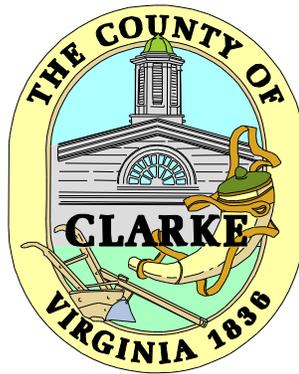


# Clarke County Board of Supervisors



## Regular Meeting Packet

June 21, 2016



# Clarke County Board of Supervisors Regular Meeting Agenda

Main Meeting Room Berryville / Clarke County Government Center  
101 Chalmers Court, 2<sup>nd</sup> Floor, Berryville, Virginia

Item	June 21, 2016	Packet Page
<b>Afternoon Session 1:00 PM</b>		
1. Call To Order		4
2. Adoption Of Agenda		5
3. Citizen's Comment Period		6
4. Clarke County Equine Alliance Economic Development Presentation by Cathy Frederickson		7
5. Special Event Permit Application: Long Branch Historic House and Farm Rhythm and Brews Festival Medium Event August 20, 2016, 11 am to 6 pm. <b>Action: Staff recommends approval of this first-time medium event, Rhythm and Brews Festival, as presented.</b>		38
6. Set Public Hearing Appeal of Board of Septic Appeals Decision - Steven Soechtig. <b>Action: Staff recommends set public hearing for Tuesday, July 19, 2016 at 6:30 pm or as soon thereafter as the matter may be heard.</b>		73
7. Set Public Hearing CC-2016-03 Clarke County Code Chapter 40 Voting Districts 40-3. Polling Places established to change Millwood Precinct polling place from Powhatan School 49 Powhatan Lane, Boyce, VA 22620 to VFW Veterans of Foreign War Post 9760 425 South Buckmarsh Street, Berryville VA 22611. <b>Action: Staff recommends set public hearing for Tuesday, July 19, 2016 at 6:30 pm or as soon thereafter as the matter may be heard.</b>		87
8. Authorization to Execute Release and Waiver Concluding Dispute on BCCGC		93
9. Approval of Minutes. <b>Action: Approve the following set of minutes:</b>		94
– <b>May 17, 2016 Regular Meeting</b>		
10. Consent Agenda. <b>Action: Approve the following items:</b>		125
– <b>MOU Northern Shenandoah Valley Substance Abuse Coalition</b>		126
– <b>Conservation Easement Authority Draft Policy Structural Square Footage</b>		130
11. Board of Supervisors Personnel Committee		131
A. Expiration of Term for appointments expiring through August 2016. Action: The Personnel Committee made no recommendations.		132
B. County Administrator Update on Pay Classification and Pay Plan; FY2017 General Government Salary Adjustments. Action: Information only.		131
12. Board of Supervisors Work Session		143
A. Rural Broadband Briefing by Sandy Terry. Action: Information only.		145
B. Habitat for Humanity Update by Matthew T. Peterson. Action: Information only.		153
C. 2016 FOIA Legislation Update by David Ash. <b>Action: Approve policy change.</b>		158
D. Reminder: Statements of Economic Interest for the period November 1, 2016 thru April 30, 2016		143

Note: The order in which Agenda items are considered may be changed to assure that public hearings are started as close as possible to the scheduled time Page 1 of 2

6/16/2016 3:30 PM



# Clarke County Board of Supervisors Regular Meeting Agenda

Main Meeting Room Berryville / Clarke County Government Center  
101 Chalmers Court, 2<sup>nd</sup> Floor, Berryville, Virginia

Item	June 21, 2016	Packet Page
	due in County Administration by close of business Wednesday, June 15, 2016. Action: Information only.	
E.	Closed Session Pursuant to §2.2-3711-A5 Discussion of unannounced business location and §2.2-3711-A7 Consultation with legal counsel and briefings by staff members or consultants pertaining to actual or probable litigation, where such consultation or briefing in open meeting would adversely affect the negotiating or litigating posture of the public body; and consultation with legal counsel employed or retained by a public body regarding specific legal matters requiring the provision of legal advice by such counsel – consultation with Robert Mitchell, County Attorney. Action: Information Only.	143
13.	Board of Supervisors Finance Items	
1.	<b>Bills and Claims – Invoice History Report. Action: Accept May Bills and Claims – Invoice History Report.</b>	189
14.	Shenandoah Farms Sanitary District Discussion	199
15.	Government Projects Update	200
16.	Miscellaneous	201
	– SUP-16-01/SP-16-01, Hecate Energy LLC Update by Brandon Stidham	202
17.	Summary Of Required Action	203
18.	Board Member Committee Status Reports	204
19.	Closed Session Pursuant to 2.2-3711-A1 Specific Employees or appointees of the Board	205
<b>Evening Session 6:30 pm</b>		
20.	Citizen's Comment Period	206
21.	PH 16-15 VDOT Secondary Six-Year Plan Review	209
22.	PH 16-16 RZ-16-01, Shenandoah Retreat Land Corporation/Philip Jones	212
23.	PH 16-17 SUP-16-01/SP-16-01, Hecate Energy LLC	217
24.	Adjournment	262
Reports in June Packet:		263
1.	Building Department	264
2.	Commissioner of the Revenue	272
3.	Fire & EMS	278
4.	Virginia Regional Transit	279

Note: The order in which Agenda items are considered may be changed to assure that public hearings are started as close as possible to the scheduled time

Page 2 of 2

6/16/2016 3:30 PM

# **Clarke County Board of Supervisors**

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## **Call to Order**

# **Clarke County Board of Supervisors**

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## **Adoption of Agenda**

# **Clarke County Board of Supervisors**

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## **Citizen Comment Period**



## CLARKE COUNTY EQUINE ALLIANCE

Economic Development Presentation

Clarke County Board of Supervisors Regular Meeting

Tuesday, June 21<sup>st</sup>, 2016

- 1) Presentation to be made at the meeting by Cathy Frederickson, CCEA board member.
- 2) Excerpt from the Clarke County Economic Development Strategic Plan, an Implementing Plan of the 2013 Clarke County Comprehensive Plan.
- 3) Copy of the 2005 Study of the Economic Impact of the Agriculture Sector in Clarke County, Virginia.
- 4) Copy of the June, 2016 Weldon-Cooper Proposal for Consultation and Support for the 2016 Clarke County Equine Census.

## CCEA Presentation to the Clarke County Board of Supervisors

### Economic Development Proposal

Good Afternoon – my name is Cathy Frederickson, and I am speaking as a member of the board of the Clarke County Equine Alliance.

The Clarke County Equine Alliance was formed in 2004 “to unify and promote all equine-related business in the county”. “We are dedicated to increasing the connectivity of all county equestrian and equine related activities”. “We serve professionals and amateurs alike.”

Our CCEA board alone represents a variety of members who participate at multiple levels of the horse industry in the county. County, state, national and international horse industry and related interests are part of the everyday lives of these residents.

The Clarke horse population and its related activities have grown steadily and consistently added value to Clarke County living both prior to, and after the formation of the CCEA.

This is in large part due to our county’s carefully protected rural landscape and its commitment to land protection and agricultural preservation. These offer superior equine opportunities which are increasingly becoming less available in surrounding counties. The huge increase in the number of retirement horses in the fields is a notable example of that.

In 2005, the county, via the Virginia Cooperative Extension service, did a comprehensive survey of the Economic Impact of the Agriculture Sector in Clarke County, a copy of which has been included in your packet. Although Equine was only addressed in one paragraph on page 10 of 31 in our presentation, if you look at Table I on page 20 of 31, you will note that its’ Economic Effects, including employment, **comprise more than 50%** of the entire agricultural sector of our county.

The CCEA board considers that it is important for our county to implement an exclusively equine survey to assess the true importance of our equine sector in our county's agriculturally-based economy, and its impact upon the future of our county's economic development. This step has already been scheduled in our county's Economic Development Plan.

Weldon-Cooper, working with UVA's Center for Survey Research, did a thorough equine survey for Loudoun County in 2013, at a cost of around \$40,000, paid for by Loudoun's Department of Economic Development. We contacted them to see what a similar survey would cost for Clarke County, taking into account the small size of our county, and the fact that the CCEA itself would be responsible for providing a lot of data and "boots on the ground" volunteers. They have provided us with the estimate for approx. \$10,000 that you will find in your packet.

We are hopeful that this study, when finished, will provide accurate information for all aspects of our county industry, as well as valuable information for our related businesses such as horse hay producers, farriers, veterinarians, etc. Our county government, also currently implementing its' Economic Development Plan, will be able to profit from the information provided and make the right decisions so necessary to its continued agricultural and rural future, well aligned with our sliding scale zoning.

If the county is able to provide the \$10,000 needed for this survey, the CCEA will ensure that the necessary manpower is available for individual door-to-door surveys, and the compiling and distribution of all of the results to all appropriate parties.

Our equine industry is a vital tool that can be used to help our county protect our land use and promote the number of conservation easements by landowners – all while providing the economic resources needed to ensure our county's preservation of its remarkable landscape.

Thank you for your consideration of our request.

# The Clarke County Equine Industry

EXCERPTS from the Clarke County Economic Development Strategic Plan  
(An Implementing Plan of the 2013 Clarke County Comprehensive Plan)

**Strategy 3. Promote Equine Development** (*Longer Term Priority*) (pages 44 & 45)

## **Action C.6 Conduct a detailed study of the equine industry**

This would include identifying the barriers and opportunities for expanding, and steps to pursue (similar to the Town's recent hotel market study). The purpose is to identify to identify the short and long term potential for the industry and the most practical steps and priorities for achieving the potential.

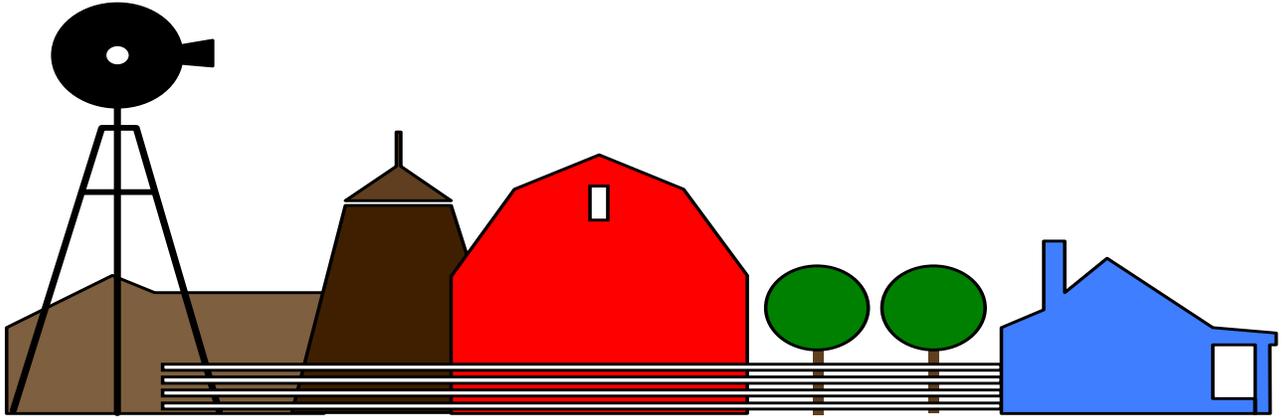
### *Action Steps:*

- (1) Identify the scope of the study and funding resources.
- (2) Retain the firm to conduct the study.
- (3) Assess, promulgate, and implement the findings.

## **Action C.7 Strengthen businesses in the local equestrian industry**

Develop a county or regional website devoted to the industry, offering up to date information on hay pricing, horse shows, and other business trends. (This could be in conjunction with the overall effort to upgrade the County's website for economic development marketing and tourism). Any such efforts should build on the success of the existing Equine Alliance and be an outgrowth or enhancement of that group. Businesses in the industry include stables and breeders, but also support businesses such as farriers, saddle-makers/marketers, and specialty construction companies.

The Economic Impact of the Agriculture Sector In Clarke County, Virginia  
2005



Dr. R. David Lamie, Associate Professor, Clemson University  
Mr. Matt Benson, Virginia Cooperative Extension, Community Viability Specialist  
Dr. Jim Pease, Professor, Virginia Tech

### Clarke County Advisory Committee

The following people were responsible for providing invaluable local insights during the preparation of the original report that was provided in 1996.

Brian Conrad - Board Member, Clarke County Farm Bureau

Gary Konkel - Clarke County Supervisor and Chairman, Clarke County Economic Development Committee

Wingate Mackay-Smith - Past President and Current Board Member, Clarke County Farm Bureau and Current Member, Clarke County Economic Development Committee

Justin Mackay-Smith - Past President and Current Board Member, Clarke County Farm Bureau

Beverly McKay - President, Clarke County Farm Bureau and Member, Clarke County Planning Commission

Philip Shenk - Clarke County Supervisor and Vice President, Clarke County Farm Bureau

## Executive Summary

This study was commissioned to provide an update to a nearly-decade old study conducted by Dr. R. David Lamie for the Clarke County Farm Bureau. This study not only updates the figures but is greatly improved by the addition of an historical overview of the structure of the agricultural industry, provided by Matt Benson.

The study begins with an historical overview of the agricultural industry for the county that indicates the growing importance of smaller-scale (up to 49 acre) farms and a robust equine industry. Given Clarke County's proximity to Northern Virginia, this pattern is likely to continue.

Though agriculture is not the dominant industry in the county accounting for only approximately 5 percent of the total dollar value of output and 6 percent of value-added for the county, it represents approximately 31 percent in terms of employment.

When considering the ripple (multiplier) effects on the county economy, agriculture's importance as an economic sector in the local economy becomes evident. When considering this more complete picture, agriculture leads the local economy in terms of total output and is in the top three industries in terms of employment and value-added.

What this study does not capture is the important role a vibrant agricultural sector plays in preserving the pastoral setting that helps to attract investment and people to the county. Though this is beyond the scope of the study, it would be prudent for those setting policy that effects the agricultural sector in Clarke County to keep this in mind.

## Introduction

Clarke County agriculture has deep roots extending back to the first settlers, and agriculture still plays a very important part in defining the cultural and economic fabric of Clarke County. Clarke County agriculture is more than the farms that produce crops and livestock. The effects of agriculture are felt not only in the farming community, but also in those industries that supply inputs to farms as well as those who add value to the raw farm products through further processing and marketing. Like many other counties in Virginia, Clarke County boasts a sizable horse industry that attracts investment from more urban areas and contributes to the economy through local expenditures. In addition, those who earn income from any and all of these agriculturally-related enterprises add to the economy of the county by making local purchases and paying local taxes.

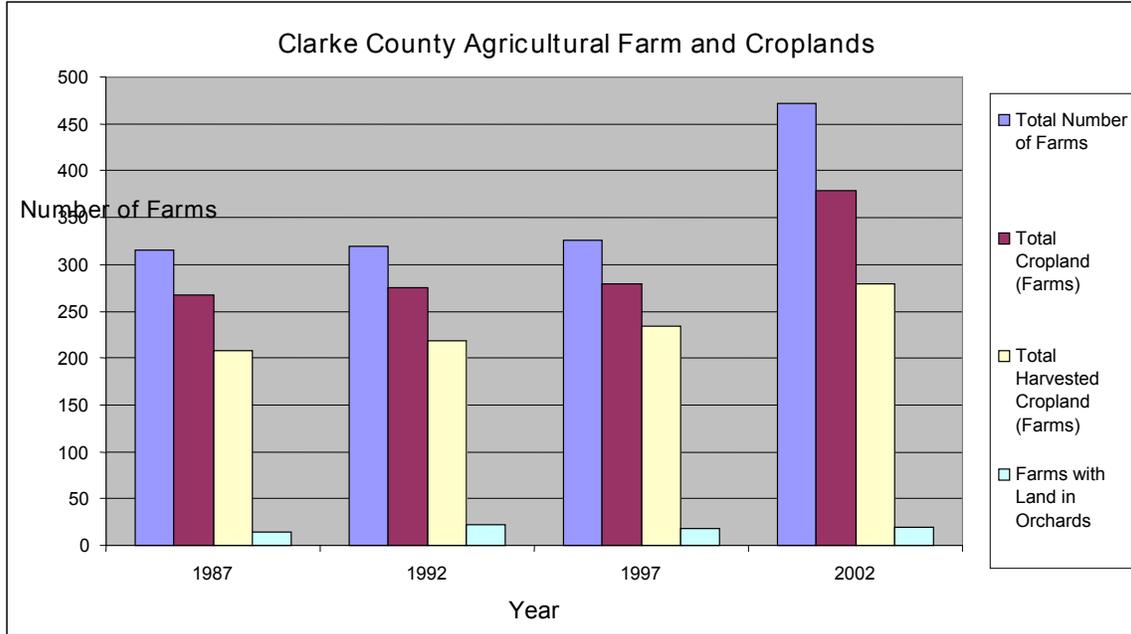
Like many traditional industries, agriculture is constantly changing in response to a host of factors including changes in the market conditions for agricultural products and competing demands for key production inputs like land, labor, and energy. Therefore, periodic reassessments of the economic impact of the agricultural industry are necessary to provide reasonably accurate estimates for local decision-making. It was the purpose of this study to provide an update to the original (1996) estimate of the economic impact of the agricultural industry in Clarke County. Specifically, this study was made in an effort to better understand:

1. the scope and scale of the current agricultural industry in Clarke County
2. the linkages between the agricultural sector and other sectors in the Clarke County economy, and
3. the economic impact of the agricultural sector in comparison to other sectors of Clarke County.

The remainder of this report is dedicated to providing an overview of the trends in agricultural production in Clarke County followed by an estimate of the economic impact of the agricultural sector.

### **A Contemporary Historical Overview of Agriculture in Clarke County**

Before estimating the economic impact agriculture has to Clarke County's economy, it is helpful to examine agriculture in its recent historical context. The following section provides an overview of how agriculture is evolving since 1987 in Clarke County. From 1987 to 2002, there was a 49.8% increase in the number of farms in Clarke County. There was also an increase of 41.4% of farms with cropland, and a 34.1% increase in farms that take harvest from these croplands. A relatively large increase (42.9%) occurred in farms with land in orchards, from 14 farms to 20 farms. (See Chart 1)



**Chart 1. Clarke County Agricultural Farm and Croplands.**

Comparing sales by categories between 1987 and 2002 for farms in Clarke County, farms with less than \$2,500 saw the greatest increase in start-ups, a 172% increase. Some of this large increase may be attributable to the recent phenomena of hobby farming and additional outlets for direct marketing (e.g. farmers’ markets). Farms with sales between \$2,500 and \$4,999 saw a 36.6% increase, while farms with sales between \$5,000 and \$9,999 saw a 7.7% decrease. Farms with sales between \$10,000 and \$24,999 saw a 17.2% increase, while farms with sales between \$25,000 and \$49,999 saw a 15.4% decrease. Lastly, farms with sales between \$50,000 and \$100,000 saw a 23.1% increase, while farms with sales greater than \$100,000 saw a 9.1% decrease. Overall, recent years have seen a decline in the number of larger farms and large increases in the number of smaller farms that are unlikely to support a family. However, Clarke County’s proximity to non-agricultural employment opportunities allows for many to participate in farming as a part-time occupation. (See Chart 2)

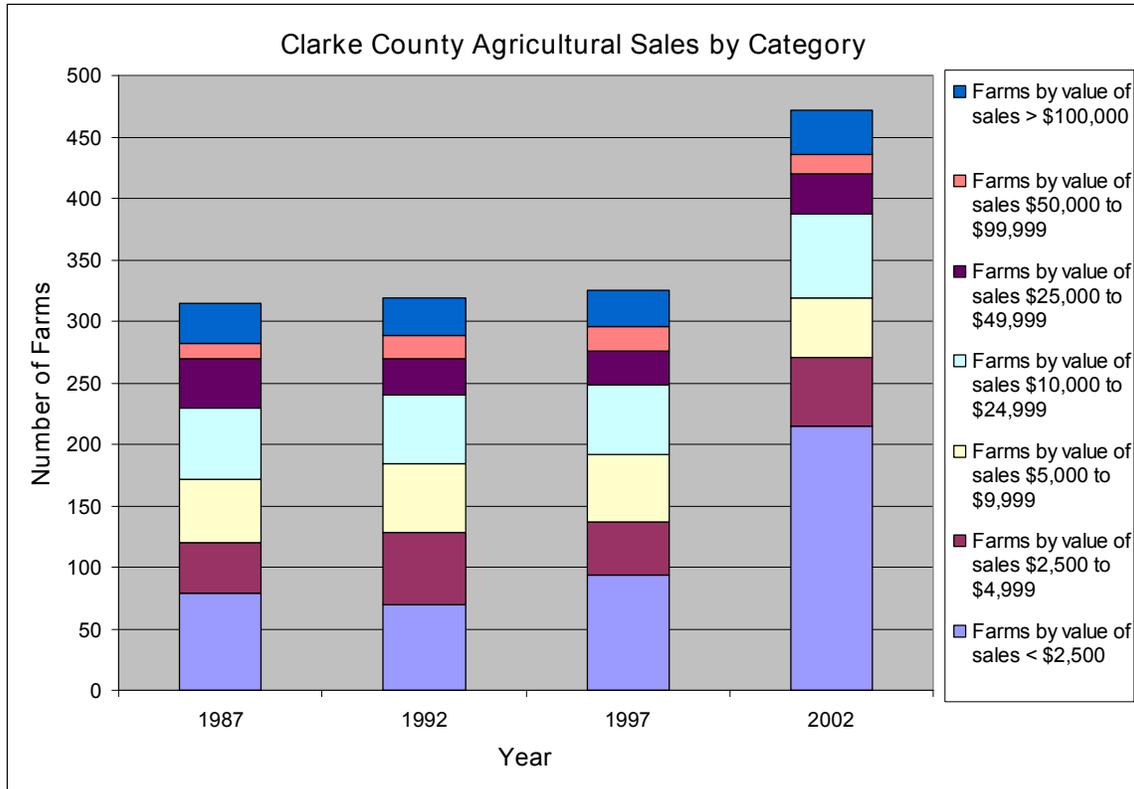
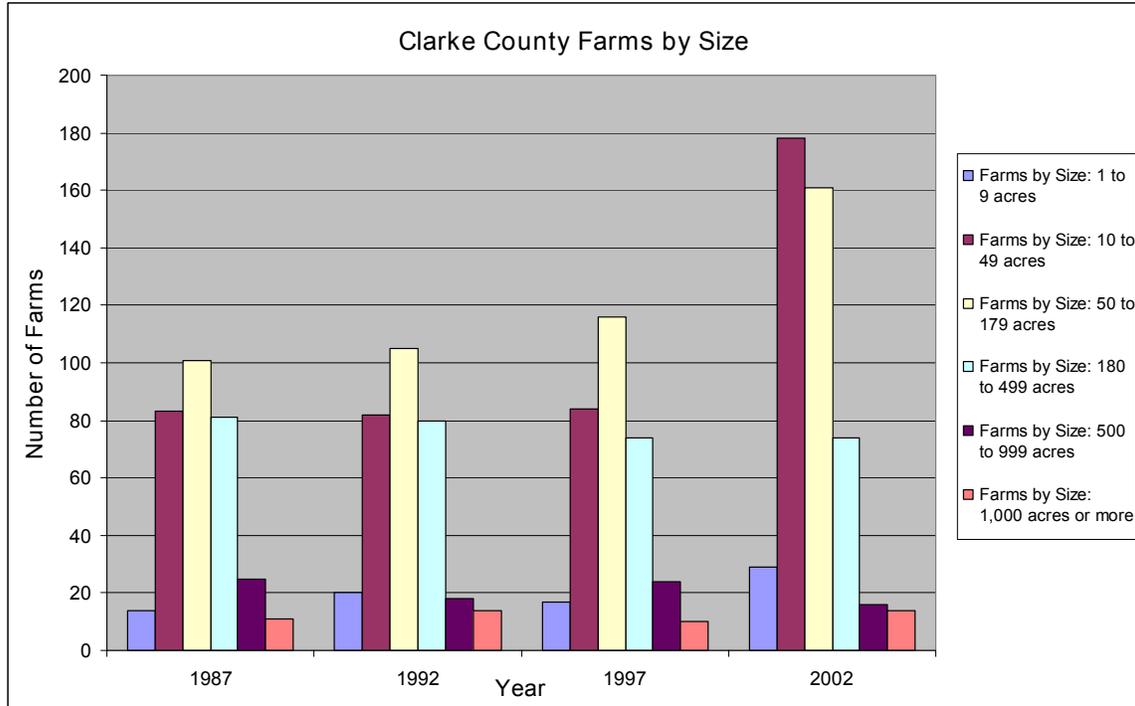


Chart 2. Clarke County Agricultural Sales by Category.

According to the 2001 Virginia Equine Survey Report, Clarke County had approximately 4,400 horses, for a total value of \$70.3 million. The average value per animal in 2001 was approximately \$15,975. In 2006, the Virginia Equine Report lists Clarke County as having 6,000 equine for a total value of \$73.4 million and an average value of \$12,228 per animal. This translates to an increase of 36.4% from 2001 to 2006 (in number of equine). From 2001 to 2006, total value increased 4.4% while average value decreased 30.6%. Comparing 2006 results for Clarke County to adjacent counties, Loudoun County reported 15,500 equine for a total value of \$294.7 million, while Fauquier County reported 14,800 equine for a total value of \$226.1 million. Additionally, Warren County is listed as having 1,700 equine for a total value of \$11.6 million. In Virginia (2007), Clarke County is tied with Washington County and Augusta County ranking fifth out of 67 individual reporting counties in the number of equine.

Examining farms by size (acres) between 1987 and 2002, Clarke County experienced a large growth (107%) in the number of small farms with 1 to 9 acres. Clarke County saw an even larger growth in the number of farms with 10 to 49 acres (114%). The number of farms with 50 to 179 acres grew 59.4% between 1987 and 2002. These large increases in small farming activities are the result of more individuals getting into small acreage agriculture and the growing trend in Northern Virginia of hobby farming. The number of farms with 180 to 999 acres decreased by 16 farms or 15.1%. However, farms with more than 1,000 acres increased between 1987 and 2002 (27.3%). (See Chart 3) With

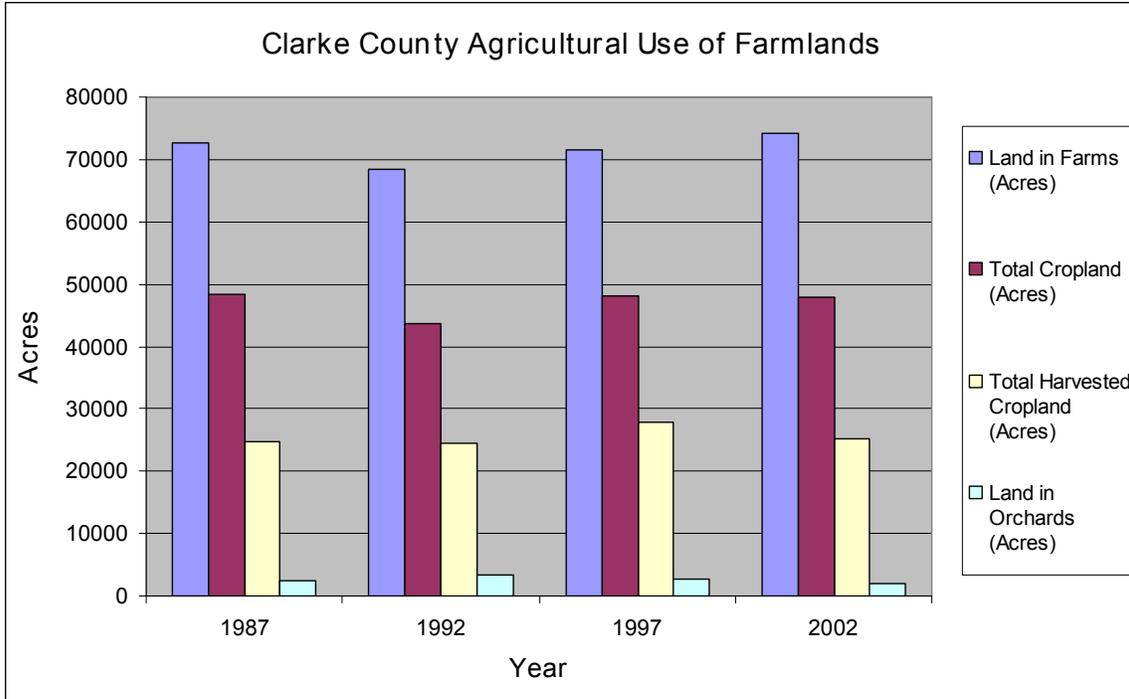
Clarke County having a strong commitment to land protection and agriculture preservation, development pressure from the growth in Northern Virginia (Washington DC) has been largely kept at bay.



**Chart 3. Clarke County Farms by Size.**

In 2004, Clarke County produced approximately 26.27 million pounds of apples. This equates to roughly 626 bushels. Comparing these statistics to total apple production in Virginia (300 million pounds and 7,143 bushels), Clarke County produces about 8.8% of Virginia’s apples. During 2004, Frederick County led Virginia in apple production with approximately 132.43 million pounds of apples. Clarke County ranks third (behind Frederick and Shenandoah Counties) out of 47 reporting counties in Virginia for apple production.

In Clarke County, there has been little change in the use of farmland between 1987 and 2002. Comparing 1987 to 2002, only 1,668 more acres were used for farming. This equates to a small (2.3%) increase. However, there was a small decrease in cropland (500 acres) used for farming practices from 1987 to 2002, approximately 1%. Harvested croplands fluctuated between 1987 and 2002, but averaged 25,576 acres. Lastly, 452 fewer acres were used for orchards in Clarke County between 1987 and 2002 (a 17.8% decrease). It should be noted that the acreage in harvested fruit has decreased, and other information suggests that the decline has accelerated since 2002. (See Chart 4)



**Chart 4. Clarke County Agriculture Use of Farmlands.**

Examining farming operators in Clarke County, individuals with farming as their principal occupation increased between 1987 and 2002, from 148 operators to 250 operators, a 68.9% increase. Farmers with “other principal occupations” also increased between 1987 and 2002, from 167 individuals to 222 individuals, a 32.9% increase. However, operators spending days off the farm also increased. Between 1987 and 2002, 69 additional operators spent days off the farm, a 34.8% increase. Additionally, 53 more farm operators spent more than 200 days off the farm between 1987 and 2002, a 38.7% increase. However, these increases of time spent off the farm may be the direct result of having additional operators farming in Clarke County. From the data presented by National Agricultural Statistics Service, one cannot tell which farmers (new or experienced) are spending time off the farm. (See Chart 5)

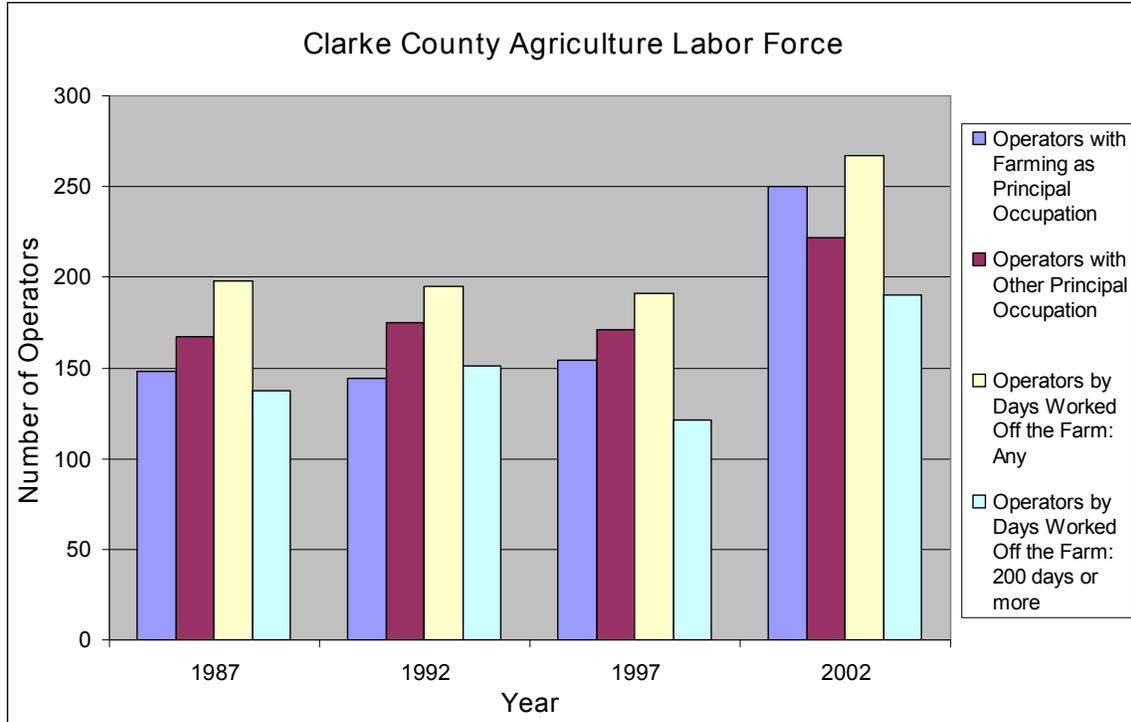


Chart 5. Clarke County Agriculture Labor force.

In 2007, Clarke County operated its thirteenth season of having a summer farmers’ market, which was located in downtown Berryville. For the 2007-2008 winter season, Clarke County will operate for the first time a winter farmers’ market. This outlet continues to give area farmers direct marketing opportunities, as well as opportunities for individuals to buy locally produced foods and food products.

For specific crop and product graphs, see pages 9 and 10 of the appendix for charts 6, 7 and 8.

Appendix

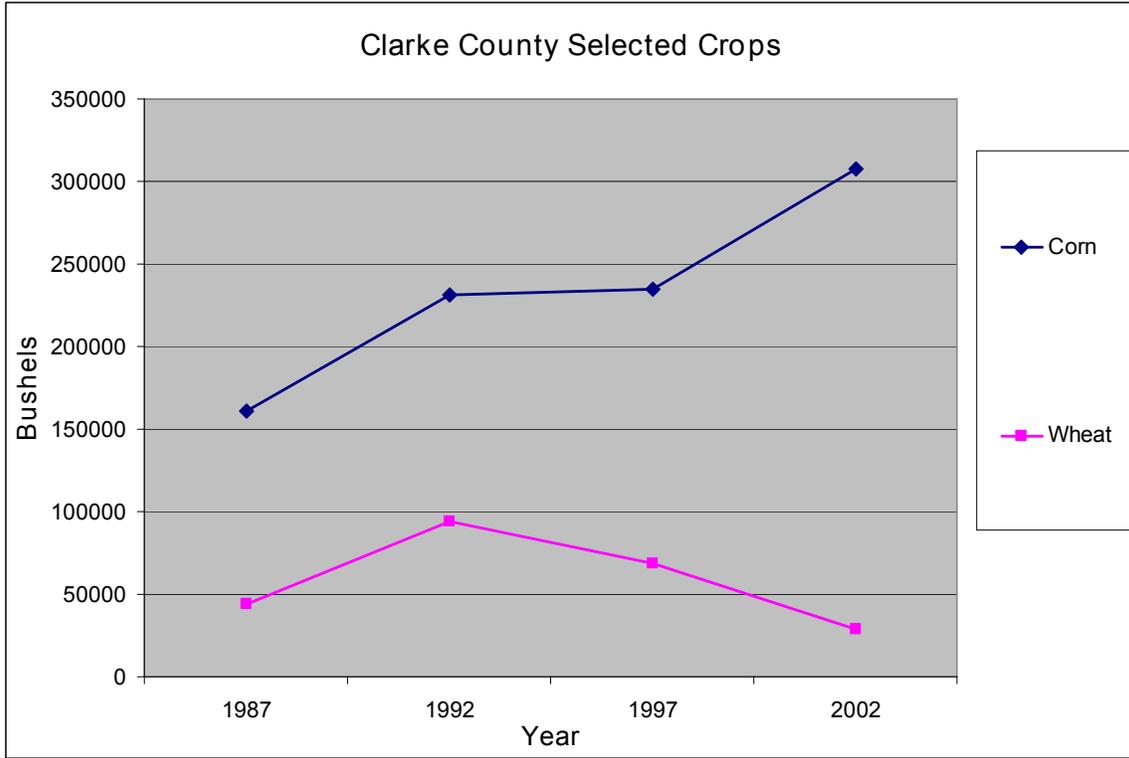


Chart 6. Clarke County Corn and Wheat Production.

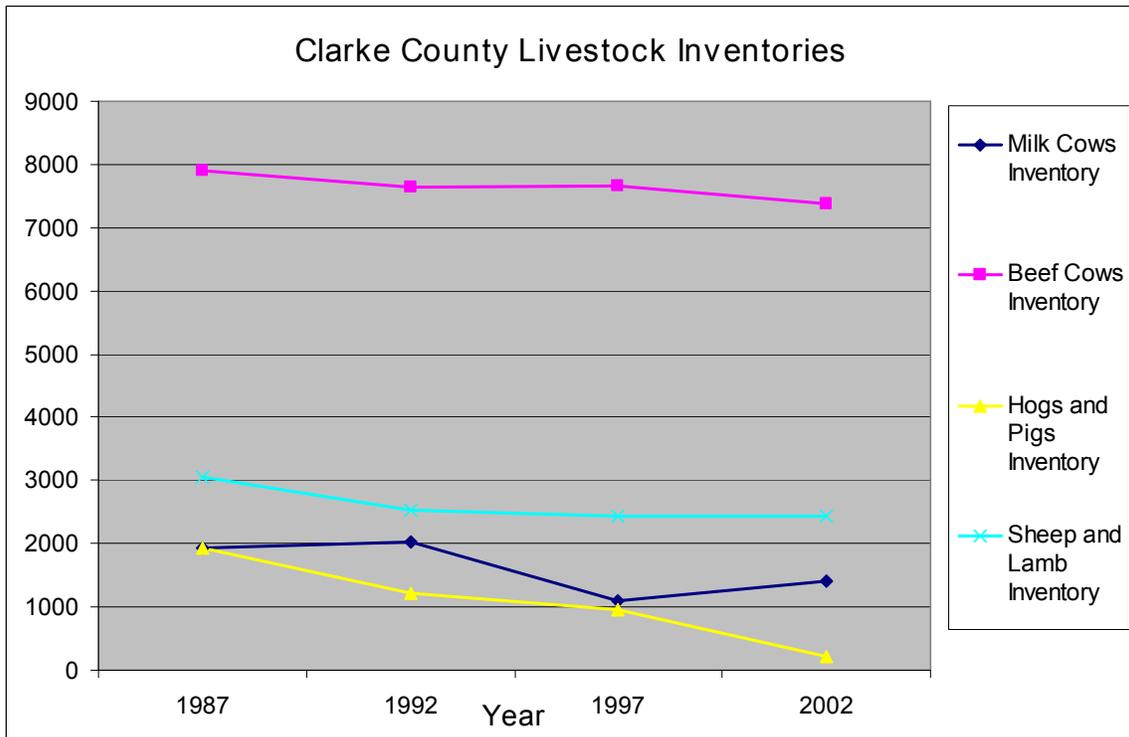


Chart 7. Clarke County Livestock Inventories.

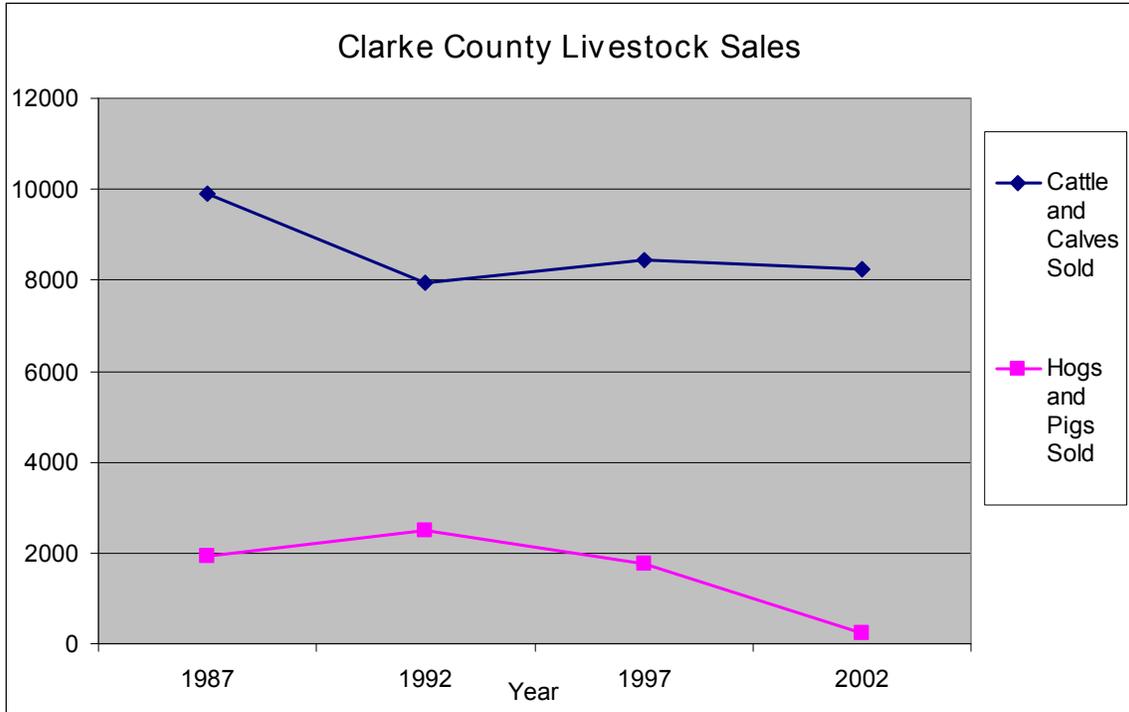


Chart 8. Clarke County Livestock Sales.<sup>1</sup>

In order to measure the economic contributions of agricultural production, agricultural processing, and other non-agricultural industries in Clarke County Virginia an annual input-output model was developed using IMPlan<sup>2</sup>. This model was developed assuming that (1) the input-output coefficients captured the production technology of Clarke County farms and manufacturers, (2) Clarke county farms and manufacturers purchase according to the purchase coefficients estimated by IMPlan, and (3) that household’s purchase according to the household consumption coefficients.

<sup>1</sup> “Cattle and calves sold” includes dairy cows. Sheep sales were not reported.

<sup>2</sup> IMPlan is an input-output analysis software package developed by the US Forest Service. See [www.implan.com](http://www.implan.com) for further information.

## Measuring the Direct Effects of Agriculture and Other Sectors

Measuring the output and levels of employment of the agriculture industry is not a straight-forward matter. Labor data is not as well reported on farms as in other economic sectors. Much of the farming sector is composed of sole proprietors, some with family workers, off-farm workers, contract laborers, and seasonal labor. Additionally, some of the output is either consumed at home (e.g. a steer for family consumption) or reinvested in the farm (a heifer kept as a replacement). Therefore, measures of output may be biased and much of the employment in agriculture is not reported. It follows that estimation methods must be used to produce these figures. The methods used in this study to estimate employment and output in the agricultural industry in Clarke County are described in the following section.

Table 1 provides a summary of production and value of production figures used in this analysis. Estimates of crop output were obtained by obtaining estimates of 2002-2006 agricultural production from the Virginia Department of Agricultural Statistics and 2002-2006 average prices from the Virginia Crop Reporting Service to derive average dollar values of output for crops in Clarke County. Estimates of vegetable production and greenhouse and nursery production were obtained by adjusting 2004 levels of output, as reported in IMPlan, by the Consumer Price Index (CPI) to reflect 2005 price levels.<sup>3</sup>

In a similar fashion, the dollar value of livestock output was estimated by adjusting the 2002 Census of Agriculture dollar value of outputs by the CPI to reflect 2005 price levels. In the original study, estimates of the economic value of the horse industry were obtained by modifying the estimated budget of expenditures for horses obtained in a 1995 study of the Virginia horse industry<sup>4</sup>. These budgeted expenditures were adjusted to reflect the estimated proportion of these expenditures made in the county.<sup>5</sup> The Virginia Agricultural Statistical Service (VASS) has subsequently conducted a 2001 study of the Virginia equine industry that indicated a substantially lower population of horses for Clarke County. A second subsequent study has just been released by VASS and the results indicated a horse population of 6,000 and expenditures per horse of \$3,642.<sup>6</sup> These estimates, deflated to 2005 values, were used in this analysis. Estimates of total crop output, total livestock output, greenhouse and nursery output, vegetable output, and horse industry output are reported in Table 1.<sup>7</sup>

<sup>3</sup> The most recently available IMPLAN data is for 2004.

<sup>4</sup> “1995 Virginia Horse Industry Profile”, prepared for the Virginia Equine Educational Foundation, Inc. by The Wessex Group, Ltd., Williamsburg, Virginia, January 1996.

<sup>5</sup> It should be noted that no adjustments were made from the horse industry study to reflect the apparent higher proportion of higher-than-average valued horses in Clarke County. There was not data available to make such an estimate. Thus, the estimates produced in this report are most likely under-reported.

<sup>6</sup> 2006 Virginia Equine Survey Report, Virginia Agricultural Statistics Service, December 15, 2006.

<sup>7</sup> This study differs from others in that the economic impact of the input suppliers and the agricultural processing industry were not estimated since reasonably accurate data was not available at the county level. However, one can obtain some notion of the extent of these sectors in the remainder of this report by observing the amount of indirect effects produced by the agricultural industry. Nonetheless, the estimates produced in this report are under-reported to the extent that agricultural input suppliers exist in the county.

Estimates of the direct effects of the non-agricultural sectors were generated using employment estimates from the Virginia Employment Commission (VEC). IMPLAN output-employment and value added-employment ratios were then used to estimate the output and value added<sup>8</sup> for these industries. These estimates are reported in Table 2.<sup>9</sup>

### **Measuring the Indirect and Induced Effects of Agriculture and Other Sectors**

In order to capture the economic effects that the agriculture industry (and other sectors) has on other sectors of the local economy, indirect and induced effects must be taken into consideration.

*Indirect effects* are created by the agricultural industry's purchases of *all* inputs required to produce its output. Typical inputs such as seed, fertilizer, equipment, and feed products are included as well as less commonly-thought-of inputs such as physician services. These indirect effects vary by sector since every sector's mix of inputs differs and some inputs are more readily-available within the county than other inputs. For instance, the agricultural industry typically produces larger county-level multipliers than manufacturing because agriculture tends to purchase a higher proportion of inputs within the county. Table 1 reports the sum of the direct and indirect effects of individual agricultural sectors while Table 2 reports the sum of the direct and indirect effects of agriculture as a whole along with other Clarke County industry groups<sup>10</sup>.

*Induced Effects* are those that occur as a result of the spending of income earned by those employed in the agriculture industry and all other related industries. For instance, in measuring the induced effects of agriculture, the spending of farm laborers as well as the spending of employees of local machinery dealers are included in this measure.<sup>11</sup> Table 2 reports the sum of the direct, indirect, and induced effects of individual agricultural sectors and Table 3 reports the sum of the direct, indirect, and induced effects of agriculture as a whole along with other Clarke County industry groups<sup>12</sup>.

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<sup>8</sup> Value-added is the difference between the value of the sales and the value of all input purchases of a particular industry. Thus, it is, in a sense, a measure of the contribution of the particular industry to the gross regional product.

<sup>9</sup> Total Industry Output for the agriculture industry was derived from the total estimated in Table 1 since the VEC data only reflect employment by those covered by unemployment insurance.

<sup>10</sup> If one is interested in obtaining a measure of only the indirect effects, one must simply subtract the Direct Effects from these sums.

<sup>11</sup> The sum of the direct, indirect, and induced effects is often termed the "multiplier effect".

<sup>12</sup> Similarly, if one is interested in obtaining a measure of only the induced effects, one must simply subtract the Direct and Indirect Effects from these sums.

## Results

All sectors of a local economy are important in that they all contribute by providing employment and income, by paying local taxes that finance local infrastructure, schools, and other public services, and by supporting other sectors of the local economy by making purchases, adding value, and providing inputs.

The overall dollar value of output of an industry is an interesting measure in that it indicates the total flow of dollars received by the industry. Figure 1 provides the breakdown of output for all the represented sectors of the Clarke County economy for 2005. In terms of dollar value of output, the manufacturing sector is the largest single sector representing approximately 31 percent of total output. This is followed by the Finance and Insurance sector (13%), Construction (12%), Government Services (12%), and Agriculture, Forestry, and Fishing (6%).

Value added is, perhaps, a more useful measure of the importance of an industry as it represents the total amount of additional value that is created within the county. It is the measure of each sector's contribution to gross regional product. Each dollar of additional value added implies that income and employment are generated within the county. Figure 2 provides the breakdown of value added for all the represented sectors of the Clarke County economy for 1995. Once again, manufacturing leads all other sectors with 28 percent of total value added in the county. This is followed by Government Services (16%), Construction (10%), Agriculture, Forestry, and Fishing (5%), and Healthcare and Social Assistance (5%).

Total employment is an important measure of the importance of any sector within a regional economy. However, it should be remembered that this measure of the total amount of jobs attributable to each sector does not take into account the quality of these jobs. Agriculture leads the way with respect to the highest percentage of jobs in the county with 31 percent. This is followed by Manufacturing (17%), Government Services (11%), and Educational Services (10%),

However, the total amount of output, value added, and employment by any individual sector does not fully tell the story of the importance of any individual sector. Local purchases by individual sectors of the local economy (from other sectors) create indirect multiplier effects. These purchases generate additional output, value added, and employment in the backward-linked sectors. These multiplier effects are displayed in Table 2 as the difference between the first two major headings (Direct Effects & Direct and Indirect Effects) and in Figure 4 as the middle portion of the bar associated with each sector.

It is not possible to compare by sector the magnitude of the total direct, indirect, and induced effects because this would involve double-counting. The addition of all direct, indirect, and induced effects would add up to more economic activity than the local

economy actually generates. However, it is useful to compare the sectoral distribution of direct, indirect, and induced effects, expressed as a percentage of the total economic impact of each sector. This comparison allows one to compare across sectors how the multiplier effect plays out. Figures 4-6 provide such estimates.

