seconded by Council member Shaffer that the Council of the Town of Berryville enter Closed Session in accordance with §2.2-3711-A-7, Code of Virginia, in order to consult with staff and legal counsel regarding probable litigation related to the construction of the Wastewater Treatment Plant.

VOTE:

Recorded Vote:

Ayes:

Mary Daniel  
Allen Kitselman  
David Tollett  
Wilson Kirby, Mayor  
Harry Lee Arnold, Jr., Recorder  
Douglas Shaffer

Nays: None

Absent: None

Abstain: None

b. Enter Closed Session

The Town Council entered closed session at 8:33 p.m.

c. Reconvene Open Session

The Town Council reconvened in open session at 9:22 p.m.

d. Certification of Closed Session

Town of Berryville  
RESOLUTION

MEETING DATE: February 11, 2014

MOTION BY: Harry Lee Arnold, Jr.

SECOND BY: Mary Daniel

CERTIFICATION OF CLOSED SESSION

WHEREAS, the Council of the Town of Berryville, Virginia (Council), has convened a closed meeting on this date pursuant to an affirmative recorded vote and in accordance with the provisions of The Virginia Freedom of Information Act; and

WHEREAS, Section 2.2-3712.D of the Code of Virginia requires a certification by this Council that such closed meeting was conducted in conformity with Virginia law,

NOW, THEREFORE, BE IT RESOLVED that the Council hereby certifies that, to the best of each member's knowledge, (i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification resolution applies, and (ii) only such public business matters as were identified in the motion convening the closed meeting were heard, discussed or considered by the Council.

VOTE:

Recorded Vote:

Ayes:

Mary Daniel  
Allen Kitselman  
David Tollett  
Wilson Kirby, Mayor  
Harry Lee Arnold, Jr., Recorder  
Douglas Shaffer

Nays: None

Absent: None

Abstain: None

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Harry Lee Arnold, Jr., Recorder

**11. Adjourn**

Upon motion by Recorder Arnold, seconded by Council member Daniel and passed, the Council meeting was adjourned at 9:24 p.m.

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Wilson Kirby, Mayor

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Harry Lee Arnold, Jr., Recorder