For instance, in Figure 4, the Agriculture industry accounts for 5.3 % of the total output of the Clarke County economy. In addition, the Agriculture industry is also responsible for 11.5% of the output produced in all other sectors in support of the agriculture industry. This 11.5% of the Clarke County economy represents the additional output from all other sectors in support of the agricultural industry<sup>13</sup>. The top portion of the graph, the induced effect as a percentage of total direct effect, represents the total output generated from the household income paid to employees in both the agricultural industry and its input industries. Thus, an additional 4.3% of the total direct output of the Clarke County economy can be attributed to employment in the agricultural sector and its backward-linked sectors. Similar interpretations can be made of the other sectors in Figure 4.

In a similar fashion, figures 5 and 6 report the amounts of value added and employment generated by direct, indirect, and induced effects by each of the industries. For instance, in Figure 5, the Construction industry accounts for 5.6 % of the total value added for the Clarke County economy. Additionally, the Construction industry is also responsible for 6.8 % of the value added produced in all other sectors in support of the Construction industry. An additional 5.8% of value added is attributable to the spending of wages from the Construction sector and all backward-linked sectors. In Figure 6, one can see that Retail Trade accounts for 5.71 % of total employment in the Clarke County economy. Another 4.2 % of total employment in Clarke County is attributable to those sectors that support the Agricultural industry. Finally, an additional 4.6 % of total Clarke County employment is due to the spending of wages earned in the Agricultural sector and its backward-linked sectors.

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<sup>13</sup> This differs from what is traditionally thought of as the “agricultural input” industry in that this notion refers to all inputs, including such things as input from medical doctors, necessary to produce agricultural output.

Table 1: Economic Effects of Agricultural Sectors in Clarke County, Virginia, 2005

	Direct Effects			Direct and Indirect Effects			Direct, Indirect, and Induced Effects		
	Output (\$MM)	Value Added (\$MM)	Employment	Output (\$MM)	Value Added (\$MM)	Employment	Output (\$MM)	Value Added (\$MM)	Employment
Corn (Grain and Silage)	2.12	1.13	47	2.66	1.53	61	3.58	2.38	70
Soybeans	0.33	0.19	9	0.39	0.27	11	0.54	0.43	11
Wheat	0.08	0.05	0	0.10	0.06	0	0.14	0.10	0
Hay	0.92	0.34	21	1.15	0.47	25	1.57	0.75	32
<b>Total All Crops</b>	<b>1.34</b>	<b>1.71</b>	<b>79</b>	<b>1.64</b>	<b>2.34</b>	<b>99</b>	<b>5.83</b>	<b>3.66</b>	<b>115</b>
Livestock	11.37	3.37	442	14.23	4.81	512	23.27	10.72	668
Nursery and Greenhouse	1.54	1.46	26	2.21	2.55	63	2.86	4.42	28
Vegetables	0.16	0.15	2	0.23	0.22	3	0.25	0.33	4
Fruits (incl. apples and wine grapes)	3.86	3.67	95	4.53	4.35	111	4.95	4.80	117
<b>Horses</b>	<b>21.20</b>	<b>9.85</b>	<b>1390</b>	<b>23.84</b>	<b>11.14</b>	<b>1528</b>	<b>38.90</b>	<b>17.40</b>	<b>1962</b>
<b>Total All Agriculture</b>	<b>41.59</b>	<b>20.22</b>	<b>2034</b>	<b>49.34</b>	<b>25.42</b>	<b>2316</b>	<b>76.06</b>	<b>41.34</b>	<b>2894</b>

Table 2: Economic Effects of Agriculture and Other Sectors in Clarke County, Virginia, 2005

	Direct Effects			Direct and Indirect Effects			Direct, Indirect, and Induced Effects		
	Output (\$MM)	Value Added (\$MM)	Employment	Output (\$MM)	VA (\$MM)	Employment	Output (\$MM)	VA (\$MM)	Employment
Construction	85.01	39.89	454	113.66	56.21	640	139.74	73.17	833
Manufacturing	214.54	113.53	1,159	276.50	147.51	1506	283.28	181.31	1851
Transportation and Warehousing	5.56	2.68	52	6.94	3.67	71	8.51	4.77	93
Wholesale Trade	18.46	12.62	94	20.08	14.69	109	26.62	17.84	133
Retail Trade	23.79	15.30	296	28.45	18.10	350	40.28	21.85	423
Finance and Insurance	86.85	64.88	214	99.65	74.92	247	124.88	85.26	281
Accommodation and Food Service	9.27	4.95	187	12.09	6.56	248	14.68	8.24	311
Arts, Entertainment, Recreation	6.60	4.30	100	8.22	5.28	123	9.98	6.42	149
Professional, Scientific, and Technical Services	18.04	10.73	140	22.72	13.43	175	30.69	18.61	243
Healthcare and Social Assistance	30.41	20.28	220	36.95	24.07	261	47.77	31.10	337
Information	7.38	3.73	20	9.30	4.82	26	10.79	5.79	31
Other Services	26.48	15.12	159	33.89	19.41	204	41.15	24.13	254
Government Services	79.61	67.75	747	88.08	72.79	803	107.04	85.12	939
Administrative and Waste Services	17.37	7.85	64	23.60	11.36	93	28.78	14.73	120
Educational Services	13.43	8.73	683	16.68	10.68	836	23.50	15.11	1183
Agriculture, Forestry, Fishing	41.59	20.22	2034	61.85	34.13	3434	70.81	41.49	4175
TOTALS	682	413	6623	859	518	9126	1008	635	11355

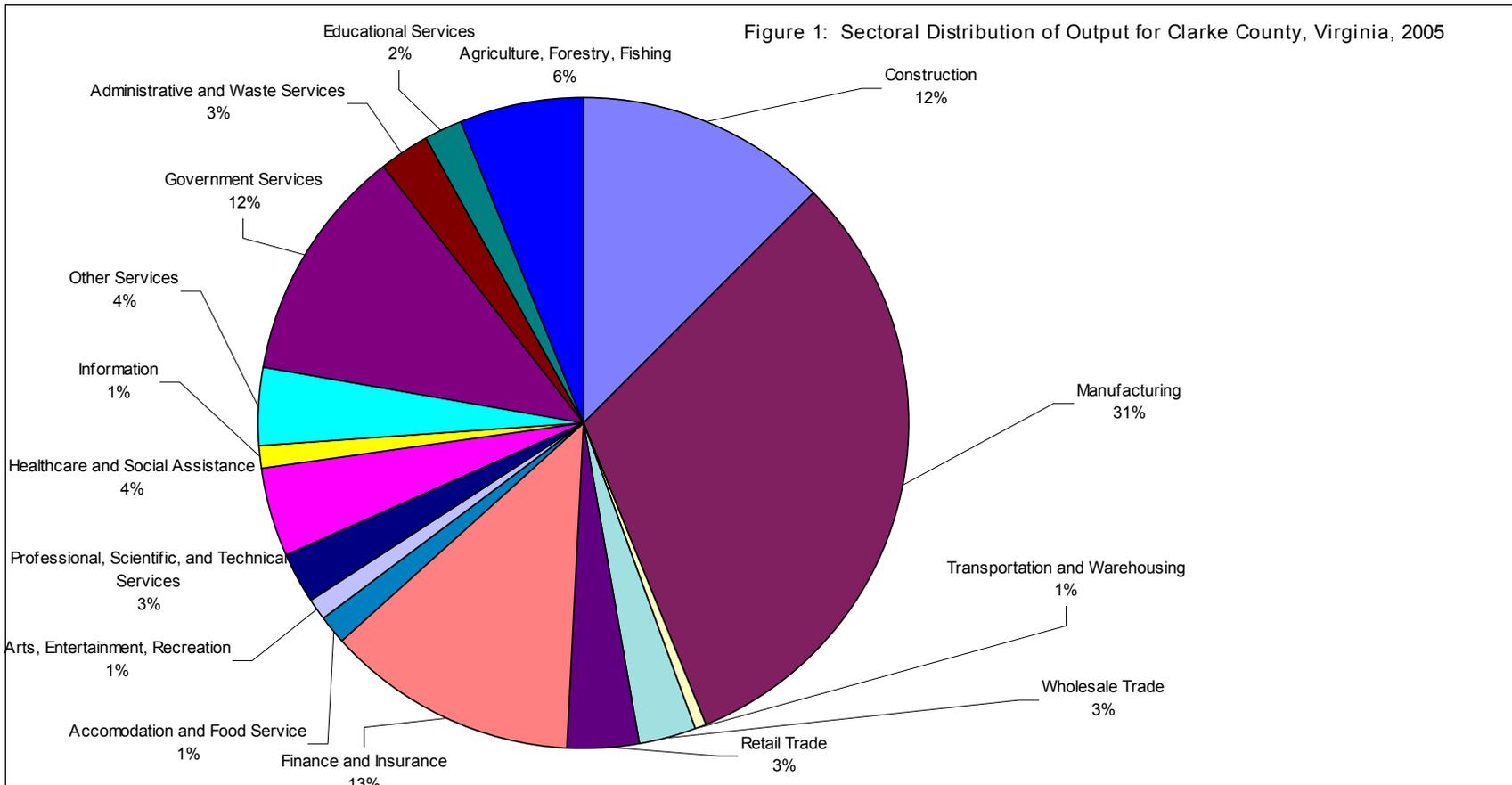


Figure 2: Sectoral Distribution of Value Added for Clarke County, Virginia, 2005

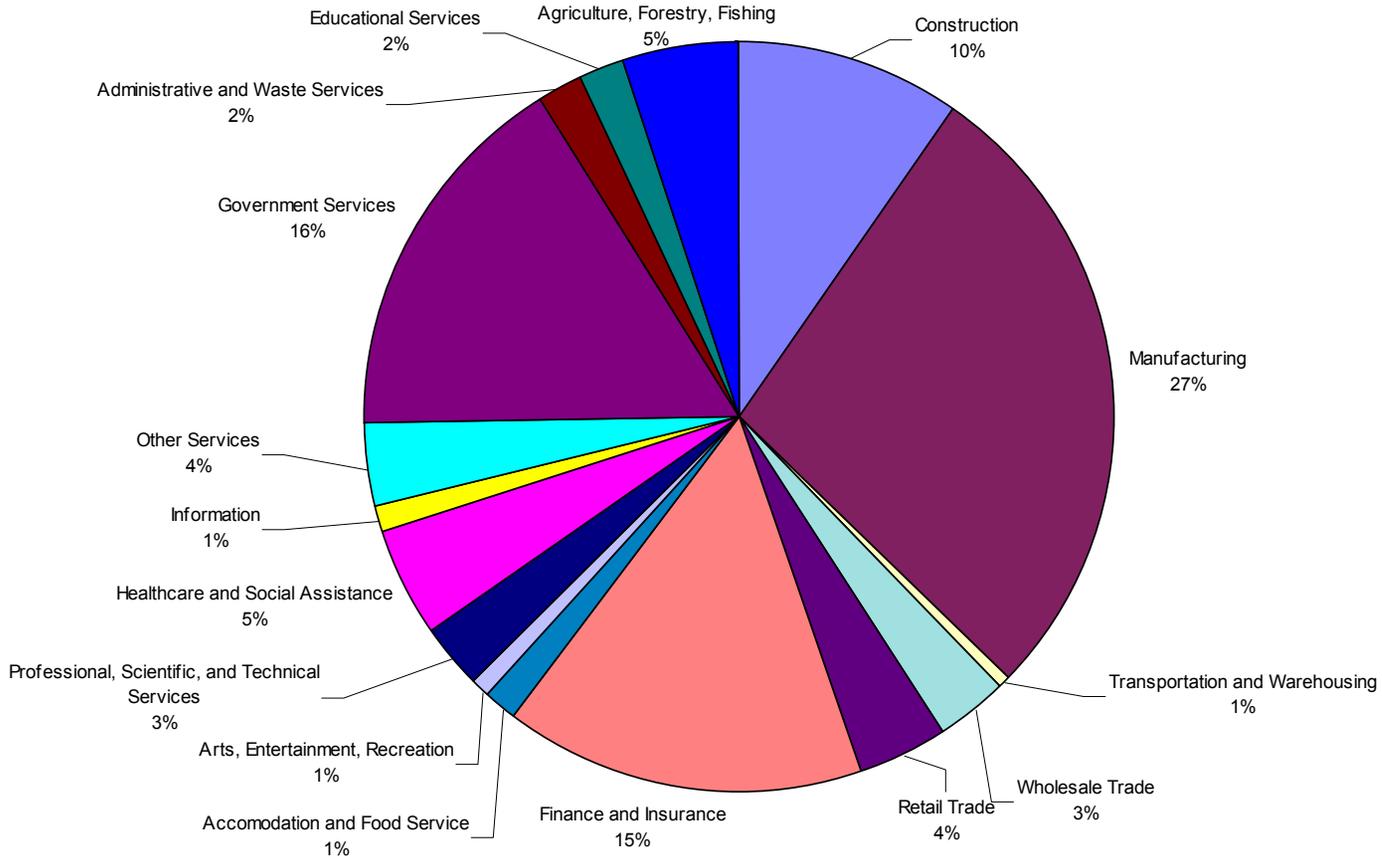
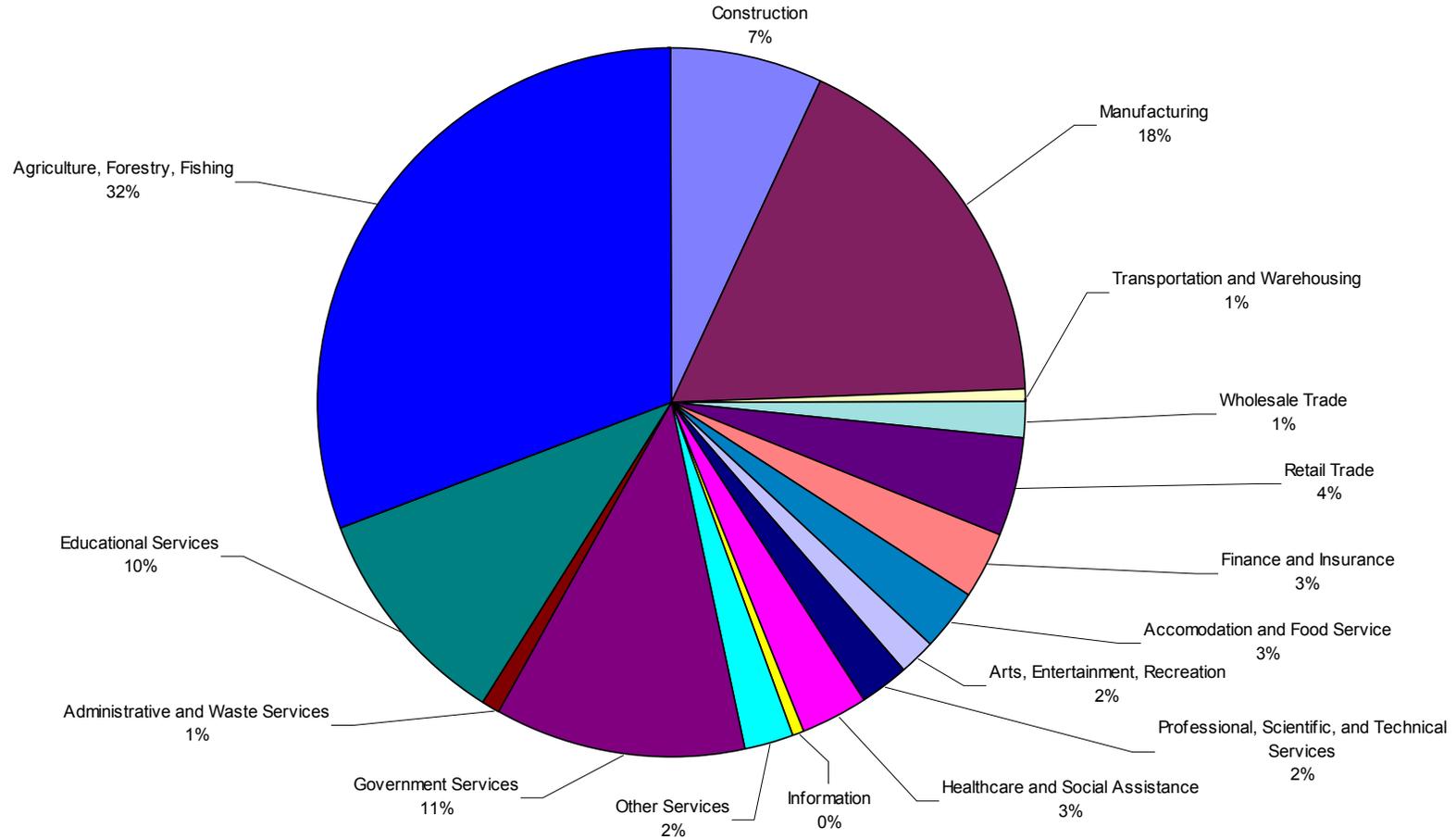
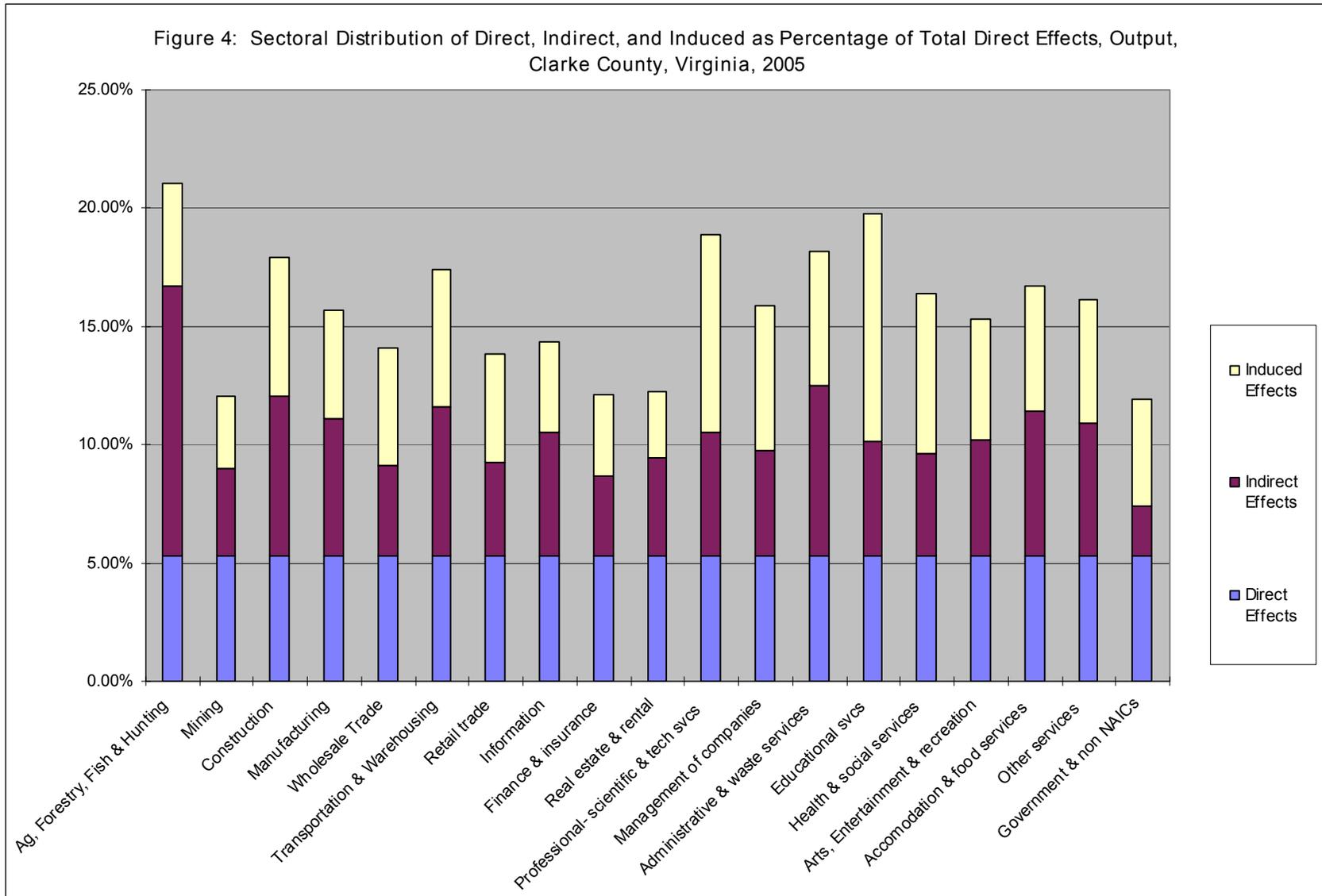


Figure 3: Sectoral Distribution of Employment for Clarke County, Virginia, 2005





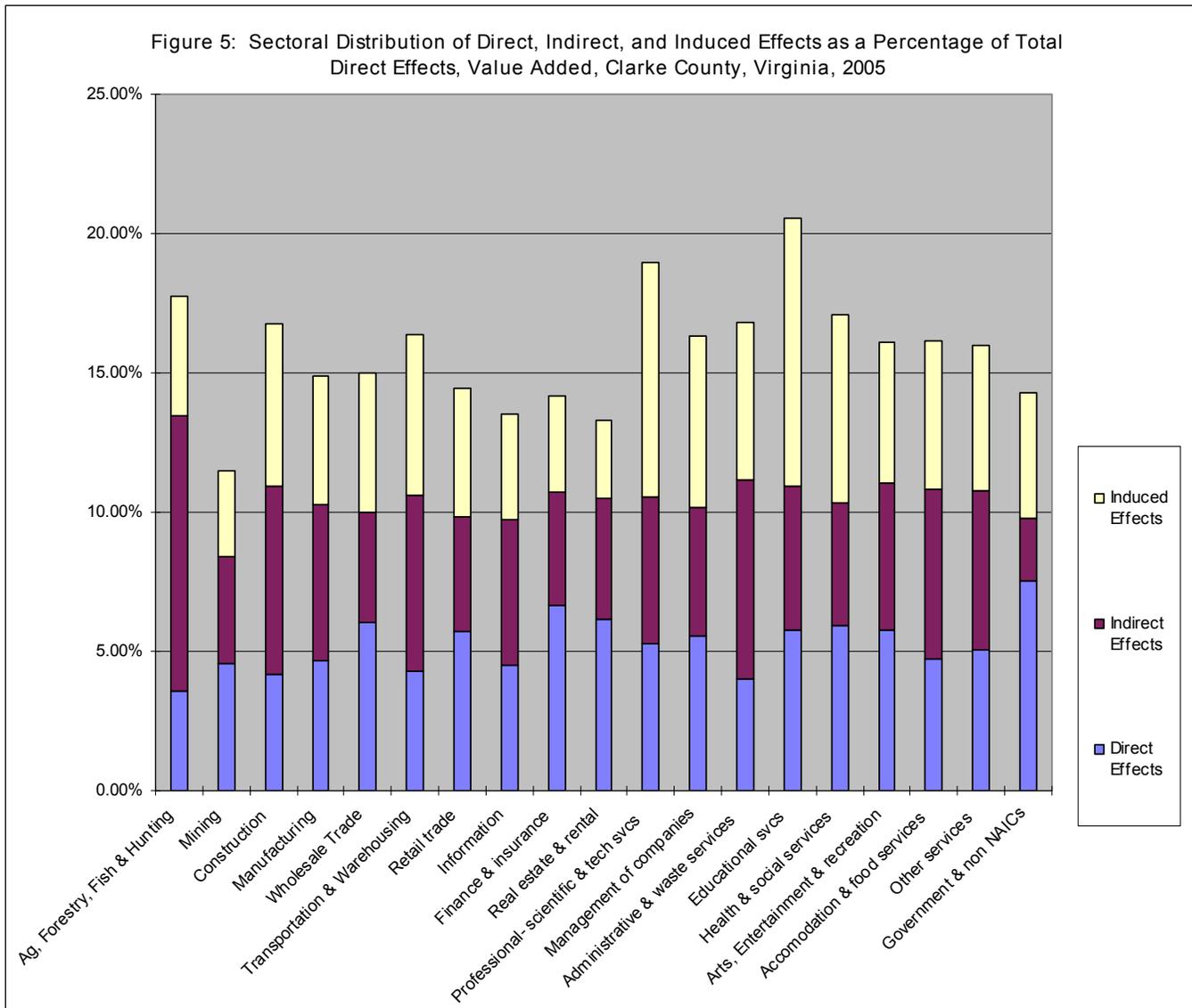
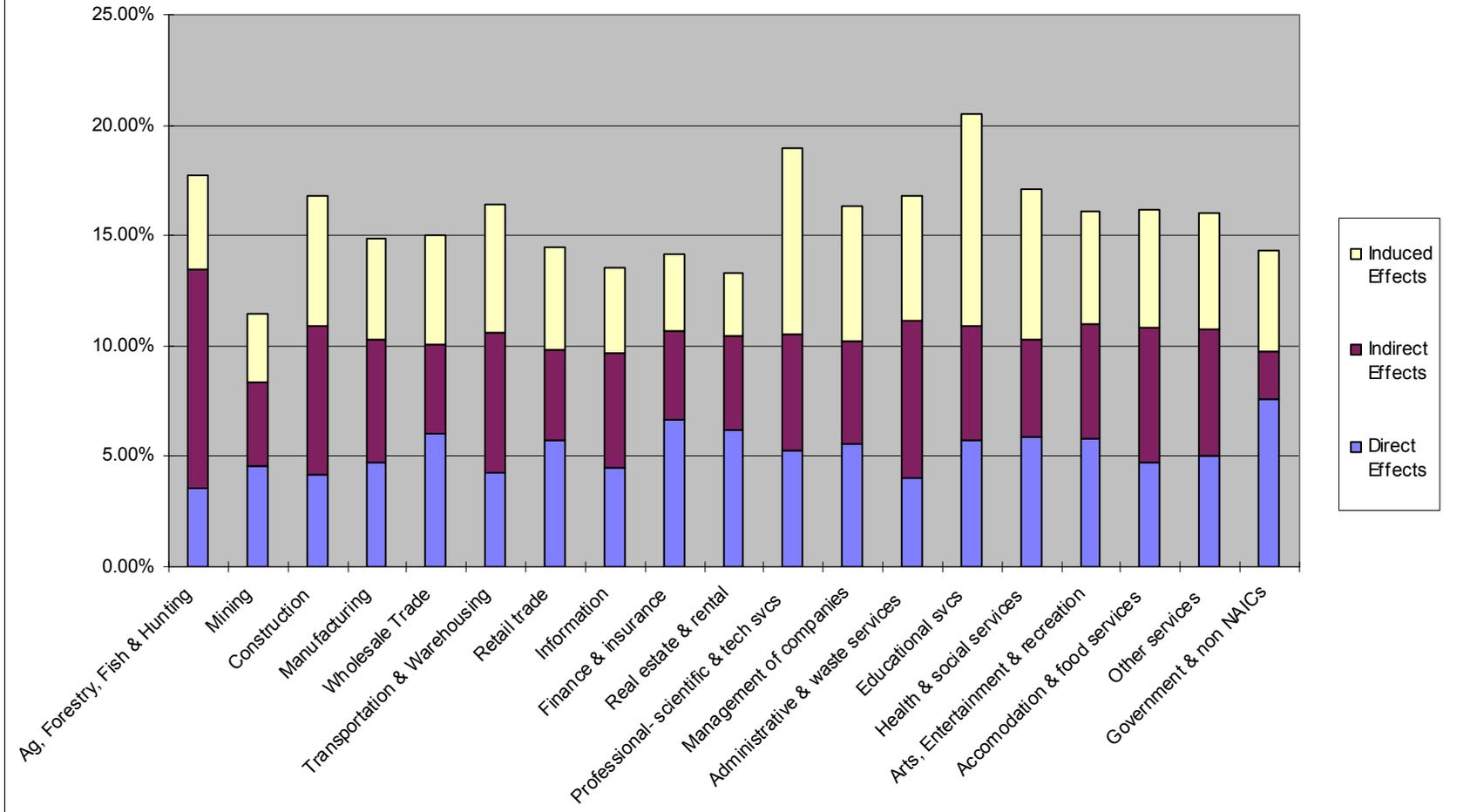


Figure 6: Sectoral Distribution of Direct, Indirect, and Induced Effects as a Percentage of Total Direct Effects, Employment, Clarke County, Virginia, 2005



## **Consultation and Support for the 2016 Clarke County (Va.) Equine Census**

**A proposal submitted to  
The Clarke County Board of Supervisors by  
The Center for Survey Research at the University of Virginia  
June 2016**

*Note: This proposal is subject to review and approval by the University of Virginia Office of Sponsored Programs.*

CSR is an interdisciplinary research and service organization currently in its 28<sup>th</sup> year of operation all under the leadership of its founder and Director, Dr. Thomas M. Guterbock. CSR offers experience in first-rate survey techniques, academic credentials, and a commitment to providing superior service to our government, non-profit and private-sector clients. Our services include the full range of survey-related tasks: design, implementation, analysis and presentation of results. Depending on the needs of our clients, we offer telephone calling, face-to-face interviewing, mail surveys, focus group studies, and web-based data collection. Since its inception in 1988, CSR has completed hundreds of funded projects, completed many thousands of telephone, mail and in-person interviews, reported results, and archived data for future use. CSR has an annual budget of approximately \$700,000, and works on about 30 projects annually.

CSR's staff includes two full-time professional researchers with extensive backgrounds in project design and management; highly skilled part-time research assistants drawn at various times from graduate programs in statistics, sociology, public health sciences, economics, politics, and psychology; and administrative support personnel. In addition, CSR can access the expertise of associated faculty in the University's social science departments, engineering, business, education, and medical schools, and other units of the Weldon Cooper Center for Public Service.

Our staff has gained extensive experience with surveys and social science data analysis for a wide variety of clients in the scientific community, state and local government, health care, education, the non-profit sector, and private industry. We have experience in all aspects of design, sampling, question wording, field operations, analysis, and quality control. Our specialty is the custom design of mid-sized projects, often utilizing the most innovative approaches in questionnaire design, administration and analysis. Senior staff members make frequent contributions to the academic and professional survey research literature.

For most of our telephone-based surveys, CSR uses the WinCATI system developed by Sawtooth Software. Our Computer Assisted Telephone Interviewing (CATI) laboratory facility at Charlottesville has 23 interviewing stations and includes an audio-monitoring system and video monitoring capability. We support a regular staff of trained interviewers and lab supervisors. For our mail-out surveys, we employ the proven methodologies of the Dillman "Tailored Design Method." For our web-based surveys, we use Qualtrics software.

CSR operates from a single site at 2400 Old Ivy Road in Charlottesville. Offices of management and the research staff adjoin the custom-designed spaces used for telephone interviewing, mail-out preparation and the training of interviewing staff, allowing for close coordination between staff members on project implementation. This is University-owned space located close to the University Grounds and convenient to student residences. For more about CSR, please refer to our website: <http://surveys.virginia.edu/>.

## Summary of Benefits Offered by CSR

- Expertise in a wide variety of survey methods.
- Unparalleled reputation for rigor and independence.
- Staff with expertise in a variety of academic disciplines.
- Outstanding experience with surveys on local government issues and citizen satisfaction.
- Expertise in sampling designs for complex studies.
- Reputation and legitimacy of UVa encourages respondent participation.
- Resources of the Weldon Cooper Center for Public Service at the University of Virginia.
- Leading providers of telephone and mail survey data collection services.
- Proven process skills for building consensus around survey objectives, methods, and techniques tailored to local needs.
- Experience in effective communication of survey results to decision-makers, elected leaders, and citizens.

## Key features of the proposed scope of work

1. CSR will use its recent experience with equine surveys to provide consultation to Clarke County and local equine affinity groups such as the Clarke County Equine Alliance to assist in the design, execution and analysis of a census of equines domiciled in Clarke County.
2. CSR staff will take part in some field data collection work as part of consultation and training activities, but CSR will not have responsibility for overall data collection.
3. Clarke County will have primary responsibility for developing the survey questionnaire and other instrumentation. CSR will provide feedback and recommendations about the draft questionnaire and other instrumentation.
4. The survey will be conducted in English only.
5. CSR recommends conducting a pre-test of the survey to ensure that instrumentation, programming and survey procedures are correct.
6. CSR will work with Clarke County to set up data entry procedures and database(s). This proposal assumes that CSR staff will enter the data collected by volunteers in the field.
7. CSR will provide a written statement of methods to include a disposition report and response rate calculations.
8. Note that CSR calculates response rates according to guidelines promulgated by the American Association for Public Opinion Research (AAPOR). CSR cannot guarantee response rates. Cooperation rates, qualification rates and other rates in addition to or in place of response rates are sometimes reported by researchers. See [http://www.aapor.org/AM/Template.cfm?Section=Standard\\_Definitions2&Template=/CM/ContentDisplay.cfm&ContentID=3156](http://www.aapor.org/AM/Template.cfm?Section=Standard_Definitions2&Template=/CM/ContentDisplay.cfm&ContentID=3156) for more on these issues.
9. CSR will prepare an electronic labeled data file in SPSS format. Other formats such as Excel can be discussed.
10. CSR will not prepare a written report of findings. Instead, CSR will prepare a brief bulleted summary of findings.
11. CSR will deliver the data, methods summary and summary of findings to Clarke County in electronic format.

## **Senior Staff**

### **Thomas M. Guterbock, Ph.D.**

Director, Center for Survey Research

Dr. Thomas Guterbock is Director of the Center for Survey Research, Professor of Sociology and Research Professor of Public Health Sciences at the University of Virginia. He is a nationally known survey methodologist and researcher. In his capacity as founding director of CSR, he has been involved in over 400 funded survey projects, covering telephone, mail-out, in-person, and Internet modes as well as multi-mode projects. He has wide experience working with academic, private-sector and government clients and is known for his skill in survey design and in devising smoothly flowing questionnaires.

Prof. Guterbock's training and background (B.A. from Yale, Ph.D. from the University of Chicago) include both qualitative field methods and advanced multivariate statistical methods. He teaches survey methods at the graduate level at U.Va.

He is a frequent presenter of research papers at the annual meetings of the American Association for Public Opinion Research and served on the AAPOR Executive Council as the elected 2006-2007 Standards Chair. He served as 2010-11 President of the Association of Academic Survey Research Organizations, is one of the originators of the Quantitative Collaborative initiative in Arts & Sciences, and is convener of the Data Gathering Methods Study Group at U.Va.

### **James M. Ellis, Ph.D.,** Director of Research

Dr. Ellis has been the principal investigator since January 2013 for the non-respondent follow-up telephone portion of the Pregnancy Risk Assessment Monitoring System (PRAMS) for the Virginia Department of Health. He has also led employee surveys for Stafford County, Charlottesville City, the Darden School, Prince William County, and the Office of the President of UVa. He was principal investigator for the 2011 Commonwealth of Virginia Department of Conservation and Recreation needs assessment, a large mail and web-based survey about outdoor recreational needs and inventory. He has also led studies for U.S. Customs and Border Patrol, the Virginia Department of Agriculture and Consumer Services, and other local Virginia governments in addition to those mentioned above. Dr. Ellis has presented methods papers at several annual meetings of the American Association for Public Opinion Research and has published in several journals. He has presented survey results to a number of boards and executive audiences, members of the Virginia General Assembly, and the Governor of Virginia and members of his Cabinet.

Dr. Ellis received his Ph.D. in Educational Research and Evaluation from Virginia Commonwealth University in 2011. He also holds a Bachelor's degree from the University of Virginia, a Master's degree in Mass Communications from VCU, and a Master's degree in Survey Methodology from the Joint Program in Survey Methodology at the University of Maryland-College Park.

## Budget

NOTE: CSR cannot guarantee response rates. This budget proposal is informal and subject to review and approval by UVa.

Clarke County Equine Census Draft Budget				
May 31, 2016				
EB = Executive B staff (Ellis)				
RA = Research Assistant staff (TBA)				
<b>Travel</b>				
3	trips			
3	hrs round trip travel time			
9	total travel hours			
\$60.00	car rental, expenses per trip			
	<b>travel time</b>		<b>hours</b>	\$2,054.25
	EB travel	\$131.25	9	\$1,181.25
	RA travel	\$77.00	9	\$693.00
	car rental, expenses	\$180.00		\$180.00
	<b>consultation and meetings</b>			\$2,191.00
	EB	\$175.00	9	\$1,575.00
	RA	\$77.00	8	\$616.00
	<b>data entry</b>			\$2,400.00
	forms		1200	
	forms per hr		15	
	CB	\$30.00	80	\$2,400.00
	<b>setup and supervision</b>			\$679.00
	EB	\$175.00	3	\$525.00
	RA	\$77.00	2	\$154.00
	<b>methods, summary, data files</b>			\$1,974.00
	EB	\$175.00	6	\$1,050.00
	RA	\$77.00	12	\$924.00
	<b>total direct</b>			\$9,298.25
	F&A		0.08	\$743.86
	Total			\$10,042.11



**County of Clarke**  
**David Ash, County Administrator**

**Special Event Permit Application**

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To: Clarke County Board of Supervisors

Date: June 21, 2016

**Name: Rhythm & Brews Festival**

Size: Medium [<999 from 11 am to 6 pm]

Location: Long Branch Historic House and Farm (Rt. 624 & 626) 830 Long Branch Lane Millwood, Virginia 2264

Date: August 20, 2016

Applicant / Event Director: Angela Anderson-Spinosa, Director of Development

Event Summary: Single-day beer and music Festival. The Festival will include: tastings from local breweries, local musical entertainment and feature local food vendors. Long Branch estimates the Festival will draw approximately 900 attendees the first year.

06-21-2016: Staff Comment & Recommendation:

Chapter 57 Special Event –

§ 57-2. Definitions. Medium Special Event – Special Events for 150 to 499 persons attending an event with six or more days in a calendar year and Special Events of 500 to 999 persons attending an event.

§ 57.6. Action on applications. For Medium Special Events, the Board shall consider the application and agency comments and shall approve the application, incorporating such reasonable terms and conditions as may be established, deny the application, or set a public hearing on the application for the next regular meeting of the Board. *After a public hearing at the next regular meeting, the Board shall approve the application, incorporating such reasonable terms and conditions as may be established or deny the application.*

All special event application requirements met. Staff recommends approval of this first-time medium event, Rhythm and Brews Festival, as presented without public hearing.



**County of Clarke  
Special Event Permit Application  
Code of Clarke County Chapter 57**

Rhythm and Brews Festival

Name of Event

Long Branch Historic House and Farm

Location of Event

Angela Anderson, Director of Development @ Long Branch

Applicant Name and Organization if applicable [Please Print]

830 Long Branch Lane/PO BOX 241 Millwood, VA 22646

Applicant/Organization Address [Please Print]

540-837-1856

Telephone No.

540-837-2289

Fax No.

angela@visitlongbranch.org

Email Address

Date[s]: Saturday, August 20th, 2016

Event No.: 1

If submitting application for multiple events, please number [1, 2, 3, etc.]

Estimate the number of Attendees (Maximum expected) <999

*Total expected over entire timeframe, not the maximum at any one time. When calculating the number of persons attending an event, Code 57-2: Persons Attending an Event – The number of participants and spectators that is the cumulative total number of people entering the site of a Special Event on an Event Day. For Events with multiple consecutive Event Days, the Day with the greatest number of persons attending shall be used to determine whether an Event is Small, Medium, or Large.*

**Special Event Type and Permit Fees**

Yes  No Multiple Events: Note: Multiple Event applications for special event permits may be submitted together for a single parcel of property.

Yes  No Multiple Year [3-Year Limit – Current Year plus two]: Note: No application for a special event may be filed more than one year before an event is to be held or before the first Event Day for applications for multiple special event permits, *except* for an application for a special event that is substantially the same as a special event that has been previously approved and conducted.

For Multiple Years

1. For a previously approved multi-year event, any change in the size, scope, date, location or change in ownership of property or management of the event constitutes cause for review. There is a \$100 Fee for review.
2. Applicants approved for more than a single event shall be required to sign an agreement prepared by the County attorney agreeing to the conditions set forth and further agreeing to provide the County Administrator with written notice, not less than 30 days in advance of each subsequent event that contains the names and current contact numbers of all:
  - Event management personnel,
  - Vendors,
  - Caterers,
  - Public safety providers, and/or
  - Contracted services

Yes  No Has this/these event[s] been previously approved by the Board of Supervisors?

Type	Event	No. Events In Application	Fee
<input type="checkbox"/>	<b>Small Special Event</b> – Special Events for 150 to 499 persons attending five [5] or fewer event days per calendar year.	One [1] Event Application Two [2] or More Events In An Application Up to Five [5]	\$100 \$100 1st Event Application \$50 Each Event 2-5 / Each Year 2-3
<input type="checkbox"/>	<b>Medium Special Event</b> – Special Events for 150 to 499 persons attending with <b>six [6] or more event days</b> in a calendar year.	One [1] Event in Application Two [2] or More Events In An Application	\$100 \$100 1st Event Application \$50 Each Event 2-9 / Each Year 2-3 + Cost of Public Hearing Notice
<input checked="" type="checkbox"/>	<b>Medium Special Event</b> – Special Events for <u>500 to 999</u> persons attending	Each Event Application	\$250 \$100 Each Year 2-3 + Cost of Public Hearing Notice
<input type="checkbox"/>	<b>Large Special Event</b> – Special Events of 1000 or more persons attending an event.	Each Event Application	\$500 \$100 Each Year 2-3 + Cost of Public Hearing Notice

**Instructions and Notes:**

- ✓ Make checks payable to Clarke County Treasurer.
- ✓ Attach check or receipt from the Treasurer with this form and include with application. If submitting for two or more events, attach to first event application only.
- ✓ Payment of the Special Event Permit Fee shall not eliminate or substitute for any requirement for any business license or any other permit(s) that may be required by any federal, state, or local statutes, ordinances, rules, or regulations. Applicants are responsible for insuring that all such permits, licenses, and certificates are obtained from the appropriate authority.
- ✓ Fees paid are non-refundable and not transferable to other activities
- ✓ An application for a Small Special Event shall be submitted at least 30 calendar days before the date of the Event to allow for review of the application.
- ✓ An application for a Medium or Large Special event shall be submitted at least 120 calendar days before the date of the Event in order to allow for review of the application.

**§ 57-4 Scaled Drawing**

Medium and Large Events – attach drawing depicting the following:  Small Event: Not required.

- (a) The areas for performances or activities and for grandstands or seats, showing the location of all aisles for pedestrian travel and other crowd-control measures.
- (b) All physical facilities existing or to be constructed on the premises, including, but not limited to, fences, ticket booths, grandstands, and stages.

- (c) The location, capacity, and nature of all temporary lighting, sound, and public address facilities.
- (d) The location, capacity, and nature of all temporary water, toilet, and all other public health-related facilities.
- (e) Vehicle ingress, egress, and parking plan, to include emergency vehicle access.

**§ 57.7. Special Event Requirements**

*All Special Events shall comply with the following terms, conditions, and requirements, unless express exception is requested and granted in any permit issued. The Administrator may waive any of the following for Small Special Events based on circumstances unique to the proposed event.*

**Instructions:** Answer all the following. Enter NA if you do not think issue is applicable. If completing the form on a computer place your answers in the blanks provided. If completing the form manually, attach a separate piece of paper and answer the questions in order.

**Note:** *Application is complete only when the applicant has provided all applicable approvals to County Administration.*

**General Information:**

**a) Event hours.** Unless specifically approved by the reviewing entity, no stage presentation, music, dance, or other performance or activity shall take place at a special event between the hours of 12:00 am and 7:00 am.

Date(s) and time(s) of the event: SATURDAY, AUGUST 20th, 2016 from 11 am to 6 pm

If multiple days, which day do you anticipate to have the highest attendance and an estimate of attendance:  
N/A

**b) Admission regulated.** The applicant shall regulate admission by ticket or other means acceptable to the County, so as to insure that the number of persons attending an event does not exceed the number allowed by terms of the permit.  Copy of Ticket or badge of admission Attached **OR**

Statement of the plan for controlling admission to the event: ADVANCED (ONLINE) AND DAY OF TICKET SALES WITH NUMBERED TICKETS

**c) Limits to attendance.** The applicant shall not sell, give, or distribute a greater number of tickets than the number that the permit allows to attend. The applicant shall not admit any persons to an outdoor event if such admission would result in a greater number of persons present than allowed by the permit. Total number of tickets to be offered for sale: <999

**p) Liability insurance.** The applicant shall provide evidence of adequate liability insurance. A certificate of insurance providing coverage in an amount of at least \$1 million dollars, naming the County of Clarke as an additional insured, and showing the date(s) of the event, shall have been received by the Administrator before an application is approved.

Certificate of insurance attached.  No  Yes

**r) Permission for Entry.** F1211-06D  Attached. The applicant shall provide written permission for the Administrator, designee, all duly constituted law enforcement officers to enter the property at any time during the Special Event to determine compliance with the approved permit and the provisions of this chapter.

**Adjoining Property Owners.**

- Attach a copy of the notice sent to all adjoining property owners. [F1211-06C provides an example of the information required in the notice to adjoining property owners] Notice shall be sent to all adjacent property owners on the same date as the application is filed with the Administrator. The address for such owners shall be that found in the records of the Commissioner of the Revenue or, for properties not located in Clarke County, an equivalent source.
- Attach a list of all adjacent property owners, with addresses.

**Health Department Notice and Approvals:**

**Note:** The Health Department must approve your plans for the following items. It is best you talk to the Health Department before you submit your plan to ensure it will be approved. Contact: 540-955-1033; 100 North Buckmarsh Street, Berryville, VA 22611

The Event Permit cannot be approved until after the Health Department has approved the plan.

- ✓ Check here if you have submitted your written plan to the Health Department  Approval attached and have their letter of approval attached to your application.
- ✓ Check here if you have not submitted your plan to the Health Department.  Not attached  
Note: County Administration will submit your application to the Health Department for review; however, the Event Permit cannot be approved until after the Health Department has approved the plan.

**d) Water supply.** The applicant shall provide an ample supply of potable water for drinking and sanitation purposes on the premises of the Special Event by providing to the satisfaction of the Health Department the location and type of water facilities.

Statement of plan for providing water included with application including location and type of water facilities included in plan: \_\_\_\_\_

WATER PROVIDED FROM THE HISTORIC HOUSE (EAST & WEST SIDE) FOR VENDORS

**e) Toilet and/or lavatory facilities.** The applicant shall provide adequate toilet and/or lavatory facilities for sanitation purposes on the premises of the Special Event to the satisfaction of the Health Department.

Statement of plan for providing sanitation facilities included in plan.: ONE (1) GRAY WATER DISPOSAL & PORT-A-JOHNS: TEN (10) STANDARD UNITS, ONE (1) HANDICAPPED UNIT , & TWO (2) FREE-STANDING SINKS

**f) Waste management.** The applicant shall provide for the pickup and removal of refuse, trash, garbage, and rubbish from the site of the event on a daily basis, or more often if required by providing to the satisfaction of the Health Department the plans for pickup and removal of refuse and to clean up the premises and remove all trash and debris there from within 48 hours after the conclusion of the event.

Statement of plan for garbage, trash and sewage disposal included in plan.: ONE (1) 30-YARD DUMPSTER AND FIFTY (50) TRASH CANS (55 GALLON BARRELS) PLACED THROUGHOUT EVENT GROUNDS

**k) Food & Beverage.** The applicant shall provide for adequate preparation and provision of any food or beverage for consumption during the Special Event to the satisfaction of the Health Department (and the Virginia Alcohol Beverage Control Board, if alcoholic beverages are to be served) with a plan for preparing and providing food and beverages).

Statement of plan to provide adequate preparation and provision of any food or beverage for consumption included in plan. \_\_\_\_\_

**INDIVIDUAL FOOD VENDORS**

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Will alcoholic beverages be served?  No  Yes If yes:

Virginia Alcohol Beverage Control Board Notice/Approval Date: 05/19/2016  Approval attached.

Contact: www.abc.virginia.gov; 2901 Hermitage Road, P.O. Box 27491, Richmond, VA 23261

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### Local Fire & Rescue Company Notice and Approvals

**Note:** The local Fire & Rescue Company must approve your plans for the following items. It is best you talk to your local Fire and Rescue Company before you submit your plan to ensure it will be approved. Contact your local fire & rescue company. [Blue Ridge, Boyce, John Enders, or Shenandoah Farms]

The Event Permit cannot be approved until after the local fire and rescue company has approved the plan.

✓ Check here if you have submitted your written plan to the local fire and rescue company and have their letter of approval attached to your application.  Approval attached

✓ Check here if you have not submitted your plan to the local fire and rescue company. Note: County Administration will submit your application to the local fire and rescue company for review.  Not attached

**g) Medical facilities.** Adequate on-site medical facilities and emergency medical transport vehicles shall be provided to the satisfaction of the Chief of the Fire and Rescue Company providing service to the location at which the Special Event is to be held.

Statement of plan to provide adequate on-site medical facilities and emergency medical transport vehicles included in plan: BOYCE VOLUNTEER FIRE & RESCUE CO. PROVIDING STAFFED BLS AMBULANCE UNIT ON-SITE TO PROVIDE FIRST AID SERVICES & TRANSPORTATION.

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**h) Fire protection.** The applicant shall provide for adequate fire protection to the satisfaction of the Chief of the Fire Department providing service to the location at which the Special Event is to be held.

Statement of plan to provide adequate fire protection included in plan. FIRE EXTINGUISHERS PLACED IN ALL TENTS AND NOTIFICATION SENT TO LOCAL FIRE DEPARTMENT OF THE DATES OF THE EVENT.

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### Sheriff's Notice and Approvals

**Note:** The Sheriff must approve your plans for the following items. It is best you contact him before you submit your plan to ensure it will be approved. Contact: 540-955-1234; 100 North Church Street, Berryville, VA 22611

The Event Permit cannot be approved until after the Sheriff has approved the plan.

✓ Check here if you have submitted your written plan to the Sheriff and have his letter of approval attached to your application.  Approval attached

- ✓ Check here if you have not submitted your plan to the Sheriff. Note: County Administration will submit your application to the Sheriff for review.  Not attached

**i) Traffic and parking control.** The applicant shall provide for adequate ingress, egress and parking for the Special Event to the satisfaction of the Sheriff, the State Police and the Virginia Department of Transportation.

Statement of plan to provide adequate ingress and egress included in plan. ASSISTANCE PROVIDED BY MR. JOSEPH H. LEWIS A VDOT-APPROVED, CERTIFIED, TRAFFIC CONTROLLER; STATE & LOCAL LAW ENFORCEMENT SUPPORT, AS NEEDED.

**State Police** Notice/Approval Date: 05/18/2016  Approval attached.  
 Contact: 540-869-2000; 3680 Valley Pike, Winchester, Virginia 22602

Statement of plan to provide traffic Control devices, signage, cones, barricades or other activities to take place within the public right-of-way. MR. JOSEPH H. LEWIS WILL HAVE AN ESTIMATED TEN(10) ATTENDANTS TO DIRECT & PARK VEHICLES IN TWO PASTURES AND ADDITIONAL ASSISTANCE PROVIDED BY STATE & LOCAL LAW ENFORCEMENT, IF NECESSARY.

**VDOT** Notice/Approval Date: 06/10/2016  Approval attached.

**j) Security.** The applicant shall provide adequate on-site security for the entire duration of a Special Event to the satisfaction of the Sheriff with a security plan.

Statement of plan to provide adequate on-site security included in plan. A LOCAL SECURITY COMPANY WILL BE CONTRACTED TO PROVIDE ON-SITE SECURITY & ADDITIONAL ASSISTANCE PROVIDED BY LOCAL LAW ENFORCEMENT.

## Building Department Notice and Approvals

**Note:** The Building Department must approve your plans for the following items. It is best you contact the Building Department before you submit your plan to:

- Obtain approval of the actual event; AND
- Apply for any necessary permits and schedule any necessary inspections. *Prior to the event being opened to the public or participants, applicable permits and inspections must be complete. These include, but not limited to: portable lighting, electrical systems, gas systems, tents, portable structures, amusements ride including inflatables and climbing walls. Also, the Building Department inspects emergency vehicle access.*

Contact: 540-955-5112; 101 Chalmers Court, Suite B, Berryville, VA 22611

The Event Permit cannot be approved until after the Building Department has approved the plan.

- ✓ Check here if you have submitted your written plan to the Building Department and have their letter of approval attached to your application.  Approval attached
- ✓ Check here if you have not submitted your plan to the Building Department. Note: County Administration will submit your application to the Building Department for review; however the applicant is responsible for obtaining any necessary Building Department permits and scheduling any/all inspections.  Not attached

**Building Department Guidelines for Special Events Permits:**

The following are issues that need to be described or addressed on special events permit applications:

**Tents** - Any tent greater than 900 square feet in size will require a Building Permit and inspections prior to the event. Inspection shall be arranged to be done during normal business hours Monday through Friday at least the day prior to the event. The event application should provide diagrams or layouts of the location of the tent(s). All tents shall be fire retardant treated with the appropriate approval label on the tent and shall have a mounted and posted fire extinguisher (5 lb. ABC min.) located in each tent. If the tent is enclosed, it shall have two (2) forms of exit that are labeled and illuminated if the event occurs after daylight. If the event will occur after daylight hours, emergency lighting shall be provided.

**Electrical Systems** – Any temporary or portable electrical distribution systems shall require an Electrical Permit and inspections prior to the event. All portable or temporary systems shall be Ground Fault Interrupter Circuit (GFIC) protected. Trailer mounted generators shall be provided with ground rods and grounding conductors appropriate for the generator output requirements. All equipment shall be listed and labeled for the application (weather resistant). No portable generators are allowed inside any tents or trailers where persons would normally enter. A description of the electrical distribution system shall be provided with the special event application.

**Gas Appliances** – All gas appliances including cooking and heating appliances shall be inspected including leak tested prior to the event. No gas cylinders will be allowed inside tents or occupied trailers or structures. All gas cylinders shall be secured in areas not normally used by the public. All gas equipment shall be in good working order and shall meet requirements of the Virginia Fuel Gas Code.

**Lighting** – Information pertaining to the temporary lighting systems shall be provided with the special event application including output wattage and generation system. Lighting system shall be located not to project excessive lighting off of the premises and not to blind any moving traffic on or of the event property. Any lighting pointing to the property boundary shall be shielded and downcast.

**Inspections** – Arrangement for inspections shall be scheduled to occur prior to opening of the event during normal business hours between Monday and Friday. Required inspections shall be scheduled at least twenty-four (24) hours prior to the expected inspection. If special times and arrangements are required, prior approval will need to be arranged with the Clarke County Building Department.

**l) Lighting/Illumination.** If lighting is to be utilized, such lights shall be located, or such shielding devices or other equipment shall be utilized so as to prevent unreasonable glow beyond the property on which the event is located.

Will outdoor lighting be utilized?  No  Yes

**m) Temporary Structures.** All necessary building permits shall be obtained before the event occurs for any temporary structures such as tents or amusement rides. Will temporary structures be utilized?  No  Yes

Type[s] of temporary structures: TENTS

**o) Communication system.** If the premises are without adequate communications systems, the applicant shall make arrangements, approved by the County, to provide for substitute, additional, or alternate means of communication with public safety and other government officials.

Will substitute, additional, or alternate means of communication be utilized?  No  Yes If yes:

Plan for adequate communications systems included with application. \_\_\_\_\_

PA SYSTEMS, WALKIE TALKIES & CELL PHONES

**p) Necessary Safety Services.** The operator of the Special Event shall provide any services necessary to provide appropriate levels of safety over and above what public agencies determine that they are able to provide. Additional Safety Services Required?  No  Yes If yes:

List safety services: N/A

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**Applicant Additional Information:**

Use this area for additional information, if applicable:

\* Approval letters not included: VDOT

~~Included: copies of letters and emails sent to VDOT providing notification and requesting approval for the event (Rhythm and Brews Festival)~~

\* Disregard: received approval 6/6/2016 (email) attached.

AT

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**Acknowledgements, Affirmations, Signature**

*By my signature below, I affirm that I have read and agree to abide by the following terms and conditions. Further, I affirm that the information provided in this application is true and accurate to the best of my knowledge.*

§ 57.4 (a) **Submission and Acceptance.** No application shall be submitted, or accepted, unless presented on the required forms along with all additional required plans, documents, approvals, fees, and other material required by this ordinance.

§ 57.7 (m) **Sound.** Applicant agrees to comply with the Clarke County Code Chapter § 120 that regulates noise.

§ 57.7 (p) **Setbacks.** The approving entity may establish setbacks from property lines, rights of way, and access easements to the site of public assembly or parking for participants or spectators for a Special Event as determined necessary by the approving entity depending on site characteristics, the type of event, the anticipated number of participants and spectators, and the impact on adjacent property owners.

§ 57.7 (r) **Other laws and rules.** The applicant shall comply with all federal, state and local laws, ordinances and regulations, including zoning ordinance provisions and any special use provisions applicable to the property.

§ 57.3 (b) **Other Permits and Responsibility:** The permit required by this ordinance, or the exemptions provided herein, shall not eliminate or substitute for any requirement for any business license or any other permit(s)

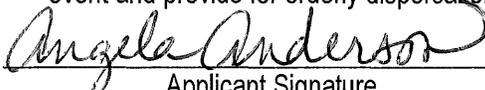
which may be required by any federal, state, or local statutes, ordinances, rules, or regulations. Applicants are responsible for insuring that all such permits, licenses, and certificates are obtained from the appropriate authority.

§ 57.8. **Deposit.** I am aware that a deposit may be required. As a condition of granting the permit, the Administrator or the Board may require the payment of a deposit to cover anticipated public clean-up costs, law enforcement costs, and/or emergency services costs beyond what is usual and customary. The applicant shall be responsible for such costs in excess of any deposit, and the applicant shall be refunded any portion of a deposit not needed to cover such costs.

§ 57.9. **Permit not transferable.** I am aware that this permit is not transferable.

§ 57.10. **Revocation or suspension of permit.** I am aware that this permit may be revoked for suspended A permit issued under the provisions of Chapter 57 may be revoked or suspended by the entity that approved the permit. The Sheriff or his/her designee may temporarily suspend the permit pending consideration, by the entity that approved the permit, of action to revoke or suspend a permit. Such action by the approving entity or the Sheriff or designee may be taken for any of the following reasons:

- a) Any violation of one or more of the requirements or any violation of one or more of the terms and conditions of a permit issued hereunder.
- b) Any material misrepresentation in the application for a permit.
- c) Any change in the ownership of the location of the permitted event, unless there is provided a signed statement from the new owner to confirm that the new owner has given permission for the specific Special Event to be held.
- d) Any material change in the condition of the facilities or ability of contracted organizations to provide required services or equipment.
- e) Any state of emergency, disaster, hazardous weather condition, or other threat to the public health, safety, and welfare that has been declared or is anticipated to occur such that continuation of the event is deemed to be an undue or unnecessary risk to the participants, general public, or public safety providers.
- f) Upon revocation or suspension of the permit, the permittee shall immediately cancel and/or terminate the event and provide for orderly dispersal of those in attendance.

  
Applicant Signature

June 6, 2016

Date

Angela Anderson

Printed Name

**Note: Application is complete only when the applicant has provided all applicable approvals to County Administration.**



**County of Clarke  
Application Special Event Permit  
Code of Clarke County Chapter 57**

**Right of Entry Permission Form**

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I, Angela Anderson, Director of Development the applicant for a special event permit as  
Permit Applicant's Name [Please print legibly.]

required by Article II of Chapter 57 of the Code of Clarke County, Virginia, that event  
 titled: Rhythm and Brews Festival

shall take place on August 20, 2016 at  
Specify Date[s]  
LONG BRANCH 830 Long Branch Lane/PO BOX 241 Millwood, VA 22646  
Event Location and/or Address

in Clarke County, Virginia, and I, Angela Anderson, Director of Development @ LONG BRANCH  
Landowner or Leaseholder's Name

the landowner/ leaseholder of such event location, give our permission for the County Administrator, the county's lawful agents or duly constituted law enforcement officers to go upon the aforementioned property where the special event will take place at any time for the purpose of determining compliance with the provisions of Article II of Chapter 57 of the Code of Clarke County, Virginia. This permission shall specifically include the period of set up and shut down of the event.

We understand that any of the above-referenced officials shall have the right to revoke any permit issued under the aforementioned article upon noncompliance with any of its provisions and conditions.

Angela Anderson  
 Permit Applicant

Secondary Signature[s] If Applicable

\_\_\_\_\_  
 Permit Applicant

Angela Anderson  
 Event Location Owner/Leaseholder

Secondary Signature[s] If Applicable

\_\_\_\_\_  
 Event Location Owner/Leaseholder



# CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)

06/02/2016

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must have ADDITIONAL INSURED provisions or be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER Blue Ridge Insurance Services, Inc. - P&C 116 Reservoir Street  Harrisonburg VA 22801	CONTACT NAME: Karen Via		
	PHONE (A/C, No, Ext): (540)437-9030	FAX (A/C, No): (540)437-9034	
	E-MAIL ADDRESS: kvia@brisinc.com		
	INSURER(S) AFFORDING COVERAGE		NAIC #
	INSURER A: Philadelphia Insurance Company		000000
INSURED  Long Branch Historic House & Farm Inc. P O Box 241  Millwood VA 22646-0241	INSURER B:		
	INSURER C:		
	INSURER D:		
	INSURER E:		
	INSURER F:		

COVERAGES CERTIFICATE NUMBER: REVISION NUMBER:

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSD	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS	
A	<input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR	Y	N	PHUB495301	05/22/2016	05/22/2017	EACH OCCURRENCE	\$ 1,000,000
	DAMAGE TO RENTED PREMISES (Ea occurrence)						\$ 100,000	
	GEN'L AGGREGATE LIMIT APPLIES PER: <input checked="" type="checkbox"/> POLICY <input type="checkbox"/> PRO-JECT <input type="checkbox"/> LOC OTHER:						MED EXP (Any one person)	\$ 5,000
	<input type="checkbox"/> ANY AUTO <input type="checkbox"/> OWNED AUTOS ONLY <input type="checkbox"/> HIRED AUTOS ONLY <input type="checkbox"/> SCHEDULED AUTOS <input type="checkbox"/> NON-OWNED AUTOS ONLY						PERSONAL & ADV INJURY	\$ 1,000,000
	<input type="checkbox"/> UMBRELLA LIAB <input type="checkbox"/> EXCESS LIAB DED RETENTION \$						GENERAL AGGREGATE	\$ 2,000,000
	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below	Y/N	N/A				PRODUCTS - COMP/OP AGG	\$ 2,000,000
								\$
							COMBINED SINGLE LIMIT (Ea accident)	\$
							BODILY INJURY (Per person)	\$
							BODILY INJURY (Per accident)	\$
							PROPERTY DAMAGE (Per accident)	\$
								\$
							EACH OCCURRENCE	\$
							AGGREGATE	\$
								\$
							PER STATUTE	OTHER
							E.L. EACH ACCIDENT	\$
							E.L. DISEASE - EA EMPLOYEE	\$
							E.L. DISEASE - POLICY LIMIT	\$

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)

Special Events Coverage up to 999 attendees.

CERTIFICATE HOLDER CANCELLATION

Clarke County 101 Chalmers Court, Cuite B  Berryville VA 22611	SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.
	AUTHORIZED REPRESENTATIVE 



VIRGINIA DEPARTMENT OF ALCOHOLIC BEVERAGE CONTROL  
2901 Hermitage Road · P O Box 27491 · Richmond VA 23261-7491

License Number:  
**478056**

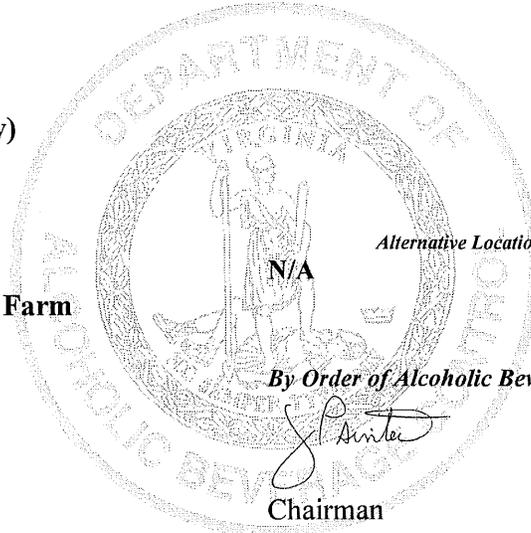
# ABC BANQUET LICENSE

State License Fee Paid: \$40.00

License Type:  
**Banquet Special Event (Per Day)**

Banquet Event Dates:  
**08/20/2016**

Banquet Name & Event Address  
**ANGELA D. ANDERSON  
Long Branch Historic House & Farm  
Long Branch  
830 Long Branch Lane  
Millwood, VA 22646  
Clarke County - Territory # 30  
Staunton - Region 3  
(540) 332-7800**



Alternative Location in the Event of Incliment Weather:

N/A

By Order of Alcoholic Beverage Control Board

Chairman

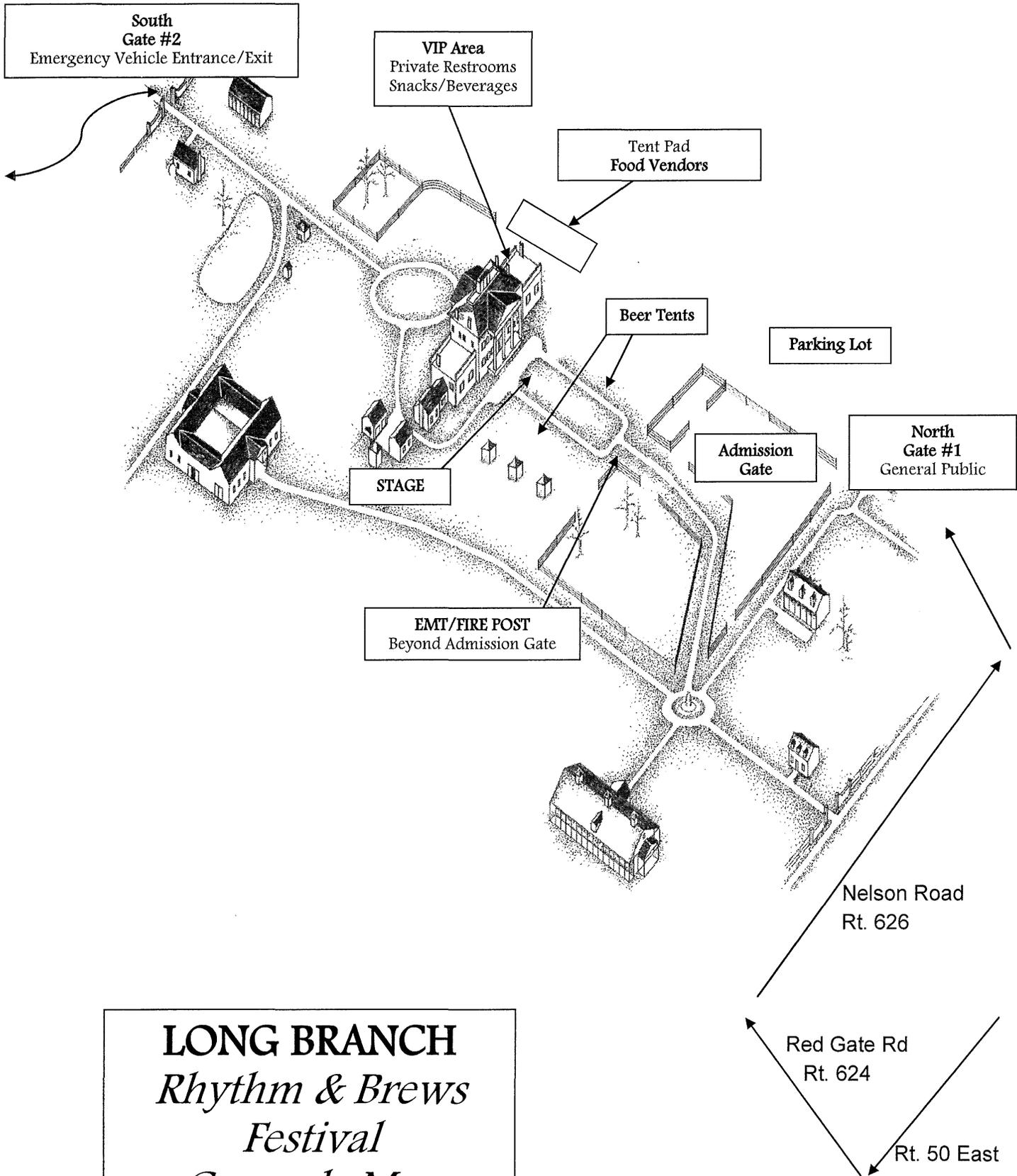
### Instructions for Operating under a Banquet License

The privileges of this license are hereby granted by the Virginia Alcoholic Beverage Control Board to the Licensee named above to operate in accordance with the terms of the license herein designated and the applicable statutes of the Commonwealth of Virginia and regulations of the Board.

1. Do not sell or give away any alcoholic beverage to any person who you know or have reason to believe is intoxicated and do not allow any alcoholic beverage to be consumed by such a person in attendance at your banquet. Do not allow any person who you know or have reason to believe is intoxicated to loiter upon your licensed area. Any person who has drunk enough alcoholic beverages to affect his manner, disposition, speech, muscular movements, general appearance or behavior, as to be apparent to observation shall be deemed to be intoxicated.
2. Do not sell or give away any alcoholic beverage to any person who you know or have reason to believe is less than 21 years of age and do not allow any alcoholic beverage to be consumed by such a person in attendance at your banquet.
3. Do not allow any form of illegal gambling to take place during your banquet.
4. Do not possess any illegal gambling apparatus, machine or device upon your licensed premises.
5. Do not be intoxicated or under the influence of a self-administered drug during your banquet.
6. Do not sell or give away any alcoholic beverages on your licensed area during restricted hours.
7. Mixed Beverages under a Mixed Beverage Special Event License must be purchased from a state ABC Store.
8. Do not purchase alcoholic beverages from licensed wholesalers except on the day of the banquet. For those functions held on Saturday or Sunday, purchase may be made on Friday. Payment must be made in cash or a valid check drawn upon a bank account in the name of the licensee or in the name of the group sponsoring the banquet. Each invoice must be signed by the purchasing licensee or his duly authorized agent.
9. Licensed wholesalers may supply, at a reasonable wholesale price, paper or plastic cups upon which advertising matter regarding beer or wine may appear.
10. Alcoholic beverages to be given away may be purchased from retail establishments.
11. Do not sell, give away or allow the consumption of alcoholic beverage in any portion or your licensed area that has not been approved by the Board.  
(NOTE: Violation of this instruction could result in arrest for Drinking in Public.) Alcoholic beverages must be confined to the building, room or general area for which the license is issued.
12. Do not allow any person who is less than 18 years of age to sell, serve or dispense beer.

**ANGELA D. ANDERSON  
LONG BRANCH HISTORIC HOUSE & FARM  
830 LONG BRANCH LANE  
POST OFFICE BOX 241  
MILLWOOD VA 22646**

The license privilege is strictly for on premises sale and/or consumption of alcoholic beverages at the address of event.



**LONG BRANCH**  
*Rhythm & Brews*  
*Festival*  
*Grounds Map*



May 23, 2016

Adjoining Property Name  
Address  
City, State ZIP

This notice is to advise adjoining property owners that a special event application has been forwarded this day to the County of Clarke, Virginia for the following event to be conducted at:

**Location:** LONG BRANCH *Historic House & Farm*  
**Event:** Rhythm & Brews Festival  
**Dates:** Saturday, August 20, 2016  
**Hours:** Saturday, August 20 from 11 am to 6 pm  
**Summary of Event:** Single-day beer and music Festival. The Festival will include: tastings from local breweries, local musical entertainment and feature local food vendors. We estimate the Festival will draw approximately 900 attendees the first year.

If you have questions, concerns, or would care to review the full text of the application, please contact the following by June 1, 2016:

**Name:** Angela Anderson-Spinosa, Director of Development  
**Mailing Address:** PO Box 241/Millwood, VA 22646  
**Email Address:** [angela@visitlongbranch.org](mailto:angela@visitlongbranch.org)  
**Telephone Number:** 540.837.1856

If you are unable to reach the person listed above at the address or telephone number listed, you may contact the County Administrator at 540.955.5175.

Sincerely,

A handwritten signature in cursive script that reads "Angela Anderson-Spinosa".

Angela Anderson-Spinosa  
Director of Development

cc: Mr. David S. Weiss, Chairman of Clarke County Board of Supervisors  
Mr. Howard (Bo) Carlyle, Board President of LONG BRANCH *Historic House & Farm*

830 Long Branch Lane Post Office Box 241 Millwood, VA 22646  
Office 540-837-1856 Fax 540-837-2289  
[www.visitlongbranch.org](http://www.visitlongbranch.org)

## Property Owners Adjoining LONG BRANCH as of May 2016

Alpha	Name	Business	Address	City	State	Zip
Bowen	Mr. and Mrs. Bowen		858 Nelson Road	White Post	VA	22663
Ferrari	Mr. and Mrs. Andrew Ferrari		735 Nelson Road	White Post	VA	22663
Flagg	Mr. and Mrs. Michael Flagg		PO BOX 121	Millwood	VA	22646
Greenhalgh	Mr. and Mrs. Langdon Greenhalgh		PO BOX 321	Millwood	VA	22646
HFS	HFS Investments, LLC	c/o Bob Bruce	211 S. Loudoun Street	Winchester	VA	22601
JBM	JBM, LLC		PO BOX 125	Millwood	VA	22646
Mackay-Smith	Mr. and Mrs. Justin Mackay-Smith		466 Montana Hall Lane	White Post	VA	22663
McIntosh	Mr. and Mrs. Charles McIntosh		PO BOX 243	Millwood	VA	22646
McKay	Mr. and Mrs. Beverly McKay		PO BOX 1	Millwood	VA	22646
McKay-Rieger	Ms. Caroline McKay and Mr. James Rieger		PO BOX 311	Millwood	VA	22646
Roberts	Mr. and Mrs. David P. Roberts		PO BOX 177	White Post	VA	22663
Stimpson	Ms. Catherine Stimpson	Rodney Stables, LLC	310 Red Gate Road	Boyce	VA	22620
Stimpson	Ms. Doris Stimpson		304 Nelson Road	Boyce	VA	22620

LONG BRANCH  
*Historic House and Farm*  
1877

May 13, 2016

Mr. Jason Fore  
Clarke County Health Department  
100 N. Buckmarsh Street  
Berryville, Virginia 22611

Dear Mr. Fore:

On behalf of the Board of Directors and Staff of the Harry Z. Isaacs Z. Foundation, Inc. for LONG BRANCH *Historic House & Farm*, we are requesting permission to hold the following event.

The Rhythm and Brews Beer Festival (event) will be held at LONG BRANCH on Saturday, August 20 from the hours of 11am to 6pm. The site is on over 400 acres with ample on-site parking. It is expected that the number of attendees will not exceed 999.

In accordance with local regulations, this letter is sent to provide official notification and request permission from your office to hold this upcoming event. I have enclosed Page 1 of the Coordinators' Checklist listing the event details, and the remaining pages will be completed and submitted 45 days prior to our event.

We intend to contract with Alpine Portable Restrooms to have one (1) portable toilet for every 100 people and one (1) handicapped toilet for every 500 people attending this event.

We further request, and will greatly appreciate, your written confirmation by June 1, 2016, in order that the requirements of our Clarke County application be fulfilled. Thank you in advance for your continued support. Please feel free to contact me at 540-837-1856 or email: [angela@visitlongbranch.org](mailto:angela@visitlongbranch.org) should you have any questions or require additional information.

We look forward to your timely response.

Regards,



Angela Anderson  
Director of Development

cc: Mr. David S. Weiss, Chairman of Clarke County Board of Supervisors  
Mr. Howard (Bo) Carlyle, President of Long Branch Board of Directors

830 Long Branch Lane Post Office Box 241 Millwood, VA 22646  
Office 540-837-1856 Fax 540-837-2289  
[www.visitlongbranch.org](http://www.visitlongbranch.org)

## VIRGINIA DEPARTMENT OF HEALTH TEMPORARY FOOD EVENT COORDINATOR APPLICATION

An event organizer/coordinator should complete this application and submit to the local health department at least thirty (30) business days in advance of the date of the planned event.

**TYPE or PRINT IN INK.** Enter N/A where requested information does not apply. Leave **NO BLANK SPACES**. Incomplete or illegible applications may result in paperwork being returned to the applicant.

ORGANIZER'S INFORMATION	
<b>Organizer/Coordinator DBA:</b>  LONG BRANCH Historic House & Farm	<b>Mailing Address:</b>  830 Long Branch Lane/PO BOX 241 Millwood, VA 22646
<b>Event Organizer's Name:</b>  Angela Anderson	<b>Organizer's Contact Number(s) &amp; E-mail Address:</b> 540-837-1856 angela@visitlongbranch.org
<b>Event On-Site Contact's Name:</b>  Angela Anderson	<b>On-Site Contact's Cell Number &amp; E-mail Address:</b> 540-327-3126 angela@visitlongbranch.org
EVENT INFORMATION	
<b>Event Name:</b>  Rhythm & Brews Festival	<b>Event Date(s):</b>  Saturday, August 20, 2016
<b>Event Location &amp; Physical Address:</b> LONG BRANCH Historic House & Farm 830 Long Branch Lane Millwood, VA 22646	<b>Hours of Event:</b> 11 am to 6 pm  <b>Time Set-Up Begins:</b> 3 pm on Friday, August 19 or 9 am on Saturday, August 20
<b>Anticipated Max. Attendance at Peak Time:</b> 999	<b>Type of Event:</b> <input type="checkbox"/> Indoor <input checked="" type="checkbox"/> Outdoor * * If outdoor, will the event occur regardless of weather conditions? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
<b>Estimated Number of Temporary Food Establishments (TFE) at the event:</b> 5	

<b>Health Department Use Only</b> Application Approved: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No (see reason below) Reviewer's Initials: _____ Date Reviewed: _____ ^ Reason(s) for Denial: _____ _____ _____	Date Received Stamp   <h3 style="margin: 0;">JUN 08 2016</h3>
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\*Reminder\* All Vendor Apps must be to the Clarke County Health Dept. 10 Days prior to the event date. Please include Vendor Fee or Receipt. Thank you!

## Angela Spinosa

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**From:** Fore, Jason (VDH) <Jason.Fore@vdh.virginia.gov>  
**Sent:** Monday, June 06, 2016 9:38 AM  
**To:** 'angela@visitlongbranch.org'  
**Subject:** RE: Temporary Event Coordinator Packet  
**Attachments:** Temporary Food Establishment Packet.pdf; Long Branch Coordinator Packet.pdf

Ms. Anderson-Spinosa,

I apologize for the delay in my response. I was out of the office for a good portion of last week. I have attached the Approved application (see lower portion of the form). As a reminder, vendors will need to submit applications (also attached) and fees as well. If any vendors are 501-c3 entities, they can submit proof for a waiver of the \$40 fee.

Please let me know if you have any questions or concerns. Thanks.

### Jason Fore

Environmental Health Specialist  
Clarke County Health Department  
100 North Buckmarsh Street  
Berryville, VA 22611  
540-955-1033, ext. 110  
540-955-4094 (fax)

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**From:** Angela Spinosa [<mailto:angela@visitlongbranch.org>]  
**Sent:** Friday, June 03, 2016 10:37 AM  
**To:** Fore, Jason (VDH)  
**Cc:** Lora Walburn; Bo Carlyle  
**Subject:** FW: Temporary Event Coordinator Packet

Good morning Mr. Fore. I am following up with you regarding the email (below) sent on May 13<sup>th</sup>. I am preparing to submit the Special Event application to the Board of Supervisors and was hoping to include the approval letter from the Clarke County Health Department for hosting the Rhythm and Brews Festival at Long Branch on August 20<sup>th</sup>. Please let me know if you have any questions or require additional information. In advance thank you so much and have a wonderful weekend!

*Angela Anderson-Spinosa*

Director of Development

Long Branch Historic House & Farm  
830 Long Branch Lane  
Post Office Box 241  
Millwood, VA 22646  
540-837-1856  
[visitlongbranch.org](http://visitlongbranch.org)

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**From:** Angela Spinosa [<mailto:angela@visitlongbranch.org>]  
**Sent:** Friday, May 13, 2016 4:46 PM  
**To:** 'Fore, Jason (VDH)'

**Cc:** Lora Walburn; Bo Carlyle  
**Subject:** RE: Temporary Event Coordinator Packet

Good afternoon Mr. Fore. Thank you so much for returning my call. Per our conversation, I have attached a formal letter requesting approval for hosting the Rhythm & Brews Festival at Long Branch. I have also attached the first page of the Temp. Event Coord. Packet and will submit the remainder of the packet 45 days prior to the event. I look forward to working with you. As I stated in the letter, please feel free to contact me should you have any questions or require additional information. Again thank you so much for your support and have a great weekend!

*Angela Anderson-Spinosa*  
Director of Development

Long Branch Historic House & Farm  
830 Long Branch Lane  
Post Office Box 241  
Millwood, VA 22646  
540-837-1856  
visitlongbranch.org

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**From:** Fore, Jason (VDH) [<mailto:Jason.Fore@vdh.virginia.gov>]  
**Sent:** Tuesday, May 10, 2016 3:25 PM  
**To:** 'angela@visitlongbranch.org'  
**Subject:** Temporary Event Coordinator Packet

Angela,

Here are the forms we discussed earlier. This packet will have the documentation necessary for you to provide each vendor with the necessary information for their individual permits. The county may be referring to a stamped copy of the first page of the packet, indicating that we are aware of the event and have been in contact with you.

If you have any questions, please give me a call. Thanks.

Jason Fore  
Environmental Health Specialist  
Clarke County Health Department  
100 North Buckmarsh Street  
Berryville, VA 22611  
540-955-1033, ext. 110  
540-955-4094 (fax)



May 12, 2016

Mr. Frank Davis  
Director of Clarke County Fire, EMS and Emergency Management  
101 Chalmers Court, Suite B  
Berryville, Virginia 22611

Dear Mr. Davis:

On behalf of the Board of Directors and Staff of the Harry Z. Isaacs Z. Foundation, Inc. for LONG BRANCH *Historic House & Farm*, we are requesting assistance with medical facilities and emergency transportation for the following event.

The Rhythm and Brews Beer Festival (event) will be held at LONG BRANCH on Saturday, August 20 from the hours of 11am to 6pm. The site is on over 400 acres with ample on-site parking. It is expected that the number of attendees will not exceed 999. The majority of the vehicles will enter the Festival via Route 50 at Red Gate Road (Route 624) and proceed to the North entrance Gate #1 (see map) on Nelson Road (Route 626). However, we have designated the South entrance Gate #2 for Emergency vehicles ONLY providing easier entrance and exit.

In accordance with local regulations, this letter is sent to provide official notification and request permission from your office to hold this upcoming event. We would greatly appreciate it if Boyce Fire and Rescue Company can provide backup first aid / emergency service, including ambulance, for EMS and transportation, staffed by driver and EMT-B for this event. Additionally, we will provide lunch for the volunteers.

We further request, and will greatly appreciate, your written confirmation by June 1, 2016, in order that the requirements of our Clarke County application be fulfilled. Thank you in advance for your continued support. Please feel free to contact me at 540-837-1856 or email: [angela@visitlongbranch.org](mailto:angela@visitlongbranch.org) should you have any questions or require additional information.

We look forward to your timely response.

Regards,

A handwritten signature in cursive script that reads "Angela Anderson".

Angela Anderson  
Director of Development

cc: Mr. David S. Weiss, Chairman of Clarke County Board of Supervisors  
Mr. Howard (Bo) Carlyle, President of Long Branch Board of Directors

830 Long Branch Lane Post Office Box 241 Millwood, VA 22646  
Office 540-837-1856 Fax 540-837-2289  
[www.visitlongbranch.org](http://www.visitlongbranch.org)

## Angela Spinosa

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**From:** Lora Walburn <lwalburn@clarkecounty.gov>  
**Sent:** Friday, May 13, 2016 9:55 AM  
**To:** angela  
**Subject:** Re: Special Event Assistance

Good Morning Angela - Document received and Frank Davis contacted County Administration this morning about this event. He will provide written response under separate cover.

Lora B. Walburn  
Deputy Clerk to the Board Supervisors  
Executive Assistant - County Administration  
County of Clarke  
101 Chalmers Court, Suite B  
Berryville, Virginia 22611  
[540] 955-5175  
[lwalburn@clarkecounty.gov](mailto:lwalburn@clarkecounty.gov)

---

**From:** "angela" <[angela@visitlongbranch.org](mailto:angela@visitlongbranch.org)>  
**To:** "Frank Davis" <[fdavis@clarkecounty.gov](mailto:fdavis@clarkecounty.gov)>  
**Cc:** "Lora Walburn" <[lwalburn@clarkecounty.gov](mailto:lwalburn@clarkecounty.gov)>, "Bo Carlyle" <[carlylebo@yahoo.com](mailto:carlylebo@yahoo.com)>  
**Sent:** Thursday, May 12, 2016 4:38:29 PM  
**Subject:** Special Event Assistance

Good afternoon Mr. Davis. I have recently been hired as the Director of Development at Long Branch Historic House and Farm. I am trying to coordinate a Beer Festival to be held at Long Branch on August 20<sup>th</sup>. Therefore, I am in the initial stages of completing a Special Event Permit Application for the County of Clarke and as I'm sure you know I need approval from all emergency agencies. I have attached a formal letter requesting approval for services needed during this event. As I stated in the letter please don't hesitate in calling or emailing me should you have any questions or need additional information. In advance, I thank you for your assistance and look forward to working with you! Have a great day!

Sincerely,

*Angela Anderson-Spinosa*

Director of Development

Long Branch Historic House & Farm  
830 Long Branch Lane  
Post Office Box 241  
Millwood, VA 22646  
540-837-1856  
[visitlongbranch.org](http://visitlongbranch.org)

## Angela Spinosa

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**From:** Lee Coffelt <lcoffelt@gmail.com>  
**Sent:** Saturday, May 14, 2016 8:03 AM  
**To:** angela@visitlongbranch.org  
**Subject:** Rythym & Brews Festival - 8/20

Good Morning,

Wanted to touch base and let you know that I received the information on the festival from the County Fire/EMS director yesterday. As the Chief at Boyce Vol. Fire Co., Inc. I assure you that we will be ready to provide Fire & EMS standby at your event with the proper amount of resources. If at any point you have questions or concerns please feel free to contact me. We at Boyce Vol. Fire Co. look forward to working with you and your staff on keeping the attendees of this festival safe.

Thanks

Lee Coffelt  
Chief  
Boyce Vol. Fire Co., Inc.  
540-974-0770

## Angela Spinosa

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**From:** Frank Davis <fdavis@clarkecounty.gov>  
**Sent:** Friday, May 13, 2016 10:12 AM  
**To:** angela@visitlongbranch.org  
**Cc:** Lora Walburn; Bo Carlyle; Lee Coffelt  
**Subject:** Re: Special Event Assistance

After reviewing all document, Clarke County Fire and EMS approve the event at Long Branch. I will forward this information to Chief Coffelt at Boyce so they can begin planning to staff this event.

Thanks  
Frank

Frank Davis  
Director  
Clarke County Va. Fire & EMS  
540-955-5113 O  
240-446-4007 C  
[fdavis@clarkecounty.gov](mailto:fdavis@clarkecounty.gov)

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**From:** "Angela Spinosa" <[angela@visitlongbranch.org](mailto:angela@visitlongbranch.org)>  
**To:** [fdavis@clarkecounty.gov](mailto:fdavis@clarkecounty.gov)  
**Cc:** "Lora Walburn" <[lwalburn@clarkecounty.gov](mailto:lwalburn@clarkecounty.gov)>, "Bo Carlyle" <[carlylebo@yahoo.com](mailto:carlylebo@yahoo.com)>  
**Sent:** Thursday, May 12, 2016 4:38:29 PM  
**Subject:** Special Event Assistance

Good afternoon Mr. Davis. I have recently been hired as the Director of Development at Long Branch Historic House and Farm. I am trying to coordinate a Beer Festival to be held at Long Branch on August 20<sup>th</sup>. Therefore, I am in the initial stages of completing a Special Event Permit Application for the County of Clarke and as I'm sure you know I need approval from all emergency agencies. I have attached a formal letter requesting approval for services needed during this event. As I stated in the letter please don't hesitate in calling or emailing me should you have any questions or need additional information. In advance, I thank you for your assistance and look forward to working with you! Have a great day!

Sincerely,

*Angela Anderson-Spinosa*

Director of Development

Long Branch Historic House & Farm  
830 Long Branch Lane  
Post Office Box 241  
Millwood, VA 22646  
540-837-1856  
[visitlongbranch.org](http://visitlongbranch.org)



May 13, 2016

Sheriff Tony Roper  
Clarke County Sheriff's Office  
100 North Church Street  
Berryville, Virginia 22611

Dear Sheriff Roper:

On behalf of the Board of Directors and Staff of the Harry Z. Isaacs Z. Foundation, Inc. for LONG BRANCH *Historic House & Farm*, we are requesting approval from the Clarke County Sheriff office indicating that the following operations meets your needs for ingress, egress and parking. In addition we are requesting assistance with security for the following event.

The Rhythm and Brews Beer Festival (event) will be held at LONG BRANCH on Saturday, August 20 from the hours of 11am to 6pm. The site is on over 400 acres with ample on-site parking. It is expected that the number of attendees will not exceed 999. The majority of the vehicles will enter the Festival via Route 50 at Red Gate Road (Route 624) and proceed to the North entrance Gate #1 (see map) on Nelson Road (Route 626). However, we have designated the South entrance Gate #2 for Emergency vehicles ONLY providing easier entrance and exit.

All on-site traffic control and parking will be coordinated by Mr. Joseph H. Lewis, a VDOT certified Intermediate Work Zone Traffic Control & Flagger person. Verification #011416028, expiration 1/31/2020. Enclosed is a copy of the certification as well.

We further request, and will greatly appreciate, your written confirmation by June 1, 2016, in order that the requirements of our Clarke County application be fulfilled. Thank you in advance for your continued support. Please feel free to contact me at 540-837-1856 or email: [angela@visitlongbranch.org](mailto:angela@visitlongbranch.org) should you have any questions or require additional information.

We look forward to your timely response.

Regards,

A handwritten signature in cursive script that reads "Angela Anderson".

Angela Anderson  
Director of Development

cc: Mr. David S. Weiss, Chairman of Clarke County Board of Supervisors  
Mr. Howard (Bo) Carlyle, President of Long Branch Board of Directors

830 Long Branch Lane Post Office Box 241 Millwood, VA 22646  
Office 540-837-1856 Fax 540-837-2289  
[www.visitlongbranch.org](http://www.visitlongbranch.org)



**CLARKE COUNTY  
SHERIFF'S OFFICE**

**Anthony W. Roper  
Sheriff**

100 North Church St.  
Berryville, VA 22611

540-955-1234  
(24-hour Non-emergency Line)  
540-955-5152 (Office)  
540-955-4111 (Fax)

[www.clarkecounty.gov](http://www.clarkecounty.gov)



May 23, 2016

Ms. Angela Anderson  
Director of Development  
Long Branch  
Post Office 241  
Millwood, VA 22646

Dear Ms. Anderson:

I am in receipt of your letter, dated Friday, May 13, 2016. Based on your representations for the Rhythm and Brews Beer Festival event at Long Branch to be held August 20, 2016, you have addressed all the concerns of the Clarke County Sheriff's Office.

Good luck, and feel free to contact me with any questions or concerns.

Sincerely,

  
Anthony W. Roper  
Sheriff



May 12, 2016

First Sergeant Blacklock  
Virginia State Police  
3680 Valley Pike  
Winchester, VA 22602

Dear First Sergeant Blacklock:

On behalf of the Board of Directors and Staff of the Harry Z. Isaacs Z. Foundation, Inc. for LONG BRANCH *Historic House & Farm*, we are requesting approval from the Virginia State Police indicating that the following operations meets your needs for ingress, egress and parking.

The Rhythm and Brews Beer Festival (event) will be held at LONG BRANCH on Saturday, August 20 from the hours of 11am to 6pm. The site is on over 400 acres with ample on-site parking. It is expected that the number of attendees will not exceed 999. We project approximately 500 vehicles will be entering/leaving Long Branch over the 7 hour period. The majority of the vehicles will enter the Festival via Route 50 at Red Gate Road (Route 624) and proceed to the North entrance Gate #1 (see map) on Nelson Road (Route 626). We will be working with Sheriff Roper of the Clarke County Sherriff's Department to provide assistance at this intersection if any control needs arise.

All on-site traffic control and parking will be coordinated by Mr. Joseph H. Lewis, a VDOT certified Intermediate Work Zone Traffic Control & Flagger person. Verification #011416028, expiration 1/31/2020. Enclosed is a copy of the certification as well.

We further request, and will greatly appreciate, your written confirmation by June 1, 2016, in order that the requirements of our Clarke County application be fulfilled. Thank you in advance for your continued support. Please feel free to contact me at 540-837-1856 or email: [angela@visitlongbranch.org](mailto:angela@visitlongbranch.org) should you have any questions or require additional information.

We look forward to your timely response.

Regards,

A handwritten signature in cursive script that reads "Angela Anderson".

Angela Anderson  
Director of Development

cc: Mr. David S. Weiss, Chairman of Clarke County Board of Supervisors  
Mr. Howard (Bo) Carlyle, President of Long Branch Board of Directors

830 Long Branch Lane Post Office Box 241 Millwood, VA 22646  
Office 540-837-1856 Fax 540-837-2289  
[www.visitlongbranch.org](http://www.visitlongbranch.org)



# COMMONWEALTH of VIRGINIA

Colonel W. S. (Steve) Flaherty  
Superintendent

(804) 674-2000

DEPARTMENT OF STATE POLICE

3680 Valley Pike  
Winchester, Virginia 22602

May 18, 2016

540-869-2000

Angela Anderson, Director of  
Development  
Long Branch Historic House & Farm  
830 Long Branch Lane  
P. O. Box 241  
Millwood, VA 22646

Dear Ms. Anderson:

This letter is in reference to your correspondence dated May 12, 2016 concerning traffic control at the Rhythm and Brews Beer Festival to be held at Historic Long Branch on August 20, 2016.

All traffic control issues will need to be coordinated with the Department of Transportation.

Please do not hesitate to contact our office if you have any further questions or concerns.

Sincerely,

*Matthew C. Blacklock*  
(KGC)

Matthew C. Blacklock  
Area Commander

MCB/kc

cc: Captain Todd M. Taylor



May 16, 2016

Mr. Arthur R. Boyce, III  
Commonwealth of Virginia  
Department of Transportation  
14031 Old Valley Pike  
Edinburg, VA 22824

Dear Mr. Boyce:

On behalf of the Board of Directors and Staff of the Harry Z. Isaacs Z. Foundation, Inc. for LONG BRANCH *Historic House & Farm*, we are requesting permission to hold the following event.

The Rhythm and Brews Beer Festival (event) will be held at LONG BRANCH on Saturday, August 20 from the hours of 11am to 6pm. The site is on over 400 acres with ample on-site parking. It is expected that the number of attendees will not exceed 999.

In accordance with local regulations, this letter is sent to provide official notification and request permission from your office to hold this upcoming event. Because this is the first year we are hosting this event the attendance is expected to be 999 people or less, we are asking if any traffic controls on Route 50 are necessary for this size of event.

We further request, and will greatly appreciate, your written confirmation by June 1, 2016, in order that the requirements of our Clarke County application be fulfilled. Thank you in advance for your continued support. Please feel free to contact me at 540-837-1856 or email: [angela@visitlongbranch.org](mailto:angela@visitlongbranch.org) should you have any questions or require additional information.

We look forward to your timely response.

Regards,

A handwritten signature in cursive that reads "Angela Anderson".

Angela Anderson  
Director of Development

cc: Mr. David S. Weiss, Chairman of Clarke County Board of Supervisors  
Mr. Howard (Bo) Carlyle, President of Long Branch Board of Directors

830 Long Branch Lane Post Office Box 241 Millwood, VA 22646  
Office 540-837-1856 Fax 540-837-2289  
[www.visitlongbranch.org](http://www.visitlongbranch.org)

## Angela Spinosa

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**From:** Boyce, Arthur (VDOT) <Bobby.Boyce@VDOT.Virginia.gov>  
**Sent:** Monday, June 06, 2016 11:31 AM  
**To:** 'angela@visitlongbranch.org'  
**Cc:** Lora Walburn; Bo Carlyle; Funkhouser, Rhonda (VDOT); Ash, David  
**Subject:** RE: VDOT Approval  
**Attachments:** Special\_Event\_Permit\_Application Partial Complete.pdf; VDOT.PDF; Grounds Map.pdf; Joes VDOT Cert.pdf

Dear Ms. Ancerson-Spinosa,

We have reviewed the above subject Special Event and anticipate that an event of this size will have minimal impacts to the adjacent roadways. The 999 total attendees you expect to attract over should generated approximately 908 total trips (enter and exit) based on an estimated 2.2 persons/vehicle occupancy rate. We do not anticipate the need for any traffic controls at the Route 50/624 intersection.

If you have any questions, please do not hesitate to give me a call at (540) 984-5631.

Thanks,  
Bobby. Boyce  
VDOT Land Development Engineer  
Shenandoah, Frederick, Clarke, & Warren Counties  
14031 Old Valley Pike  
Edinburg, VA 22824  
(540)984-5631

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**From:** Angela Spinosa [<mailto:angela@visitlongbranch.org>]  
**Sent:** Tuesday, May 17, 2016 10:12 AM  
**To:** Boyce, Arthur (VDOT)  
**Cc:** Lora Walburn; Bo Carlyle  
**Subject:** VDOT Approval

Good morning Mr. Boyce. Thank you so much for returning my call this morning and it was pleasure chatting with you again. Per our conversation, I have attached a copy of the Special Event Application I will be submitting to Clarke County once I have received all approval letters from the appropriate agencies. I have also attached a formal letter of notification and requesting approval from VDOT and a sketch of the grounds for the proposed Beer Festival (Rhythm & Brews) at Long Branch Historic House and Farm. In advance, I thank you so much for your continued support and look forward to working with you again. As always, please don't hesitate in calling or writing should have additional questions or require additional information. Have a great day!

*Angela Anderson-Spinosa*  
Director of Development

Long Branch Historic House & Farm  
830 Long Branch Lane  
Post Office Box 241  
Millwood, VA 22646

## Angela Spinosa

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**From:** Angela Spinosa <angela@visitlongbranch.org>  
**Sent:** Friday, May 27, 2016 11:15 AM  
**To:** B. Boyce  
**Cc:** Bo Carlyle; Lora Walburn  
**Subject:** FW: VDOT Approval  
**Attachments:** Special\_Event\_Permit\_Application Partial Complete.pdf; VDOT.pdf; Grounds Map.pdf; Joes VDOT Cert.pdf

Good morning Mr. Boyce. I am just following up with you to be sure you received the email I sent last week regarding the proposed Beer Festival (Rhythm & Brews) at Long Branch. I would like to submit the application and all necessary paperwork to the county no later than next Friday, June 4. Please let me know if you need additional information or have any questions. I look forward to your reply. Wishing you a happy and safe holiday weekend!

*Angela Anderson-Spinosa*

Director of Development

Long Branch Historic House & Farm  
830 Long Branch Lane  
Post Office Box 241  
Millwood, VA 22646  
540-837-1856  
visitlongbranch.org

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**From:** Angela Spinosa [<mailto:angela@visitlongbranch.org>]  
**Sent:** Tuesday, May 17, 2016 10:12 AM  
**To:** 'bobby.boyce@vdot.virginia.gov'  
**Cc:** Lora Walburn; Bo Carlyle  
**Subject:** VDOT Approval

Good morning Mr. Boyce. Thank you so much for returning my call this morning and it was pleasure chatting with you again. Per our conversation, I have attached a copy of the Special Event Application I will be submitting to Clarke County once I have received all approval letters from the appropriate agencies. I have also attached a formal letter of notification and requesting approval from VDOT and a sketch of the grounds for the proposed Beer Festival (Rhythm & Brews) at Long Branch Historic House and Farm. In advance, I thank you so much for your continued support and look forward to working with you again. As always, please don't hesitate in calling or writing should have additional questions or require additional information. Have a great day!

*Angela Anderson-Spinosa*

Director of Development

Long Branch Historic House & Farm  
830 Long Branch Lane  
Post Office Box 241  
Millwood, VA 22646  
540-837-1856  
visitlongbranch.org



Commonwealth of Virginia  
Virginia Department of Transportation



VERIFICATION OF COMPLETION OF  
INTERMEDIATE WORK ZONE TRAFFIC CONTROL TRAINING  
AND FLAGGER CERTIFICATION

This is to verify that **Joseph H. Lewis** has successfully completed training and an examination by the Department on the proper practices and methods for the installation, maintenance, removal of temporary traffic control devices and flagging operations.

Date: 1/14/2016

State Traffic Engineer

Verification No. : 011416028

Expiration Date: 1/31/2020

LONG BRANCH  
*Historic House and Farm*  
1811

May 12, 2016

Mr. James Royston, II, Building Official  
Clarke County Building Department  
101 Chalmers Court, Suite B  
Berryville, Virginia 22611  
Email: jroyston@clarkecounty.gov  
Email CC: acather@clarkecounty.gov

Dear Mr. Royston,

On behalf of the Board of Directors and Staff of the Harry Z. Isaacs Z. Foundation, Inc. for LONG BRANCH *Historic House & Farm*, we are providing official notification and request permission from your office to hold this upcoming event.

The Rhythm and Brews Beer Festival (event) will be held at LONG BRANCH on Saturday, August 20 from the hours of 11am to 6pm. The site is on over 400 acres with ample on-site parking. It is expected that the number of attendees will not exceed 999. The majority of the vehicles will enter the Festival via Route 50 at Red Gate Road (Route 624) and proceed to the North entrance Gate #1 (see map) on Nelson Road (Route 626). However, we have designated the South entrance Gate #2 for Emergency vehicles ONLY providing easier entrance and exit.

We intend to use Grand Rental to erect tents on the property for this event and possibly use temporary lighting in the fields utilized for event parking.

We further request, and will greatly appreciate, your written confirmation by June 1, 2016, in order that the requirements of our Clarke County application be fulfilled. Thank you in advance for your continued support. Please feel free to contact me at 540-837-1856 or email: [angela@visitlongbranch.org](mailto:angela@visitlongbranch.org) should you have any questions or require additional information.

We look forward to your timely response.

Regards,



Angela Anderson  
Director of Development

cc: Mr. David S. Weiss, Chairman of Clarke County Board of Supervisors  
Mr. Howard (Bo) Carlyle, President of Long Branch Board of Directors

830 Long Branch Lane Post Office Box 241 Millwood, VA 22646  
Office 540-837-1856 Fax 540-837-2289  
[www.visitlongbranch.org](http://www.visitlongbranch.org)



**County of Clarke, Virginia**  
**Building Department**  
**101 Chalmers Ct., Suite B, Berryville, Virginia 22611**  
1-540-955-5112 Fax: 540-955-5170

May 13, 2016

Ms. Angela Anderson-Spinosa  
Director of Development  
P.O. Box 241  
Millwood, VA 22646

Dear Ms. Spinosa,

We are in receipt of your letter dated May 12, 2016 requesting permission to apply for permits for an event: *"Rhythm & Brews Festival"* on August 20, 2016.

Please submit Building permit applications for the tents you wish to erect for the event.

I will forward a copy of this letter to Ms. Lora Walburn – Deputy Clerk for her file. She will be the one issuing your Special Event permit.

Please feel free to call with any questions.

Sincerely,

James H. Royston, II  
Building Official

JHR/amc

CC: Lora Walburn  
File

T A X R E C E I P T

Ticket #:00130780001 @@

COUNTY OF CLARKE  
SHARON E KEELER, TREASURER  
P O BOX 537  
101 CHALMERS COURT  
BERRYVILLE VA 22611

Date : 6/07/2016  
Register: WBM/W10  
Trans. #: 74862  
Dept # : GELR  
Acct# :

GENERAL FUND - OTHER LOCAL REVENUE  
SPECIAL EVENT PERMIT  
RHYTHM & BREWS FESTIVAL  
AUG 20 2016

Previous Balance \$ 250.00  
310001303031310000000000  
Principal Being Paid \$ 250.00  
Penalty \$ .00  
Interest \$ .00  
Amount Paid \$ 250.00  
\*Balance Due \$ .00

LONG BRANCH HISTORIC HOUSE & FARM

LONG BRANCH HISTORIC HOUSE & FARM Check 250.00 # 13498 BCC  
INCLUDES PENALTY/INTEREST THRU THE MONTH 6/2016

## **APPEAL OF THE BOARD OF SEPTIC AND WELL APPEALS DECISION**

**Steven Soechtig**

**June 21, 2016 Board of Supervisors Meeting**

**STAFF REPORT Department of Planning**

-----  
The purpose of this staff report is to provide information to the Board of Supervisors to assist them in reviewing this appeal request. It may be useful to members of the general public interested in this request.  
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### **Case Summary**

#### **Applicant(s):**

Steven Soechtig (Owner)

#### **Location:**

- Subject property is located on Blue Ridge Mountain Road, Paris, VA
- Property identified as Lot 23 Section B of Paris Heights subdivision
- Tax Map Parcel #40A-1-23

#### **Request:**

The applicant is appealing the Board of Septic and Well Appeals decision to uphold Staff's application of Chapter 143-9(B) and Table 1 of the Clarke County Septic Ordinance specifically, "*The minimum separation distance from a Soil Treatment Area to springs at a lower elevation than the septic system is 500 feet*". Staff's determination of a spring (meeting the definition in the Ordinance) being located on the property resulted in a Virginia Department of Health denial of an application for a sewage disposal system.

#### **Reason for Denial:**

The Clarke County Septic Ordinance requires a minimum of 500 feet from the soil treatment area to springs (as defined in the Ordinance) at a lower elevation. The applicant has been denied according to County Ordinance for a distance of 167.9 feet to an undeveloped spring at a lower elevation than the proposed sewage disposal system.

On November 13, 2015 the Clarke County Health Department conducted a courtesy review field visit to the property with the owner's agent Stephen White, Greenway Engineering Alternative Onsite Soil Evaluator. It was determined that the proposed sewage disposal site met all state requirements, but did not meet the County requirement for distance to a spring. The applicant and his agent requested that Alison Teetor, Natural Resource Planner, and Ryan Fincham, Zoning Administrator, make a site visit to determine if the spring met the definition in the Clarke County Septic Ordinance. The site visit was conducted December 21, 2015, and it was determined that the spring meets the definition. The applicant officially applied to the Clarke County Health Department for a certification letter approval for the proposed sewage disposal system on March 14, 2016, and that application was denied March 28, 2016. The applicant applied for an Administrative Appeal to the Clarke County Planning Department on April 4, 2016.

#### **State Regulations:**

The Virginia Department of Health (VDH) minimum required distance from a soil treatment area to a spring downslope is zero feet if the spring is undeveloped and 200 feet if developed.

According to VDH, the location of the proposed sewage disposal system meets all state requirements.

**Applicant's Argument:**

The applicant's narrative (see attached) states that the spring is located in such a way on the 1.575 acre lot that there is no area remaining to locate a sewage disposal system that meets County Ordinance requirements, specifically an area more than 200 feet at a lower elevation or 500 feet at a higher elevation than the spring feature.

The applicant outlines five reasons for the appeal in the narrative provided:

- 1) The lot is a "pre-existing building lot of record", and without an approved septic system the lot loses viable utility equivalent to a taking of the property without compensation.
- 2) The increased County setback of 500 feet given the State setback of zero feet is intended to meet the special needs of fragile Karst topography. The subject property is Non-Karst.
- 3) The proposed septic field is located as far as possible from the spring at 167.9 feet.
- 4) The spring provides a limited issue of water, is not developed, and is not a source of drinking water.
- 5) The Zoning Department's administrative determination of the spring definition is not valid, and the spring on the subject property does not satisfy the only possible valid interpretation.

**BSA Action and Appeal Process:**

Clarke County Septic Ordinance Section 143-11, Appeals & Variances, states that appeals of administrative interpretations of this article and applications for variances shall be heard by the Board of Septic and Well Appeals. Clarke County Septic Ordinance 143-11-B-6 states that an appeal of a decision of the Board of Septic and Well Appeals shall be made within 30 days to the Board of Supervisors. The appeal for this case was received June 9, 2016.

On May 4, 2016 the BSA held a public hearing for the above noted administrative appeal. After staff's presentation and public comment, the Board discussed the appeal and a decision was made to visit the subject property, which was conducted on May 11, 2016, at which all three Board members attended. A second public meeting was held on May 26, 2016. The result of the meeting was a denial of the administrative appeal. The BSA also formally recommended that the fee for a Board of Supervisor's Appeal of \$2500 be waived.

**Staff Analysis:**

Staff has reviewed the application and narrative regarding Reasons 1 through 4 above and the information provided by the applicant are items to note regarding their opinion of the situation, but do not represent an appeal of any Staff interpretation. Please review the applicant's narrative for further information.

The applicant asserts in Reason 5 that the "true intent" of the definition of a spring in the Clarke County Septic Ordinance is not represented as written. The applicant contends that the spring definition is not valid, and the spring on the subject property does not satisfy the only possible valid interpretation.

The definition of a Spring in the County Septic Ordinance is written as:

“SPRING -- A spring is defined as a feature:

- 1) which is a natural issue of water from the earth or a rock formation or fracture onto the land or into a body of water via defined channel, the place of issuance being relatively restricted in size; or
- 2) shown as a spring on the USGS 7 1/2-Inch Quadrangle Map (incomplete) or, Virginia Division of Mineral Resources Publication 102, Map of Hydrogeologic Components for Clarke County, Virginia Plate 2 (incomplete); or
- 3) identified in the USGS Water-Resources Investigations Report 90-413, Ground-Water Hydrology and Quality in the Valley and Ridge and Blue Ridge Physiographic Provinces of Clarke County, Virginia; or
- 4) which is currently used as a domestic drinking water source; or,
- 5) which is currently used as a source of water for watering animals; or,
- 6) which feeds a pond or lake less than 500 feet from where the spring issues; or,
- 7) which has been designated as a significant hydrologic feature by the Clarke County Board of Supervisors prior to the filing of an application for an on-site waste disposal system (a list of such designated features is on file with the Clarke County Planning Department); or
- 8) which by right maybe used as a source of water by an adjoining property owner; or
- 9) which has manmade features indicating past or present use as a water supply.”

The applicant has interpreted the definition as written in the Ordinance to be a two part definition whereby Condition 1 is the necessary condition of the geological characteristics or physical description of a spring, and Conditions 2 through 9 are sufficient conditions identifying some characteristic of significance of which one must be satisfied in order to meet the definition of a spring for the purposes of the regulation. The applicant notes that the spring on the subject property meets criteria number one, but does not meet any of the remaining eight criteria.

Staff has reviewed thoroughly the minutes and staff reports pertaining to the definition of a spring from past Board of Supervisors meetings and discussions. Staff has found no evidence of the definition of a spring having been considered by the Board as the applicant has interpreted.

Staff has reviewed the application and narrative regarding Reason 5 above, and the information provided is the applicant’s interpretation of the true intent of the spring definition. The narrative notes interpretation by Staff as, “The zoning department’s administrative interpretation of the spring definition whereby only Condition 1 is addressed without consideration of the remaining eight conditions is not valid”, but also notes that this interpretation approach avoids the possibility of irrational results. Staff is bound by the plain meaning of the Ordinance, and the spring feature on the subject lot has been determined to meet the definition of a spring.

Please note that according to the Ordinance, in order to be eligible for a Variance, the applicant must meet one of the five specified criteria:

- (i) A habitable building for which the variance is requested is currently occupied.
- (ii) A habitable building has been destroyed by circumstances beyond the control of the owner or occupant of the building within one year of the variance application.

- (iii) The building is eligible to be on the Virginia Landmarks Register or the National Register of Historic Places or is eligible to be a contributing property in an historic district listed in the Virginia Landmarks Register or the National Register of Historic Places.
- (iv) The variance is requested so as to provide for septic systems or water supply systems replacing existing septic systems or water supply systems that are more consistent with the regulations of this article. A habitable building must be located on the property with the existing septic system or water supply system.
- (v) The entire parcel of land has been placed under a permanent conservation easement granted to the Clarke County Conservation Easement Authority, Lord Fairfax Soil and Water Conservation District, Virginia Foundation and/or Virginia Board of Historic Resources.

The subject property does not meet any of these variance criteria. This request is for an Administrative Appeal.

**Recommendation:**

Staff recommends denial of the request of Steven Soechtig for an administrative appeal of the Board of Septic and Well Appeals decision to uphold Staff's application of Chapter 143-9(B) and Table 1 of the Clarke County Septic Ordinance on the property identified as Tax Map #40A-1-23; Lot 23 Section B Paris Heights Subdivision located on Blue Ridge Mountain Road, Paris, VA.

Dr. and Mrs. Steven A. Soechtig  
Waterford, Virginia

Board of Supervisors  
Clarke County, Virginia

Dear Sirs:

This letter is to inform you of our intention to appeal the denial of a Drainfield Certification Letter for our lot in the Paris Heights subdivision. The previous appeal was denied by the Board of Septic and Well Appeals on 26 May. We are making this application for appeal in accordance with 143-11B(6) of the Clarke County Septic Ordinance. I am enclosing with this letter the appeal application with the required information in accordance with 143-11B(2) of the ordinance.

Respectfully,

  
Steven A. Soechtig

Steven A. Soechtig

## Application for Appeal to the Board of Supervisors

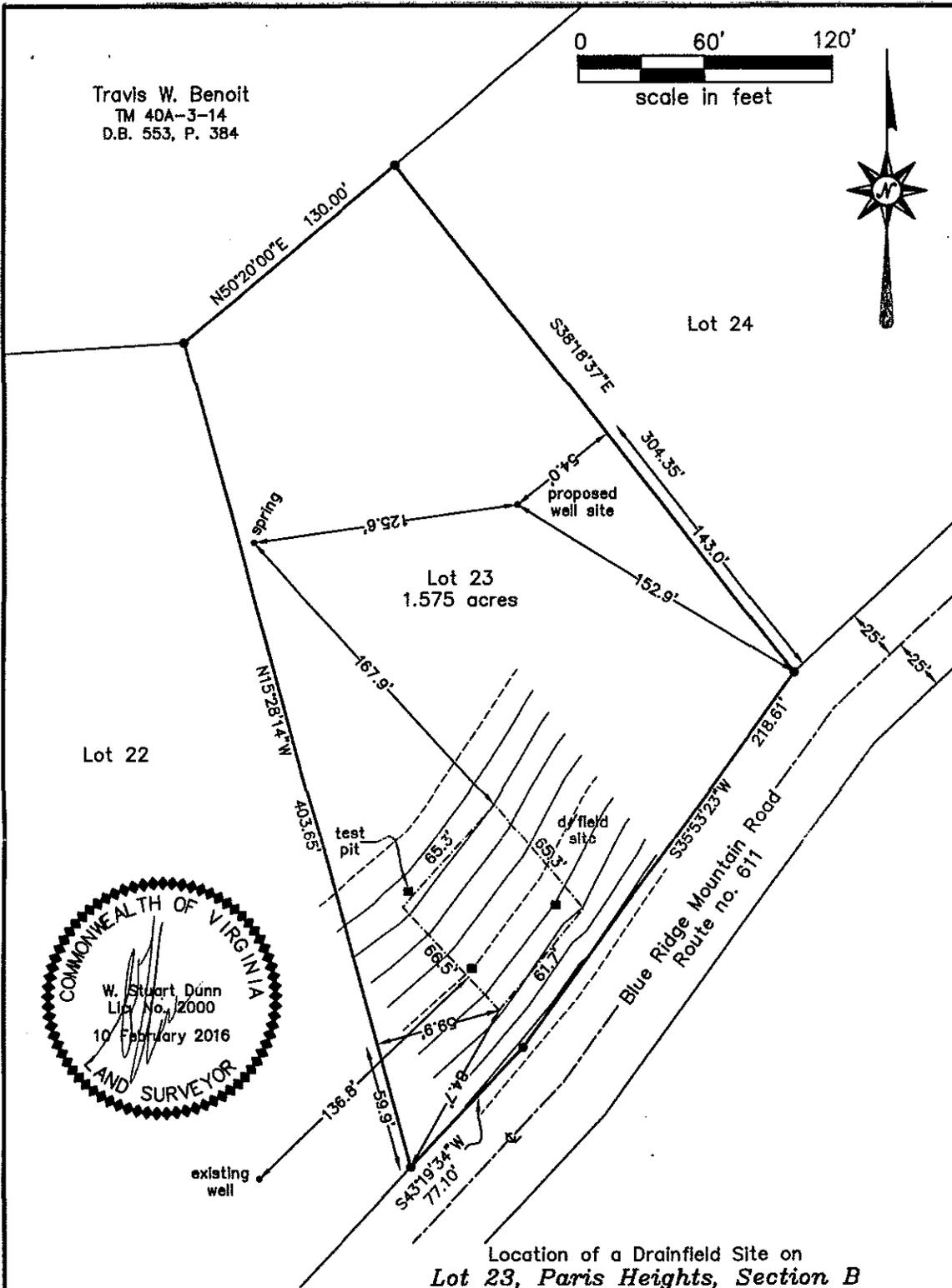
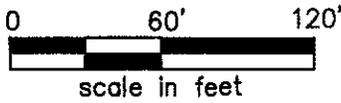
This application is to appeal the denial of an application for a sewage disposal system certification letter for Lot 23 Section B of the Paris Heights subdivision. This appeal is of the application of Chapter 143-9(B) and Table 1 of the Clarke County Septic Ordinance, which specifies a minimum distance of 500 feet between a soil treatment area and a spring at lower elevation than the septic system.

The analytical results of soil testing for the septic system are on file with the Clarke County Health Department. The results of all tests were acceptable for a septic system that could serve a three bedroom home. The relevant data for this appeal is the presence of a spring at the lower end of the property and the 168 foot distance between the spring and the proposed drainfield. (See enclosed plat)

### **Other Pertinent Information**

In 1969 we purchased a 1.57 acre building lot in the newly developed Paris Heights subdivision. The building lot had a spring on the lower portion. The land has been taxed as a building lot for 47 years. In 2015, we decided to either sell the lot or to build upon it. In either case a drainfield certification would be needed so we had the lot perc tested. The soil passed all of the tests for a drainfield. However, the proposed drainfield did not meet the current 500 foot separation requirement for a spring, and the application was denied. The 500 foot separation was imposed by the Septic Ordinance, which did not exist when we purchased the lot. The lot is not large enough to accommodate the expanded separation requirement, but meets all other separation requirements. Below are reasons why the denial was inappropriate and should be reversed:

Travis W. Benoit  
 TM 40A-3-14  
 D.B. 553, P. 384



Location of a Drainfield Site on  
**Lot 23, Paris Heights, Section B**  
 Deed Book 82, Page 22 Tax Map 40A-1-23  
 Chapel Magisterial District, Clarke County, Virginia

**Notes:**  
 (1) No title report furnished, easements of record not shown may exist.  
 (2) This tract is in Flood Zone X, established from FIRM Community Panel no. 51043C0165D, effective September 28, 2007.

Survey no. 1558\_L23df

Dunn Land Surveys, Inc.  
 106 North Church Street  
 Berryville, Virginia 22611  
 Tel: 540-955-3388  
 February 10, 2016

1. The lot is a pre-existing building lot of record. Without a drainfield, it cannot be built upon. It has no other viable utility and loses all of its value. This loss is a financial hardship equivalent to a taking of the property without compensation
2. The extension of the separation requirement from the previous 0 feet to 500 feet is extreme and is meant to meet the special needs of fragile hydrogeology such as the Karst topography (See 143-6A). Paris Heights is on the Blue Ridge Mountain Road far from the Karst region. There is no identified fragile hydrogeology that would justify the extended requirement.
3. Our application locates the drainfield as far as possible from the spring. It provides 169 feet of separation, which exceeds the state requirement.
4. The spring provides a limited issue of water, is not developed, and is not a source of drinking water. It provides little or no utility for anyone.
5. The zoning department's administrative interpretation of the spring definition is not valid. Our spring does not satisfy the only possible valid interpretation of the definition.

The complete definition of a spring consists of nine conditions that may be used to help define a spring. Only one provides a physical description (an issue of water). The remaining eight provide characteristics of significance (shown on a map) or utility (source of drinking water). If any of these eight are used by themselves to completely define a spring, the results can be irrational and unenforceable, i.e. wells are defined as springs because they are sources of drinking water.

The zoning department's interpretation avoids the irrational results by enforcing only the physical description without consideration of the other

eight conditions. This is not acceptable. The eight conditions are included in the definition. They contain 90% of the definition's content. They must serve some purpose other than completely defining a spring.

That purpose is served by an interpretation in which the eight conditions are criteria that identify utility or significance and are combined with the physical description in order to define a spring for which the extended requirements in the ordinance are appropriate. This is the logical interpretation of the complete spring definition.

In other words, the spring definition is not viewed as a list of mutually exclusive definitions, but as a list of conditions that may apply to any spring, and which in some logical combination will be used to designate a particular spring for coverage by ordinance requirements.

The logical interpretation is the only interpretation of the spring definition that retains the substantive content of all nine conditions, eliminates the irrational definitions, and ensures that a defined spring includes an appropriate physical description. This interpretation also allows the Zoning Department to enforce the entire definition.

The only alternatives to the logical interpretation require either that 90% of the definition content be ignored or that application of the definition in many cases cannot be enforced or even understood.

Our spring does not meet any of the eight criteria and does not satisfy the logically interpreted definition. Therefore, it does not fall under the ordinance's expanded requirements for separation.



Steven Soechtig  
 TM# 40A-1-23  
 1.57 acres, 1 DUR



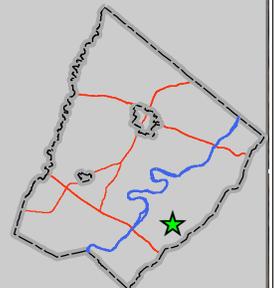
50 25 0 50 Feet



April 27, 2016  
 Clarke County GIS

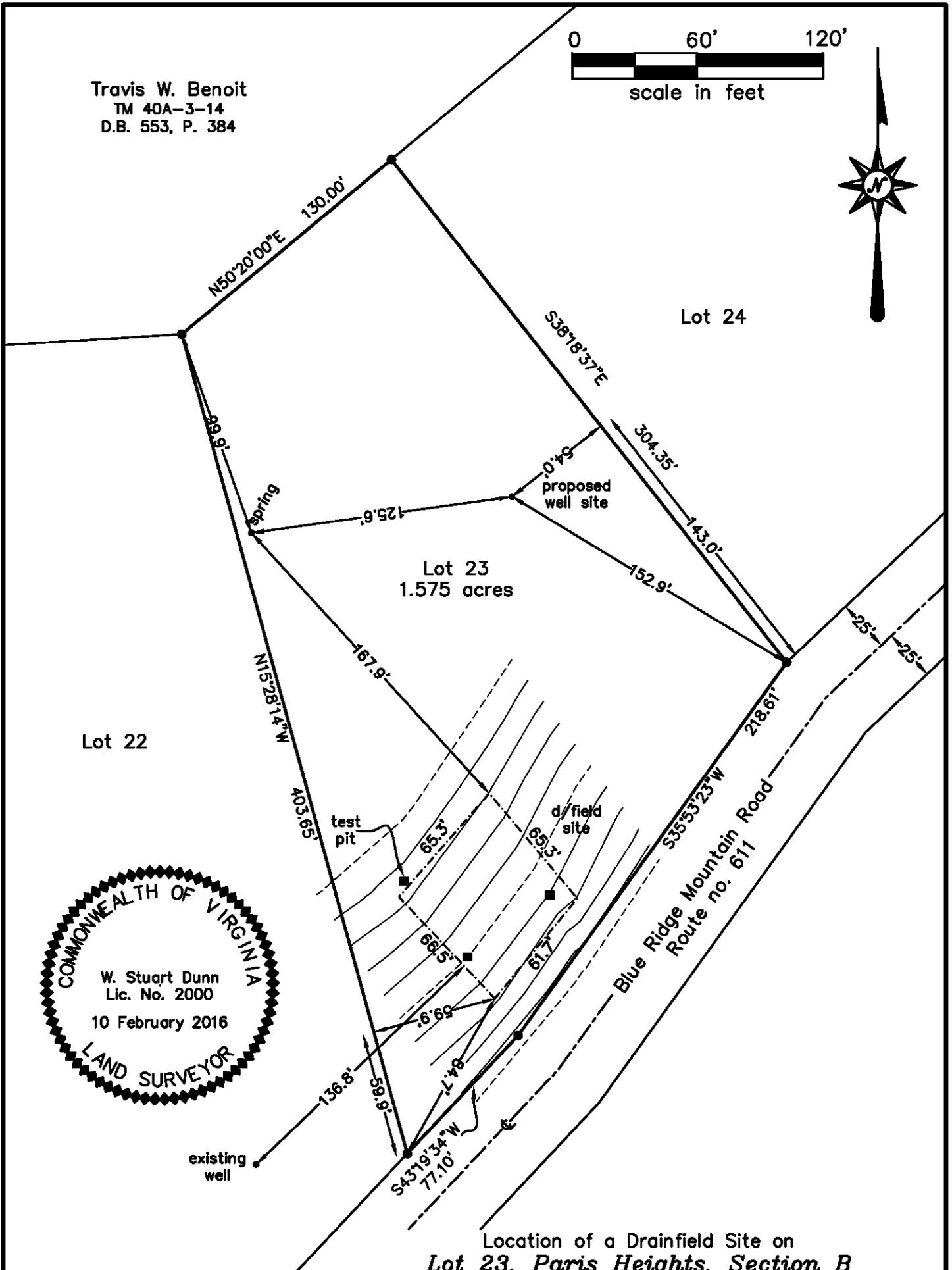
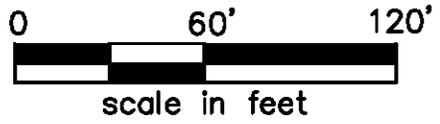


- Proposed Lot Line
- Existing Lot Line
- Parcel Boundary
- Drainfield
- Public Road
- - - Private Road
- Scenic Road
- ⋯ Intermittent Stream
- Perennial Stream



Aerial Imagery Copyright 2015, Commonwealth of Virginia

Travis W. Benoit  
 TM 40A-3-14  
 D.B. 553, P. 384



Location of a Drainfield Site on  
**Lot 23, Paris Heights, Section B**  
 Deed Book 82, Page 22 Tax Map 40A-1-23  
 Chapel Magisterial District, Clarke County, Virginia

**Notes:**

- (1) No title report furnished, easements of record not shown may exist.
- (2) This tract is in Flood Zone X, established from FIRM Community Panel no. 51043C0165D, effective September 28, 2007.

Survey no. 1558\_L23df

Dunn Land Surveys, Inc.  
 106 North Church Street  
 Berryville, Virginia 22611  
 Tel: 540-955-3388  
 February 10, 2016






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Clarke County Health Department  
 100 N Buckmarsh St.  
 Berryville, VA  
 22611  
 (540) 955-1033 Voice  
 955-4094 Fax

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***OSE Denial***  
 March 28, 2016

Steven Soechtig  
 PO Box 119  
 Waterford, VA 20197

**Certified Mail** \_\_\_\_\_

RE: Tax Map/GPIN: 40A-1-23 , HDID: 043-16-0045  
 Blue Ridge Mountain Rd; Paris Heights Subdivision Section: B Lot: 23  
 Paris, Clarke County, VA 20130

Mr. Soechtig :

This letter is to inform you that the Clarke County Health Department has evaluated your application for a sewage disposal system certification letter filed on March 14, 2016.

This application contained site evaluation and design work related to the referred application pursuant to § 32.1-163.5 and 164 H. of the Code of Virginia, which requires the Health Department to accept private soil evaluations and designs from an Onsite Soil Evaluator (OSE) or a Professional Engineer working in consultation with an OSE for residential development.

Unfortunately, we are not able to issue a Single Lot Certification Letter.

The reason for denial is:

Insufficient separation distance to a spring. The proposed sewage system footprint is situated approximately 168 feet upslope of an existing, undeveloped spring. Chapter 143-9 (B) and Table 1 of the *Clarke County Septic Ordinance* specify a minimum distance of 500 feet between a soil treatment area and a spring at a lower elevation than the septic system.

This decision is based on the information filed with your application. A review was made in accordance with the *Code of Clarke County, Virginia*, the *Sewage Handling and Disposal Regulations*, the *Private Well Regulations*, the *Alternative Onsite Sewage System Regulations*, as well as current agency policy.

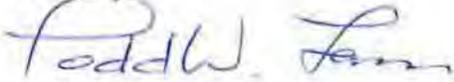
In accordance with Chapter 143-11 of the *Code of Clarke County, Virginia* you have the right to appeal this decision or request a variance. Your written request for appeal must be received by the Board of Septic and Well Appeals within **thirty (30) days** from the date you receive this letter.

Please include any facts or other data that would support your appeal and/or variance request.

It is also acceptable to re-apply within 90 days of receipt of this letter without paying a second state fee. After 90 days, a new application fee will be required. When denied for any reason, re-application without a state fee within 90 days may include any change up to and including a new site. Please be certain that the re-application documents are complete and follow all applicable regulations and policies to avoid another denial.

If you have any questions or if this office may be of further service, please let us know.

Sincerely,

A handwritten signature in blue ink that reads "Todd W. Lam". The signature is written in a cursive style with a large, looped initial "T".

Todd W. Lam,  
Environmental Health Specialist, Sr.

CC: Ryan Fincham, Zoning Administrator  
White, Stephen J., Private OSE  
CCHD file

Initial Review: May 17, 2016  
Set Public Hearing: June 21, 2016  
Publication Dates: \_\_\_\_\_ Media: \_\_\_\_\_  
Public Hearing: \_\_\_\_\_ Code Update: \_\_\_\_\_  
Approved on a motion by: \_\_\_\_\_

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### Chapter 40 Voting Districts

The Clarke County Board of Supervisors shall consider amending the Clarke County Code Chapter 40 Voting Districts 40-3. Polling Places established to change Millwood Precinct polling place from Powhatan School 49 Powhatan Lane, Boyce, VA 22620 to VFW Veterans of Foreign War Post 9760 425 South Buckmarsh Street, Berryville VA 22611

**§ 40-3. Polling Places** For Millwood Voting District:  
**established**

[Amended 2005-08-16; 2007-01-16; 2014-07-15] (1) For Millwood Precinct:  
~~Powhatan School~~  
~~49 Powhatan Lane, Boyce, VA 22620~~

(1) For Millwood Precinct:  
*(VFW) Veterans of Foreign War Post 9760*  
*425 South Buckmarsh Street*  
*Berryville, VA 22611*



# Clarke County Office of Elections

Voter Registration and Electoral Board

101 Chalmers Ct. ☎ P. O. Box 555 ☎ Berryville, Virginia 22611  
(P) 540-955-5168 (F) 540-955-5169 (email) vote@clarkecounty.gov



TO: The Clarke County Board of Supervisors  
FROM: Clarke County Electoral Board and Director of Elections  
DATE: May 12, 2016  
RE: Millwood Polling Place Relocation

**Purpose:** The purpose of this memorandum is to present to the Clarke County Board of Supervisors the issue of moving the polling place for the Millwood Precinct from its current location at the Powhatan School, 49 Powhatan Lane – Boyce and to request the Board adopt the recommendation of the Electoral Board and Director of Elections to relocate the polling place to the VFW Post 9760, 425 South Buckmarsh Street – Berryville

**The Problem:** The Powhatan School, where the Millwood Precinct has voted since 2007, has said they would no longer support our using their gymnasium as a polling place after 2016.

**Discussion:** The management of the Powhatan School has said they would no longer support voting in their gymnasium “after 2016”, which we interpret to mean after the 2016 Presidential election. The school indicates to us that they have to bear a cost in money and time to cover the floor in the gymnasium prior to setting up the voting equipment, and they limit the access of the officers of election until late in the afternoon on the day prior to voting in order to facilitate their gym classes. The school also cites traffic congestion concerns as well as security concerns. We note they hired a security guard at the March 2016 primary election to prevent any voter traffic from entering the school grounds beyond the gymnasium. We provide three options located within the precinct or within 1 (one) mile of the precinct boundary line which meet the Department of Justice, Americans with Disabilities Act requirements for polling places.

Option 1: Relocate into another building on the Powhatan School campus.

Option 2: Relocate to the VFW Post meeting room at 425 South Buckmarsh Street, on the south edge of the Berryville town limits.

Option 3: Relocate to the Boyce Fire and Rescue Hall and co-locate with the White Post Precinct polling place there.

The first option was broached with the Powhatan School and they indicated they were not agreeable to having us use any other building on the school grounds for a polling place. We did not consider this option further.

The second option is based upon the willingness of the VFW Post to allow us to use their facility as a polling place. They have responded favorable to our preliminary request. The VFW Post is adequate for voting purposes and able to support the number of voters registered in the Millwood Precinct. It has a large meeting room with separate entrance and exit doors to facilitate the flow of voter traffic and a large parking area adjacent to the recommended polling place entrance (see photos for views of the interior and parking area). The VFW building fully meets the accessibility requirements set by the Department of Justice, Civil Rights Division, *Disability Rights Section*, Americans with Disabilities Act. The VFW Post is situated immediately off of Route 340 and allows rapid access for the voters. It is within the Millwood Precinct boundaries as required by law.



**Figure 1: Parking Lot, VFW Post 9760**



**Figure 2: Interior, VFW Post 9760**



**Figure 3: Recommended Entrance With Adjacent Parking, VFW Post 9760**

The third option, to co-locate with the White Post Precinct, would create an overcrowding situation at the Boyce Fire Hall polling place. The Millwood Precinct currently has 1459 registered voters while the White Post Precinct has 2017 registered voters, for a total of 3476 voters. In addition to overcrowding, having two large precinct's polling places housed within the same building could create confusion in the minds of the voters, especially those who normally vote in White Post Precinct at the Fire Hall. The parking at the Boyce Fire Hall is not adequate to support the proposed increase in voters (see attached photo), and is not within the Millwood Precinct boundaries (but it is within the one mile specified by law).



**Figure 3: Parking Lot, Boyce Fire & Rescue**

**Additional Research:**

The following sites were explored and removed from viable options:

- Christ Episcopal Church annex building – unpaved parking does not meet DOJ, ADA requirements
- Carter Hall / Project Hope – declined
- Boyce Elementary School – entrance to potential polling room does not meet DOJ, ADA requirements
- Millwood Country Club – insufficient meeting space; does not meet DOJ, ADA requirements
- Millwood Community Center – does not meet DOJ, ADA requirements
- Blue Ridge Wildlife Center – insufficient meeting space; unpaved parking; does not meet DOJ, ADA requirements
- Church of Transfigurations on Old Chapel Rd – unpaved parking; does not meet DOJ, ADA requirements; declined initial proposal

**Conclusion:** At the May 4, 2016 meeting of the Clarke County Electoral Board, it was unanimously voted to request the Board of Supervisors amend the County Code to establish the Polling Place for the Millwood Precinct at the VFW Post 9760, 425 South Buckmarsh Street – Berryville, as of November 9, 2016.

**Requested Action:**

1. Include the request to relocate the Millwood Precinct Polling Place on the June 6, 2016 Board of Supervisors work session agenda.
2. Set a public hearing for July 19, 2016 as required for any proposed change or amendment to the County Code and in compliance with § 24.2-306; *Notice shall be published prior to enactment in a newspaper having general circulation in the election district or precinct once a week for two successive weeks. The published notice shall state where descriptions and maps of proposed boundary and polling place changes may be inspected.*
3. Subsequently approve the relocation of the Millwood Precinct Polling Place

**§ 40-3. Polling Places established**  
[Amended 2005-08-16; 2007-01-16; 2014-07-15]

For Millwood Voting District:

(1) For Millwood Precinct:  
~~Powhatan School~~  
~~49 Powhatan Lane, Boyce, VA 22620~~

(1) For Millwood Precinct:  
*(VFW) Veterans of Foreign War Post*  
*425 South Buckmarsh Street*  
*Berryville, VA 2 2611*

4. A supplemental appropriation may be necessary in order to comply with 24.2-306 (B). *Notice of any adopted change in any election district, town, precinct, or polling place other than in the location of the office of the general registrar shall be mailed to all registered voters whose election district, town, precinct, or polling place is changed at least 15 days prior to the next general, special or primary election in which the voters will be voting in the changed election district, town, precinct, or polling place.*

# Clarke County Board of Supervisors

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## Authorization to Execute Release and Waiver Concluding Dispute on BCCGC

May 17, 2016

Clarke County Board Of Supervisors  
Regular Meeting  
Main Meeting Room

1:00 p.m.

At a regular meeting of the Board of Supervisors of Clarke County, Virginia, held in the Berryville Clarke County Government Center, 101 Chalmers Court, 2<sup>nd</sup> Floor, Berryville, Virginia conducted on Tuesday, May 17, 2016.

Board Members Present

Mary L.C. Daniel – Berryville District; David S. Weiss - Buckmarsh / Blue Ridge District;  
Terri T. Catlett - Millwood / Pine Grove District; Barbara J. Byrd – Russell District; Bev B.  
McKay – White Post District

Board Members Absent

Afternoon Session: None

Evening Session: Mary L.C. Daniel

Staff Present

David Ash, Barbara Bosserman; Tom Judge, Brandon Stidham

Constitutional Offices

Tony Roper

Press

Jim McConville - The Winchester Star

Others Present

Anne Chisholm, Jean Lee; Jim Klencar, Robert Mitchell; Jeremy Tweedie – Greenway  
Engineering; Betsy Arnett, Robina Rich Bouffault, Joshua David, Keith Dalton; Roger  
Riggins and Iggy, and other citizens

1) Call to Order

Chairman Weiss called the afternoon session to order at 1:04 p.m.

2) Adoption of Agenda

**Vice Chair McKay moved to adopt the agenda as presented. The motion carried by the following vote:**

Barbara J. Byrd	- Aye
Terri T. Catlett	- Aye
Mary L.C. Daniel	- Absent
Beverly B. McKay	- Aye
David S. Weiss	- Aye

3) Citizens Comment Period

Josh David, Boyce – Shenandoah Farms resident: read the following statement:

*“There may be a misconception that I personally, as a citizen, oppose the idea of a Sanitary District. That is not the case. What I opposed and continue to oppose is the objectionable manner in which it was formed and the unfair way in which it's proponents, not the county, have proposed the district be structured and effected.*

*My opposition and that of my neighbors is directed at three specific issues.*

- *Taxpayer funding of privately owned facilities that few people use.*
- *Taxpayer funding of private road maintenance by other than those who live and use those roads.*
- *The inclusion of properties along the state maintained highway in the Sanitary District for the purpose of maintaining private roads.*

*While I may have oppose the district on some of these issues I also understand that the court has issued an order and the county has created a Sanitary District. By code the courts authority is limited to the prescribing of metes and bounds and all other powers and duties rest with the governing body.*

*Throughout Virginia there are Sanitary Districts that fund operations based on user fees. The largest Sanitary District in Virginia, Hampton Roads, bases fees on sewer and water usage. THOSE homes not on the public water and sewer do not pay the fees and those that are pay based on use. Even in Henrico County sanitary district fees include a special fee for streetlights ONLY if a property borders a street with such lights. The governing body has the authority to assess fees based on service provided.*

*I sincerely believe the board can balance the objections of citizens with the courts order creating the district. It can be done without running afoul of the constitutional prohibition against special legislation and the statues language and precedent concerning what is a public use.*

*In order to work effectively and efficiently with the county and to solve some of questions regarding Shenandoah River Lane, the property owners established a non-stock corporation to provide for local ownership, rights of use, and proper maintenance of the road.*

*As you may not be aware, the title to Shenandoah River Lane has been with the original developers and their heirs, the Flynn's since 1959.*

*In March of this year, Shenandoah River Lane Property Owners lawfully obtained title and deed to the road from the original owners.*

*We intend and hope to cooperate with the County and operate within the framework of the newly created Sanitary District.*

*In order to assist the County Administrator, we have already provided the County a modest budget for grading, stone, repairs, snow removal, and other costs associated with properly maintaining the road.*

*Property owners on our road have been maintaining it for over 30 years.*

*We are continuing to collected funds from our property owners on a voluntary basis. We have already contracted for and begun grading and road repairs and have laid over \$2,000 worth of needed stone in addition to repairing culverts and roadside drainage.*

*As chairman of Shenandoah River Lane Property Owners, I am asking the board to allow us to work with the County Administrator.*

*In partnership the county can provide for an effective and efficient means to collect road maintenance funds and the Owners can relieve the county and staff of the burden of reinventing the wheel with regards to road maintenance and improvement.*

*On Shenandoah River Lane, we are ready right now to help get the Sanitary District moving forward.”*

Supervisor Daniel joined the meeting at 1:07 p.m.

Vice Chair McKay opined that Manor Lane and the roads coming off were the problem area in Shenandoah Farms. He asked Mr. David to give consideration on how best to address the issues.

Chairman Weiss commented that legal counsel is reviewing the matter; and once clarity is reached, the Board would discuss the issues with Mr. David and others.

Dirck Holscher, Oak Lane, Berryville and appointed member on the Clarke County Library Advisory Council: thanked the Board of Supervisors and Clarke County for their support of the library in both funding and in other ways. He stated that he was very happy about the ways things were going with the library. He opined that the County was going in the right direction and added that libraries were very important to a community in some not so obvious ways such as economic development helping entrepreneurs and companies.

#### 4) VDOT

Ed Carter, Assistant Residency Administrator, and Charlie Monroe, appeared before the Board to provide the monthly update.

##### Maintenance:

- Completed Shoulder repairs on Rt. 7, all primary's and Rt. 672;
- Removed hazardous trees on Rt. 50 West bound at Rt. 600;
- Conducted tree/brush removal on Rt. 7 east of Rt. 606 and trimmed brush around signs at various locations on primary's and secondary's for site distance;
- Repaired potholes on primary's;
- VDOT will begin ditching and patching operations in preparation for resurfacing on routes 651, 621, 622, 624 and 626;
- Perform patching on routes 659 and 640 and plant mix leveling on Rt. 761;
- Mowing operations started this week with Rt. 340 Berryville to Boyce and Rt. 255 first;
- Four-lane primary's will begin in July, allowing time for Plant Growth Retardant application to work;
- VDOT will also be conducting grading and stone application operations on non-hard surfaced routes.

##### Projects:

- Allen Road: Will begin as soon as surface treatment is complete.

Board issues:

- Parking Issues at Appalachian Trail: WVDOT met with stakeholders and reached consensus that most solutions will require funding. VDOT is researching existing R/W at Rt. 7 and 679 to look at feasibility of limited expansion.

Supervisor Byrd

- Allen Road diversion of funds from another project: Mr. Carter responded that funding was set for the year showing the Lockes Mill Road project ahead of the completion of the Allen Road project; however, VDOT plans to reverse these projects to complete Allen Road.
- Allen Road Grading: Constituent is complaining that VDOT, when grading, leaves a hump of gravel in front of his driveway and is asking that it be removed.
- Saving Monarch Butterflies / Honey Bees: Mr. Carter responded that VDOT will continue to mow as needed to maintain roadways in a safe manner but it was working with groups interested in protecting butterflies and bees.

Vice Chair McKay

- Route 50 between Millwood and Mountain View Motel: VDOT will check on shoulder.
- Route 522: Another wreck caused by a vehicle going off the shoulder.

Supervisor Catlett

- Appalachian Trail Parking: Expressed thanks to VDOT for working on this project. She opined that safe parking encourages visitors to come to Clarke.

Chairman Weiss

- Mowing: Continue working on safety and sight distance issues at intersections.

HB2 Briefing:

Mr. Carter provided the following information pertaining to House Bill 2 [HB2].

- HB2 passed in 2014.
- Legislation provides project weighting based on certain criteria including safety, congestion mitigation, accessibility, environmental quality, economic development and population.

- Commonwealth Transportation Board funding decisions will be made based on ranking.
- VDOT projects will be fully funded.
- District funding will replace secondary road funds with each locality competing for funds allocated to the district.

## CHAPTER 726

*An Act to amend the Code of Virginia by adding in Article 1.1 of Chapter 1 of Title 33.1 a section numbered 33.1-23.5:5, relating to prioritization of projects funded by the Commonwealth Transportation Board.*

[HB2]

Approved April 6, 2014

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding in Article 1.1 of Chapter 1 of Title 33.1 a section numbered 33.1-23.5:5 as follows:

*§ 33.1-23.5:5. Statewide prioritization process for project selection.*

*A. The General Assembly declares it to be in the public interest that a prioritization process for projects funded by the Commonwealth Transportation Board be developed and implemented to improve the efficiency and effectiveness of the state's transportation system, transportation safety, transportation accessibility for people and freight, environmental quality, and economic development in the Commonwealth.*

*B. Subject to the limitations in subsection C, the Commonwealth Transportation Board shall develop, in accordance with federal transportation requirements, and in cooperation with metropolitan planning organizations wholly within the Commonwealth and with the Northern Virginia Transportation Authority, a statewide prioritization process for the use of funds allocated pursuant to § 33.1-23.1 or apportioned pursuant to 23 U.S.C. § 104. Such prioritization process shall be used for the development of the Six-Year Improvement Program pursuant to § 33.1-12 and shall consider, at a minimum, highway, transit, rail, roadway, technology operational improvements, and transportation demand management strategies.*

- 1. The prioritization process shall be based on an objective and quantifiable analysis that considers, at a minimum, the following factors relative to the cost of the project or strategy: congestion mitigation, economic development, accessibility, safety, and environmental quality.*

- 2. Prior to the analysis in subdivision 1, candidate projects and strategies shall be screened by the Commonwealth*

*Transportation Board to determine whether they are consistent with the assessment of capacity needs for all for corridors of statewide significance, regional networks, and improvements to promote urban development areas established pursuant to § 15.2-2223.1, undertaken in the Statewide Transportation Plan in accordance with § 33.1-23.03.*

- 3. The Commonwealth Transportation Board shall weight the factors used in subdivision 1 for each of the state's highway construction districts. The Commonwealth Transportation Board may assign different weights to the factors, within each highway construction district, based on the unique needs and qualities of each highway construction district.*
  - 4. The Commonwealth Transportation Board shall solicit input from localities, metropolitan planning organizations, transit authorities, transportation authorities, and other stakeholders in its development of the prioritization process pursuant to this section. Further, the Board shall explicitly consider input provided by an applicable metropolitan planning organization or the Northern Virginia Transportation Authority when developing the weighting of factors pursuant to subdivision 3 for a metropolitan planning area with a population over 200,000 individuals.*
- C. The prioritization process developed under subsection B shall not apply to the following: projects or activities undertaken pursuant to § 33.1-23.02; projects funded by the Congestion Mitigation Air Quality funds apportioned to the state pursuant to 23 U.S.C. § 104(b)(4) and state matching funds; projects funded by the Highway Safety Improvement Program funds apportioned to the state pursuant to 23 U.S.C. § 104(b)(3) and state matching funds; projects funded by the Transportation Alternatives funds set-aside pursuant to 23 U.S.C. § 213 and state matching funds; projects pursuant to subdivisions B 2 and 3 of § 33.1-23.1; projects funded by the revenue-sharing program pursuant to § 33.1-23.05; and projects funded by federal programs established by the federal government after June 30, 2014, with specific rules that restrict the types of projects that may be funded, excluding restrictions on the location of projects with regard to highway functional classification. The Commonwealth Transportation Board may, at its discretion, develop a prioritization process for any of the funds covered by this subsection, subject to planning and funding requirements of federal law. However, the Board shall defer to individual local governments for projects funded pursuant to subdivisions B 2 and 3 of § 33.1-23.1.*
- D. The Commonwealth Transportation Board shall make public, in an accessible format, the results of the screening and analysis of candidate projects and strategies under subsection B, including the weighting of factors, in a timely fashion.*

2. That the Commonwealth Transportation Board shall select projects for funding pursuant to the provisions of this act beginning July 1, 2016.
3. That, at the discretion of the Board, a project fully funded in the Six-Year Improvement Program that has completed the state environmental review process or the review process required by the National Environmental Policy Act may be exempt from the provisions of this act.
4. That the prioritization process developed pursuant to § 33.1-23.5:5 of the Code of Virginia, as created by this act, shall not apply to funds allocated to the Northern Virginia Transportation Authority Fund established pursuant to § 15.2-4838.01 of the Code of Virginia, the Hampton Roads Transportation Fund established pursuant to § 33.1-23.5:4 of the Code of Virginia, or federal funds subject to 23 U.S.C. 133(d)(1)(A)(i).
5. That the Commonwealth Transportation Board in implementing § 33.1-23.5:5 as created by this act shall comply with the allocation of funds pursuant to § 33.1-23.1.
6. That, for Northern Virginia and Hampton Roads highway construction districts, the Commonwealth Transportation Board, pursuant to subdivision B 3 of § 33.1-23.5:5 as created by this act, shall ensure that congestion mitigation, consistent with § 33.1-13.03:1 of the Code of Virginia, is weighted highest among the factors in the prioritization process. For metropolitan planning areas with a population over 200,000, the prioritization process shall also include a factor based on the quantifiable and achievable goals pursuant to subsection B of § 33.1-23.03 of the Code of Virginia.
7. That notwithstanding § 33.1-23.5:5 as created by this act, the Commonwealth Transportation Board shall ensure that no project shall be undertaken primarily for economic development purposes.
8. That if any portion of this act shall be adjudged unconstitutional in any court of competent jurisdiction, the remaining portions of this act shall remain in effect.

– HB1887

- Individual localities will compete for funds by district based on HB2 criteria.
- Under the new legislation, VDOT cannot make application but will be available to assist localities draft application.

#### CHAPTER 684

An Act to amend and reenact §§33.2-200, 33.2-214, 33.2-214.1, 33.2-221, 33.2-228, 33.2-232, 33.2-318, 33.2-319, 33.2-328, 33.2-331, 33.2-337, 33.2-338, 33.2-349, 33.2-352, 33.2-357 through 33.2-360, 33.2-363, 33.2-365, 33.2-366, 33.2-1501, 33.2-1502, 33.2-1503, 33.2-1505, 33.2-1510, 33.2-1526, 33.2-1529, 33.2-1530, 33.2-1531, 33.2-2400, 58.1-638, 58.1-815.4, 58.1-1741, and 58.1-2289 of the Code of Virginia; to amend the Code of

Virginia by adding in Article 5 of Chapter 3 of Title 33.2 sections numbered 33.2-369, 33.2-370, and 33.2-371 and by adding in Article 5 of Chapter 15 of Title 33.2 a section numbered 33.2-1529.1; and to repeal §§33.2-348, 33.2-361, 33.2-362, and 33.2-364 and Article 2 (§33.2-1508) of Chapter 15 of Title 33.2 of the Code of Virginia, relating to the Commonwealth Transportation Board and transportation funding. [H 1887] Approved March 27, 2015

Summary: Transportation funding; formula, reporting, and allocations. Removes the Executive Director of the Virginia Port Authority from the Commonwealth Transportation Board (CTB) and makes the members of the CTB subject to removal by the Governor for malfeasance, misfeasance, incompetence, misconduct, neglect of duty, absenteeism, conflicts of interest, failure to carry out the policies of the Commonwealth, or refusal to carry out a lawful directive of the Governor. Both provisions would become effective July 1, 2016. The bill updates the required content for the annual report of the Commissioner of Highways made to the Governor and the General Assembly and adds that such report be submitted to the Joint Legislative Audit and Review Commission and the CTB. The report must include the condition of existing transportation assets; the methodology used to determine maintenance and state of good repair needs; performance targets and outcomes; a listing of prioritized pavement and bridge projects based on the priority ranking system; VDOT strategies for improving the safety, security, and operations of highways; and a review of VDOT's collaboration with the private sector in delivering services. The bill requires the CTB to develop a priority ranking system for structurally deficient bridges and deteriorated pavements. The bill replaces the current \$500 million annual allocation made by the CTB and its corresponding formula and the old 40-30-30 allocation formula to the primary, secondary, and urban highways with a new formula that allocates 45% of funds to the newly established state of good repair purposes, 27.5% to the newly established high-priority projects program, and 27.5% to the highway construction district grant programs. The new formula will take effect beginning in fiscal year 2021 but some unallocated dollars will flow through the new formula during a transition period before 2020. The bill reallocates the interest, dividends, and appreciation that currently accrue to the Transportation Trust Fund and Highway Maintenance and Operating Fund: two-thirds of such current accruals to the Virginia Transportation Infrastructure Bank and one-third of such accruals to the Transportation Partnership Opportunity Fund. The bill also excludes grants from other financing, thereby removing the ability of a governmental entity to apply for a grant. The bill allows the CTB to make transfers from the Toll Facilities Revolving Account to the Virginia Transportation Infrastructure Bank. Further, the bill reallocates recordation tax revenues from the Highway Maintenance and Operating Fund to the Commonwealth Transit Capital Fund and reallocates 3.7% of fuels tax revenues from the Transportation Trust Fund and divides it between the Commonwealth Mass Transit Fund and the Commonwealth Transit Capital Fund. These provisions become effective July 1, 2016, and would revert if Virginia began collecting sales tax from remote retailers pursuant to Congress's passage of the Marketplace Fairness Act. The bill authorizes the

Department of Rail and Public Transportation to enter into agreements not to exceed 20 years under the Public-Private Transportation Act to improve passenger rail service with private entities that finance improvements in return for annual payments.

Supervisor Byrd commented that the new formula appeared to be weighted to more populated localities.

Supervisor Daniel remarked that the intent is clear and logical but it did appear that the County would need an employee knowledgeable in drafting a road proposal.

Vice Chairman McKay inquired about the source for maintenance funds. Mr. Carter responded that 47.5% in HB2 must go to "state of good repair" of existing road system including bridges, pavements, shoulder work, etc.

Chairman Weiss instructed staff to schedule the matter for further review at the June Work Session.

5) Closed Session Pursuant to 2.2-3711 A1 Specific Employees or Appointees of the Board with James Klencar

At 1:34 p.m., **Supervisor Catlett moved that the Clarke County Board of Supervisors enter Closed Session pursuant to Section 2.2-3711-A-1 Code of Virginia, in order to discuss a business that is considering locating in Berryville. The motion carried by the following vote:**

Barbara J. Byrd	- Aye
Terri T. Catlett	- Aye
Mary L.C. Daniel	- Aye
Beverly B. McKay	- Aye
David S. Weiss	- Aye

At 2:19 p.m., the members of the Board of Supervisors being assembled within the designated meeting place, with open doors and in the presence of members of the public and/or the media desiring to attend, **Supervisor Byrd moved to reconvene in open session. The motion carried as follows:**

Barbara J. Byrd	- Aye
Terri T. Catlett	- Aye
Mary L.C. Daniel	- Aye
Beverly B. McKay	- Aye
David S. Weiss	- Aye

**Supervisor Daniel moved to execute the following Certification of Closed Session:**

---

Board of Supervisors Meeting Minutes For May 17, 2016 – Regular Meeting

**CERTIFICATION OF CLOSED SESSION**

**WHEREAS, the Board of Supervisors of the County of Clarke, Virginia, has convened a closed meeting on the date pursuant to an affirmative recorded vote and in accordance with the provisions of the Virginia Freedom of Information Act; and**

**WHEREAS, Section 2.2-3700 of the Code of Virginia requires a certification by the Board of Supervisors of the County of Clarke, Virginia that such closed meeting was conducted in conformity with Virginia law.**

**NOW, THEREFORE BE IT RESOLVED, that the Board of Supervisors of the County of Clarke, Virginia, hereby certifies that, to the best of each members knowledge, (i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which the 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 Board of Supervisors of the County of Clarke, Virginia.**

**The motion was approved by the following roll-call vote:**

Barbara J. Byrd	- Aye
Terri T. Catlett	- Aye
Mary L.C. Daniel	- Aye
Beverly B. McKay	- Aye
David S. Weiss	- Aye

No action was taken on matters discussed in closed session.

6) Historic Preservation Commission Annual Report

Betsy Arnett, Chair Historic Preservation Commission, provided the first annual report to the Clarke County Board of Supervisors summarized in a PowerPoint presentation.

Alison Teetor offered to research two Byrd properties containing Revolutionary War structures.

Supervisor Daniel requested information on historic district designation.

7) Clarke County Library Update

Laurine Kennedy, Director Clarke County Library, and John Huddy, Director Handley Regional Library System, expressed appreciation for Board support over the past few years. Highlights of update and discussion include:

- Operating hours added to Friday and Saturday. As of next week, the Library will add operating hours on Thursday afternoons. Over the past decade, operating hours have more than doubled.
- Double-digit increase in library card registration, as well as increases in circulation.
- Clarke Library is a great space and in a good location.
- Clarke Library staff provides excellent customer services.
- Staff and Council members conducting community outreach at the Farmers' Market.
- A financial literacy series is planned and an elder care series is under development.
- Development of a teen space is under consideration.
- Plans to revamp the children's room with rugs, games and play items.
- Clarke will continue to be a 21<sup>st</sup> century library providing for digital needs and will continue to be friendly, small, welcoming and to provide books.
- Increased staff is a greater need than additional space.
- On June 4 collaborating with the Barns on the first annual Charles Burwell event.
- Will add to the Library Advisory Council agenda consideration of an event honoring John Friant.

8) Set Public Hearing SUP-16-01/SP-16-01, Hecate Energy LLC

Request approval of a Special Use Permit (SUP) and Site Plan to construct a 20MW solar power plant, large photovoltaic, in the Agricultural-Open Space-Conservation (AOC) District per §3-A-1-a-3(s) of the Zoning Ordinance.

Brandon Stidham summarized the special use and site plan application by Hecate Energy LLC.

**Vice Chair McKay moved to set public hearing for Tuesday, June 21, 2016 at 6:30 pm or as soon thereafter as the matter may be heard. The motion carried by the following vote:**

- |                  |       |
|------------------|-------|
| Barbara J. Byrd  | - Aye |
| Terri T. Catlett | - Aye |
| Mary L.C. Daniel | - Aye |
| Beverly B. McKay | - Aye |

David S. Weiss - Aye

Chairman Weiss complimented staff on the comprehensive report.

9) Set Public Hearing RZ-16-01, Shenandoah Retreat Land Corporation/Philip Jones

Ryan Fincham provided an update for the Board on the rezoning request. He advised that there were no outstanding concerns.

**Vice Chair McKay moved to set public hearing for Tuesday, June 21, 2016 at 6:30 pm or as soon thereafter as the matter may be heard. The motion carried by the following vote:**

Barbara J. Byrd	- Aye
Terri T. Catlett	- Aye
Mary L.C. Daniel	- Aye
Beverly B. McKay	- Aye
David S. Weiss	- Aye

10) 2015 Revised Berryville Area Plan

Brandon Stidham reported that at its May 10, 2015 meeting Berryville Town Council voted to adopt Version 5 of the 2015 Berryville Area Plan as presented by staff with no additional changes or corrections to the draft.

**Vice Chair McKay moved to adopt the 2015 Berryville Area Plan Version 5 as presented by Staff and as adopted by Berryville Town Council at its May 10, 2016 meeting.**

Supervisor Daniel commented that the plan revision had been a long, arduous process; and while the plan was not perfect, it was the result of a great number of people working long and hard to review and revise. She opined that it was important for citizens to remember that this was the Berryville Area Plan, not the Berryville Comprehensive Plan, and should not be viewed as a stand-alone document but as part of a much bigger plan comprehensively for the Town and the County.

Supervisor Byrd remarked that it was time to move forward.

Chairman Weiss stated that he supported the plan. He agreed with Supervisor Daniel that it was not a perfect plan but it was a better plan that will lead in the right direction. He drew attention to II 2-7 outlining new approaches to facilitate flexible housing options opining that this section is critical to the work that has been done laying out a better plan, a more concise plan and gives developers a better sense of what the County wants and how

to go about developing. Chairman Weiss commented that a great addition to the plan was the ability to update annually.

Chairman Weiss complimented members of the Berryville Area Development Authority and staff for all their work.

**The motion carried by the following vote:**

Barbara J. Byrd	-	Aye
Terri T. Catlett	-	Aye
Mary L.C. Daniel	-	Aye
Beverly B. McKay	-	Aye
David S. Weiss	-	Aye

11) Approval of Minutes

**Supervisor Byrd moved to approve as presented the minutes for:**

- **April 5, 2016 FY2017 Budget and CY2016 Tax Rate Public Hearing**
- **April 12, 2016 FY2017 Budget Work Session**
- **April 12, 2016 Board of Supervisors and Berryville Town Council Joint Meeting**
- **April 19, 2016 Regular Meeting**

**The motion carried by the following vote:**

Barbara J. Byrd	-	Aye
Terri T. Catlett	-	Aye
Mary L.C. Daniel	-	Aye
Beverly B. McKay	-	Aye
David S. Weiss	-	Aye

12) Consent Agenda

Berryville Town Council and Clarke County Board of Supervisors Joint Resolution in Recognition and Appreciation

**Berryville Town Council and Clarke County Board of Supervisors  
Joint Resolution in Recognition and Appreciation**

**WHEREAS** on October 10, 2006, the Berryville Town Council and the Clarke County Board of Supervisors entered into an agreement to construct and equip a new joint administrative complex; and,

**WHEREAS** Phyllis Nee, owner Interior Expressions, was selected to create the interior design in the shared areas of the Berryville Clarke County Government Center, and in pursuit of her vision, she actively solicited artwork from local artists; and,

**WHEREAS** in response to Ms. Nee’s solicitation, Matthew Klein, Steve Lee, John Lewis, Maral Kalbian and the Clarke County Historical Association provided a variety of images for display in the Government Center.

**NOW THEREFORE BE IT RESOLVED**, that the Berryville Town Council and the Clarke County Board of Supervisors recognize and express appreciation for the vision, talent and efforts of Phyllis Nee, Matthew Klein, Steve Lee, John Lewis, Maral Kalbian and the Clarke County Historical Association.

**APPROVED AND ORDERED ENTERED** in the official records by the unanimous vote of the members of the Berryville Town Council on May 10, 2016 and the Clarke County Board of Supervisors on May 17, 2016.

Berryville Town Council

Attest: \_\_\_\_\_  
Ann Phillips, Clerk

\_\_\_\_\_

Wilson Kirby, Mayor

Clarke County Board of Supervisors

Attest: \_\_\_\_\_  
David L. Ash, Clerk

\_\_\_\_\_

David S. Weiss, Chair

Abstract of Votes May 3, 2016

### ABSTRACT of VOTES

Cast in the Town of BERRYVILLE in CLARKE COUNTY, VIRGINIA  
at the 2016 May Town General Election held on May 03, 2016 for:

#### Mayor

District: BERRYVILLE

NAMES OF CANDIDATES ON THE BALLOT	TOTAL VOTES RECEIVED (IN FIGURES)
Patricia B. Dickinson	537
Harry L. "Jay" Arnold, Jr	422
Total Write-In votes [From Write-In Certifications] [Valid Write-Ins + Invalid Write-Ins = Total Write-In Votes]	1
Total Number of Overvotes for Office	0

We, the undersigned Electoral Board, upon examination of the official records deposited with the Clerk of the Circuit Court of the election held on May 03, 2016, do hereby certify that the above is a true and correct Abstract of Votes at the said election and do, therefore, determine and declare that the following person(s) has received the greatest number of votes cast for the Mayor.

Patricia B. Dickinson

Given under our hands this 4<sup>th</sup> day of May, 2016

Donald W. Harsen, Chairman

[Signature], Vice Chairman

[Signature], Secretary

[Signature], Secretary, Electoral Board



May 17, 2016 Clarke County Board of Supervisors Regular Meeting Packet Page 208 of 343

### ABSTRACT of VOTES

Cast in the Town of BERRYVILLE in CLARKE COUNTY, VIRGINIA  
at the 2016 May Town General Election held on May 03, 2016 for:

#### Member Town Council - Ward 1

District: BERRYVILLE

NAMES OF CANDIDATES ON THE BALLOT	TOTAL VOTES RECEIVED (IN FIGURES)
Donna Marie McDonald	530
William M. Steinmetz	404
Total Write-In votes [From Write-Ins Certifications] [Valid Write-Ins + Invalid Write-Ins = Total Write In Votes]	4
Total Number of Overvotes for Office	0

We the undersigned Electoral Board, upon examination of the official records deposited with the Clerk of the Circuit Court of the election held on May 03, 2016, do hereby certify that the above is a true and correct Abstract of Votes of the said election and do, therefore, determine and declare that the following person(s) has received the greatest number of votes cast for the Member Town Council - Ward 1.

Donna Marie McDonald

Given under our hands this 4<sup>th</sup> day of MAY, 2016

Donald W. Heaven, Chairman

[Signature], Vice Chairman

Paul S. Shestakoff, Secretary

Paul S. Shestakoff, Secretary, Electoral Board



May 17, 2016 Clarke County Board of Supervisors Regular Meeting Packet Page 209 of 343

## ABSTRACT of VOTES

Cast in the Town of BERRYVILLE in CLARKE COUNTY, VIRGINIA  
at the 2016 May Town General Election held on May 03, 2016 for,

### Member Town Council - Ward 3

District: BERRYVILLE

NAMES OF CANDIDATES ON THE BALLOT	TOTAL VOTES RECEIVED (IN FIGURES)
Erecka L. Gibson	370
Matthew E. "Matt" Bess	324
J. Bryant Conroy	258
Total Write-In votes [From Write-In Certifications] [Valid Write-Ins + Invalid Write-Ins = Total Write-In Votes]	1
Total Number of Overvotes for Office	0

We, the undersigned Electoral Board, upon examination of the official records deposited with the Clerk of the Circuit Court of the election held on May 03, 2016, do hereby certify that the above is a true and correct Abstract of Votes at the said election and do, therefore, determine and declare that the following person(s) has received the greatest number of votes cast for the Member Town Council - Ward 3.

Erecka L. Gibson

GIVEN under our hands this 4<sup>th</sup> day of MAY, 2016

Arnold H. Harcum, Chairman  
W. J. [Signature], Vice Chairman  
Carl S. Hester, Secretary  
Carl S. Hester, Secretary, Electoral Board



May 17, 2016 Clarke County Board of Supervisors Regular Meeting Packet Page 210 of 343

**Supervisors Catlett moved to approve the items on the Consent Agenda as presented. The motion carried by the following vote:**

Barbara J. Byrd	- Aye
Terri T. Catlett	- Aye
Mary L.C. Daniel	- Aye
Beverly B. McKay	- Aye
David S. Weiss	- Aye

13) Board of Supervisors Personnel Item

A. Expiration of Term for appointments expiring through July 2016

05-09-2016 Summary: The Committee discussed appointments coming due through May 31. No recommendations were made at the time of the Committee meeting.

05-17-2016 Action: David Ash advised that subsequent to the Personnel Committee meeting Supervisor Byrd had verified that Shelley Daisley was willing to serve an additional four-year term.

- Reappoint Shelley Daisley to the Clarke County Library Advisory Council to serve a four-year term on expiring April 15, 2020.

**Supervisor Byrd moved to approve the reappointment of Shelley Daisley to the Clarke County Library Advisory Council. The motion carried by the following vote:**

Barbara J. Byrd	- Aye
Terri T. Catlett	- Aye
Mary L.C. Daniel	- Aye
Beverly B. McKay	- Aye
David S. Weiss	- Aye

B. Authorization to Hire Code Enforcement Officer/Inspector Position

05-09-2016 Summary: Following discussion, the Supervisors approved the job description subject to clarification of permit or building office responsibilities.

05-17-2016 Action: Information only.

14) Board of Supervisors Work Session

A. VDOT Secondary Six-Year Plan Review

05-09-2016 Summary: Clif Balderson reviewed the draft Secondary Six-Year Plan with the Board. Following discussion, the Board agreed to act at the regular meeting to set public hearing on the SSYP for Tuesday, June 21, 2016 at 6:30 pm. The Board also requested additional information regarding House Bill No. 2 be provided at the May 17, 2016 regular meeting.

05-17-2016 Action: **Supervisor Byrd moved to set public hearing for Tuesday, June 21, 2016 at 6:30 pm or as soon thereafter as the matter may be heard. The motion carried by the following vote:**

Barbara J. Byrd	- Aye
Terri T. Catlett	- Aye
Mary L.C. Daniel	- Aye
Beverly B. McKay	- Aye
David S. Weiss	- Aye

B. Economic Development Activity Update by Len Capelli

05-09-2016 Summary: Len Capelli provided an update on his activities.

05-17-2016 Action: Information only.

C. Closed Session Pursuant to §2.2-3711-A5 Discussion of unannounced business location

05-09-2016 Summary: **Supervisor Catlett moved to convene into Closed Session pursuant to §2.2-3711-A5. The motion carried as follows:**

Barbara J. Byrd	- Aye
Terri T. Catlett	- Aye
Mary L.C. Daniel	- Aye
Beverly B. McKay	- Aye
David S. Weiss	- Aye

Citing conflict of interest, Supervisor Byrd recused herself from discussion specific to §2.2-3711-A5.

The members of the Board of Supervisors being assembled within the designated meeting place, with open doors and in the presence of members of the public and/or the media desiring to attend, **Supervisor Byrd moved to reconvene in open session. The motion carried as follows:**

Barbara J. Byrd	-	Aye
Terri T. Catlett	-	Aye
Mary L.C. Daniel	-	Aye
Beverly B. McKay	-	Aye
David S. Weiss	-	Aye

**Supervisor Byrd further moved to execute the following Certification of Closed Session:**

**CERTIFICATION OF CLOSED SESSION**

**WHEREAS, the Board of Supervisors of the County of Clarke, Virginia, has convened a closed meeting on the date pursuant to an affirmative recorded vote and in accordance with the provisions of the Virginia Freedom of Information Act; and**

**WHEREAS, Section 2.2-3700 of the Code of Virginia requires a certification by the Board of Supervisors of the County of Clarke, Virginia that such closed meeting was conducted in conformity with Virginia law.**

**NOW, THEREFORE BE IT RESOLVED, that the Board of Supervisors of the County of Clarke, Virginia, hereby certifies that, to the best of each members knowledge, (i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which the 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 Board of Supervisors of the County of Clarke, Virginia.**

**The motion was approved by the following roll-call vote:**

Barbara J. Byrd	-	Aye
Terri T. Catlett	-	Aye
Mary L.C. Daniel	-	Aye
Beverly B. McKay	-	Aye
David S. Weiss	-	Aye

05-17-2016 Action: Information Only

15) Board of Supervisors Finance Items

1. Minor Rezoning Fee.

05-09-2016 Summary: The Finance Committee recommends adoption of the following resolution: "Be it resolved that a new "Minor Rezoning" fee of \$1,000 be created to be charged in instances where:

1. It is required in conjunction with a boundary line adjustment between parcels zoned Rural Residential (RR) and either Agricultural-Open Space-Conservation (AOC) or Forestal-Open Space-Conservation (FOC), and;

- 2. *Does not result in an increase in the development capacity of the subject property, either through subdivision or additional dwelling units, and be it further resolved that this newly created fee be retroactively applied to the recent request of Philip Jones for a rezoning meeting these same criteria."*

**05-17-2016 Action: Supervisor Byrd moved to approve the resolution as proposed. The motion carried by the following vote:**

Barbara J. Byrd	-	Aye
Terri T. Catlett	-	Aye
Mary L.C. Daniel	-	Aye
Beverly B. McKay	-	Aye
David S. Weiss	-	Aye

2. Conservation Easement Funding.

05-09-2016 Summary: The Natural Resources Director will research whether the Virginia Department of Agriculture and Consumer Services (VDACS) will accept verification that local match funds are reserved in fund balance instead of verification that such funds have been appropriated.

05-17-2016 Action: Per Tom Judge, there is still no response from VDACS.

3. Sheriff Update on Part-time and Overtime Expenditures.

05-09-2016 Summary: The Sheriff presented an update to the committee on several matters.

05-17-2016 Action: Tom Judge provided an overview. Chairman Weiss added that the Fire & EMS Commission is reviewing the Omnicom Gap Analysis and Recommendations Report performed for the Sheriff's Office.

4. Memorandum of Understanding with Berryville Main Street.

05-09-2016 Summary: The Finance Committee discussed an informal request for reconsideration of the loan terms with Berryville Main Street. This group will be asked to present a formal request from their Board.

05-17-2016 Action: Tom Judge reviewed the Finance Committee discussion. Chairman Weiss instructed staff to reschedule presentation for the June Committee meeting.

5. Cooperative Extension Request for Intern.

05-09-2016 Summary: The Finance Committee was to do some further research, but tentatively recommended: *"Be it resolved that \$1,400 in unused FY 16 Cooperative Extension funds be repurposed for payment to VPI for a summer intern, and that \$1,000 be transferred from the personnel contingency to Cooperative Extension for additional payment to VPI for a summer intern, bringing the total for the summer intern to \$2,400."*

05-17-2016 Action: Tom Judge reviewed the Finance Committee discussion.

**Supervisor Byrd moved to approval "Be it resolved that \$1,400 in unused FY 16 Cooperative Extension funds be repurposed for payment to VPI for a summer intern, and that \$1,000 be transferred from the personnel contingency to Cooperative Extension for additional payment to VPI for a summer intern, bringing the total for the summer intern to \$2,400." The motion carried by the following vote:**

Barbara J. Byrd	- Aye
Terri T. Catlett	- Aye
Mary L.C. Daniel	- Aye
Beverly B. McKay	- Aye
David S. Weiss	- Aye

6. Acceptance of Bills and Claims

05-09-2016 Summary: The Finance Committee recommends acceptance.

05-17-2016 Action: **Supervisor Daniel moved to accept the April 2016 Bills and Claims as presented. The motion carried by the following vote:**

Barbara J. Byrd	- Aye
Terri T. Catlett	- Aye
Mary L.C. Daniel	- Aye
Beverly B. McKay	- Aye
David S. Weiss	- Aye

7. Victim Witness Coordinator Bonus

05-17-2016 Action: Tom Judge reviewed the request for additional bonus funds.

Bev McKay and Mary Daniel met with Suni Mackall, Beth Marple, Clesta Rhodes and Ann Williams to discuss the bonus and recommend approval of the following resolution: *“Be it resolved that a one-time bonus of \$600 be paid to Beth Marple, Victim Witness Coordinator, with the further clarifications that typical employee payroll taxes must be paid by the employee from this sum, and that this action does not represent a permanent modification of base salary”.*

**Supervisor Catlett moved approval of “Be it resolved that a one-time bonus of \$600 be paid to Beth Marple, Victim Witness Coordinator, with the further clarifications that typical employee payroll taxes must be paid by the employee from this sum, and that this action does not represent a permanent modification of base salary”. The motion carried by the following vote:**

Barbara J. Byrd	- Aye
Terri T. Catlett	- Aye
Mary L.C. Daniel	- Aye
Beverly B. McKay	- Aye
David S. Weiss	- Aye

Chairman Weiss expressed appreciation to Supervisors Daniel and McKay for working with the Victim Witness Coordinator to explain and to resolve questions and issues.

8. Standing Reports

Reconciliation of Appropriations, General Fund Balance, Expenditure Summary/YTD Budget Reports

16) Joint Administrative Services Update

Tom Judge provided an update. No action items were identified.

17) Government Projects Update

David Ash provided the monthly project update. No action items were identified.

18) Miscellaneous Items

Poll Location Change

David Ash distributed a memorandum from the Voter Registrar, Barbara Bosserman, requesting a Code amendment to change the White Post District polling location from Powhatan School, 49 Powhatan Lane, Boyce, to the Veterans of Foreign War Post, 425 South Buckmarsh Street. He advised that the proposed Code amendment would be on the Board's June 21, 2016 Regular Meeting Agenda to set public hearing.

Chairman Weiss noted that the memorandum provided detailed information on the request to relocate and asked members to direct any questions to Mrs. Bosserman.

#### 19) Summary of Required Action

<u>Item</u>	<u>Description</u>	<u>Responsibility</u>
1.	Berryville Main Street: request update at the June Finance Committee.	David Weiss
2.	VDOT: Add discussion on HB2 and Westwood Road to June Work Session.	David Ash
3.	Habitat for Humanity: request an update at a future work session.	David Ash
4.	NSVRC: Schedule update at a future work session.	Brandon Stidham
5.	Process approved minutes.	Lora B. Walburn
6.	Process and advertise public hearings for SUP-16-10/SP-16-01 and RZ-16-01	Lora B. Walburn
7.	Process and coordinate with VDOT public hearing on the SSYP.	Lora B. Walburn
8.	Update appointment database and process notice of appointment.	Lora B. Walburn
9.	Send notice of special event permit approval.	Lora B. Walburn
10.	Update Code CC 2016-02.	Lora B. Walburn

#### 20) Board Member Committee Status Reports

##### Supervisor Barbara J. Byrd

- Board of Social Services: Did not have a quorum.
- Litter Committee: Committee continues to be elusive.
- Town of Berryville: Good meeting.

- Clarke County Humane Foundation: Dealing with personnel and encroachment issues.
- Juvenile Detention Center: Meeting in June.
- Regional Adult Detention Center: Moving ahead with security system.
- Conservation Easement Authority: Working on several projects. Social on June 17.

David Ash advised that in response to materials provided by Timothy Coyne the Board needed to take formal action to appoint a Supervisor to participate as of the Northwest Regional Adult Drug Advisory Committee. He noted Supervisor Byrd's active involvement with this group from its inception.

**Supervisor Daniel moved to appoint Supervisor Byrd to serve on the Northwest Regional Adult Drug Treatment Court Advisory Committee. The motion carried by the following vote:**

Barbara J. Byrd	- Aye
Terri T. Catlett	- Aye
Mary L.C. Daniel	- Aye
Beverly B. McKay	- Aye
David S. Weiss	- Aye

Supervisor Terri Catlett

- School Board: Increasing meal prices. Continue to review Berryville Primary project.
- Parks and Recreation Advisory Board: Discussed lights and Kohn property study.
- Blue Ridge Mountain Civic Association Mountain Group: On April 2, members of the group picked up trash on roadways.

Supervisor Mary L.C. Daniel

- Library Advisory Council: Addressed earlier in the meeting.
- Planning Commission: Hecate public hearing one and a half hours long. Delayed action on farm distillery legislation.

Vice Chairman Beverly McKay

- Sanitary Authority: Will perform repairs when weather permits. Machinery is aging and will need to be replaced.
- NSVRC: Inland Port update at last meeting. Dinner scheduled for May 18.

- Well & Septic Board: Scheduled another meeting to discuss an applicant's denial appeal.

Chairman David S. Weiss

- Fire and EMS Commission:
  - o Developing standard operating procedures.
  - o Board of Supervisors may need to provide explanation of Town of Berryville fire and rescue funding.
- Town of Berryville: Dined with mayor elect Patricia Dickinson.

21) Closed Session Pursuant to 2.2-3711 A7 Consultation with Robert Mitchell, County Attorney

At 3:19 p.m., **Supervisor Daniel moved that the Clarke County Board of Supervisors enter Closed Session pursuant to Section 2.2-3711-A-7 Code of Virginia to consult with legal counsel pertaining to actual or probable litigation. The motion carried by the following vote:**

Barbara J. Byrd	- Aye
Terri T. Catlett	- Aye
Mary L.C. Daniel	- Aye
Beverly B. McKay	- Aye
David S. Weiss	- Aye

At 4:12 p.m., the members of the Board of Supervisors being assembled within the designated meeting place, with open doors and in the presence of members of the public and/or the media desiring to attend, **Supervisor Daniel moved to reconvene in open session. The motion carried as follows:**

Barbara J. Byrd	- Aye
Terri T. Catlett	- Aye
Mary L.C. Daniel	- Aye
Beverly B. McKay	- Aye
David S. Weiss	- Aye

**Supervisor Daniel further moved to execute the following Certification of Closed Session:**

**CERTIFICATION OF CLOSED SESSION**

**WHEREAS, the Board of Supervisors of the County of Clarke, Virginia, has convened a closed meeting on the date pursuant to an affirmative recorded vote**

**and in accordance with the provisions of the Virginia Freedom of Information Act; and**

**WHEREAS, Section 2.2-3700 of the Code of Virginia requires a certification by the Board of Supervisors of the County of Clarke, Virginia that such closed meeting was conducted in conformity with Virginia law.**

**NOW, THEREFORE BE IT RESOLVED, that the Board of Supervisors of the County of Clarke, Virginia, hereby certifies that, to the best of each members knowledge, (i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which the 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 Board of Supervisors of the County of Clarke, Virginia.**

**The motion was approved by the following roll-call vote:**

Barbara J. Byrd	- Aye
Terri T. Catlett	- Aye
Mary L.C. Daniel	- Aye
Beverly B. McKay	- Aye
David S. Weiss	- Aye

No action was taken on matters discussed in closed session.

**Supervisor Daniel moved to recess the afternoon session at 5:27 p.m. The motion was approved by the following roll-call vote:**

Barbara J. Byrd	- Aye
Terri T. Catlett	- Aye
Mary L.C. Daniel	- Aye
Beverly B. McKay	- Aye
David S. Weiss	- Aye

Chairman Weiss called the evening session to order at 6:34 p.m.

22) Citizen Comment Period

No citizens appeared to address the Board.

23) PH 16-13 Hunt Country Cluster [at Historic Long Branch] Large, 3-Year Special Event Permit Application

David Ash summarized the special event permit application for the Hunt Country Cluster.

At 6:36 pm, Chairman Weiss asked the Board for questions; and being none, he opened the public comment portion of the public hearing. Being no persons desiring to address the Board, the Chair closed the public hearing.

**Vice Chairman McKay moved to approve the multi-year Special Event Permit application for 2016, 2017, and 2018 by The Hunt Country Cluster. The motion was approved by the following vote:**

Barbara J. Byrd	- Aye
Terri T. Catlett	- Aye
Mary L.C. Daniel	- Absent
Beverly B. McKay	- Aye
David S. Weiss	- Aye

- 24) PH 16-14 Code of Clarke County, Virginia Proposed Amendment CC-2016-02 Chapter 24 Officers and Employees Article IV Employment, licensing and volunteer service; background check

David Ash summarized the proposed Code change.

At 6:40 pm, Chairman Weiss opened the public comment portion of the public hearing. Being no persons desiring to address the Board, the Chair closed the public hearing.

**Supervisor Byrd moved to approve CC-2016-02 Chapter 24 Officers and Employees Article IV Employment, licensing and volunteer service; background check as presented. The motion was approved by the following vote:**

Barbara J. Byrd	- Aye
Terri T. Catlett	- Aye
Mary L.C. Daniel	- Absent
Beverly B. McKay	- Aye
David S. Weiss	- Aye

*Article IV Employment, licensing and volunteer service; background check*

- § 24-6. Employment, licensing and volunteer service background check. A. *This section is enacted to comply with the provisions of Code Virginia §§ 15.2-1503.1, 15.2-1505.1 and 19.2-389(A)(7), as amended, to be able to access criminal history record information regarding those persons conditionally offered employment in sensitive positions in the County service in order to determine whether the past criminal*

*conduct of such persons would be compatible with the nature of such employment.*

*Further, the provisions of this section are intended to be in addition to, and not in derogation of all other federal and state statutes and County ordinances providing for access to criminal history record information concerning applicants for, and persons offered, positions in the County service.*

- B. An applicant, licensee or volunteer seeking to engage in employment or volunteer service shall submit fingerprints taken by the county sheriff's office to the Central Criminal Records Exchange in Richmond, Virginia, along with the appropriate fees.*
- C. The county shall pay all applicable fees to Central Criminal Records Exchange.*

*The Central Criminal Records Exchange will compare the subject's fingerprints against its criminal file and, if no disqualifying conduct is found therein, submit the fingerprints to the Federal Bureau of Investigation for a comparison with nationwide records.*

*The results of the Federal Bureau of Investigation will be returned to the Central Criminal Records Exchange, which will disseminate the state and national results to the Office of the County Administrator.*

- D. The Office of the County Administrator shall disseminate the results of the criminal background check to the county for fitness determination.*
- E. In rendering a fitness determination, the county will decide whether the record subject has been convicted of or is under pending indictment for:*
  - 1. A crime which bears upon his ability of fitness to serve in that capacity; or*
  - 2. Any felony or a misdemeanor which involved force or threat of force, controlled substances, was a sex-related offense, or a crime involving moral turpitude; or*
  - 3. Has been the subject of a founded child abuse or neglect complaint.*

F. Any such person will be presumptively disqualified and any such person who is presumptively disqualified will only be permitted to engage in employment or volunteer service if authorized by the County Administrator and County Attorney.

G. A record subject denied employment, licensure or service as a volunteer shall be notified that information from the Central Criminal Records Exchange contributed to such denial.

*Should the record subject seek to amend or correct the record, the subject must contact the Central Criminal Records Exchange for a Virginia record or the Federal Bureau of Investigation for records from other jurisdictions maintained in its file.*

## 25) Adjournment

At 6:41 pm, being no further business, Chairman Weiss adjourned the meeting.

At 6:42 p.m., Supervisor Daniel joined the Board.

## Next Regular Meeting Date

The next regular meeting of the Board of Supervisors is set for Tuesday, June 21, 2016 at 1:00 p.m. in the Berryville Clarke County Government Center, Main Meeting Room, 101 Chalmers Court, Berryville, Virginia.

ATTEST: May 17, 2016

\_\_\_\_\_  
David S. Weiss, Chair

\_\_\_\_\_  
David L. Ash, County Administrator

\_\_\_\_\_  
Minutes recorded and transcribed by: Lora B. Walburn, Deputy Clerk to the Board of Supervisors

# Clarke County Board of Supervisors

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## Consent Agenda

- MOU Northern Shenandoah Valley Substance Abuse Coalition
- Conservation Easement Authority Draft Policy Structural Square Footage

## MEMORANDUM OF UNDERSTANDING

*Northern Shenandoah Valley Substance Abuse Coalition  
FY 2016 Bureau of Justice Assistance Adult Drug Court Discretionary Grant Program;*

On this \_\_\_\_ day of \_\_\_\_\_, 2016, the undersigned parties did agree to the terms contained in this *Memorandum of Understanding* ("MOU") between the **City of Winchester (hereinafter referred to as the "City")**; Clarke County, Virginia; Frederick County, Virginia; Valley Health System; the ***Northern Shenandoah Valley Substance Abuse Coalition***, (hereinafter referred to as the "NSVSAC"). The foregoing (and undersigned) being hereinafter referred to collectively as "the parties".

### RECITALS

1. WHEREAS, at all times herein mentioned, the City of Winchester, Virginia, was and remains a municipal corporation formed and operating under the laws of the Commonwealth of Virginia; and
2. WHEREAS, at all times herein mentioned Frederick County, Virginia and Clarke County, Virginia were and remain Counties formed and operating under the laws of the Commonwealth of Virginia.
3. WHEREAS, the Northern Shenandoah Valley Substance Abuse Coalition is a nonprofit entity formed under the laws of the Commonwealth of Virginia. One of the purposes of the NSVSAC is to facilitate the creation of a regional drug treatment court (hereinafter the "Northwest Regional Adult Drug Treatment Court") in accordance with the provisions of §18.2-254.1 of the Code of Virginia by the following localities: (1) City of Winchester, Virginia; (2) Frederick County, Virginia, and (3) Clarke County, Virginia; and
4. WHEREAS, the NSVSAC desires to compete to receive funding under the FY 2016 Bureau of Justice Assistance Adult Drug Court Discretionary Grant Program; and
5. WHEREAS, said grant is limited to states, state and local courts, counties, units of local government, and federally recognized indicant tribal governments on behalf of a single jurisdiction drug court; and
6. WHEREAS, the NSVSAC has requested that the City of Winchester apply for said grant and stand as fiscal agent for any funds awarded pursuant to said grant; and
7. WHEREAS, Common Council for the City of Winchester has expressed its support for the Drug Court Program and in furtherance thereof, the Manager has agreed to authorize the City's service as fiscal agent for the grant funds provided that no additional financial contribution is required from the City; and

8. WHEREAS, NSVSAC has represented that the grant provisions allow for a nonprofit organization like the NSVSAC to be a sub-recipient of funds received under the grant.

### AGREEMENT

The parties understand that participating in this agreement will increase the ability of City of Winchester, Frederick County and Clarke County to promote overall public safety, prevent substance abuse, promote recovery services, and provide the best possible service to the citizens and visitors to those localities; and the parties hereto intend by this memorandum to enter into an understanding for cooperation in the establishment and utilization of such activity, subject to the specific terms and conditions herein. The parties jointly agree with one another as follows:

9. The NSVSAC will act as an umbrella organization to collaborate with community partners in the City of Winchester, Frederick County and Clarke County and take the lead in identifying and developing effective resources to ensure that the necessary continuum of care for substance abuse and addiction services are available to all members of the community.
10. The NSVSAC will promote prevention of substance abuse, treatment of current substance abusers, cooperation between law enforcement, services by treatment providers, the coordination of criminal justice system activity, and support from the medical community and recovery community as well as the community as a whole.
11. The NSVSAC will provide support and staffing to the Northwest Regional Adult Drug Treatment Court.
12. Contingent upon fiscal appropriation from Common Council for the City of Winchester, the City agrees to act as the applicant and fiscal agent for the Bureau of Justice Assistance Adult Drug Court Discretionary Grant Program, which may be appropriated in accordance with performance metrics established by Common Council for the City of Winchester and which shall be consistent with grant requirements.
13. In order to properly administer the funds received from the Bureau of Justice Assistance Adult Drug Court Discretionary Grant Program, Valley Health System will be responsible for hiring an administrator for the Northwest Regional Adult Drug Treatment Court ("NWRADTC") program, and for the payment of substance abuse treatment services for participants in the NWRADTC program. The NSVSAC will provide quarterly invoices to the City of Winchester for the reimbursement of costs incurred for compensation of the drug treatment court administrator and for the

payment of substance abuse treatment services, which shall be paid for using funds from the Bureau of Justice Assistance Adult Drug Court Discretionary Grant Program.

14. The collective monetary total of the provided invoices shall not exceed the dollar amount of the awarded grant.
15. The City shall not be required to provide any additional funding other than the awarded grant funds, and shall not receive invoices from NSVSAC outside the scope of the grant funds.
16. The City shall bear no funding responsibility for any services associated with this agreement or the aforementioned grant should the funding not be awarded, rescinded, or otherwise modified from its original expected scope.
17. At all times herein mentioned, NSVSAC; the City of Winchester, Virginia; Frederick County, Virginia; Clarke County, Virginia; Valley Health System, their respective employees, agents, and assigns, shall be construed and remain independent entities. Nothing in this Memorandum of Understanding shall be construed to form an employment relationship between any of the parties.
18. This document represents the entire agreement between the parties. All prior or subsequent agreements concerning these matters are hereby deemed to be null and void unless said terms are incorporated into a written Addendum to this MOU signed by all parties.
19. This *Memorandum of Understanding* shall automatically renew on January 1<sup>st</sup> of each year following execution for ten (10) years following execution and may be terminated without cause or recourse by the City of Winchester upon thirty (30) days written notice issued to NSVSAC effective upon mailing.. This Agreement shall remain in effect despite the expiration of tenure of any of the representatives whose signatures appear hereon.
20. This document shall be construed under the laws of the Commonwealth of Virginia. Any dispute arising from the performance or non-performance of the terms of this MOU shall be litigated solely in the Circuit Court for the City of Winchester, Virginia, or the U.S. District Court in Harrisonburg, Virginia.

By executing this document, the undersigned parties represent that they are authorized to and hereby bind their respective entities to all terms of this MOU:

**CITY OF WINCHESTER**

\_\_\_\_\_  
Eden Freeman, City Manager

\_\_\_\_\_  
Date

**FREDERICK COUNTY, VIRGINIA**

\_\_\_\_\_  
Brenda G. Garton, County Administrator

\_\_\_\_\_  
Date

**CLARKE COUNTY, VIRGINIA**

\_\_\_\_\_  
David L. Ash, County Administrator

\_\_\_\_\_  
Date

**NORTHERN SHENANDOAH VALLEY  
SUBSTANCE ABUSE COALITION**

\_\_\_\_\_  
Lauren Cummings, Executive Director

\_\_\_\_\_  
Date

**VALLEY HEALTH SYSTEM**

\_\_\_\_\_  
Chris Rucker, Vice President,  
Ambulatory and Wellness Services

\_\_\_\_\_  
Date

MEMORANDUM

TO: Board of Supervisors, David Ash  
FROM: Conservation Easement Authority, Alison Teetor  
DATE: May 12, 2016  
SUBJECT: draft policy structural square footage

Recently the Authority has become aware of the impact of the collective footprint limits for eased parcels. The collective footprint is the ground area measured in square feet of the buildings and structures. In general the deed template uses a 1% limit for the collective footprint. This works well for larger parcels but may be unreasonably restrictive for smaller parcels. A recent request was to build an indoor riding arena exceeding 14,000 sq. ft. on a 40 acre parcel. That parcel currently has a 5,400 sq. ft. barn, and the potential to build a 4,500 sq. ft. house (footprint 2,300 sq. ft.) allowing nearly 22,000 sq. ft. of collective footprint.

At the regular meeting April 21, 2016 members approved the following square footage allowances:

Collective square footage allowances	
Acres	sq. ft.
<10	10,000
10-15	15,000
15-20	15,000
20-30	15,000
30-40	20,000
40-50	20,000
> 50	1%

**Recommendation**

Approve the revised collective square footage allowances as presented



## Personnel Committee Items

Berryville/Clarke County Government Center, 2<sup>nd</sup> Floor  
101 Chalmers Court, Berryville, Virginia 22611

June 13, 2016 9:30 am

*Item No.*

*Description*

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- A. Expiration of Term for appointments expiring through August 2016
- 06-13-2016 Summary: Due to the unavoidable delay of one of the members of the Personnel Committee, the meeting did not convene; therefore, no recommendations were made.
- B. County Administrator Update on Pay Classification and Pay Plan; FY2017 General Government Salary Adjustments
- 06-13-2016 Summary: Due to the unavoidable delay of one of the members of the Personnel Committee, the meeting did not convene; therefore, no summary was given.

# Appointments by Expiration Through August 2016

*Appt Date Exp Date Orig Appt Date:*

## October 2015

Clarke County Industrial Development Authority 4 Yr  
 Armbrust Wayne White Post District; Vice Chair 8/19/2008 10/30/2015 2/15/2004  
 Treasurer 2005 to 2011; Secretary 2006 to 2011; Resigned term expires 10/30/2015  
 Appointed by BOS; Oath of Office Required - Clerk of Circuit Court; 7 members, 1 BOS liaison (non-voting) and 6 others that are chosen on their expertise in the business field. Membership governed by IDA by-laws. 15.2-4904 No director shall be an officer or employee of the locality except in towns under 3,500

## March 2016

Our Health 3 Yr  
 Shipe Diane Buckmarsh District 4/16/2013 3/15/2016 3/16/2010  
 1 Clarke County Member - "Group A Directors" shall serve at the discretion of the appointing Group A entity

## June 2016

Board of Equalization N/A  
 McFillen Thomas Berryville District 1/1/2016 6/30/2016 12/21/2015  
 Appointed by Circuit Court; Send letter of recommendation to Clerk. § 58.1-3374. Qualifications of members; vacancies.

McIntosh Anne White Post District 1/1/2016 6/30/2016 12/21/2015  
 Appointed by Circuit Court; Send letter of recommendation to Clerk. § 58.1-3374. Qualifications of members; vacancies.

Blatz Joseph White Post District 1/1/2016 6/30/2016 12/20/2005  
 Appointed by Circuit Court; Send letter of recommendation to Clerk. § 58.1-3374. Qualifications of members; vacancies.

Hope Lindsay Russell District 1/1/2016 6/30/2016 11/3/2009  
 Appointed by Circuit Court; Send letter of recommendation to Clerk. § 58.1-3374. Qualifications of members; vacancies.

Dame Thomas Millwood District 1/1/2016 6/30/2016 12/20/2005  
 Appointed by Circuit Court; Send letter of recommendation to Clerk. § 58.1-3374. Qualifications of members; vacancies.

Clarke County Sanitary Authority 4 Yr  
 Welliver Ralph Berryville District 3/19/2013 6/30/2016 3/19/2013  
 The board of the Authority shall be appointed by the BOS and shall be composed of 5 members, 1 of whom shall be a resident of the Town of Boyce, each for a term of 4 years and until his successor is appointed and qualifies except appointments to fill vacancies, which shall be for the remainder of such un-expired term. The Town may submit a nominee or nominees to the BOS for its consideration in making the appointment of the Boyce resident member. From VA Code 15.2-5113 D) Alternate board members may also be selected. Such alternates shall be selected in the same manner and shall have the same qualifications as the board members except that an alternate for an elected board member need not be an elected official. Oath of Office Required.



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*Appt Date Exp Date Orig Appt Date:*

Fire & EMS Commission

Hoff	Matt	Volunteer Association / EMS Issues / Boyce VFC	11/17/2015	8/31/2016	8/19/2014
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Membership Comp; Term. The Commission shall consist of (7) members including (1) member of the BoS; the Clarke County Sheriff; (2) representatives recommended by the Clarke County Fire & Rescue Association to represent Fire & EMS services respectively; and (3) citizens-at-large representing consumers of fire and EMS services. The (2) Fire & Rescue Association representatives shall serve one-year terms. The (3) citizens-at-large shall be appointed for initial terms of (1) year, (2) years, and (3) years and thereafter for (4) year terms. The Sheriff shall serve a term coterminous with the term of office. The BoS shall appoint a representative annually at or shortly after their annual organizational meeting to serve a one-year term.

# Clarke County Committee Listing

			<i>Appt Date</i>	<i>Exp Date</i>
<i>Agricultural &amp; Forestal District Advisory Committee</i>				6 Yr
Buckley	Samuel	Landowner/Producer	8/18/2015	7/15/2021
Childs	Corey	Landowner	8/18/2015	7/15/2021
Day	Emily	Landowner/Producer	8/18/2015	7/15/2021
Dorsey	Tupper	Landowner/Producer	8/18/2015	7/15/2021
Gordon	Carolyn	Landowner	8/18/2015	7/15/2021
Haynes	Carole	Landowner	9/15/2015	7/15/2021
McKay	Beverly B.	BoS - Appointed Member	8/18/2015	7/15/2021
Peake	Donna	Commissioner of the Revenue	8/18/2015	7/15/2021
Shenk	Philip	Landowner/Producer	8/18/2015	7/15/2021
<i>Barns of Rose Hill Board of Directors</i>				3 Yr
Cammack	Thomas		1/19/2016	12/31/2018
<i>BCCGC Joint Building Committee</i>				Open-End
Ash	David L.	County Administrator		
Dalton	Keith	Berryville Town Manager		
Kitselman	Allen	Berryville Town Council Representative		
McKay	Beverly B.	BoS - Appointed Member	1/11/2016	12/31/2016
<i>Berryville Area Development Authority</i>				3 Yr
Mackay-Smith	Wingate E.	White Post District	4/1/2015	3/31/2018
Ohrstrom, II	George	Russell District	3/15/2016	3/31/2019
Smart	Kathy	White Post District	1/23/2014	3/31/2017
<i>Berryville/Clarke County Joint Committee for Economic Development and Tourism</i>				Ongoing
Arnold, Jr.	Harry Lee	BTC - Appointed Member		
Ash	David L.	County Administrator	1/11/2016	12/31/2016
Capelli	Len	Director of Economic Development	4/14/2015	4/14/2016
Dunkle	Christy	Staff Representative - Town		
Stidham	Brandon	Staff Representative - County	5/20/2014	
Weiss	David S.	BoS - Appointed Member	1/11/2016	12/31/2016
<i>Board of Equalization</i>				
Blatz	Joseph	White Post District	1/1/2016	6/30/2016
Dame	Thomas	Millwood District	1/1/2016	6/30/2016
Hope	Lindsay	Russell District	1/1/2016	6/30/2016
McFillen	Thomas	Berryville District	1/1/2016	6/30/2016
McIntosh	Anne	White Post District	1/1/2016	6/30/2016
<i>Board of Septic &amp; Well Appeals</i>				4 Yr

Monday, June 06, 2016

Page 1 of 8

			<i>Appt Date</i>	<i>Exp Date</i>
Blatz	Joseph	White Post District; Citizen Member	4/17/2012	2/15/2020
Caldwell	Anne	Millwood District; Planning Commission; Vice Chair - Alternate	1/8/2016	12/31/2016
Daniel	Mary L.C.	BoS - Alternate	1/11/2016	1/11/2016
McKay	Beverly B.	BoS - Vice Chair Appointed Member	1/11/2016	12/31/2016
Ohrstrom, II	George	Russell District; Planning Commission Chair	1/8/2015	12/31/2016

*Board of Social Services*

4 Yr

Brown	Dwight	Berryville District	4/16/2013	7/15/2017
Byrd	Barbara J.	BoS - Appointed Member	1/11/2016	12/31/2016
Ferrebee	Robert	Millwood District	4/16/2013	7/15/2016
Gray	Lynn	Berryville District	6/17/2014	7/15/2018
Pierce	Edwin Ralph	Berryville District	11/18/2014	7/15/2018

*Board of Supervisors*

4 Yr

Byrd	Barbara J.	Russell District	1/1/2016	12/31/2019
Catlett	Terri T.	Millwood/Pinegrove Districts	1/1/2016	12/31/2019
Daniel	Mary L.C.	Berryville District	1/1/2016	12/31/2019
McKay	Beverly B.	White Post District, Vice Chair	1/1/2016	12/31/2019
Weiss	David S.	Buckmarsh/Blue Ridge Districts; Chair	1/1/2016	12/31/2019

*Board of Supervisors Finance Committee*

1 Yr

Byrd	Barbara J.	BoS - Alternate	1/11/2016	12/31/2016
Catlett	Terri T.	BoS - Appointed Member	1/11/2016	12/31/2016
McKay	Beverly B.	BoS - Alternate	1/11/2016	12/31/2016
Weiss	David S.	BoS - Appointed Member	1/11/2016	12/31/2016

*Board of Supervisors Personnel Committee*

1 Yr

Byrd	Barbara J.	BoS - Alternate	1/11/2016	12/31/2016
McKay	Beverly B.	BoS - Appointed Member	1/11/2016	12/31/2016
Weiss	David S.	BoS - Appointed Member	1/11/2016	12/31/2016

*Board of Zoning Appeals*

5 Yr

Borel	Alain F.	White Post District	1/23/2014	2/15/2019
Caldwell	Anne	Millwood District	2/25/2015	2/15/2020
Kackley	Charles	Russell District	2/12/2008	2/15/2018
McKelvy	Pat	Alternate At Large	2/6/2014	2/15/2019
Means	Howard	Millwood District	12/14/2009	2/15/2021
Volk	Laurie	White Post District	2/18/2014	2/15/2019

*Building and Grounds*

1 Yr

McKay	Beverly B.	BoS - Appointed Member	1/11/2016	12/31/2016
Weiss	David S.	BoS - Alternate	1/11/2016	12/31/2016

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			<i>Appt Date</i>	<i>Exp Date</i>
<i>Career and Technical Education Advisory Committee</i>				1 Yr
McKay	Beverly B.	BoS - Appointed Member	1/11/2016	12/31/2016
<i>Clarke County Historic Preservation Commission</i>				4 Yr
Arnett	Betsy	Berryville District	4/19/2016	5/31/2020
Caldwell	Anne	Millwood District	4/16/2014	5/31/2017
Carter	Paige	White Post District	4/19/2016	5/31/2020
Joyce	Jon	Buckmarsh District	6/16/2015	5/31/2019
Kruhm	Doug	Planning Commission Representative	2/16/2016	4/30/2017
Stieg, Jr.	Robert	Millwood District	6/17/2014	5/31/2018
Teetor	Alison	Staff Representative		
York	Robert	White Post District	6/18/2013	5/31/2017
<i>Clarke County Humane Foundation</i>				1 Yr
Byrd	Barbara J.	BoS - Liaison	1/11/2016	12/31/2016
<i>Clarke County Industrial Development Authority</i>				4 Yr
Armbrust	Wayne	White Post District; Vice Chair	8/19/2008	10/30/2015
Cochran	Mark	Buckmarsh District	9/17/2013	10/30/2017
Frederickson	Allan	White Post District; Secretary / Treasurer	9/17/2013	10/30/2017
Jones	Paul	Russell District	3/15/2016	10/30/2019
Juday	David	Russell District; Chair	10/21/2014	10/30/2018
Koontz	English	Buckmarsh District	6/16/2015	10/30/2018
Pierce	Rodney	Buckmarsh District	8/19/2008	10/30/2016
Weiss	David S.	BoS - Liaison	1/11/2016	12/31/2016
<i>Clarke County Library Advisory Council</i>				4 Yr
Al-Khalili	Adeela	Buckmarsh District	3/17/2015	4/15/2019
Curran	Christopher	Buckmarsh District	4/16/2013	4/15/2017
Daisley	Shelley	Russell District	5/17/2016	4/15/2020
Daniel	Mary L.C.	BoS - Liaison	1/11/2016	12/31/2016
Dunbar	Kevin	White Post District	4/15/2014	4/15/2018
Foster	Nancy	Russell District	4/19/2016	4/15/2020
Holscher	Dirck	Russell District	4/16/2013	4/15/2017
Kalbian	Maral	Millwood District	2/17/2015	4/15/2019
White	Kenlynne	Berryville District	7/15/2014	4/15/2017
Zinman	Maxine	Russell District	3/17/2015	4/15/2019
<i>Clarke County Litter Committee</i>				1 Yr
Byrd	Barbara J.	BoS - Liaison	1/11/2016	12/31/2016
<i>Clarke County Planning Commission</i>				4 Yr

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			<i>Appt Date</i>	<i>Exp Date</i>
Bouffault	Robina Rich	White Post / Greenway District	3/15/2016	4/30/2020
Buckley	Randy	White Post District	1/23/2014	4/30/2018
Byrd	Barbara J.	BoS - Alternate	1/11/2016	12/31/2016
Caldwell	Anne	Millwood / Chapel District; Vice Chair	4/16/2013	4/30/2017
Daniel	Mary L.C.	BoS - Appointed Member	1/11/2016	12/31/2016
Kreider	Scott	Buckmarsh / Battletown District	3/15/2016	4/30/2020
Kruhm	Doug	Buckmarsh / Battletown District	3/18/2014	4/30/2018
Lee	Francis	Berryville District	5/20/2014	4/30/2018
Malone	Gwendolyn	Berryville District	3/15/2016	4/30/2020
Nelson	Clifford	Russell / Longmarsh District	4/16/2013	4/30/2017
Ohrstrom, II	George	Russell District; Chair	3/17/2015	4/30/2019
Stidham	Brandon	Staff Representative	4/30/2012	
Turkel	Jon	Millwood / Chapel District	3/17/2015	4/30/2019

*Clarke County Sanitary Authority*

4 Yr

DeArment	Roderick	White Post District, Chair	6/25/2015	1/5/2017
Dunning, Jr.	A.R.	White Post District, Treasurer/Secretary	11/19/2013	1/5/2018
Legge	Michael	Staff Representative		
Mackay-Smith, Jr.	Alexander	White Post District, Vice Chair	1/15/2013	1/5/2017
McKay	Beverly B.	BoS - Liaison	1/11/2016	12/31/2016
Myer	Joseph	Town of Boyce	11/17/2015	1/5/2020
Welliver	Ralph	Berryville District	3/19/2013	6/30/2016

*Conservation Easement Authority*

3 Yr

Buckley	Randy	White Post District	11/19/2013	12/31/2016
Byrd	Barbara J.	BoS - Appointed Member	1/11/2016	1/11/2016
Engel	Peter	White Post District	11/17/2015	12/31/2018
Jones	Michelle	Millwood / Pine Grove District	2/18/2014	12/31/2016
Ohrstrom, II	George	Russell District; Planning Commission Representative	3/15/2016	4/30/2019
Teetor	Alison	Staff Representative		
Thomas	Walker	Buckmarsh District	11/17/2015	12/31/2018
Wallace	Laure	Millwood District	11/19/2013	12/31/2016

*Constitutional Officer*

Butts	Helen	Clerk of the Circuit Court	1/1/2016	12/31/2023
Keeler	Sharon	Treasurer	1/1/2016	12/31/2019
Mackall	Suzanne	Commonwealth Attorney	1/1/2016	12/31/2019
Peake	Donna	Commissioner of the Revenue	1/1/2016	12/31/2019
Roper	Anthony	Sheriff	1/1/2016	12/31/2019

*County Administrator*

Ash	David L.	County Administrator	3/19/1991	
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			<i>Appt Date</i>	<i>Exp Date</i>
<i>Economic Development Advisory Committee</i>				4 Yr
Barb	Jim	Real Estate Rep, Business Owner	11/29/2013	12/31/2017
Conrad	Bryan H.	Agriculture, Fire & Rescue	12/16/2014	12/31/2018
Dunkle	Christy	Town of Berryville Representative	1/1/2016	12/31/2019
Kraybill	Christina	Berryville District, Business Owner	11/18/2014	12/31/2017
Milleson	John R.	Banking, Finance	12/16/2014	12/31/2018
Myer	Dr. Eric	Agriculture Rep, Business Owner	12/16/2014	12/31/2018
Pritchard	Elizabeth	Hospitality Industry	7/17/2012	8/31/2016
Weiss	David S.	BoS - Appointed Member	1/11/2016	12/31/2016
<i>Fire &amp; EMS Commission</i>				
Armacost, Jr.	Van	Volunteer Association / Fire Issues / John H. Enders VFC	11/17/2015	8/31/2017
Conrad	Bryan H.	Citizen-at-large	9/1/2015	8/31/2019
Davis	Frank	Staff Representative	9/1/2014	
Hoff	Matt	Volunteer Association / EMS Issues / Boyce VFC	11/17/2015	8/31/2016
Leffel	Elizabeth	Chair; Citizen-at-large	9/1/2014	8/31/2016
Roper	Anthony	Sheriff	1/1/2016	12/31/2019
Wallace	Laure	Citizen-at-large	9/1/2014	8/31/2017
Weiss	David S.	BoS - Representative	1/11/2016	12/31/2016
<i>Handley Regional Library Board</i>				4 Yr
Myer	Tamara	Town of Boyce	8/20/2013	11/30/2017
<i>Joint Administrative Services Board</i>				Open-End
Ash	David L.	County Administrator	12/22/1993	
Bishop	Chuck	School Superintendent	7/1/2014	
Judge	Tom	Staff Representative	2/14/1994	
Keeler	Sharon	Treasurer	3/12/2005	
McKay	Beverly B.	BoS - Alternate	1/11/2016	12/31/2016
Schutte	Charles	School Board Representative	1/8/2012	
Weiss	David S.	BoS - Appointed Member	1/20/2015	12/31/2015
<i>Legislative Liaison and High Growth Coalition</i>				1 Yr
Daniel	Mary L.C.	BoS - Liaison	1/11/2016	12/31/2016
<i>Lord Fairfax Community College Board</i>				4 Yr
Daniel	William	Berryville District	7/1/2012	6/30/2016
<i>Lord Fairfax Emergency Medical Services Council</i>				3 Yr
Burns	Jason	Career Representative; Buckmarsh District	4/21/2015	6/30/2018

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			<i>Appt Date</i>	<i>Exp Date</i>
Conrad	Bryan H.	Volunteer Representative; White Post District	6/17/2014	6/30/2017
Stidham	Angela	Medical Professional; White Post District	9/17/2013	6/30/2016
<i>Northern Shenandoah Valley Regional Commission</i>				1 Yr
Daniel	Mary L.C.	BoS - Alternate	1/11/2016	12/31/2016
McKay	Beverly B.	BoS - Appointed Member	1/11/2016	12/31/2016
Stidham	Brandon	Citizen Representative [Planning Director]	4/19/2016	1/31/2019
<i>Northwest Regional Adult Drug Treatment Court Advisory Committee</i>				Open End
Byrd	Barbara J.	Russell District	5/17/2016	
<i>Northwestern Community Services Board</i>				4 Yr
Brown	Audrey	White Post District	11/17/2015	12/31/2017
Harris	Celie	Millwood District	11/17/2015	12/31/2018
<i>Northwestern Regional Jail Authority</i>				1 Yr
Ash	David L.	BoS - Appointed Member	1/11/2016	12/31/2016
Byrd	Barbara J.	BoS - Liaison - Alternate	1/11/2016	12/31/2016
Roper	Anthony	Sheriff	1/1/2016	12/31/2019
Wyatt	Jimmy	Millwood District	11/17/2015	12/31/2019
<i>Northwestern Regional Juvenile Detention Center Commission</i>				1 Yr
Byrd	Barbara J.	BoS - Liaison	1/11/2016	12/31/2016
Wyatt	Jimmy	Millwood District	1/15/2013	12/20/2016
<i>Old Dominion Alcohol Safety Action Policy Board &amp; Division of Court Services</i>				3 Yr
Roper	Anthony	Sheriff	11/19/2013	12/31/2016
<i>Old Dominion Community Criminal Justice Board</i>				3 Yr
Roper	Anthony	Sheriff	11/19/2013	12/31/2016
<i>Our Health</i>				3 Yr
Shipe	Diane	Buckmarsh District	4/16/2013	3/15/2016
<i>Parks &amp; Recreation Advisory Board</i>				1 Yr
Catlett	Terri T.	BoS - Liaison	1/11/2016	12/31/2016
Heflin	Dennis	White Post District	1/15/2013	12/31/2016
Huff	Ronnie	Town of Berryville Representative	1/1/2016	12/31/2019
Jones	Paul	Russell District; At Large	12/16/2014	12/31/2018
Lichliter	Gary	Russell District	1/15/2013	12/31/2016
Rhodes	Emily	Buckmarsh District	11/17/2015	12/31/2019
Sheetz	Daniel A.	Berryville District	11/19/2013	12/31/2017
Smith	Tracy	Millwood District	3/15/2016	12/31/2017

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			<i>Appt Date</i>	<i>Exp Date</i>
Trenary	Randy	School Superintendent Designee	10/24/2013	
Wisecarver	Steve	Appointed by Town of Boyce	11/5/2013	12/31/2017
<i>People Inc. of Virginia</i>				3 Yr
Hillerson	Coleen	Clarke County Rep Board of Directors	6/18/2013	7/31/2016
<i>Regional Airport Authority</i>				1 Yr
Ash	David L.	BoS - Alternate	1/11/2016	12/31/2016
Crawford	John	Buckmarsh District	7/17/2012	6/30/2016
McKay	Beverly B.	BoS - Alternate	1/11/2016	12/31/2016
<i>Shenandoah Area Agency on Aging, Inc.</i>				4 Yr
Bouffault	Robina Rich	White Post District	10/21/2014	9/30/2018
<i>Shenandoah Valley Chief Local Elected Officials Consortium</i>				
Ash	David L.	BoS Designee for Chief Elected Official		
<i>Shenandoah Valley Workforce Investment Board</i>				4 Yr
James	Patricia	Buckmarsh District	9/17/2013	6/30/2017
<i>Towns and Villages: Berryville</i>				1 Yr
Byrd	Barbara J.	BoS - Liaison	1/11/2016	12/31/2016
Daniel	Mary L.C.	BoS - Liaison - Alternate	1/11/2016	12/31/2016
<i>Towns and Villages: Boyce</i>				1 Yr
Catlett	Terri T.	BoS - Liaison	1/11/2016	12/31/2016
McKay	Beverly B.	BoS - Liaison	1/11/2016	12/31/2016
<i>Towns and Villages: Millwood</i>				1 Yr
Catlett	Terri T.	BoS - Liaison	1/11/2016	12/31/2016
<i>Towns and Villages: Pine Grove</i>				1 Yr
Catlett	Terri T.	Bos - Liaison	1/11/2016	12/31/2016
Weiss	David S.	BoS - Liaison	1/11/2016	12/31/2016
<i>Towns and Villages: White Post</i>				1 Yr
McKay	Beverly B.	Bos - Liaison	1/11/2016	12/31/2016
<i>Warren-Clarke County Microenterprise Assistance Program Management Team</i>				2 Yr
Blakeslee	Steve	County Representative	9/18/2012	
Dunkle	Christy	Town of Berryville Representative	9/18/2012	
Greene	Laurel	Town of Boyce Representative	9/18/2012	
Koontz	English	County Representative	2/17/2015	12/30/2016
McIntosh	Charles	County Representative	9/18/2012	
Myer	Dr. Eric	Designated Alternate	9/18/2012	

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			<i>Appt Date</i>	<i>Exp Date</i>
Stidham	Brandon	County Representative	9/18/2012	

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## Board of Supervisors Work Session Agenda

Berryville/Clarke County Government Center, 2<sup>nd</sup> Floor  
101 Chalmers Court, Berryville, Virginia 22611

**June 13, 2016 10:00 AM**

Item

No. Description

A. Rural Broadband Briefing by Sandy Terry

06-13-2016 Summary: Ms. Terry provided the Board members with information regarding the status of rural broadband availability and funding in Virginia and encouraged Board members to continue their interest and activity in securing broadband service in Clarke County.

B. Habitat for Humanity Update by Matthew T. Peterson

06-13-2016 Summary: Mr. Peterson provided the Board with a review of Habitat for Humanity's activities and accomplishments in the City of Winchester and Frederick County and expressed an interest in addressing the unmet needs resulting from the dissolution of Help With Housing. Members of the Board encouraged Mr. Peterson's continued interest in providing services to Clarke County.

C. 2016 FOIA Legislation Update by David Ash

06-13-2016 Summary: Board members were provided with the written document and a summary of the changes recommended for Board policy. This policy change will be set for Board action at the June Board meeting.

D. Reminder: Statements of Economic Interest for the period November 1, 2016 thru April 30, 2016 due in County Administration by close of business Wednesday, June 15, 2016.

06-13-2016 Summary: Board members were reminded of the June 15 deadline for submission of Statements of Economic Interest documents.

E. Closed Session Pursuant to §2.2-3711-A5 Discussion of unannounced business location and §2.2-3711-A7 Consultation with legal counsel and briefings by staff members or consultants pertaining to actual or probable litigation, where such consultation or briefing in open meeting would adversely affect the negotiating or litigating posture of the public body; and consultation with legal counsel employed or retained by a public body regarding specific legal matters requiring the provision of legal advice by such counsel – consultation with Robert Mitchell, County Attorney

**Supervisor Byrd moved to convene into Closed Session pursuant to §2.2-3711-A5 and §2.2-3711-A7. The motion carried as follows:**

Barbara J. Byrd	- Aye
Terri T. Catlett	- Aye

Mary L.C. Daniel - Aye  
Beverly B. McKay - Aye  
David S. Weiss - Aye

Citing conflict of interest, Supervisor Byrd recused herself from discussion specific to §2.2-3711-A5.

The members of the Board of Supervisors being assembled within the designated meeting place, with open doors and in the presence of members of the public and/or the media desiring to attend, **Supervisor Catlett moved to reconvene in open session. The motion carried as follows:**

Barbara J. Byrd - Aye  
Terri T. Catlett - Aye  
Mary L.C. Daniel - Aye  
Beverly B. McKay - Aye  
David S. Weiss - Aye

**Supervisor Daniel moved to execute the following Certification of Closed Session:**

#### **CERTIFICATION OF CLOSED SESSION**

**WHEREAS, the Board of Supervisors of the County of Clarke, Virginia, has convened a closed meeting on the date pursuant to an affirmative recorded vote and in accordance with the provisions of the Virginia Freedom of Information Act; and**

**WHEREAS, Section 2.2-3700 of the Code of Virginia requires a certification by the Board of Supervisors of the County of Clarke, Virginia that such closed meeting was conducted in conformity with Virginia law.**

**NOW, THEREFORE BE IT RESOLVED, that the Board of Supervisors of the County of Clarke, Virginia, hereby certifies that, to the best of each members knowledge, (i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which the 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 Board of Supervisors of the County of Clarke, Virginia.**

**The motion was approved by the following roll-call vote:**

Barbara J. Byrd - Aye  
Terri T. Catlett - Aye  
Mary L.C. Daniel - Aye  
Beverly B. McKay - Aye  
David S. Weiss - Aye

No action was taken subsequent to the Closed Session.



# CIT BROADBAND

CENTER FOR INNOVATIVE TECHNOLOGY

CIT Broadband is **the only resource** in the Commonwealth focused solely on broadband. We take a holistic (we view broadband important to education, healthcare, public safety, economic development and overall quality of life) and agnostic (we recognize the need for all broadband technologies) approach to providing technical assistance to local governments and state agencies to expand broadband capacity and access and improve utilization.

We staff Virginia's Broadband Advisory Council and the Governor's Office of Telework Promotion and Broadband Assistance (<http://www.wired.virginia.gov>). We maintain the Virginia Broadband Availability map and provide numerous guides, information, statistics, and tools to local governments and state agencies to facilitate broadband assessment and planning.

We work with providers and advocate for them and tower builders with federal agencies on policies and barriers to deployment. We work with state legislators and the council to identify policy and funding options that will facilitate broadband deployments in the Commonwealth.

**Our goal is to facilitate partnerships to expand broadband access and improve utilization.**

## CIT Broadband Contacts

Sandie Terry  
Vice President, Broadband  
[Sandie.Terry@cit.org](mailto:Sandie.Terry@cit.org)

Caroline Luxhoj  
Broadband Program Administrator  
[Caroline.Luxhoj@cit.org](mailto:Caroline.Luxhoj@cit.org)

Jean Plymale  
Broadband Project Manager  
[Jean.Plymale@cit.org](mailto:Jean.Plymale@cit.org)

# Locality Broadband Partnership Models

## Locality Shares Assets Only

Some localities do not have the resources (people or money) to bring to a partnership. However, all localities have assets (towers, land, rooftops). In these types of partnerships, the locality agrees to share assets and even provide the private partner some “anchor” tenants on their network – government facilities or fire/rescue stations that would buy service (or receive service in exchange for sharing assets) from the private partner’s network. This ensures the private provider recurring revenue – or customers that will not go away (residential and small businesses can come and go). Sharing assets lowers the deployment cost (capital investment) of the private provider which expedites deployment and helps make the business case for the less populated areas.

## Locality Covers Capital Investment

Some localities prefer to make all the capital investments – funding towers, head-end Internet service (the connection that provides the bandwidth to the network and connects to the world), and wireless equipment. The private partner brings their expertise to the table – design, deploy, maintain and operate the network. The private partner would also provide the people resources to support end customers (setting up the connection, billing, etc). In these models there is a revenue share and typically on a sliding scale – providing more of the revenue to the locality in the early years to reimburse them for the capital investment and then shifts to the private partner in the later years to offset their overhead expenses. The locality owns the network and contracts the private partner to run it.

## Locality Invests Some Capital

This model would be a blend of the previous two. The locality may share assets and may invest some capital to offset the initial costs of the network – maybe cover the costs of a new tower (or more) and/or some fiber deployment. The locality may arrange to recoup this investment by obtaining Internet services to county/city facilities, leasing space on the tower/fiber to other entities (ensuring there is no interference). The locality may purchase Internet service from the network and pay for years in advance – providing the private partner additional capital to help offset their initial investment. The private partner would fund the wireless equipment, customer premise equipment and all costs to deploy, maintain and operate the network. There would be no revenue sharing.

# Broadband Toolbox

## Conduct a Citizen Survey



### Citizen Broadband Survey

Available online as well as in paper-format. There are questions regarding access, cost, speed, utilization, access in regards to education, and perceived quality of service. Once a locality has completed a survey campaign, the team is able to pull the results and analyze them.

## Capture Unmet Demand



### SurveyCardinal

An online demand capture tool. Allows a user to log their current broadband connection and speed as well as their broadband need. Once a locality has conducted a demand capture campaign the results can be pulled and mapped.

## Facilitate Expansions



### Broadband Policy Assessment Tool

Lists the most common policies and ordinances that can affect broadband deployment and allows a locality to rank itself based on broadband-readiness, and offers suggestions and best practices in order to adjust these policies.

## Create Strategic Plan & Form Partnerships



### RFP/RFI Templates

These templates were designed to easily allow a locality to enter their specific needs and assets.

## Additional Tools

### MapBook Portal

Consolidates the various data layers from Virginia's interactive broadband availability map as well as creates new views of related information for broadband planning. To date, each county, city, planning district and congressional district can view their broadband data based on various themes including: vertical asset locations, CAIs, population density, etc.

### Vertical Assets Inventory

An interactive online repository of location information for tall structures that have the potential to serve as wireless transmission sites. This tool aims to bring owners and managers of wireless transmission sites together with wireless Internet service providers in order to facilitate broadband expansion.

### Virginia Broadband Policy Database

Allows users to select a geographic location for a potential vertical asset site and obtain a report providing the federal, state, and local policies or restrictions that are applicable to that location.

### DataCardinal

Measures Internet speed tests across Virginia. Results from this test can be viewed spatially and is available for desktop and Android mobile devices.

### RF Propagation Tool

Calculates generic coverage estimates for various wireless broadband technologies including fixed wireless leveraging digital surface model and digital terrain data. The model generates RF propagation coverage estimates for planning purposes as well as modeling current service provider coverage. The modeling supports planning by identifying target sites for new vertical assets to ensure comprehensive wireless coverage.

# Strategic Broadband Roadmap and Planning Tools

CIT works directly with localities by leveraging Virginia's proven broadband methodology - the Strategic Broadband Roadmap - and a variety of online, innovative tools designed to assist localities in developing a strategic broadband plan that will inevitably result in a public-private partnership(s) with a broadband provider(s).

The Strategic Broadband Roadmap is a step-by-step guide designed to help facilitate local-led broadband access and utilization initiatives. For each step there is a tool that was designed to complete the step in an easy, efficient fashion. CIT works hand-in-hand with the locality through the roadmap process until the locality has what it needs to pursue a solution.

The Roadmap consists of an infographic as well as a more in depth white paper. Both can be found at:

<http://www.wired.virginia.gov/broadband/resources/>

The Broadband Planning tools are available at:

<http://www.cgis.vt.edu/broadband.html>

## Conduct a Citizen Survey



Insight into areas of unmet demand, impact of broadband on K-12 education and businesses, barriers to adoption, and citizens' utilization of broadband.

## Capture Unmet Demand

Leverage state demand capture website to record citizens' needs and then prioritize access expansions to fill immediate need.



## Facilitate Expansions

Review and discuss local policies and processes to remove barriers and facilitate broadband deployments.



## Aggregate Demand

Review CAI strategic plans to better understand the future broadband capacity needs to drive a strategic plan that will ensure capacity is available to support the future of the community.



## Economize Telecom Expenditures

Review current contracts between community entities and combine to lower costs where possible. Leverage money saved for broadband infrastructure to expand services/capacity.



## Create Strategic Plan

Utilize the information gathered through the previous steps to define future strategies to meet the needs of today and tomorrow and participate in the New Virginia Economy.



## Broadband Speed Requirements

Download Speeds	Upload Speeds	Service Type Examples	Typical Applications
768 Kbps - 1.5 Mbps	256 Kbps - 896 Kbps	DSL	Basic Email
		Cable Modem	Voice Over Internet Protocol (VOIP)
		Fiber Optics	Web Browsing
		Satellite	YouTube Video
		Cellular	
		Fixed Wireless	
1.5 Mbps - 3 Mbps	356 Kbps to 1 Mbps	DSL	Remote Surveillance
		Cable Modem	Telecommuting
		Fiber Optics	Streaming Music
		Satellite	Standard Definition Video
		Cellular	
		Fixed Wireless	
3 Mbps - 6 Mbps	356 Kbps to 1 Mbps	DSL	Enhanced Definition Digital Video
		Cable Modem	File Sharing (small/medium)
		Fixed Wireless	
		Fiber Optics	
6 Mbps - 10 Mbps	768 Kbps to 2 Mbps	DSL	Video On-Demand
		Cable Modem	Remote Diagnosis (basic)
		Fixed Wireless	
		Fiber Optic	Gaming
10 Mbps - 25 Mbps	2 Mbps to 5 Mbps	Cable Modem	Telemedicine
		Fixed Wireless	Remote Education
		Fiber Optics	
		Cable Modem	
25 Mbps - 100 Mbps	5 Mbps to <100 Mbps	Fiber Optics	HD Surveillance
		Fixed Wireless	Smart/Intelligent Bldg. Control
		Fiber Optics	Educational Services
More than 100 Mbps	≥ 100 Mbps		Multiple Educational Services
			Research Applications
			Remote Supercomputing



# Broadband Technology Options

## Digital Subscriber Line (DSL)

**DSL** is an older wireline (transmitted over physical lines) transmission technology that transmits data over traditional copper telephone lines installed to homes and businesses. DSL-based broadband provides transmission speeds ranging from several hundred Kbps to megabits per second (Mbps). The availability and speed of your DSL service may depend on the distance from your home or business to the closest telephone company facility. In addition, the age and condition of the copper in your neighborhood and/or home as well as the number of subscribers using these lines for Internet access will impact your DSL quality of service. DSL is being phased out by some providers.

## Cable (TV)

**Cable** is another wireline Internet service that enables cable TV operators to provide broadband using the same infrastructure that delivers pictures and sound to your TV set. Cable Internet provides transmission speeds of 1.5 Mbps and higher. Transmission speeds vary depending on the type of cable service, the cable network, and traffic load – cable uses shared available bandwidth. Most cable operators restrict upload and download rates, but provide customizable limits. Cable operators are not inclined to expand their services beyond their current franchise obligations which only requires service to the more populated areas.

## Fiber Optic

**Fiber** is the ultimate wireline Internet service and transmits data at speeds far exceeding current DSL or cable speeds, typically by tens or even hundreds of megabits per second (Mbps). A few residential fiber operators are offering connection speeds up to 1,000 Mbps, or 1 gigabit per second (Gbps.) The actual speed you experience will vary depending on a variety of factors, such as how close to your computer the service provider brings the fiber and how the service provider configures the service, including the amount of bandwidth used. The same fiber providing your broadband can also simultaneously deliver voice (VoIP) and video services, including video-on-demand. Fiber is extremely expensive to deploy and as such telecommunications providers usually only provide fiber-to-the-home (FTTH) Internet in a few very densely populated areas of the country.

A map of the state of Virginia is shown with several location pins. Some pins are blue with a white checkmark, while others are red with a white 'X'. The pins are scattered across the state, indicating various locations where internet service is being tracked or needed.

# RUOnlineVA?

## Do you need internet service? The Governor wants to know!

In May, Governor McAuliffe announced a new initiative, RUOnlineVA, which gives Virginians an opportunity to log their need for Internet service. The goal of the initiative is to help the Governor and other policy makers understand where broadband is needed most.

Citizens in need of internet service are asked to log on and answer questions regarding their need. **The survey will remain open until early August.** Responses will be mapped and shared with policy makers to stimulate broadband policy and funding discussions throughout the remainder of the administration.

**If you are in need of Internet service and would like to log your demand visit [RUonline.virginia.gov](http://RUonline.virginia.gov). If you are unable to access the website at home you can visit your local library or call toll free (877) 969-6685. To view the responses visit [technology.virginia.gov/ru-online-map/](http://technology.virginia.gov/ru-online-map/).**

RUOnlineVA is led by the Center for Innovative Technology (CIT) in partnership with Virginia Tech's Center for Geospatial Information Technology (CGIT) and is supported by Governor McAuliffe, Secretary of Technology Karen Jackson, Virginia Association of Counties (VACO), Virginia Municipal League (VML), Virginia Economic Developers Association (VEDA), Virginia Planning District Commission (VAPDC), Virginia Rural Center, Virginia Telecommunications Industry Association (VTIA), Department of Housing and Community Development (DHCD), Department of Education (DOE), Library of Virginia, Mid-Atlantic Broadband Cooperative (MBC), and Old Dominion Electric Cooperative (ODEC).

[RUonline.virginia.gov](http://RUonline.virginia.gov)

# Fixed vs. Mobile Broadband

**FIXED:** Signal is wired or wireless but fixed from a transmitter to a particular location. Types include: **Satellite, Fixed Wireless, DSL, and Cable.**

**Satellite:** Increased latency and data caps.

**Fixed Wireless:** Transmitters on towers supplied by fiber backhaul. Transmits wirelessly to receiver on building with no data caps, shared capacity, economical in rural areas.

**Digital Subscriber Line (DSL):** Local telephone company provides shared capacity over copper lines with limited distance and no data caps.

Telephone Company

**Cable:** Greater speeds and distance than DSL with shared bandwidth and no data caps.

Cable Company

Shared Capacity

Shared Capacity

Shared Capacity

**MOBILE:** Typically cellular, transmitted wirelessly to a device (USB dongle, cell phone, etc.) as long as you are in range of a tower. Charged based on the amount of data transmitted monthly – usually in fixed amounts – “data caps” (1GB, 2GB, etc.)





**Habitat for Humanity®**  
of Winchester - Frederick County

# At A Glance

## Mission Statement:

Habitat for Humanity of Winchester-Frederick County (HFHWFC) is a Christian ministry that mobilizes community resources and trusted partners to enhance people's lives by building and renovating homes.

**11%** of Virginians live in poverty.

**18%** of Frederick County's total poverty percentage is made up of children & the elderly.

**Almost 24%** of residents in Winchester, Virginia live at or below the federal poverty level.

These individuals are paying over **2/3** of their monthly income on housing.

Average rent per month for a 2-bedroom unit: **\$900**



source: www.habitat.org, www.poverty.org, www.habitat.org

Affordable rent for low-income households is **\$490** per month.

## Decent, Affordable Housing is Transformative.



**100%** of donated funds go to the mission of alleviating substandard housing in our area

**200+** men, women & children have gained the stability of a HFHWFC home of their own since 1997

**76%** of HFHWFC's partner families noted educational advancements for themselves & their children

**\$35,000** in annual tax revenue is injected into the economy by HFHWFC's home-ownership program

**Millions** in spending has funneled back into the local economy by constructing 55 homes since 1997

Almost **30%** of local minimum wage workers are living in substandard housing. Partnering with Habitat for Humanity of Winchester-Frederick County is investing in the livelihood of your neighborhood.

**Together, let's bring hope home for our community in 2014.**



### Pilot Program Description

Habitat for Humanity's *Critical Home Repair Program* provides urgent and major home repairs to prevent homeowners from suffering injury and falls, accidents or having to move out of their homes.

Low cost home repairs can be made through an interest-free loan and may include:

- Home Weatherization- to be more energy efficiency
- Home Preservation - repairs to flooring, plumbing, electric, and roof
- Critical Home Repairs – serious repair issues and home structural problems

An example of home-owner requirements are: they must have property taxes paid in full, are not in danger of a foreclosure on their home, homeowner must own and live in the home, tax assessment building value cannot exceed \$100,000.

Other home repair work may include:

- Fixing broken windows
- Ramps or other accessibility features
- Landscaping
- Roof repair
- Floor repair
- Plumbing
- Electrical
- Other health and safety home repairs

The *Critical Home Repair Program* promotes safe and well-maintained homes along with pride and dignity. Improvements to the appearance of the neighborhood also encourage a stronger community.

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*"Falls are a leading cause of injury and death. Each year one in three adults over the age of 65 falls. Half of falls happens at home."*

*-Source: Centers for Disease Control, news14.com*

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## The Economic Impact of Habitat has in Winchester-Frederick County



*A snapshot of the economic impact Habitat for Humanity of Winchester-Frederick County (HFHWFC) has had upon the local economy from 2006-2012 (published in 2013).*

### Executive Summary

This report presents the economic impact Habitat for Humanity of Winchester-Frederick County (HFHWFC) has had over a seven-year period on the city of Winchester and Frederick County, located in the northern geographic area of Virginia. HFHWFC is a non-profit Christian ministry that mobilizes community resources and trusted

partners to enhance people's lives by building and renovating homes. Since 1997, HFHWFC has provided 61 families with decent, affordable housing —benefiting at least 200 family members. Through its home construction, renovation, and repair activities, HFHWFC generates social and economic benefits within the Winchester-Frederick County community, fostering civic engagement and enhancing the vitality of the area's economy.

The economic impact resulting from HFHWFC's Affiliate operations and spending on home construction activities include increases in: the flow of capital into the local economy, job creation and support, property values, and tax revenue. Major findings related to HFHWFC's economic impact during the 2006-2012 years include the following:

- HFHWFC built 30 homes between 2006-2012. Together, the spending associated with these building projects has totaled **almost \$5,000,000 in direct spending**. The U.S Department of Commerce Bureau of Economic Analysis estimates that each dollar spent on construction in the Winchester MSA turns-over 1.73 times within the local economy. Multiplying our affiliate's total spending with this economic figure, HFHWFC has contributed **nearly \$8,000,000 to the local economy over seven years**.
- In total, HFHWFC has added **roughly \$3,000,000 in property values** and generates **roughly \$35,000.00 in real-estate tax revenue annually**.
- Additionally, during 2006-2012, HFHWFC ReStore has generated **approximately \$112,000 in sales tax revenue**.
- The estimated value of a Habitat for Humanity volunteer hour in the Commonwealth of Virginia is **\$24.64**. Between 2006-2012, volunteers contributed a total of **51,513 hours** to HFHWFC projects with an **estimated value of the volunteer labor of \$1,269,000**.
- HFHWFC Partner Families also contributed **7,263 "Sweat Equity" hours** during this time with an **estimated total value of \$179,000**.

Habitat for Humanity of Winchester-Frederick County is extremely proud of these positive contributions to the local economy.

*To view a complete Economic Impact Analysis Report visit [www.habitatwfc.org](http://www.habitatwfc.org). We are currently in the process of updating the report and will have a new version published in July 2016.*

## Beneficial impacts of homeownership: A research summary



ERIN MILLSTEIN

### Homeownership leads to:



#### Increases in:

- Graduation rates.
- Children's good health.
- Net family wealth.



#### Decreases in:

- Children's behavioral problems.
- Reliance on government assistance.
- Asthma.

**H**omeownership is a crucial foundation for helping low-income families find a path out of poverty. When they move out of substandard housing and into simple, decent, affordable homes, homeowners and their families frequently improve their health, educational attainment, safety and personal wealth.

"A quality home is more than just a roof and walls," said Renée Glover, chair of Habitat for Humanity International's board of directors. "It provides homeowners with feelings of stability and pride, as well as generating measurable results such as decreased doctor visits and increased high school graduation rates."

"Academic research and surveys point to one inescapable conclusion: that owning one's home enhances quality of life in a variety of specific, verifiable ways. This is true whether the homes are associated with Habitat for Humanity or not."

The U.S. Department of Housing and Urban Development says studies have shown that "homeowners accumulate wealth

as the investment in their homes grows, enjoy better living conditions, are often more involved in their communities, and have children who tend on average to do better in school and are less likely to become involved with crime.”

The research is clear:

### Homeownership leads to better health.

- “A safe, decent, affordable home is like a vaccine,” Dr. Megan Sandel of the Boston University School of Medicine testified to Congress in 2007. “It literally prevents disease. A safe home can prevent mental health and developmental problems, a decent home may prevent asthma or lead poisoning, and an affordable home can prevent stunted growth and unnecessary hospitalizations.”
- Poor housing conditions contribute to asthma and other physical illnesses. Decent, affordable housing can help children with asthma address their health needs, according to a report by the Center for Housing Policy.
- A national survey of Habitat homeowners found that 74 percent said their families’ overall health had improved since moving into their home.

### Homeownership leads to greater educational achievements.

- Children of homeowners are significantly more likely to stay in school until age 17 than children of renters, especially in low-income households, according to a study in the Journal of Urban Economics.
- Children in homeownership families outperform children in renting families in both math and reading achievement tests, even when other factors are the same. These children will have fewer behavioral problems, higher educational attainment and greater future earnings, according to a study by an Ohio State University economist.
- A 2011 survey of U.S. Habitat homeowners by the University of Southern Indiana found that 57 percent of adults in the households were furthering their education.
- The graduation rate for children of homeowners is 19 percent higher than for renters, and they are twice as likely to acquire some postsecondary education, according to a study in a journal published by the Federal Reserve Bank of New York.

### Homeownership provides better security and safety.

- A study of violent crime in New York City suburbs found that homeownership status significantly reduced a household’s incidence of crime. Another study showed that homeowners have significantly less risk of being subject to a violent assault.
- According to a survey of more than 400 Habitat homeowners in Minnesota conducted by Wilder Research of St. Paul,



83 percent consider their children safer after the family’s move into a Habitat home.

- A 2011 national survey of Habitat homeowners by the University of Southern Indiana found that 84 percent felt safe in their neighborhoods.

### Homeownership helps generate wealth building and a pathway out of poverty.

- “For most buyers, homeownership leads to wealth creation,” stated a report in the Journal of Housing Studies. “As home equity increases, some homeowners may decide that they have the financial resources to secure additional education for themselves or their children.”
- “The median net wealth of low-income homeowners is dramatically higher than the median net wealth of low-income renters,” according to a 2005 report by the Joint Center for Housing Studies.
- The Minnesota survey of Habitat homeowners found that 53 percent said they have more money since moving into their Habitat home; two-thirds are more confident about their ability to fund their children’s college education; and almost 40 percent said they pay less in housing costs. Use of government assistance also declined notably.
- A 2014 study by the Federal Reserve Bank of Boston of homes with a student about to enter college found that a modest increase in home value for homeowners led to an increase in the child’s earnings later in life, while an increase in a property’s value for renters led to a decrease in the child’s earnings.

The benefits of homeownership are indisputable. Since 1976, Habitat for Humanity has helped more than 1 million families worldwide with housing solutions leading to decent, affordable shelter. That represents about 5 million people. We will continue to work toward a world where everyone has a decent place to live, and where measurable improvements in health, education, security and wealth generation are enjoyed by more and more homeowners. ■



**County of Clarke**  
**Lora B. Walburn, County Administration**

## **2016 FOIA Legislative Update**

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To: Clarke County Board of Supervisors

Date: June 13, 2016

Several changes made to the Freedom of Information Act, § 2.2-3700 et seq. of the Code of Virginia, during the 2016 General Assembly necessitated an update to Clarke County Administration policy "PD-121101-04 General Government Policy: The Rights of Requesters and the Responsibilities of the County of Clarke under the Virginia Freedom of Information Act" created November 28, 2006, added to the County website in 2006. Revision No. 2 dated November 15, 2009 currently posted and located in the website footer. Of note, Clarke's initial FOIA policy was created August 20, 1999 titled "Public Records Disclosure and Copy Policy." The following information is provided for information only – no action required from the Board of Supervisors.

### **PD-121101-04 Revision 3:**

- Add to County of Clarke "General Government Reporting to County Administrator"
- Add to County of Clarke "General Government Reporting to the County Administrator" Item 4 and Renumber 4 to 5
- Add to section titled "Costs" new first bullet
- Add the following new sections:
  - Departments, and Boards/Committees/Commissions
  - Types of Records
  - Policy regarding Use of Exemptions
  - FOIA Requests for Constitutional Offices / County Agencies Contact Information

For information on the 2016 Session, see the 2016 FOIA Legislative Update from Virginia Freedom of Information Advisory Council in the June 13 packet.

[www.clarkecounty.gov](http://www.clarkecounty.gov)

101 Chalmers Court, Suite B  
Berryville, VA 22611

Telephone: [540] 955-5175

*This institution is an equal opportunity provider and employer.*



**General Government Policy: The Rights of Requesters and the Responsibilities of the County of Clarke under the Virginia Freedom of Information Act**

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**Purpose and Scope**

The Virginia Freedom of Information Act (FOIA), located § 2.2-3700 et seq. of the Code of Virginia, guarantees citizens of the Commonwealth and representatives of the media access to public records held by public bodies, public officials, and public employees.

A public record is any writing or recording -- regardless of whether it is a paper record, an electronic file, an audio or video recording, or any other format -- that is prepared or owned by, or in the possession of a public body or its officers, employees or agents in the transaction of public business. All public records are presumed to be open, and may only be withheld if a specific, statutory exemption applies.

The policy of FOIA states that the purpose of FOIA is to promote an increased awareness by all persons of governmental activities. In furthering this policy, FOIA requires that the law be interpreted liberally, in favor of access, and that any exemption allowing public records to be withheld must be interpreted narrowly.

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**Your FOIA Rights**

- You have the right to request to inspect or receive copies of public records, or both.
  - You have the right to request that any charges for the requested records be estimated in advance.
  - If you believe that your FOIA rights have been violated, you may file a petition in district or circuit court to compel compliance with FOIA.
- 

**Making a Request for records from The County of Clarke General Government Reporting to Office of the County Administrator**

- You may request records by U.S. Mail, fax, e-mail, in person, or over the phone. FOIA does not require that your request be in writing, nor do you need to specifically state that you are requesting records under FOIA.
    - From a practical perspective, it may be helpful to both you and the person receiving your request to put your request in writing. This allows you to create a record of your request. It also gives us a clear statement of what records you are requesting, so that there is no misunderstanding over a verbal request. However, we cannot refuse to respond to your FOIA request if
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General Government Policy: The Rights of Requesters and the Responsibilities of the County of Clarke under the Virginia Freedom of Information Act

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you elect to not put it in writing.

- Your request must identify the records you are seeking with "reasonable specificity." This is a common-sense standard. It does not refer to or limit the volume or number of records that you are requesting; instead, it requires that you be specific enough so that we can identify and locate the records that you are seeking.
  - Your request must ask for existing records or documents. FOIA gives you a right to inspect or copy records; it does not apply to a situation where you are asking general questions about the work of the County, nor does it require the County to create a record that does not exist.
  - You may choose to receive electronic records in any format used by the County of Clarke in the regular course of business.
    - For example, if you are requesting records maintained in an Excel database, you may elect to receive those records electronically, via e-mail or on a computer disk, or to receive a printed copy of those records
  - If we have questions about your request, please cooperate with staff's efforts to clarify the type of records that you are seeking, or to attempt to reach a reasonable agreement about a response to a large request. Making a FOIA request is not an adversarial process, but we may need to discuss your request with you to ensure that we understand what records you are seeking.
  - To request records from County of Clarke you may direct your request to Clarke County Administration, Lora B. Walburn. She can be reached at 101 Chalmers Court, Suite B, Berryville, VA 22611, 540-955-5175, 540-955-5180 Fax, and [lwalburn@clarkecounty.gov](mailto:lwalburn@clarkecounty.gov).
    - You may also contact her with questions you have concerning requesting records from all departments under the direct responsibility of the County Administrator.
    - In addition, the Freedom of Information Advisory Council is available to answer any questions you may have about FOIA. The Council may be contacted by e-mail at [foiacouncil@dls.virginia.gov](mailto:foiacouncil@dls.virginia.gov), or by phone at (804) 225-3056 or [toll free] 1-866-448-4100.
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General Government Policy: The Rights of Requesters and the Responsibilities of the County of Clarke under the Virginia Freedom of Information Act

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**The County of Clarke  
General Government  
Reporting to the  
County Administrator  
Responsibilities in  
Responding to Your  
Request**

- The County of Clarke must respond to your request within five working days of receiving it.
    - "Day One" is considered the day after your request is received.
    - The five-day period does not include weekends or holidays.
  - The reason behind your request for public records is irrelevant, and we cannot ask you why you want the records before we respond to your request. FOIA does, however, allow the County to ask you to provide your name and legal address.
  - FOIA requires that the County make one of the following responses to your request within the five-day time period:
    1. We provide you with the records that you have requested in their entirety.
    2. We withhold all of the records that you have requested, because all of the records are subject to a specific statutory exemption. If all of the records are being withheld, we must send you a response in writing. That writing must identify the volume and subject matter of the records being withheld, and state the specific section of the Code of Virginia that allows us to withhold the records.
    3. We provide some of the records that you have requested, but withhold other records. We cannot withhold an entire record if only a portion of it is subject to an exemption. In that instance, we may redact the portion of the record that may be withheld, and must provide you with the remainder of the record. We must provide you with a written response stating the specific section of the Code of Virginia that allows portions of the requested records to be withheld.
    4. We inform you in writing that the requested records cannot be found or do not exist (we do not have the records you want). However, if we know that another public body has the requested records, we must include contact information for the other public body in our response to you.
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General Government Policy: The Rights of Requesters and the Responsibilities of the County of Clarke under the Virginia Freedom of Information Act

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5. If it is practically impossible for the County of Clarke to respond to your request within the five-day period, we must state this in writing, explaining the conditions that make the response impossible. This will allow us seven [7] additional working days to respond to your request, giving us a total of 12 working days to respond to your request.

- If you make a request for a very large number of records, and we feel that we cannot provide the records to you within 12 days without disrupting our other organizational responsibilities, we may petition the court for additional time to respond to your request. However, FOIA requires that we make a reasonable effort to reach an agreement with you concerning the production of the records before we go to court to ask for more time.

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**Costs**

- ***A public body may make reasonable charges not to exceed its actual cost incurred in accessing, duplicating, supplying, or searching for the requested records.***

***No public body shall impose any extraneous, intermediary, or surplus fees or expenses to recoup the general costs associated with creating or maintaining records or transacting the general business of the public body.***

***Any duplicating fee charged by a public body shall not exceed the actual cost of duplication.***

***All charges for the supplying of requested records shall be estimated in advance at the request of the citizen as set forth in subsection F of § 2.2-3704 of the Code of Virginia.***

- You may have to pay for the records that you request. FOIA allows us to charge for the actual costs of responding to FOIA requests. This would include items like staff time spent searching for the requested records, copying costs, or any other costs directly related to supplying the requested records. It cannot include general overhead costs.
  - If we estimate that it will cost more than \$200 to respond to your request, we may require you to pay a deposit, not to exceed the amount of the estimate, before proceeding with your request. The
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**General Government Policy: The Rights of Requesters and the Responsibilities of the County of Clarke under the Virginia Freedom of Information Act**

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five days that we have to respond to your request does not include the time between when we ask for a deposit and when you respond.

- You may request that we estimate in advance the charges for supplying the records that you have requested. This will allow you to know about any costs upfront, or give you the opportunity to modify your request in an attempt to lower the estimated costs.
- If you owe us money from a previous FOIA request that has remained unpaid for more than 30 days, the County of Clarke may require payment of the past-due bill before it will respond to your new FOIA request.

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**Departments and  
Boards / Committees /  
Commissions**

***The following is a listing of departments and boards, committees, commission and authorities with records held by Clarke County General Government reporting to the County Administrator :***

- **Departments:**
    - **Animal Shelter**
    - **Building**
    - **County Administration**
    - **Emergency Management / Medical Services**
    - **Geographic Information Systems**
    - **Information Technology**
    - **Maintenance**
    - **Parks and Recreation**
    - **Planning**
    - **Zoning**
  - **Board / Committees / Commissions**
    - **Agricultural & Forestal District Advisory Committee**
    - **BCCGC Joint Building Committee**
    - **Berryville Area Development Authority**
    - **Board of Equalization**
-

General Government Policy: The Rights of Requesters and the Responsibilities of the County of Clarke under the Virginia Freedom of Information Act

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- **Board of Supervisors**
  - **Board of Well and Septic Appeals**
  - **Board of Zoning Appeals**
  - **Clarke County Historic Preservation Commission**
  - **Clarke County Industrial Development Authority**
  - **Conservation Easement Authority**
  - **Economic Development Advisory Committee**
  - **Fire & EMS Commission**
  - **Parks & Recreation Advisory Board**
  - **Planning Commission**
- 

**Types of Records**

*The following is a general description of some of the types of records held by the listed departments and boards / committees / commissions:*

- **Agendas / Packets**
  - **Animal adoption, intake**
  - **Certificates of Occupancy**
  - **Complaints**
  - **Correspondence**
  - **Minutes**
  - **Ordinances / Code of Clarke County, Virginia**
  - **Permits: Building, Special Event, Special Use, etc.**
  - **Personnel records**
  - **Programs**
  - **Project files**
  - **Public hearing notices**
  - **Reports: Annual, Monthly, Incident, Project, etc.**
  - **Resolutions**
  - **Site Plans**
  - **Statement of Economic Interest**
  - **Work Orders**
-

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**Commonly Used Exemptions**

Some requested records could be exempt. The Code of Virginia allows any public body to withhold certain records from public disclosure. Some examples:

- Names, addresses and telephone numbers of complainants furnished in confidence with respect to an investigation of individual zoning enforcement complaints made to a local governing body. (§ 2.2-3705.3 (10))
  - Personnel records (§ 2.2-3705.1 (1) of the Code of Virginia)
  - Records subject to attorney-client privilege (§ 2.2-3705.1 (2)) or attorney work product (§ 2.2-3705.1 (3))
  - Records relating to the negotiation and award of a contract, prior to a contract being awarded (§ 2.2-3705.1 (12))
  - Vendor proprietary information (§ 2.2-3705.1 (6))
  - Working papers and correspondence of the County Administrator (§ 2.2-3705.7 (2))
- 

***Policy Regarding the Use of Exemptions***

- ***The general policy is to invoke the personnel records exemption in those instances where it applies in order to protect the privacy of employees and officials of Clarke County general government reporting to the County Administrator.***
  - ***The general policy is to invoke the contract negotiations exemption whenever it applies in order to protect bargaining position and negotiating strategy.***
- 

**FOIA Requests for Constitutional Offices / County Agencies Contact Information**

Direct inquiries to:

**Clarke County Circuit Court Clerk: Helen Butts**  
102 North Church Street, 1<sup>st</sup> Floor, Berryville, VA 22611  
[540] 955-5116; hbutts@courts.state.va.us

**Clarke County Commissioner of the Revenue: Donna Peake**  
101 Chalmers Court, Suite B, 1<sup>st</sup> Floor, Berryville, VA 22611  
[540] 955-5187; dpeake@clarkecounty.gov

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**Clarke County Commonwealth Attorney: Suni Mackall**  
102 North Church Street, 2<sup>nd</sup> Floor, Berryville, VA 22611  
[540] 955-5120; crhodes@clarkecounty.gov

**Clarke County Sheriff's Office: Anthony Roper**  
100 North Church Street, Berryville, VA 22611  
[540] 955-5152; jrose@clarkecounty.gov

**Clarke County Treasurer: Sharon Keeler**  
101 Chalmers Court, Suite B, 1<sup>st</sup> Floor, Berryville, VA 22611  
[540] 955-5187; treasurer@clarkecounty.gov

**Clarke County General District Court: Melanie Hoffman**  
104 North Church Street, 1<sup>st</sup> Floor, Berryville, VA 22611  
[540] 955-5128

**Clarke County Juvenile & Domestic Relations Court: Sherri Allen**  
104 North Church Street, 2<sup>nd</sup> Floor, Berryville, VA 22611  
[540] 955-5136

**Clarke County Public Schools: Chuck Bishop**  
309 West Main Street, Berryville, VA 22611  
[540] 955-6100; weirr@clarke.k12.va.us

**Clarke County Department of Social Services: Angie Jones**  
311 East Main Street, Berryville, VA 22611  
[540] 955-3700

**General Registrar and Director of Elections: Barbara Bosserman**  
101 Chalmers Court Suite B, 2<sup>nd</sup> Floor, Berryville, VA 22611  
[540] 955-5168; vote@clarkecounty.gov

**Joint Administrative Services [Accounts, Purchasing, Clarke  
County Sanitary Authority]: Thomas Judge**  
524 Westwood Road, Berryville, VA 22611  
[540] 955-6172; tjudge@clarkecounty.gov

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**Related Documents**

- PD12110-03 General Government Public Records Disclosure and Copy Policy

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*End of document.*



# VIRGINIA FREEDOM OF INFORMATION ADVISORY COUNCIL

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General Assembly Building ~ 201 North 9th Street, Second Floor ~ Richmond, Virginia 23219  
804-225-3056 ~ (Toll Free) 1-866-448-4100 ~ (Fax) 804-371-0169 ~ <http://foiacouncil.dls.virginia.gov>

May 23, 2015

## **2016 FOIA LEGISLATIVE UPDATE**

*NOTE: Unless otherwise stated, the changes in the law described herein will take effect July 1, 2016.*

### **I. Introduction**

The General Assembly passed a total of 16 bills amending the Virginia Freedom of Information Act (FOIA) during the 2016 Session. Note that while the Virginia Freedom of Information Advisory Council (the Council) heard several proposals in 2015 as part of its annual Legislative Preview, the Council did not vote to recommend any specific legislation this year. The Council in 2015 completed the second year of the three-year study of FOIA directed by House Joint Resolution No. 96 (2014). As part of that study the Council has stated that it will recommend omnibus legislation to the 2017 Session of the General Assembly incorporating all of its recommend changes, rather than recommending individual pieces of legislation each year.

Three bills create two new sections in FOIA and amend existing provisions as follows:

- Reverses the holding of the Virginia Supreme Court in the case of *Department of Corrections v. Surovell*, by setting out the general rule of redaction, which provides that no provision of FOIA is intended, nor shall it be construed or applied, to authorize a public body to withhold a public record in its entirety on the grounds that some portion of the public record is excluded from disclosure by FOIA or by any other provision of law. Further, the bill states that a public record may be withheld from disclosure in its entirety only to the extent that an exclusion from disclosure under FOIA or other provision of law applies to the entire content of the public record. Otherwise, only those portions of the public record containing information subject to an exclusion under FOIA or other provision of law may be withheld, and all portions of the public record that are not so excluded shall be disclosed. The bill defines the term "information" and provides that it is declaratory of the law as is it existed prior to the September 17, 2015, decision of the Supreme Court of Virginia in the case of the *Department of Corrections v. Surovell*. The bill also reverses that part of the holding of the Virginia Supreme Court in the case of *Department of Corrections v. Surovell* by providing that in a

FOIA enforcement action, no court shall be required to accord any weight to the determination of a public body as to whether an exclusion applies. The bill contains technical amendments. HB 817 and SB 494, adding new § 2.2-3704.01 and amending §§ 2.2-3701, 2.2-3704, 2.2-3705.1 through 2.2-3705.7, 2.2-3711, and 2.2-3713;

- Requires certain local public bodies to post a FOIA rights and responsibilities document on their respective public government website. The bill also requires all state public bodies created in the executive branch of state government, including state authorities, and all local public bodies that are subject to FOIA to designate and publicly identify one or more FOIA officers whose responsibility is to serve as a point of contact for members of the public in requesting public records and to coordinate the public body's compliance with the provisions of FOIA. The bill sets out where contact information for the designated FOIA officer is to be posted. The bill requires that any such FOIA officer shall possess specific knowledge of the provisions of FOIA and be trained at least annually by legal counsel for the public body or the Virginia Freedom of Information Advisory Council. HB 818 adding new § 2.2-3704.2 and amending § 2.2-3704.1.

Three bills add three new records exemptions in FOIA as follows:

- Excludes from the Virginia Freedom of Information Act any records received by the Department of Criminal Justice Services pursuant to the operation of or for the purposes of evaluating threat assessment teams and oversight committees, school safety audits, and school crisis, emergency management, and medical emergency response plans of public schools and threat assessment teams of public institutions of higher education, to the extent that such records reveal security plans, walk-through checklists, or vulnerability and threat assessment components. The bill allows criminal record, juvenile record, and health record information to be disseminated to members of a threat assessment team established by a local school board. Current law allows only threat assessment teams established by an institution of higher education to access such information. The bill provides that no member of a threat assessment team shall redisclose any such information or use the information beyond the purpose for which the disclosure was made. HB 1013 adding a new exemption in § 2.2-3705.2 and amending existing provisions of § 2.2-3705.4;
- Excludes records reflecting the substance of meetings in which individual sexual assault cases are discussed by a sexual assault response team from mandatory disclosure under the Virginia Freedom of Information Act. The findings of a sexual assault response team may be disclosed or published in statistical or other aggregated form that does not disclose the identity of specific individuals. HB 1016 adding a new exemption in § 2.2-3705.7;
- Establishes the Virginia Research Investment Committee (the Committee) to administer grants and loans from the Virginia Research Investment Fund (the

Fund), created by this bill, to promote research, development, and commercialization in the Commonwealth. The bill provides that the State Council of Higher Education for Virginia (SCHEV) will establish guidelines related to administration and award of grants from the Fund, in consultation with the Committee. Upon receipt of completed grant applications, SCHEV will forward them to an entity with recognized science and technology expertise to review and rank the applications. Applications will then be forwarded to the Committee to make a final decision about the award of grants and funds. The bill contains corresponding exemptions for certain grant or loan application records and for the discussion or consideration of such records in closed meetings. HB 1343 adding new exemptions in §§ 2.2-3705.6 and 2.2-3711.

Three bills add two new meetings exemptions in FOIA as follows:

- Establishes the Virginia Growth and Opportunity Board to administer grants from the Virginia Growth and Opportunity Fund for regional economic and workforce development projects. The bill provides that regional councils will be established across the Commonwealth, consisting of representatives of government and the business and education communities, and councils may submit applications for collaborative projects in their regions that enhance private-sector growth, competitiveness, and workforce development. The bill creates a corresponding meeting exemption for the discussion or development of such grant proposals by a regional council. HB 834 and SB 449 amending 2.2-3711;
- Establishes the Virginia Research Investment Committee (the Committee) to administer grants and loans from the Virginia Research Investment Fund (the Fund), created by this bill, to promote research, development, and commercialization in the Commonwealth. The bill provides that the State Council of Higher Education for Virginia (SCHEV) will establish guidelines related to administration and award of grants from the Fund, in consultation with the Committee. Upon receipt of completed grant applications, SCHEV will forward them to an entity with recognized science and technology expertise to review and rank the applications. Applications will then be forwarded to the Committee to make a final decision about the award of grants and funds. The bill contains corresponding exemptions for certain grant or loan application records and for the discussion or consideration of such records in closed meetings. HB 1343 adding new exemptions in §§ 2.2-3705.6 and 2.2-3711.

Eight bills amend existing provisions of FOIA as follows:

- Provides that the personnel, working papers, and correspondence record exemption shall not be construed to authorize the withholding of any resumes or applications submitted by persons who are appointed by the Governor. The bill further provides that the resumes and applications for appointment submitted by persons who are appointed by the Governor shall be available to the public upon request. The bill provides that its provisions apply to persons appointed by the

Governor on or after July 1, 2016. The bill contains technical amendments. HB 220 amending §§ 2.2-3705.1 and 2.2-3705.7;

- Makes various changes to the Board of Directors (the Board) of the BVU Authority (the Authority) and alters the methods of their appointment and their powers and duties. The bill also amends the powers and duties of the Authority. Among other changes, the bill eliminates several Authority-related records and open meeting exemptions from the Freedom of Information Act. The bill also contains an emergency clause. HB 1255 and SB 329 amending §§ 2.2-3705.6 and 2.2-3711. [NOTE: Due to the emergency clause, both bills were enacted effective April 8, 2016.]
- Clarifies that the FOIA exclusion for noncriminal incidents and reports applies to any public body that engages in criminal law-enforcement activities and does not rely on the definition of "noncriminal incidents records" in § 15.2-1722 of the Code of Virginia. The bill addresses a decision of the Virginia Supreme Court in *Fitzgerald v. Loudoun County Sheriff's Office*, which held that a noncriminal record must be a compilation in order for the exemption for noncriminal records to apply. The bill was also the subject of a Virginia Freedom of Information Advisory Council opinion (AO-08-15) concerning this exemption, which highlighted the need for clarification of this exemption based on the Fitzgerald holding. HB 1318 amending § 2.2-3706;
- Clarifies that nothing in the personnel exemption in the open meetings law of FOIA shall be construed to authorize a closed meeting by a local governing body or an elected school board to discuss compensation matters that affect the membership of such body or board collectively. SB 493 amending § 2.2-3711;
- Amends an existing exemption to exclude from mandatory disclosure records of an application for licensure or renewal of a license for teachers and other school personnel, including transcripts or other documents submitted in support of an application. SB 564 amending § 2.2-3705.3;
- Defines the term "critical infrastructure information" for purposes of FOIA. The bill also provides that any public body receiving a request for such records shall notify the Secretary of Public Safety and Homeland Security or his designee of the request and the response made by the public body. The bill contains an emergency clause. SB 645 amending § 2.2-3705.2. [NOTE: Due to the emergency clause, this bill was enacted effective April 6, 2016.];
- Clarifies public access to noncriminal records maintained by public bodies engaged in criminal law-enforcement activities. The bill reverses an April 2015 Virginia Supreme Court decision in *Fitzgerald v. Loudoun County Sheriff's Office*, which held that a noncriminal record must be a compilation in order for the exemption for noncriminal records to apply. The bill was also the subject of a Virginia Freedom of Information Advisory Council opinion (AO-08-15)

concerning this exemption, which highlighted the need for clarification of this exemption based on the *Fitzgerald* holding. SB 727 amending § 2.2-3706.

Section II of this update presents a brief overview of amendments to FOIA section by section in order to provide context and organization to the numerous bills. Section III presents a brief overview of other access-related legislation passed during the 2016 Session of the General Assembly.

For more specific information on the particulars of each bill, please see the bill itself. Unless otherwise indicated, the changes will become effective July 1, 2016.

## **II. Amendments to the Freedom of Information Act**

### **§ 2.2-3701 Definitions.**

**Virginia Freedom of Information Act (FOIA); record exclusions; rule of redaction; no weight accorded to public body's determination.** Reverses the holding of the Virginia Supreme Court in the case of *Department of Corrections v. Surovell*, by setting out the general rule of redaction, which provides that no provision of FOIA is intended, nor shall it be construed or applied, to authorize a public body to withhold a public record in its entirety on the grounds that some portion of the public record is excluded from disclosure by FOIA or by any other provision of law. Further, the bill states that a public record may be withheld from disclosure in its entirety only to the extent that an exclusion from disclosure under FOIA or other provision of law applies to the entire content of the public record. Otherwise, only those portions of the public record containing information subject to an exclusion under FOIA or other provision of law may be withheld, and all portions of the public record that are not so excluded shall be disclosed. The bill defines the term "information" and provides that it is declaratory of the law as is it existed prior to the September 17, 2015, decision of the Supreme Court of Virginia in the case of the *Department of Corrections v. Surovell*. The bill also reverses that part of the holding of the Virginia Supreme Court in the case of *Department of Corrections v. Surovell* by providing that in a FOIA enforcement action, no court shall be required to accord any weight to the determination of a public body as to whether an exclusion applies. The bill contains technical amendments. HB 817 (2016 Acts of Assembly, c. 620) and SB 494 (2016 Acts of Assembly, c. 716).

### **§ 2.2-3704. Public records to be open to inspection; procedure for requesting records and responding to request; charges; transfer of records for storage, etc.**

**Virginia Freedom of Information Act (FOIA); record exclusions; rule of redaction; no weight accorded to public body's determination.** See summary under § 2.2-3701, *supra*. HB 817 (2016 Acts of Assembly, c. 620) and SB 494 (2016 Acts of Assembly, c. 716).

**§ 2.2-3704.01. Records containing both excluded and nonexcluded information; duty to redact.**

**Virginia Freedom of Information Act (FOIA); record exclusions; rule of redaction; no weight accorded to public body's determination.** *See summary under § 2.2-3701, supra.* HB 817 (2016 Acts of Assembly, c. 620) and SB 494 (2016 Acts of Assembly, c. 716). [NOTE: Section 2.2-3704.01 is a new section added by HB 817 and SB 494.]

**§ 2.2-3704.1. Posting of notice of rights and responsibilities by state public bodies; assistance by the Freedom of Information Advisory Council.**

**Virginia Freedom of Information Act (FOIA); designation of FOIA officer; posting of FOIA rights and responsibilities.** Requires certain local public bodies to post a FOIA rights and responsibilities document on their respective public government website. The bill also requires all state public bodies created in the executive branch of state government, including state authorities, and all local public bodies that are subject to FOIA to designate and publicly identify one or more FOIA officers whose responsibility is to serve as a point of contact for members of the public in requesting public records and to coordinate the public body's compliance with the provisions of FOIA. The bill sets out where contact information for the designated FOIA officer is to be posted. The bill requires that any such FOIA officer shall possess specific knowledge of the provisions of FOIA and be trained at least annually by legal counsel for the public body or the Virginia Freedom of Information Advisory Council. HB 818 (2016 Acts of Assembly, c. 748).

**§ 2.2-3704.2. Public bodies to designate FOIA officer.**

**Virginia Freedom of Information Act (FOIA); designation of FOIA officer; posting of FOIA rights and responsibilities.** *See summary under § 2.2-3704.1, supra.* HB 818 (2016 Acts of Assembly, c. 748). [NOTE: Section 2.2-3704.2 is a new section added by HB 818.]

**§ 2.2-3705.1. Exclusions to application of chapter; exclusions of general application to public bodies.**

**Virginia Freedom of Information Act; public access to resumes and other information related to gubernatorial appointees.** Provides that the personnel, working papers, and correspondence record exemption shall not be construed to authorize the withholding of any resumes or applications submitted by persons who are appointed by the Governor. The bill further provides that the resumes and applications for appointment submitted by persons who are appointed by the Governor shall be available to the public upon request. The bill provides that its provisions apply to persons appointed by the Governor on or after July 1, 2016. The bill contains technical amendments. HB 220 (2016 Acts of Assembly, c. 729).

**Virginia Freedom of Information Act (FOIA); record exclusions; rule of redaction; no weight accorded to public body's determination.** *See summary under § 2.2-3701, supra.* HB 817 (2016 Acts of Assembly, c. 620) and SB 494 (2016 Acts of Assembly, c. 716).

**§ 2.2-3705.2. Exclusions to application of chapter; records relating to public safety.**

**Virginia Freedom of Information Act (FOIA); record exclusions; rule of redaction; no weight accorded to public body's determination.** *See summary under § 2.2-3701, supra.* HB 817 (2016 Acts of Assembly, c. 620) and SB 494 (2016 Acts of Assembly, c. 716).

**Threat assessment teams; local school boards.** Excludes from the Virginia Freedom of Information Act any records received by the Department of Criminal Justice Services pursuant to the operation of or for the purposes of evaluating threat assessment teams and oversight committees, school safety audits, and school crisis, emergency management, and medical emergency response plans of public schools and threat assessment teams of public institutions of higher education, to the extent that such records reveal security plans, walk-through checklists, or vulnerability and threat assessment components. The bill allows criminal record, juvenile record, and health record information to be disseminated to members of a threat assessment team established by a local school board. Current law allows only threat assessment teams established by an institution of higher education to access such information. The bill provides that no member of a threat assessment team shall redisclose any such information or use the information beyond the purpose for which the disclosure was made. HB 1013 (2016 Acts of Assembly, c. 554).

**Virginia Freedom of Information Act (FOIA); exempt records concerning critical infrastructure information.** Defines the term "critical infrastructure information" for purposes of FOIA. The bill also provides that any public body receiving a request for such records shall notify the Secretary of Public Safety and Homeland Security or his designee of the request and the response made by the public body. The bill contains an emergency clause. SB 645 (2016 Acts of Assembly, c. 717). [NOTE: *Due to the emergency clause, this bill was enacted effective April 6, 2016.*]

**§ 2.2-3705.3. Exclusions to application of chapter; records relating to administrative investigations.**

**Virginia Freedom of Information Act (FOIA); record exclusions; rule of redaction; no weight accorded to public body's determination.** *See summary under § 2.2-3701, supra.* HB 817 (2016 Acts of Assembly, c. 620) and SB 494 (2016 Acts of Assembly, c. 716).

**Freedom of Information Act; exclusions for school personnel licensure applications.** Excludes records of an application for licensure or renewal of a license for teachers and

other school personnel, including transcripts or other documents submitted in support of an application, from the provisions of the Freedom of Information Act. SB 564 (2016 Acts of Assembly, c. 272).

#### **§ 2.2-3705.4. Exclusions to application of chapter; educational records and certain records of educational institutions.**

**Virginia Freedom of Information Act (FOIA); record exclusions; rule of redaction; no weight accorded to public body's determination.** *See summary under § 2.2-3701, supra.* HB 817 (2016 Acts of Assembly, c. 620) and SB 494 (2016 Acts of Assembly, c. 716).

**Threat assessment teams; local school boards.** *See summary under § 2.2-3705.2, supra.* HB 1013 (2016 Acts of Assembly, c. 554).

#### **§ 2.2-3705.5. Exclusions to application of chapter; health and social services records.**

**Virginia Freedom of Information Act (FOIA); record exclusions; rule of redaction; no weight accorded to public body's determination.** *See summary under § 2.2-3701, supra.* HB 817 (2016 Acts of Assembly, c. 620) and SB 494 (2016 Acts of Assembly, c. 716).

#### **§ 2.2-3705.6. Exclusions to application of chapter; proprietary records and trade secrets.**

**Virginia Freedom of Information Act (FOIA); record exclusions; rule of redaction; no weight accorded to public body's determination.** *See summary under § 2.2-3701, supra.* HB 817 (2016 Acts of Assembly, c. 620) and SB 494 (2016 Acts of Assembly, c. 716).

**Virginia Research Investment Committee and Fund established; report.** Establishes the Virginia Research Investment Committee (the Committee) to administer grants and loans from the Virginia Research Investment Fund (the Fund), created by this bill, to promote research, development, and commercialization in the Commonwealth. The bill provides that the State Council of Higher Education for Virginia (SCHEV) will establish guidelines related to administration and award of grants from the Fund, in consultation with the Committee. Upon receipt of completed grant applications, SCHEV will forward them to an entity with recognized science and technology expertise to review and rank the applications. Applications will then be forwarded to the Committee to make a final decision about the award of grants and funds. The Committee will be comprised of the Director of SCHEV, who will also serve as chairman, the Secretary of Finance, the staff directors of the House Appropriations and Senate Finance Committees, and three citizen members. The Speaker of the House of Delegates, the Senate Committee on Rules, and the Governor would each appoint one citizen member, to be selected from the

nonlegislative citizen members of the Go Virginia Board if such Board is created by the 2016 Session of the General Assembly and becomes law. Of the moneys appropriated to the Fund, the General Assembly may specifically designate a portion of the moneys to be invested by the Board of the Virginia Retirement System. Only \$4 million of such invested funds may be awarded in any given year, and if the Committee decides to award a loan, such loan must come out of this \$4 million. HB 1343 (2016 Acts of Assembly, c. 775).

**BVU Authority; Board powers, officers; broadband; FOIA.** Makes various changes to the Board of Directors (the Board) of the BVU Authority (the Authority) and alters the methods of their appointment and their powers and duties. The bill also amends the powers and duties of the Authority. Among other changes, the bill eliminates several Authority-related records and open meeting exemptions from the Freedom of Information Act. The bill also contains an emergency clause. HB 1255 (2016 Acts of Assembly, c. 725) and SB 329 (2016 Acts of Assembly, c. 724). [NOTE: Due to the emergency clause, both bills were enacted effective April 8, 2016.]

### **§ 2.2-3705.7. Exclusions to application of chapter; records of specific public bodies and certain other limited exemptions.**

**Virginia Freedom of Information Act; public access to resumes and other information related to gubernatorial appointees.** See summary under § 2.2-3705.1, *supra*. HB 220 (2016 Acts of Assembly, c. 729).

**Virginia Freedom of Information Act (FOIA); record exclusions; rule of redaction; no weight accorded to public body's determination.** See summary under § 2.2-3701, *supra*. HB 817 (2016 Acts of Assembly, c. 620) and SB 494 (2016 Acts of Assembly, c. 716).

**Sexual assault response teams; participants; FOIA exclusion.** Adds the Title IX coordinator; representatives from the office of student affairs, human resources, and counseling services; and a representative of campus security of any institution of higher education in the jurisdiction to the list of persons invited to participate in the annual meeting of a sexual assault response team. The bill also excludes records reflecting the substance of meetings in which individual sexual assault cases are discussed by a sexual assault response team from mandatory disclosure under the Virginia Freedom of Information Act. The findings of a sexual assault response team may be disclosed or published in statistical or other aggregated form that does not disclose the identity of specific individuals. HB 1016 (2016 Acts of Assembly, c.550).

### **§ 2.2-3706. Disclosure of criminal records; limitations.**

**Virginia Freedom of Information Act (FOIA); noncriminal incidents and reports.** Clarifies that the FOIA exclusion for noncriminal incidents and reports applies to any public body that engages in criminal law-enforcement activities and does not rely on the definition of "noncriminal incidents records" in § 15.2-1722 of the Code of Virginia. The

bill addresses a decision of the Virginia Supreme Court in *Fitzgerald v. Loudoun County Sheriff's Office*, which held that a noncriminal record must be a compilation in order for the exemption for noncriminal records to apply. The bill was also the subject of a Virginia Freedom of Information Advisory Council opinion (AO-08-15) concerning this exemption, which highlighted the need for clarification of this exemption based on the *Fitzgerald* holding. HB 1318 (2016 Acts of Assembly, c. 546).

**Virginia Freedom of Information Act; public access to noncriminal records.** Clarifies public access to noncriminal records maintained by public bodies engaged in criminal law-enforcement activities. The bill reverses an April 2015 Virginia Supreme Court decision in *Fitzgerald v. Loudoun County Sheriff's Office*, which held that a noncriminal record must be a compilation in order for the exemption for noncriminal records to apply. The bill was also the subject of a Virginia Freedom of Information Advisory Council opinion (AO-08-15) concerning this exemption, which highlighted the need for clarification of this exemption based on the *Fitzgerald* holding. SB 727 (2016 Acts of Assembly, c. 184).

## **§ 2.2-3711. Closed meetings authorized for certain limited purposes.**

**Virginia Freedom of Information Act (FOIA); record exclusions; rule of redaction; no weight accorded to public body's determination.** *See summary under § 2.2-3701, supra.* HB 817 (2016 Acts of Assembly, c. 620) and SB 494 (2016 Acts of Assembly, c. 716).

**Virginia Growth and Opportunity Act; report.** Establishes the Virginia Growth and Opportunity Board to administer grants from the Virginia Growth and Opportunity Fund for regional economic and workforce development projects. The bill provides that regional councils will be established across the Commonwealth, consisting of representatives of government and the business and education communities, and councils may submit applications for collaborative projects in their regions that enhance private-sector growth, competitiveness, and workforce development. A portion of the grant funds will be awarded on a population basis and a portion on a competitive basis. HB 834 (2016 Acts of Assembly, c. 779) and SB 449 (2016 Acts of Assembly, c. 778).

**BVU Authority; Board powers, officers; broadband; FOIA.** *See summary under § 2.2-3705.6, supra.* HB 1255 (2016 Acts of Assembly, c. 725) and SB 329 (2016 Acts of Assembly, c. 724). [NOTE: Both bills were enacted and took effect on April 8, 2016.]

**Virginia Research Investment Committee and Fund established; report.** *See summary under § 2.2-3705.6, supra.* HB 1343 (2016 Acts of Assembly, c. 775).

**Virginia Freedom of Information Act (FOIA); closed meeting not authorized for discussion of compensation matters for local governing bodies and elected school boards.** Clarifies that nothing in the personnel exemption in the open meetings law of FOIA shall be construed to authorize a closed meeting by a local governing body or an

elected school board to discuss compensation matters that affect the membership of such body or board collectively. SB 493 (2016 Acts of Assembly, c. 544).

### **§ 2.2-3713. Proceedings for enforcement of chapter.**

**Virginia Freedom of Information Act (FOIA); record exclusions; rule of redaction; no weight accorded to public body's determination.** *See summary under § 2.2-3701, supra.* HB 817 (2016 Acts of Assembly, c. 620) and SB 494 (2016 Acts of Assembly, c. 716).

## **III. Other Access-Related Legislation**

### **Resolutions**

**Commending the Virginia Coalition for Open Government. House Joint Resolution 91.**

### **Title 2.2 Administration of Government.**

**Duties and responsibilities of the Virginia Information Technologies Agency; reorganization and recodification.** Makes numerous technical or organizational changes to Chapter 20.1 (§ 2.2-2005 et seq.) of Title 2.2 related to the establishment and operation of the Virginia Information Technologies Agency (VITA). The bill does not make substantive changes to VITA's powers and duties. The bill was developed by a staff workgroup led by the Division of Legislative Services pursuant to § 1-6 of the 2015 Appropriation Act to address concerns identified in the Joint Legislative Audit and Review Commission's 2014 Report on Virginia's Information Technology Governance Structure. HB 1064 (2016 Acts of Assembly, c. 296). [NOTE: The bill includes several FOIA-related provisions.]

**Lobbyist reporting, the State and Local Government Conflict of Interests Act, and the General Assembly Conflicts of Interests Act; annual filing of required disclosures; definition of gift; separate report of gifts; definition of procurement transaction; technical amendments.** Requires the disclosure forms filed by lobbyists and persons subject to the conflict of interests acts to be filed annually. Lobbyists are required to file by July 1 for the preceding 12-month period complete through the last day of April, and persons subject to the conflict of interests acts are required to file on or before January 15. The bill also requires the Governor, Lieutenant Governor, and Attorney General, members of the Governor's Cabinet, and members of the General Assembly to file on or before May 1 a separate report of gifts received during the period beginning January 1 through adjournment sine die of the regular session of the General Assembly. Effective January 1, 2017, the bill removes from the Code the disclosure forms filed by lobbyists and persons subject to the conflict of interests acts and requires the Virginia Conflict of Interest and Ethics Advisory Council (Council) to prescribe the forms to be used to comply with disclosure requirements.

The bill also makes numerous other changes related to lobbyist reporting and the conflict of interests acts, including (i) exempting from the definition of a gift any gift with a value of less than \$20; (ii) providing that the filing of a single disclosure form by a person subject to the conflict of interests acts satisfies the filing requirement for all positions or offices held or sought by such person; (iii) clarifying that lobbying disclosure forms are filed with the Council and are open to public inspection and copying in the office of the Council, and not the Secretary of the Commonwealth; (iv) clarifying that candidates for statewide office, the General Assembly, and constitutional office are required to file a statement of economic interests with the Council; (v) authorizing travel provided to facilitate attendance by a legislator at certain meetings where attendance is approved by the Chairman of the House or Senate Committee on Rules in addition to approval by either committee; (vi) clarifying that gifts to certain members of a lobbyist's family are not considered gifts; (vii) providing that the definition of procurement transaction for purposes of the laws governing lobbyists is limited to those transactions in which the stated or expected value of the contract is \$5 million or more; (viii) providing that records relating to formal advisory opinions or informal advice of the Council shall be confidential and excluded from the mandatory disclosure provisions of the Virginia Freedom of Information Act; (ix) providing that a lobbyist's principal is not required to disclose the name of a legislative or executive official, or a member of his immediate family, who attends a reportable entertainment event if that legislative or executive official reimburses the principal for, or otherwise pays for, his attendance or the attendance of a member of his immediate family at the entertainment event; and (x) authorizes the Council to grant an extension from a filing deadline for good cause. The bill contains an emergency clause that applies to the changes described in clauses (vii) through (x).

Finally, the bill requires that the Supreme Court of Virginia report to the Council by October 1, 2016, on the application of the conflict of interests acts on members of the judiciary and evaluate the feasibility of creating separate provisions that would apply to such member. HB 1362 (2016 Acts of Assembly, c. 773) and SB 692 (2016 Acts of Assembly, c. 774).

### **Title 8.01 Civil remedies and procedure.**

**Immunity of persons at public hearing; attorney fees and costs.** Allows the award of reasonable attorney fees and costs to any person who has a suit against him dismissed pursuant to immunity provided to him when appearing at a public hearing before the governing body of a locality or other local governmental entity. HB 1117 (2016 Acts of Assembly, c. 239).

### **Title 12.1 State Corporation Commission**

**Regulation of water and sewer utilities.** Makes water and sewer companies subject to the rules of the State Corporation Commission (SCC) regarding meetings and communications between SCC commissioners and any party, or between commissioners and staff, concerning any fact or issue arising out of a proceeding involving the

regulation of rates, charges, services, or facilities of a utility. The bill requires a public utility to send notice of a proposed rate increase electronically to customers who receive bills electronically. Every public utility providing water or sewer service is required to publish notice of changes in rates, tolls, charges, rules, and regulations at least once in one or more newspapers in circulation in its franchise area. The measure bars the SCC from dispensing with notice requirements applicable to water and sewer companies. HB 611 (2016 Acts of Assembly, c. 283) and SB 85 (2016 Acts of Assembly, c. 191).

## **Title 15.2 Counties, Cities, and Towns.**

**Sexual assault response teams; participants; FOIA exclusion.** *See summary under § 2.2-3705.7, supra.* HB 1016 (2016 Acts of Assembly, c.550).

**BVU Authority; Board powers, officers; broadband; FOIA.** *See summary under § 2.2-3705.6, supra.* HB 1255 (2016 Acts of Assembly, c. 725) and SB 329 (2016 Acts of Assembly, c. 724). [NOTE: Both bills were enacted and took effect on April 8, 2016.]

## **Title 16.1 Courts Not of Records.**

**Law-enforcement records concerning juveniles; disclosure.** Allows the disclosure of law-enforcement records concerning a juvenile who is referred to a court services unit-authorized diversion program. The bill prohibits further disclosure of such records by the diversion program or participants in the program. Law-enforcement officers may prohibit disclosure to protect a criminal investigation or intelligence information. HB 541 (2016 Acts of Assembly, c. 234).

## **Title 17.1 Courts of Record.**

**Retention of court records; violent felonies and acts of violence.** Requires that the circuit court case files involving a conviction on crimes that are considered to be violent felonies or acts of violence be retained for 50 years or until the sentence term ends, whichever comes later. HB 624 (2016 Acts of Assembly, c. 180).

## **Title 18.2 Crimes and Offenses Generally.**

**Cannabidiol oil and THC-A oil; permitting of pharmaceutical processors to manufacture and provide.** Authorizes a pharmaceutical processor, after obtaining a permit from the Board of Pharmacy (the Board) and under the supervision of a licensed pharmacist, to manufacture and provide cannabidiol oil and THC-A oil to be used for the treatment of intractable epilepsy. The bill sets limits on the number of permits that the Board may issue and requires that the Board adopt regulations establishing health, safety, and security requirements for permitted processors. The bill provides that only a licensed practitioner of medicine or osteopathy who is a neurologist or who specializes in the treatment of epilepsy may issue a written certification to a patient for the use of cannabidiol oil or THC-A oil. The bill also requires that a practitioner who issues a written certification for cannabidiol oil or THC-A oil, the patient issued such

certification, and, if the patient is a minor or incapacitated, the patient's parent or legal guardian register with the Board. The bill requires further that a pharmaceutical processor shall not provide cannabidiol oil or THC-A oil to a patient or a patient's parent or legal guardian without first verifying that the patient, the patient's parent or legal guardian if the patient is a minor or incapacitated, and the practitioner who issued the written certification have registered with the Board. Finally, the bill provides an affirmative defense for agents and employees of pharmaceutical processors in a prosecution for the manufacture, possession, or distribution of marijuana. An enactment clause provides that except for provisions requiring the Board to promulgate regulations, the provisions of the bill do not become effective unless reenacted by the 2017 Session of the General Assembly. SB 701 (2016 Acts of Assembly, c. 577). [NOTE: Exempts registration information from FOIA while providing access to certain persons.]

## **Title 19.2 Criminal Procedure.**

**Threat assessment teams; local school boards.** *See summary under § 2.2-3705.2, supra.* HB 1013 (2016 Acts of Assembly, c. 554).

## **Title 22.1 Education.**

**Data on teacher performance and quality; confidentiality.** Requires data collected by or for the Department of Education or the local school board or made available to and able to be used by the local school board to judge the performance or quality of a teacher, maintained in a teacher's personnel file or otherwise, to be confidential in most instances. Current law requires such data to be confidential only if it is used by a local school board to make such a judgment. The bill provides that if such data is disclosed pursuant to court order, for the purposes of a grievance proceeding involving the teacher, or as otherwise required by state or federal law, such disclosure shall be made in a form that does not personally identify any student or other teacher. HB 524 (2016 Acts of Assembly, c. 390).

**Threat assessment teams; local school boards.** *See summary under § 2.2-3705.2, supra.* HB 1013 (2016 Acts of Assembly, c. 554).

**Public charter schools.** Makes several changes to the provisions for the establishment and operation of public charter schools, including making changes and providing greater specificity regarding (i) the applicability of various laws, regulations, policies, and procedures to public charter schools; (ii) the contents of charter applications; and (iii) the procedure for executing charter contracts and the contents of such contracts. SB 734 (2016 Acts of Assembly, c. 770). [NOTE: States explicitly that management committees of public charter schools are subject to FOIA.]

## **Title 23 Educational Institutions.**

**Revision of Title 23, Educational Institutions.** Creates proposed Title 23.1 (Institutions of Higher Education; Other Educational and Cultural Institutions) as a revision of

existing Title 23 (Educational Institutions). Proposed Title 23.1 consists of 32 chapters divided into five subtitles: Subtitle I (General Provisions); Subtitle II (Students and Campus); Subtitle III (Management and Financing); Subtitle IV (Public Institutions of Higher Education); and Subtitle V (Other Educational and Cultural Institutions). The bill organizes the laws in a more logical manner, removes obsolete and duplicative provisions, and improves the structure and clarity of statutes pertaining to institutions of higher education and other educational and cultural institutions in the Commonwealth. The bill is a recommendation of the Virginia Code Commission and has a delayed effective date of October 1, 2016. HB 209 (2016 Acts of Assembly, c. 588). [NOTE: The bill contains numerous access-related provisions.]

**Public institutions of higher education; personal social media accounts.** Prohibits a public or private institution of higher education from requiring a student to disclose the username or password to any of such student's personal social media accounts, as defined in the bill. The bill further provides that such a prohibition shall not prevent a campus police officer appointed by a public or private institution of higher education from performing his official duties. SB 438 (2016 Acts of Assembly, c. 597).

## **Title 24.2 Elections.**

**Lobbyist reporting, the State and Local Government Conflict of Interests Act, and the General Assembly Conflicts of Interests Act; annual filing of required disclosures; definition of gift; separate report of gifts; definition of procurement transaction; technical amendments.** See summary under Title 2.2, *supra*. HB 1362 (2016 Acts of Assembly, c. 773) and SB 692 (2016 Acts of Assembly, c. 774).

**Local electoral boards; meeting minutes.** Requires the posting of minutes of the local electoral boards' meetings on the local electoral board's website or the official website of the county or city when such means are available. Minutes of meetings are required to be posted as soon as possible but no later than one week prior to the following meeting of the electoral board. SB 89 (2016 Acts of Assembly, c. 403).

## **Title 30 General Assembly.**

**Commission on Employee Retirement Security and Pension Reform established.** Creates the Commission on Employee Retirement Security and Pension Reform (the Commission) in the legislative branch to study and make recommendations relating to the financial soundness of retirement plans covering state and local government employees; the suitability of retirement plans offered or maintained for current state and local government employees and the attributes of retirement plans that will be suitable for future employees; the impact on state and local governments of the anticipated retirement of experienced employees between 2016 and 2026 and strategies for replacing such employees; and the elements of compensation and benefits packages that are essential to attracting and retaining a highly productive state and local government workforce. HB 665 (2016 Acts of Assembly, c. 683.) [NOTE: Among other provisions, contains an

exemption from FOIA for certain proprietary records of the Virginia Retirement System or its subsidiary corporations provided to the Commission.]

**Lobbyist reporting, the State and Local Government Conflict of Interests Act, and the General Assembly Conflicts of Interests Act; annual filing of required disclosures; definition of gift; separate report of gifts; definition of procurement transaction; technical amendments.** *See summary under Title 2.2, supra.* HB 1362 (2016 Acts of Assembly, c. 773) and SB 692 (2016 Acts of Assembly, c. 774).

### **Title 32.1 Health.**

**Threat assessment teams; local school boards.** *See summary under § 2.2-3705.2, supra.* HB 1013 (2016 Acts of Assembly, c. 554).

### **Title 53.1 Prisons and Other Methods of Correction.**

**Method of execution.** Authorizes the Director of the Department of Corrections to enter into contracts with a pharmacy or outsourcing facility for the compounding of drugs necessary to carry out an execution by lethal injection and provides that the compounding of such drugs (i) does not constitute the practice of pharmacy; (ii) is not subject to the jurisdiction of the Board of Pharmacy, the Board of Medicine, or the Department of Health Professions; and (iii) is exempt from the laws governing pharmacies and the Drug Control Act (§ 54.1-3400 et seq.). The bill also provides that the identities of any pharmacy or outsourcing facilities that enters into such a contract with the Department of Corrections, any officer or employee of such pharmacy or outsourcing facility, and any person or entity used by such pharmacy or outsourcing facility to facilitate the compounding of such drugs shall be confidential and exempt from the Freedom of Information Act (§ 2.2-3700 et seq.) and shall not be subject to discovery or introduction as evidence in any civil proceeding unless good cause is shown. The bill also sets forth labeling requirements for any drug compounded pursuant to such a contract. HB 815 (2016 Acts of Assembly, c. 747).

### **Title 54.1 Professions and Occupations.**

**Confidentiality of certain information obtained by health regulatory boards in disciplinary proceedings.** Provides that in disciplinary actions involving allegations that a practitioner is or may be unable to practice with reasonable skill and safety to patients and the public because of a mental or physical disability, a health regulatory board shall consider whether to disclose and may decide not to disclose in its notice or order the practitioner's health records or his health services, although such information may be considered by the board in a closed hearing and included in a confidential exhibit to a notice or order. The bill provides that the public notice or order shall identify, if known, the practitioner's mental or physical disability that is the basis of its determination. HB 586 (2016 Acts of Assembly, c. 222).

**Prescribers of covered substances; continuing education.** Authorizes the Director of the Department of Health Professions to disclose information to the Board of Medicine about prescribers who meet a certain threshold for prescribing covered substances for the purpose of requiring relevant continuing education. The threshold shall be determined by the Board of Medicine in consultation with the Prescription Monitoring Program. The bill also directs the Board of Medicine to require prescribers identified by the Director of the Department of Health Professions to complete two hours of continuing education in each biennium on topics related to pain management, the responsible prescribing of covered substances, and the diagnosis and management of addiction. Prescribers required to complete continuing education shall be notified of such requirement no later than January 1 of each odd-numbered year. The provisions of the bill will expire on July 1, 2022. HB 829 (2016 Acts of Assembly, c. 447).

**Prescription Monitoring Program; disclosures.** Provides that the Director of the Department of Health Professions may disclose information in the possession of the Prescription Monitoring Program about a specific recipient who is a member of a Virginia Medicaid managed care program to a physician or pharmacist licensed in the Commonwealth and employed by the Virginia Medicaid managed care program to determine eligibility for and to manage the care of the specific recipient in a Patient Utilization Management Safety or similar program. The bill also requires the Prescription Monitoring Program advisory committee to provide guidance to the Director regarding such disclosures. HB 1044 (2016 Acts of Assembly, c. 410) and SB 491 (2016 Acts of Assembly, c. 568).

**Prescription Monitoring Program.** Provides that, beginning January 1, 2017, reports by dispensers to the Prescription Monitoring Program (the Program) shall be made within 24 hours or the dispenser's next business day, whichever comes later. The bill also allows the Director of the Department of Health Professions to disclose information about a specific recipient to a prescriber for the purpose of establishing the treatment history of the specific recipient when the prescriber is consulting on the treatment of such recipient; allows the Director to disclose information on a specific recipient to a dispenser for the purpose of establishing a prescription history to assist the dispenser in providing clinical consultation on the care and treatment of the recipient; removes the requirement that information disclosed to a dispenser for the purpose of determining the validity of a prescription be disclosed only when the recipient is seeking a covered substance from the dispenser or the facility in which the dispenser practices; and provides that a prescriber may include information obtained from the Program for the purpose of establishing the treatment history of a specific recipient in the recipient's medical record. SB 287 (2016 Acts of Assembly, c. 309).

**Cannabidiol oil and THC-A oil; permitting of pharmaceutical processors to manufacture and provide.** *See summary under Title 18.2, supra.* SB 701 (2016 Acts of Assembly, c. 577). [NOTE: Exempts registration information from FOIA while providing access to certain persons.]

## **Title 55 Property and Conveyances.**

**Landlord and tenant laws.** Provides under the landlord and tenant law and the Virginia Residential Landlord and Tenant Act (VRLTA) that unless a tenant is at fault in cases of mold needing remediation, the landlord is obliged to pay all costs associated with the tenant's temporary relocation as well as the costs of mold remediation. Among other things, the bill (i) provides that, except for applicable lawful householder's exemptions, nothing affects the right of a landlord with respect to an inchoate or perfected lien of a landlord on the personal property of a tenant of any leased or rented commercial or residential premises or the right of such landlord to distress, levy, and seize such personal property as otherwise provided by law; (ii) clarifies that residential provisions under the landlord and tenant law do not apply to dwelling units under the VRLTA; (iii) provides that a landlord's collection agency and a third party providing background screening or credit reporting services to the landlord or his managing agent may have access to tenant records; (iv) allows the landlord to charge a tenant for his records, if the rental agreement so provides; (v) clarifies that a landlord is not obligated to make repairs to address damages identified in the move-in inspection report unless otherwise required to do so under the VRLTA; (vi) requires a tenant to maintain carbon monoxide detectors to the standards established in the Uniform Statewide Building Code; and (vii) provides that if, upon inspection of the dwelling unit, the landlord determines that repairs are necessary, the landlord may make such repairs and send the tenant an invoice for payment. If, upon inspection of the dwelling unit, the landlord discovers a violation of the rental agreement, the VRLTA, or other applicable law, the landlord may send a written notice of termination. If a tenant declines to permit the landlord or managing agent to exhibit the dwelling unit for sale or lease, the landlord may recover damages, costs, and reasonable attorney fees against such tenant. The bill contains technical amendments. HB 735 (2016 Acts of Assembly, c. 744).

**Limited Residential Lodging Act; penalty.** Establishes the Limited Residential Lodging Act (the Act), which allows persons to rent out their primary residences or portions thereof for charge for periods of less than 30 consecutive days or do so through a hosting platform. Localities are preempted from adopting ordinances or zoning restriction prohibiting such short-term rentals, but authorized to adopt ordinances requiring persons renting their primary residences to have a minimum of \$500,000 of liability insurance, prohibiting persons from renting their primary residences if they fail to pay applicable taxes, and requiring persons renting their primary residences to register with the locality. A hosting platform must register with the Department of Taxation to collect and remit all applicable taxes on behalf of the property owner using the hosting platform. The bill defines "limited residential lodging," "booking transaction," and "hosting platform" and provides for penalties for violations of the Act. The bill contains a reenactment clause and directs the Virginia Housing Commission to convene a work group to further study the issues presented in the bill and make recommendations for consideration by the 2017 Session of the General Assembly. SB 416 (2016 Acts of Assembly, c. 674). [NOTE: The bill provides that certain agreements between hosting platforms and the Department of Taxation are not confidential tax information and are subject to disclosure under FOIA.]

## **Title 56 Public Service Companies.**

**BVU Authority; Board powers, officers; broadband; FOIA.** *See summary under § 2.2-3705.6, supra.* HB 1255 (2016 Acts of Assembly, c. 725) and SB 329 (2016 Acts of Assembly, c. 724). [NOTE: Both bills were enacted and took effect on April 8, 2016.]

**Regulation of water and sewer utilities.** *See summary under Title 12.1, supra.* HB 611 (2016 Acts of Assembly, c. 283) and SB 85 (2016 Acts of Assembly, c. 191).

## **Title 58.1 Taxation.**

**Department of Taxation; disclosure of certain tax information.** Permits the Department of Taxation (the Department) to disclose to a taxpayer whether the taxpayer's employer submitted withholding records to the Department as required. The bill also requires the Department to maintain a list of licensed cigarette stamping agents and make it available upon request to any federal, state, or local law-enforcement agency. HB 951 (2016 Acts of Assembly, c. 344) and SB 325 (2016 Acts of Assembly, c. 227).

## **Title 59.1 Trade and Commerce.**

**Fantasy Contests Act; registration required; conditions of registration; civil penalty.** Creates the Fantasy Contests Act (the Act), which applies to fantasy contests with an entry fee offered in Virginia. The bill defines "fantasy contest" as any online fantasy or simulated game or contest in which (i) the value of all prizes and awards offered to winning participants is established and made known to the participants in advance of the contest; (ii) all winning outcomes reflect the relative knowledge and skill of the participants and are determined predominantly by accumulated statistical results of the performance of individuals, including athletes in the case of sports events; and (iii) no winning outcome is based on the score, the point spread, or any performance of any single actual team or combination of teams or solely on any single performance of an individual athlete or player in any single actual event. The bill requires operators of fantasy contests to register annually with the Department of Agriculture and Consumer Services. The bill sets forth the conditions for registration and penalties for violation of the Act. The bill provides that such contests are not illegal gambling. HB 775 (2016 Acts of Assembly, c. 703). [NOTE: Among other provisions, the bill contains an exemption for certain records submitted to the Department pursuant to the audit requirements of § 59.1-559 and records submitted to the Department as part of an application for registration or renewal that contain information about the character or financial responsibility of the operator or its principal stockholders.]

**Fantasy Contests Act; registration required; conditions of registration; civil penalty.** Creates the Fantasy Contests Act (the Act), which applies to fantasy contests with an entry fee offered in Virginia. The bill defines "fantasy contest" as any online fantasy or simulated game or contest in which (i) the value of all prizes and awards offered to winning participants is established and made known to the participants in advance of the contest; (ii) all winning outcomes reflect the relative knowledge and skill of the

participants and are determined predominantly by accumulated statistical results of the performance of individuals, including athletes in the case of sports events; and (iii) no winning outcome is based on the score, the point spread, or any performance of any single actual team or combination of teams or solely on any single performance of an individual athlete or player in any single actual event. The bill requires a fantasy contest operator, as a condition for registration, to establish procedures that include ensuring that players who are the subject of a fantasy contest are restricted from entering a fantasy contest that is determined, in whole or part, on the accumulated statistical results of a team of individuals in which such players are participants. The bill requires operators of fantasy contests to register annually with the Department of Agriculture and Consumer Services and to contract with a testing laboratory to verify the procedures for fantasy contests. The bill sets forth penalties for violation of the Act. The bill provides that fantasy contests conducted in accordance with these measures are not illegal gambling. SB 646 (2016 Acts of Assembly, c. 318). [NOTE: Among other provisions, the bill contains an exemption for certain records submitted to the Department pursuant to the audit requirements of § 59.1-559 and records submitted to the Department as part of an application for registration or renewal that contain information about the character or financial responsibility of the operator or its principal stockholders.]

## **Title 63.2 Welfare (Social Services).**

**Confidentiality of information about victims of certain crimes.** Provides that, in order to ensure the safety of any adult or child victim of a violation of § 18.2-48, 18.2-355, 18.2-356, 18.2-357, or 18.2-357.1 and their families, programs and individuals providing services to such victims shall protect the confidentiality and privacy of persons receiving services by limiting the disclosure of information about such victims, including by prohibiting the release of individual client information without the informed consent of the minor and his parent or legal guardian, in cases in which the client is an unemancipated minor. The bill also clarifies that a person is a victim for purposes of such confidentiality and privacy protections regardless of whether any person has been charged with or convicted of any offense. The bill also provides that an alleged abuser of a minor or incapacitated person or of the minor's other parent may not consent to the release of confidential information. HB 373 (2016 Acts of Assembly, c. 670) and SB 253 (2016 Acts of Assembly, c. 666).

## **Title 65.2. Worker's Compensation.**

**Workers' compensation; fee schedules for medical services.** Directs the Workers' Compensation Commission (the Commission) to adopt regulations establishing fee schedules setting the maximum pecuniary liability of the employer for medical services provided to an injured person pursuant to the Virginia Workers' Compensation Act, in the absence of a contract under which the provider has agreed to accept a specified amount for the medical service. Among other provisions, contains a FOIA exemption for certain records and information relating to payments or reimbursements to providers used in development of the fee schedules. The bill contains an emergency clause, as well as other enactment clauses. HB 378 (2016 Acts of Assembly, c. 279) and SB 631 (2016

Acts of Assembly, c. 290). [**NOTE:** *Due to the emergency clause, both bills were enacted effective March 7, 2016.*]

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**Clarke County  
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VENDOR NAME	ACCOUNT DESC	FULL DESC	INVOICE DATE	AMOUNT
Action Alliance	VictimWit Due & Memb	Membership dues for VW Director	05/17/2016	50.00
<b>Action Alliance Total</b>				50.00
Altha J Bodkin	Circuit C Juror Pay	JURY DUTY 05/16/16	05/17/2016	30.00
<b>Altha J Bodkin Total</b>				30.00
Amanda L Ciaburri	Circuit C Juror Pay	JURY DUTY 05/16/16	05/17/2016	30.00
<b>Amanda L Ciaburri Total</b>				30.00
Amber Hadley	Programs Refunds	Park Refund	05/03/2016	90.00
<b>Amber Hadley Total</b>				90.00
American Red Cross	Programs CS	Programs	05/11/2016	243.00
<b>American Red Cross Total</b>				243.00
Anderson and Associa	Pass Through Engineer Fees	CC Berryville Public Works	05/17/2016	482.50
Anderson and Associa	Lights-Baseball Field-CS	A/E Services-Ballfield Lightin	04/30/2016	5,384.00
<b>Anderson and Associa Total</b>				5,866.50
Anderson Control	JGC Maintenanc CS	rm Anderson 101 Chalmers alarm monitoring	05/02/2016	135.43
Anderson Control	Maintenanc CS	rm Anderson 101 Chalmers alarm monitoring	05/02/2016	80.57
<b>Anderson Control Total</b>				216.00
Ann K Turner	Circuit C Juror Pay	JURY DUTY 05/16/16	05/17/2016	30.00
<b>Ann K Turner Total</b>				30.00
Arc Water Treatment	JGC Maintenanc CS	rm ARC 101 Chalmers water treatment 5/2016	05/02/2016	68.97
Arc Water Treatment	Maintenanc CS	rm ARC 101 Chalmers water treatment 5/2016	05/02/2016	41.03
<b>Arc Water Treatment Total</b>				110.00
Arnett, Betsy	HstPrvCom Board Fe	Attd @ HPC 5-18-16 mtg	05/20/2016	25.00
<b>Arnett, Betsy Total</b>				25.00
Artisans Center	Econ Dev CS	Contribution	05/11/2016	5,000.00
<b>Artisans Center Total</b>				5,000.00
At&t	County Adm Telephone	Acct 287015712672	04/23/2016	47.71
At&t	IT Telephone	Acct 287015712672	04/23/2016	114.92
At&t	Registrar Telephone	Acct 287015712672	04/23/2016	57.46
At&t	Comm Atty Telephone	Acct 287015712672	04/23/2016	189.84
At&t	Sheriff Telephone	Acct 287015712672	04/23/2016	1,020.41
At&t	Communicat Telephone	Acct 287015712672	04/23/2016	170.90
At&t	Bldg Insp Telephone	Acct 287015712672	04/23/2016	61.00
At&t	AnimalCtrl Telephone	Acct 287015712672	04/23/2016	12.70
At&t	Maintenanc Telephone	Acct 287015712672	04/23/2016	120.32
At&t	Econ Dev Telephone	Acct 287015712672	04/23/2016	47.46
<b>At&amp;t Total</b>				1,842.72
Atlantic Tactical	Sheriff Ammunition	Ammo	05/17/2016	405.09
<b>Atlantic Tactical Total</b>				405.09
Attic Promotions	Pool Clothing	Pool staff shirts	05/08/2016	101.50
Attic Promotions	Pool Resale Sup	Swim Caps	05/09/2016	340.00
Attic Promotions	Programs Clothing	PlayCamp shirts	04/22/2016	299.25
<b>Attic Promotions Total</b>				740.75
Attn Erica Kann VMCA	County Adm Due & Memb	Lora B. Walburn VMCA Region III Dues	05/19/2016	30.00
<b>Attn Erica Kann VMCA Total</b>				30.00
Attn Tanya B Harding	County Adm Due & Memb	LBW FY17 Dues VMCA Check Payable to VMCA	05/20/2016	35.00
<b>Attn Tanya B Harding Total</b>				35.00
BB&T	Sheriff CS	May Statement	05/09/2016	189.47
BB&T	Sheriff CS	Car Wash	05/09/2016	32.00
BB&T	Sheriff Travel	May Statement	05/09/2016	120.00
BB&T	Sheriff Travel	APCO Attendance	05/09/2016	465.58
BB&T	Sheriff Misc	April Statement	05/09/2016	70.00
BB&T	Sheriff Due & Memb	May Statement	05/09/2016	99.00
BB&T	Sheriff Due & Memb	April Statement	05/09/2016	111.00
BB&T	Sheriff Mat&Sup	May Statement	05/09/2016	27.88
BB&T	Sheriff Mat&Sup	May Statement	05/09/2016	77.97
BB&T	Sheriff Mat&Sup	April Statement	05/09/2016	133.58
BB&T	Sheriff Clothing	May Statement	05/09/2016	86.74
BB&T	AnimalCtrl Mat&Sup	rm BB&T credit card for April 2016	05/09/2016	68.90
BB&T	Parks Adm Due & Memb	Supplies	05/01/2016	25.00
BB&T	Parks Adm Mat&Sup	Supplies	05/01/2016	549.50
BB&T	Rec Center Mat&Sup	Supplies	05/01/2016	144.53
BB&T	Pool Clothing	Supplies	05/01/2016	115.42

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VENDOR NAME	ACCOUNT DESC	FULL DESC	INVOICE	
			DATE	AMOUNT
BB&T	Programs Mat&Sup	Supplies	05/01/2016	125.06
BB&T	Sheriff Travel	May Statement	05/09/2016	1,662.14
BB&T	Sheriff Travel	Training	05/09/2016	1,536.20
BB&T	Sheriff Travel	April Statement	05/09/2016	977.41
BB&T	Sheriff Travel	May Statement	05/09/2016	20.00
BB&T	Cnsrv Esmt Donation- Mat & Sup	Brid Bath and Frames	05/27/2016	1,089.99
<b>BB&amp;T Total</b>				<b>7,727.37</b>
BearCom	Time Synch Server	Customer 608736	04/28/2016	8,304.69
<b>BearCom Total</b>				<b>8,304.69</b>
Berryville Auto Part	Sheriff CS	Estimated Vehicle Repairs for trailer inspection	04/30/2016	30.00
Berryville Auto Part	Sheriff CS	Estimated Vehicle Repairs for 1405	04/30/2016	40.00
Berryville Auto Part	Sheriff CS	Estimated Vehicle Repairs for 1304	05/07/2016	40.00
Berryville Auto Part	Sheriff CS	Estimated Vehicle Repairs for 1402	05/10/2016	120.00
Berryville Auto Part	Sheriff CS	repairs for vehicle 0901	05/12/2016	94.00
Berryville Auto Part	Sheriff CS	Estimated Vehicle Repairs for 1301	05/20/2016	80.00
Berryville Auto Part	Sheriff CS	Estimated Vehicle Repairs for 1302	05/23/2016	265.00
Berryville Auto Part	Sheriff Mat&Sup	Estimated Vehicle Repairs for trailer inspection	04/30/2016	5.89
Berryville Auto Part	Sheriff Mat&Sup	Estimated Vehicle Repairs for 1405	04/30/2016	23.43
Berryville Auto Part	Sheriff Mat&Sup	Estimated Vehicle Repairs for 1301	05/04/2016	39.02
Berryville Auto Part	Sheriff Mat&Sup	Estimated Vehicle Repairs for 1304	05/07/2016	23.43
Berryville Auto Part	Sheriff Mat&Sup	Estimated Vehicle Repairs for 1402	05/10/2016	1,272.98
Berryville Auto Part	Sheriff Mat&Sup	repairs for vehicle 0901	05/12/2016	90.67
Berryville Auto Part	Sheriff Mat&Sup	Estimated Vehicle Repairs for 1301	05/20/2016	71.56
Berryville Auto Part	Sheriff Mat&Sup	Estimated Vehicle Repairs for 1302	05/23/2016	464.20
<b>Berryville Auto Part Total</b>				<b>2,660.18</b>
Berryville Farm	Maintenanc Mat&Sup	rm BFS Park hay	04/05/2016	10.50
Berryville Farm	Maintenanc Mat&Sup	rm BFS Park gr hog bombs	05/20/2016	14.00
<b>Berryville Farm Total</b>				<b>24.50</b>
Berryville True Valu	Maintenanc Mat&Sup	rm BH Maint fuses , screws ,dale purchased	04/21/2016	19.44
Berryville True Valu	Maintenanc Mat&Sup	rm BH Maint roundup general fastners	04/26/2016	75.19
Berryville True Valu	Maintenanc Mat&Sup	rm BH Maint barrel bolt	04/28/2016	7.58
Berryville True Valu	Maintenanc Mat&Sup	rm BH 101 Chalmers general fastners nuts washers	05/03/2016	3.12
Berryville True Valu	Maintenanc Mat&Sup	rm BH 100N. Church snap toilet bolt	05/05/2016	6.28
Berryville True Valu	Maintenanc Mat&Sup	rm BH 102 N. aerator 3 prong strainer	05/20/2016	7.78
Berryville True Valu	Maintenanc Mat&Sup	rm BH Rec C elbow coupling primer	05/09/2016	12.95
Berryville True Valu	Maintenanc Mat&Sup	rm BH MPT adapter , elbow 90	05/09/2016	5.28
Berryville True Valu	Maintenanc Mat&Sup	rm BH Rec steel strap , drill bit , nuts , washers	05/10/2016	11.72
Berryville True Valu	Maintenanc Mat&Sup	rm BH Rec Center Threadlocker	05/25/2016	4.79
Berryville True Valu	Maintenanc Mat&Sup	rm BH Pool clamp	04/22/2016	4.79
Berryville True Valu	Maintenanc Mat&Sup	rm BH Pool clamps adapters bits drain and elbow	05/12/2016	41.04
Berryville True Valu	Maintenanc Mat&Sup	rm BH Pool chip brush	05/12/2016	1.98
Berryville True Valu	Maintenanc Mat&Sup	rm BH pool muriatic acid	05/23/2016	17.98
Berryville True Valu	Maintenanc Mat&Sup	rm BH Pool wind dr caulk	05/24/2016	5.99
Berryville True Valu	Maintenanc Mat&Sup	rm BH Baseball field marker	05/02/2016	299.40
Berryville True Valu	Maintenanc Mat&Sup	rm BH 101 Chalmers general fastners nuts washers	05/03/2016	1.86
<b>Berryville True Valu Total</b>				<b>527.17</b>
Blatz, Joseph	BrdSepApp Board Fe	Attd @ BSA 5-4-16 mtg	05/09/2016	25.00
<b>Blatz, Joseph Total</b>				<b>25.00</b>
Blue Sky Towers	Communicat Lease&Rent	Contract period 05/01-06/01	05/01/2016	2,070.00
<b>Blue Sky Towers Total</b>				<b>2,070.00</b>
BMS Direct	Treasurer Printing	1st Half 2016 RE Bills	04/30/2016	1,894.28
BMS Direct	Cnsrv Esmt Donation- Purch Svc	'16 Spring CEA Newsltr	05/09/2016	831.85
<b>BMS Direct Total</b>				<b>2,726.13</b>
Bouffault, Robina	Plan Com Board Fe	Attd @ May brfing & reg mtgs	05/11/2016	100.00
<b>Bouffault, Robina Total</b>				<b>100.00</b>
Boyce Volunteer Fire	Boyce VF EntityGift	Civic contribution FY 16 Qtr 3	04/25/2016	12,500.00
<b>Boyce Volunteer Fire Total</b>				<b>12,500.00</b>
Boyer Landscapes Inc	Maintenanc CS	rm Boyer Park Soccer Irrigation System	05/05/2016	320.00
<b>Boyer Landscapes Inc Total</b>				<b>320.00</b>
Buckley, Randy	Plan Com Board Fe	Attd @ brfing & reg mtgs	05/11/2016	100.00
<b>Buckley, Randy Total</b>				<b>100.00</b>
Caldwell, Anne	Plan Com Board Fe	Attd @ May brf & reg mtgs	05/11/2016	100.00

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			INVOICE	
VENDOR NAME	ACCOUNT DESC	FULL DESC	DATE	AMOUNT
Caldwell, Anne	HstPrvCom Board Fe	Attd @ HPC 5-18-16 mtg	05/20/2016	25.00
<b>Caldwell, Anne Total</b>				125.00
Capelli, Len	Econ Dev CS	LBW Len Capelli Econ Dev May 2016 Invoice	05/23/2016	3,250.00
<b>Capelli, Len Total</b>				3,250.00
Carter, Page	HstPrvCom Board Fe	Attd @ 5-18-16 HPC Mtg	05/20/2016	25.00
<b>Carter, Page Total</b>				25.00
Charles Albright	Circuit C Juror Pay	JURY DUTY 05/16/16	05/17/2016	30.00
<b>Charles Albright Total</b>				30.00
Charles Wellman	Programs Refunds	Park Refund	05/02/2016	13.00
<b>Charles Wellman Total</b>				13.00
Chatman, Stacey	Programs CS	Fitness Classes (16 sessions X	05/16/2016	987.49
<b>Chatman, Stacey Total</b>				987.49
Cheer Eruption	Programs CS	Programs	05/15/2016	421.88
<b>Cheer Eruption Total</b>				421.88
Clean H2O Center	Pool Mat&Sup	supplies	05/17/2016	106.52
<b>Clean H2O Center Total</b>				106.52
Combs Wastewater Man	Programs Lease&Rent	Toilet Rental	05/02/2016	65.00
Combs Wastewater Man	Maintenanc CS	Toilet Rental	05/02/2016	65.00
<b>Combs Wastewater Man Total</b>				130.00
Comcast	IT Telephone	Acct 901594957	04/15/2016	850.00
Comcast	IT Telephone	Primary Internet Access	05/15/2016	850.00
<b>Comcast Total</b>				1,700.00
Commercial Press	Com of Rev Printing	bsns cards	03/18/2016	39.95
<b>Commercial Press Total</b>				39.95
Commercial Site Furn	Parks Adm Mat&Sup	Benches	05/03/2016	592.80
<b>Commercial Site Furn Total</b>				592.80
Consolidated Electri	Maintenanc CS	rm Consolidated E. 911 Tower replace receptacle	05/19/2016	102.00
<b>Consolidated Electri Total</b>				102.00
Corrugated Container	AnimalCtrl Mat&Sup	rm Coorugated ACO cat litter trays	05/09/2016	794.00
<b>Corrugated Container Total</b>				794.00
Costco	Pool Mat&Sup	Supplies	05/17/2016	71.92
Costco	Programs Mat&Sup	Supplies	05/17/2016	35.37
<b>Costco Total</b>				107.29
County of Frederick	Telephone	Magistrate/refuse	05/19/2016	4.17
County of Frederick	RefuseDisp Intergov	refuse	05/03/2016	779.94
County of Frederick	RefuseDisp Intergov	Refuse	05/03/2016	259.32
County of Frederick	RefuseDisp Intergov	Magistrate/refuse	05/19/2016	8,257.76
<b>County of Frederick Total</b>				9,301.19
Crystal Marshall	Circuit C Juror Pay	JURY DUTY 05/16/16	05/17/2016	30.00
<b>Crystal Marshall Total</b>				30.00
Darlene Franklin	Circuit C Juror Pay	JURY DUTY 2 DAYS 05/16-17/16	05/17/2016	60.00
<b>Darlene Franklin Total</b>				60.00
Datum Filing Systems	Clk of CC CO Adds	Acct 362373	04/20/2016	5,249.73
<b>Datum Filing Systems Total</b>				5,249.73
DDL Business Sys	Parks Adm Maint Con	Contract 10240-13	04/25/2016	250.54
<b>DDL Business Sys Total</b>				250.54
Debbie Jenkins	Programs Refunds	Refund	05/12/2016	22.00
<b>Debbie Jenkins Total</b>				22.00
Dehaven Berkeley	Sheriff Mat&Sup	Water	05/05/2016	12.95
Dehaven Berkeley	Maintenanc Wat & Sew	rm Dehaven drinking water	05/05/2016	12.90
Dehaven Berkeley	Maintenanc Wat & Sew	rm Dehaven Maint Rent for May 2016	05/15/2016	11.00
Dehaven Berkeley	Maintenanc Wat & Sew	rm Dehaven 100 N. Church rent for May 2016	05/15/2016	9.00
<b>Dehaven Berkeley Total</b>				45.85
Dell Marketing	IT Maint Con	Customer 003516818	04/13/2016	1,602.00
<b>Dell Marketing Total</b>				1,602.00
Department of State	Parks Adm Due & Memb	Background check	05/01/2016	20.00
<b>Department of State Total</b>				20.00
Dina M. Thompson	Circuit C Juror Pay	JURY DUTY 2 DAYS 05/16-17/2016	05/17/2016	60.00
<b>Dina M. Thompson Total</b>				60.00
DMV	Treasurer DMV Stop	April DMV Stops	04/29/2016	420.00
<b>DMV Total</b>				420.00
Douglas Ayen	Circuit C Juror Pay	JURY DUTY MAY 16, 2016	05/17/2016	30.00

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VENDOR NAME	ACCOUNT DESC	FULL DESC	DATE	AMOUNT
<b>Douglas Ayen Total</b>				30.00
Election Systems	Voting Eq CO Adds	Voting Equipment	05/11/2016	6,049.41
<b>Election Systems Total</b>				6,049.41
Erin K Mabry	Circuit C Juror Pay	JURY DUTY 05/16/16	05/17/2016	30.00
<b>Erin K Mabry Total</b>				30.00
Fire Safety Equip	Maintenanc CS	rm F.Safety School & Park hood fans check	05/17/2016	156.00
<b>Fire Safety Equip Total</b>				156.00
Food Lion	Programs Mat&Sup	supplies for Programs	05/07/2016	20.59
<b>Food Lion Total</b>				20.59
Foxs Pizza	Programs Mat&Sup	Programs	05/07/2016	91.95
<b>Foxs Pizza Total</b>				91.95
Frederick-Winchester	Sanitation Intergov	April 2016 charges	05/10/2016	2,454.20
<b>Frederick-Winchester Total</b>				2,454.20
Gabrielle M Tokach	Circuit C Juror Pay	JURY DUTY 05/16/16	05/17/2016	30.00
<b>Gabrielle M Tokach Total</b>				30.00
Galls/Best Uniforms	Sheriff Clothing	Shirts	05/04/2016	98.95
Galls/Best Uniforms	Sheriff Clothing	Mag Pouch - Frenzel	05/13/2016	37.75
Galls/Best Uniforms	Sheriff Clothing	Shirts - McDonald	05/13/2016	52.91
<b>Galls/Best Uniforms Total</b>				189.61
GCA	Maintenanc Maint Con	rm GCA County Cleaning for May 2016	05/01/2016	3,366.23
GCA	JGC Maintenance Svc Con	rm GCA County Cleaning for May 2016	05/01/2016	2,332.38
GCA	Maintenanc Maint Con	rm GCA Senior Center cleaning April 2016	04/25/2016	127.60
GCA	Maintenanc Maint Con	rm GCA County Cleaning for May 2016	05/01/2016	293.79
GCA	Maintenanc Maint Con	rm GCA County Cleaning for May 2016	05/01/2016	1,387.51
<b>GCA Total</b>				7,507.51
Grainger Inc	Maintenanc Mat&Sup	rm Grainger Maint batteries	04/18/2016	77.64
Grainger Inc	Maintenanc Mat&Sup	rm Graingers 100 N. button batteries for panic but	04/18/2016	16.48
Grainger Inc	Maintenanc Mat&Sup	rm Grainger BB spring snaps for nets	05/19/2016	63.90
<b>Grainger Inc Total</b>				158.02
Greatscapes	Maintenanc Maint Con	rm Greatscapes Mowing for April2016 weed control	05/02/2016	8,285.00
<b>Greatscapes Total</b>				8,285.00
Grubb, Kristen	Programs CS	COMPUTER HARDWARE AND PERIPHER	05/16/2016	245.70
<b>Grubb, Kristen Total</b>				245.70
Hall, Monahan	Legal Svc CS	LBW PA \$1945; SFSD \$1610; LS \$537.50	05/03/2016	2,147.50
Hall, Monahan	Legal Svc CS	lbw Legal Svcs Jan-Apr 2016 Personnel	05/06/2016	225.00
Hall, Monahan	Legal Svc CS	Comcast Renewal Matt Ames sv	05/10/2016	116.00
Hall, Monahan	Plan Adm CS	LBW PA \$1945; SFSD \$1610; LS \$537.50	05/03/2016	1,945.00
Hall, Monahan	Dev Rights CS	B Mitchell Inv Apr '16	05/11/2016	2,140.00
Hall, Monahan	Dev Rights G Greenhalgh	CCEA close	05/24/2016	201,165.00
<b>Hall, Monahan Total</b>				207,738.50
Harper and Company	Pool Chemicals	rm Harper Pool 2 underwater lights	04/28/2016	761.81
Harper and Company	Pool Chemicals	rm Harper Pool chemicals	04/29/2016	1,964.25
<b>Harper and Company Total</b>				2,726.06
Henry Schein	AnimalCtrl Mat&Sup	rm Henry Schein ACO telazol injection meds	05/16/2016	121.80
<b>Henry Schein Total</b>				121.80
Hess, Pam	Communicat Travel	Mileage for APCO Conference	05/10/2016	250.56
<b>Hess, Pam Total</b>				250.56
Independent Statione	Finance Cen Purch	Acct 541070553	04/20/2016	107.00
Independent Statione	Finance Cen Purch	Acct 541070553	05/09/2016	691.76
<b>Independent Statione Total</b>				798.76
Jacqueline Leen	Circuit C Juror Pay	JURY DUTY 05/16/16	05/17/2016	30.00
<b>Jacqueline Leen Total</b>				30.00
Janis L Chamblin	Circuit C Juror Pay	JURY DUTY 2 DAYS 05/16-17/16	05/17/2016	60.00
<b>Janis L Chamblin Total</b>				60.00
Jeffrey R. Burtner	Circuit C Juror Pay	JURY DUTY 05/16/16	05/17/2016	30.00
<b>Jeffrey R. Burtner Total</b>				30.00
Johnston, Jane	Programs CS	Fitness Classes (24 Sessions X	05/16/2016	912.38
<b>Johnston, Jane Total</b>				912.38
Joyce, Jon	HstPrvCom Board Fe	Attd @ HPC 5-18-16 mtg	05/20/2016	25.00
<b>Joyce, Jon Total</b>				25.00
Kalbiam, Maral	HstPrvCom CS	Consulting services April '16	05/03/2016	1,375.00
<b>Kalbiam, Maral Total</b>				1,375.00

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Kathryn I Byrd	Circuit C Juror Pay	JURY DUTY 2 DAYS, 05/16-17/16	05/17/2016	60.00
<b>Kathryn I Byrd Total</b>				<b>60.00</b>
Kiln Doctor, The	Programs Mat&Sup	Program Supplies	05/07/2016	132.10
<b>Kiln Doctor, The Total</b>				<b>132.10</b>
KNS Technologies	Econ Dev CO Adds	Website Design and Constructio	05/12/2016	6,000.00
<b>KNS Technologies Total</b>				<b>6,000.00</b>
Kruhm, Douglas	Plan Com Board Fe	Attd @ May brfing mtg	05/11/2016	50.00
<b>Kruhm, Douglas Total</b>				<b>50.00</b>
Language Line Servic	Communicat CS	Language Line Services	04/30/2016	18.46
<b>Language Line Servic Total</b>				<b>18.46</b>
Lee, Frank	Plan Com Board Fe	Attd @ May brf & reg mtgs	05/11/2016	100.00
<b>Lee, Frank Total</b>				<b>100.00</b>
LexisNexis	BoS Due & Memb	2016 Va Code Rules RV 11-sv	05/05/2016	63.93
<b>LexisNexis Total</b>				<b>63.93</b>
Logan Systems Inc	Clk of CC Microfilm	Computer Indexing & Paper	05/15/2016	630.93
Logan Systems Inc	Clk of CC Mat&Sup	Computer Indexing & Paper	05/15/2016	508.95
<b>Logan Systems Inc Total</b>				<b>1,139.88</b>
Lowes	Parks Adm Mat&Sup	steel mounting/shelton locking post	05/06/2016	49.32
<b>Lowes Total</b>				<b>49.32</b>
Malone, Gwendolyn	Plan Com Board Fe	Attd @ May brfing & reg mtgs	05/11/2016	100.00
<b>Malone, Gwendolyn Total</b>				<b>100.00</b>
Mansfield Oil Co	County Adm Veh Fuel	rm Mansfield Fuel for 4/16 to 4/30/2016	05/04/2016	11.35
Mansfield Oil Co	County Adm Veh Fuel	rm Mansfield fuel charge for 5/1/16 to 5/15/16	05/17/2016	22.49
Mansfield Oil Co	Sheriff Veh Fuel	Fuel for 5/1 - 5/15/2016	05/17/2016	1,712.01
Mansfield Oil Co	EMS Veh Fuel	rm Mansfield Fuel for 4/16 to 4/30/2016	05/04/2016	17.87
Mansfield Oil Co	EMS Veh Fuel	rm Mansfield fuel charge for 5/1/16 to 5/15/16	05/17/2016	15.47
Mansfield Oil Co	Bldg Insp Veh Fuel	rm Mansfield Fuel for 4/16 to 4/30/2016	05/04/2016	59.99
Mansfield Oil Co	Bldg Insp Veh Fuel	rm Mansfield fuel charge for 5/1/16 to 5/15/16	05/17/2016	37.76
Mansfield Oil Co	AnimalCtrl Veh Fuel	rm Mansfield Fuel for 4/16 to 4/30/2016	05/04/2016	33.15
Mansfield Oil Co	AnimalCtrl Veh Fuel	rm Mansfield fuel charge for 5/1/16 to 5/15/16	05/17/2016	37.43
Mansfield Oil Co	Maintenanc Veh Fuel	rm Mansfield Fuel for 4/16 to 4/30/2016	05/04/2016	178.82
Mansfield Oil Co	Maintenanc Veh Fuel	rm Mansfield fuel charge for 5/1/16 to 5/15/16	05/17/2016	86.04
Mansfield Oil Co	Parks Adm Veh Fuel	rm Mansfield Fuel for 4/16 to 4/30/2016	05/04/2016	8.84
Mansfield Oil Co	Parks Adm Veh Fuel	rm Mansfield fuel charge for 5/1/16 to 5/15/16	05/17/2016	8.69
<b>Mansfield Oil Co Total</b>				<b>2,229.91</b>
Mason, Allen	Travel	Airline ticket Dallas	05/13/2016	282.20
<b>Mason, Allen Total</b>				<b>282.20</b>
Matsch Systems	IT CS	Net-Phacs Call Accounting Serv June 2016	05/03/2016	200.00
<b>Matsch Systems Total</b>				<b>200.00</b>
McCarthy Tire	Maintenanc Mat&Sup	rm McCarthy Park change new tire to old tractor	04/29/2016	549.24
<b>McCarthy Tire Total</b>				<b>549.24</b>
McDonald, Jerry C	Maintenanc CS	rm JC McDonald Park Bushhog new area	05/04/2016	350.00
<b>McDonald, Jerry C Total</b>				<b>350.00</b>
McKay, Beverly	BrdSepApp Board Fe	Attd @ BSA 5-4-16 mtg	05/09/2016	25.00
<b>McKay, Beverly Total</b>				<b>25.00</b>
Millers Supplie(B-K)	Clk of CC Mat&Sup	Desk top copyholder/desk pad/laminator	03/21/2016	312.21
<b>Millers Supplie(B-K) Total</b>				<b>312.21</b>
Mitylite	Parks Adm Mat&Sup	PO # 667	04/19/2016	755.12
<b>Mitylite Total</b>				<b>755.12</b>
Montgomery, Christel	Programs CS	Gymnastics Camps FY16	05/15/2016	981.75
<b>Montgomery, Christel Total</b>				<b>981.75</b>
Nelson, Clifford M	Plan Com Board Fe	Attd @ May brfing & reg mtgs	05/11/2016	100.00
<b>Nelson, Clifford M Total</b>				<b>100.00</b>
Newsom Seed	Maintenanc Mat&Sup	rm Newsom Park seed for new soccer area	05/02/2016	410.00
<b>Newsom Seed Total</b>				<b>410.00</b>
Northern Virginia Da	Treasurer Advertise	Advertisements	04/30/2016	183.35
Northern Virginia Da	IT CS	Advertisements	04/30/2016	548.25
Northern Virginia Da	Maintenanc Advertise	Advertisements	04/30/2016	485.15
<b>Northern Virginia Da Total</b>				<b>1,216.75</b>
Northwest Virginia R	Drug TF EntityGift	First Quarter Contribution	04/01/2016	2,956.91
<b>Northwest Virginia R Total</b>				<b>2,956.91</b>
NW Works Inc	NW Works EntityGift	FY 16 annual civic contribution	05/02/2016	1,000.00

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<b>NW Works Inc Total</b>				1,000.00
Office Depot	Finance Cen Purch	Acct 41685398	04/21/2016	120.43
<b>Office Depot Total</b>				120.43
Ohrstrom, George II	Plan Com Board Fe	Attd @ May brfng & reg mtgs	05/11/2016	50.00
Ohrstrom, George II	BrdSepApp Board Fe	Attd @ May 4, '16 BSA mtg	05/09/2016	25.00
<b>Ohrstrom, George II Total</b>				75.00
Omnicom Consulting	Radio System Study	Consutling Services for E911/S	05/12/2016	5,401.77
<b>Omnicom Consulting Total</b>				5,401.77
Piedmont Geotechnica	Plan Adm Eng & Arch	Review of Restivity Rpt-Hill	05/11/2016	200.00
<b>Piedmont Geotechnica Total</b>				200.00
Pogue, Dennis J	Outbldg Rprs Grnwy Ct Eng/Arch	Services	04/30/2016	3,400.00
<b>Pogue, Dennis J Total</b>				3,400.00
Police and Sheriffs	Sheriff Clothing	ID Card	05/04/2016	17.49
Police and Sheriffs	Sheriff Clothing	ID Card	05/11/2016	17.49
<b>Police and Sheriffs Total</b>				34.98
Premier Accounts Rec	EMS CS	Premier Accts Rec-Billing Invoice April 2016	05/04/2016	2,236.82
<b>Premier Accounts Rec Total</b>				2,236.82
Quality Uniform Co	Sheriff Clothing	Vest Cover - Chambers	05/17/2016	95.00
Quality Uniform Co	Sheriff Clothing	Vest Cover - Kennedy	05/17/2016	95.00
<b>Quality Uniform Co Total</b>				190.00
Quill Corporation	Plan Adm Mat&Sup	Acct C670997	04/15/2016	247.34
Quill Corporation	Finance Cen Purch	Acct C670997	04/15/2016	502.36
<b>Quill Corporation Total</b>				749.70
Rappahannock Electri	Maintenanc Electric	rm REC 101 Chalmers Ct electric bill	05/04/2016	2,783.40
Rappahannock Electri	Maintenanc Electric	rm REC 100, 102,& 104 N. Church electric bill	05/04/2016	628.73
Rappahannock Electri	Maintenanc Electric	rm REC1531 Springsberry rd electric bill	05/04/2016	193.42
Rappahannock Electri	Maintenanc Electric	rm REC 100, 102,& 104 N. Church electric bill	05/04/2016	1,858.18
Rappahannock Electri	Maintenanc Electric	rm REC 100, 102,& 104 N. Church electric bill	05/04/2016	788.27
Rappahannock Electri	Maintenanc Electric	rm REC 104 Outside light electric bill	05/04/2016	39.91
Rappahannock Electri	Maintenanc Electric	rm REC ACO electric bill	05/04/2016	395.65
Rappahannock Electri	Maintenanc Electric	rm REC 524 Westwood rd electric bill	05/04/2016	115.56
Rappahannock Electri	Maintenanc Electric	rm REC Rec,Park Soccer Pool electric bill	05/04/2016	1,829.40
Rappahannock Electri	Maintenanc Electric	rm REC Park ,Pool, BB, electric bill	05/04/2016	80.34
Rappahannock Electri	Maintenanc Electric	rm REC Rec,Park Soccer Pool electric bill	05/04/2016	196.93
Rappahannock Electri	Maintenanc Electric	rm REC Park ,Pool, BB, electric bill	05/04/2016	78.54
Rappahannock Electri	Maintenanc Electric	rm REC Rec,Park Soccer Pool electric bill	05/04/2016	185.25
Rappahannock Electri	Maintenanc Electric	rm REC Park ,Pool, BB, electric bill	05/04/2016	58.48
Rappahannock Electri	Maintenanc Electric	rm REC Rec,Park Soccer Pool electric bill	05/04/2016	31.94
Rappahannock Electri	Maintenanc Electric	rm REC 313 E Main St electric bill	05/04/2016	100.09
Rappahannock Electri	Maintenanc Electric	rm REC 311 E. Main electric bill	05/04/2016	558.17
Rappahannock Electri	Maintenanc Electric	rm REC 129 Ramsburg Ln electric bill	05/04/2016	207.71
Rappahannock Electri	Maintenanc Electric	rm REC 101 Chalmers Ct electric bill	05/04/2016	1,655.83
<b>Rappahannock Electri Total</b>				11,785.80
Rappahannock Region	Sheriff Misc	Verbal Judo Class (11 slots)	05/12/2016	550.00
Rappahannock Region	Sheriff Misc	Verbal Judo Class (22 Slots)	05/12/2016	1,100.00
<b>Rappahannock Region Total</b>				1,650.00
Republic Services	LitterCtrl CS	Acct 3-0976-4784245	04/30/2016	350.00
Republic Services	Maintenanc Maint Con	Acct 3-0976-0015268	04/24/2016	941.57
<b>Republic Services Total</b>				1,291.57
Rhodes, Clesta	Comm Atty Postal	reimburse for postage	05/16/2016	7.35
<b>Rhodes, Clesta Total</b>				7.35
Ricoh Usa	District C Maint Con	Contract 2247152	04/11/2016	134.81
Ricoh Usa	Sheriff Maint Con	Contract 3802180	04/19/2016	240.00
Ricoh Usa	IT Maint Con	Contract 2443765	05/11/2016	31.35
<b>Ricoh Usa Total</b>				406.16
Riddleberger Bros	Maintenanc CS	rm RBI 104 N. office to hot	04/26/2016	237.50
Riddleberger Bros	Maintenanc CS	rm RBI 104 court room unit freezing up	05/03/2016	4,539.29
<b>Riddleberger Bros Total</b>				4,776.79
Roberts Oxygen Comp	Rec Center Mat&Sup	Helium	05/05/2016	270.07
<b>Roberts Oxygen Comp Total</b>				270.07
Ron Santmyer	Rec Center Refunds	Park Refund	05/04/2016	519.75
Ron Santmyer	Programs Refunds	Park Refund	05/04/2016	510.00

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<b>Ron Santmyer Total</b>				1,029.75
Roseville Vet Hospit	AnimalCtrl CS	rm RVet ACO Rabies shots for Dixie	03/28/2016	16.25
Roseville Vet Hospit	AnimalCtrl CS	rm RVet ACO Rabies shots for Miley	04/01/2016	16.25
Roseville Vet Hospit	AnimalCtrl CS	rm RVet ACO rabies shot for Cindy Lou	04/04/2016	16.25
Roseville Vet Hospit	AnimalCtrl CS	rm RVet ACO rabies shot for Patrick	04/11/2016	16.25
Roseville Vet Hospit	AnimalCtrl CS	rm RVet ACO rabies shot for Harriet and Ozzie	04/12/2016	32.50
Roseville Vet Hospit	AnimalCtrl CS	rm RVet ACO rabies shot for Missy	04/14/2016	16.25
Roseville Vet Hospit	AnimalCtrl CS	rm RVet ACO rabies shot for Josie	04/14/2016	16.25
Roseville Vet Hospit	AnimalCtrl CS	rm RVet ACO Rabies shots for Comet	04/14/2016	16.25
Roseville Vet Hospit	AnimalCtrl CS	rm RVet ACO rabies shot for Annabelle	04/14/2016	16.25
Roseville Vet Hospit	AnimalCtrl CS	rm RVet ACO rabies shot for Aaron	04/18/2016	16.25
Roseville Vet Hospit	AnimalCtrl CS	rm RVet ACO rabies for Bella	04/26/2016	16.25
Roseville Vet Hospit	AnimalCtrl CS	rm RVet ACO rabies shot for Thomas	05/13/2016	16.25
<b>Roseville Vet Hospit Total</b>				211.25
Roynall Crawford	Circuit C Juror Pay	JURY DUTY 05/16/16	05/17/2016	30.00
<b>Roynall Crawford Total</b>				30.00
Schenck Foods Compan	Programs Mat&Sup	After School Food	05/03/2016	68.98
Schenck Foods Compan	Programs Mat&Sup	Food Afterschool	05/17/2016	207.87
<b>Schenck Foods Compan Total</b>				276.85
Secure Shred	Sheriff CS	Shredding	05/01/2016	25.00
<b>Secure Shred Total</b>				25.00
Shameke L Mason	Circuit C Juror Pay	JURY DUTY 2 DAYS 05/16-17/16	05/17/2016	60.00
<b>Shameke L Mason Total</b>				60.00
Shannon-Baum Signs I	Maintenanc Mat&Sup	rm Shannon Baum Horseshoe , Bellringer and Clermon	04/06/2016	144.00
Shannon-Baum Signs I	Maintenanc Mat&Sup	rm Shannon Baum sawmill, ebenezer road signs	04/28/2016	192.00
Shannon-Baum Signs I	Maintenanc Mat&Sup	rm Shannon Baum North Hill Rd sign	04/28/2016	48.00
<b>Shannon-Baum Signs I Total</b>				384.00
Shentel	IT Telephone	Dark fiber lease	05/01/2016	1,980.00
<b>Shentel Total</b>				1,980.00
Shred-It	Com of Rev CS	Shredding services	05/21/2015	23.59
Shred-It	Com of Rev CS	Shredding services	05/22/2015	23.59
Shred-It	Com of Rev CS	Shredding services	07/31/2015	23.59
Shred-It	Com of Rev CS	Shredding services	08/24/2015	23.59
Shred-It	Com of Rev CS	Shredding services	09/22/2015	23.59
Shred-It	Com of Rev CS	Shredding services	12/15/2015	23.59
Shred-It	Com of Rev CS	Shredding services	01/12/2016	23.59
Shred-It	Com of Rev CS	shredding services	04/05/2016	23.59
Shred-It	Com of Rev CS	Shredding services	04/05/2016	23.59
Shred-It	Com of Rev CS	shredding services	05/03/2016	23.59
Shred-It	Treasurer CS	Shred Services - Treas Office	05/03/2016	23.59
<b>Shred-It Total</b>				259.49
Signet Screen Printi	Programs Printing	Summer Concerts	05/05/2016	165.00
<b>Signet Screen Printi Total</b>				165.00
Solenberger	Maintenanc Mat&Sup	rm Solenberger Pool 1/2" poly tubing	04/25/2016	51.30
<b>Solenberger Total</b>				51.30
Southern Refrigerati	Maintenanc Mat&Sup	rm southern Park exhaust fan blade	04/17/2016	14.71
<b>Southern Refrigerati Total</b>				14.71
Staples Technology S	Finance Cen Purch	Cust # 09555148	07/15/2015	89.51
<b>Staples Technology S Total</b>				89.51
Stefanie Irwin	Programs Refunds	Park Refund	05/03/2016	36.00
<b>Stefanie Irwin Total</b>				36.00
Stephen B Waffle	Circuit C Juror Pay	JURY DUTY 2 DAYS 05/16-17/16	05/17/2016	60.00
<b>Stephen B Waffle Total</b>				60.00
Steve Hajnos	Circuit C Juror Pay	JURY DUTY 05/16/16	05/17/2016	30.00
<b>Steve Hajnos Total</b>				30.00
Stieg, Bob	HstPrvCom Board Fe	Attd @ 5-18-16 HPC mtg	05/20/2016	25.00
<b>Stieg, Bob Total</b>				25.00
Supply Room, The	Finance Cen Purch	Acct 4506100	04/21/2016	93.90
<b>Supply Room, The Total</b>				93.90
Susan E Belford	Circuit C Juror Pay	JURY DUTY 05/16/16	05/17/2016	30.00
<b>Susan E Belford Total</b>				30.00
Susan P Browning	Circuit C Juror Pay	JURY DUTY 2 DAYS 05/16-17/16	05/17/2016	60.00

**Clarke County  
Invoice History Report  
May 31, 2016**

VENDOR NAME	ACCOUNT DESC	FULL DESC	INVOICE DATE	AMOUNT
<b>Susan P Browning Total</b>				60.00
Teetor, Alison	Plan Adm Mileage	Mileage for A.Teetor	05/12/2016	23.76
Teetor, Alison	Travel Local Mileage	Mileage for A.Teetor	05/12/2016	64.80
<b>Teetor, Alison Total</b>				88.56
Teltronic	Sheriff CS	Radio Repair	05/03/2016	45.00
Teltronic	Sheriff Mat&Sup	Radio Repair	05/03/2016	80.33
<b>Teltronic Total</b>				125.33
Tire World	Sheriff Mat&Sup	tires	05/12/2016	233.52
<b>Tire World Total</b>				233.52
Town of Berryville	Maintenanc Wat & Sew	rm TOB 101 Chalmers water and sewer	04/27/2016	111.48
Town of Berryville	Maintenanc Wat & Sew	rm TOB 100 N.Church water & sewer	04/24/2016	254.00
Town of Berryville	Maintenanc Wat & Sew	rm TOB 104 N. Church water & sewer	04/27/2016	50.80
Town of Berryville	Maintenanc Wat & Sew	rm TOB Rec Center water & sewer	04/27/2016	272.00
Town of Berryville	Maintenanc Wat & Sew	rm TOB Park LL water & sewer	04/27/2016	15.00
Town of Berryville	Maintenanc Wat & Sew	rm TOB Park (House) water & sewer	04/27/2016	243.60
Town of Berryville	Maintenanc Wat & Sew	Water Bill (Leak discovered)Pool	04/27/2016	17,018.00
Town of Berryville	Maintenanc Wat & Sew	rm TOB 313 E. Main water & sewer	04/27/2016	50.80
Town of Berryville	Maintenanc Wat & Sew	rm TOB 311 E. Main water & sewer	04/27/2016	101.60
Town of Berryville	Maintenanc Wat & Sew	rm TOB 129 Ramsburg water & sewer	04/27/2016	34.00
Town of Berryville	Maintenanc Wat & Sew	rm TOB 101 Chalmers water and sewer	04/27/2016	66.32
<b>Town of Berryville Total</b>				18,217.60
Treasurer Of Virgini	Exam&Bury CS	Medical examiner fees	04/27/2016	20.00
<b>Treasurer Of Virgini Total</b>				20.00
TrueShred	Electoral CS	Registrar Shedding Service	05/20/2016	35.00
<b>TrueShred Total</b>				35.00
Turkel, Jon	Plan Com Board Fe	Attd @ brfing & reg mtgs	05/11/2016	100.00
<b>Turkel, Jon Total</b>				100.00
Tyler Technologies	ERP Sys CS	ERP Implementation Costs & One	04/27/2016	1,000.00
Tyler Technologies	ERP Sys CS	STD Permits conversion	04/29/2016	2,000.00
Tyler Technologies	ERP Sys CS	Application services 06/01-08/31	05/01/2016	14,500.12
Tyler Technologies	ERP Sys CS	H. Fenders May 6, Z. Hermann May 3-5	05/11/2016	2,115.00
<b>Tyler Technologies Total</b>				19,615.12
Valley Health	EMS Mat&Sup	WMC Supply Invoice April 2016	05/06/2016	1,210.59
<b>Valley Health Total</b>				1,210.59
Verizon	County Adm Telephone	Phone	04/26/2016	11.25
Verizon	Com of Rev Telephone	Phone	04/26/2016	7.50
Verizon	Treasurer Telephone	Phone	04/26/2016	3.75
Verizon	IT Telephone	Acct 151-956-673-0001-70	04/24/2016	219.99
Verizon	IT Telephone	Phone	04/26/2016	188.38
Verizon	Registrar Telephone	Phone	04/26/2016	3.75
Verizon	District C Telephone	Phone	04/26/2016	44.71
Verizon	J&D Court Telephone	Phone	04/26/2016	46.28
Verizon	Clk of CC Telephone	Phone	04/26/2016	74.63
Verizon	Comm Atty Telephone	Phone	04/26/2016	11.25
Verizon	Sheriff Telephone	Phone	04/26/2016	135.96
Verizon	Communicat Telephone	Phone	04/26/2016	124.10
Verizon	Communicat Telephone	phone	05/01/2016	45.07
Verizon	Communicat Telephone	Outstanding amount account 810800393	05/01/2016	90.04
Verizon	EMS Telephone	Phone	04/26/2016	45.08
Verizon	Probation Telephone	Phone	04/26/2016	3.75
Verizon	Bldg Insp Telephone	Phone	04/26/2016	7.50
Verizon	AnimalCtrl Telephone	Phone	04/26/2016	34.78
Verizon	Maintenanc Telephone	Phone	04/26/2016	34.78
Verizon	Parks Adm Telephone	Phone	04/26/2016	57.57
Verizon	Plan Adm Telephone	Phone	04/26/2016	18.75
Verizon	Coop Ext Telephone	Phone	04/26/2016	3.75
Verizon	VictimWit Telephone	Phone	04/26/2016	3.75
Verizon	Finance Telephone	Phone	04/26/2016	99.99
<b>Verizon Total</b>				1,316.36
Virginia Department	Programs Due & Memb	Background Checks	05/01/2016	60.00
<b>Virginia Department Total</b>				60.00
Virginia Regional Tr	Loud Trans EntityGift	FY 16 Qtr 3 civic contribution	05/01/2016	4,825.50

**Clarke County  
Invoice History Report  
May 31, 2016**

			INVOICE	
VENDOR NAME	ACCOUNT DESC	FULL DESC	DATE	AMOUNT
<b>Virginia Regional Tr Total</b>				4,825.50
Virginia Tech	Coop Ext VPI Agent	Billing Salary FY2016 3rd qtr	04/06/2016	9,132.96
<b>Virginia Tech Total</b>				9,132.96
VITA	BoS Telephone	March 2016	04/28/2016	1.58
VITA	County Adm Telephone	March 2016	04/28/2016	5.93
VITA	Com of Rev Telephone	March 2016	04/28/2016	2.63
VITA	Treasurer Telephone	March 2016	04/28/2016	3.78
VITA	IT Telephone	March 2016	04/28/2016	738.31
VITA	Registrar Telephone	March 2016	04/28/2016	4.04
VITA	District C Telephone	March 2016	04/28/2016	103.17
VITA	J&D Court Telephone	March 2016	04/28/2016	2.48
VITA	Clk of CC Telephone	March 2016	04/28/2016	4.20
VITA	Comm Atty Telephone	March 2016	04/28/2016	2.89
VITA	Sheriff Telephone	March 2016	04/28/2016	8.77
VITA	Communicat Telephone	March 2016	04/28/2016	775.25
VITA	EMS Telephone	March 2016	04/28/2016	0.37
VITA	Bldg Insp Telephone	March 2016	04/28/2016	6.43
VITA	AnimalCtrl Telephone	March 2016	04/28/2016	2.63
VITA	Maintenanc Telephone	March 2016	04/28/2016	2.30
VITA	Parks Adm Telephone	March 2016	04/28/2016	7.38
VITA	Plan Adm Telephone	March 2016	04/28/2016	9.90
VITA	Coop Ext Telephone	March 2016	04/28/2016	10.07
VITA	VictimWit Telephone	March 2016	04/28/2016	4.86
VITA	Finance Telephone	March 2016	04/28/2016	3.75
VITA	Telephone	March 2016	04/28/2016	313.10
<b>VITA Total</b>				2,013.82
Wage Works	Finance Flex Rmb	daily flex settlement	05/02/2016	126.14
Wage Works	Finance Flex Rmb	daily flex settlement	05/03/2016	68.68
Wage Works	Finance Flex Rmb	daily flex settlment	05/04/2016	418.00
Wage Works	Finance Flex Rmb	daily flex settlement	05/05/2016	83.10
Wage Works	Finance Flex Rmb	daily flex settlement	05/06/2016	480.01
Wage Works	Finance Flex Rmb	daily flex settlement	05/09/2016	398.08
Wage Works	Finance Flex Rmb	daily flex settlment	05/10/2016	102.85
Wage Works	Finance Flex Rmb	daily flex settlment	05/12/2016	141.02
Wage Works	Finance Flex Rmb	daily flex settlment	05/13/2016	35.00
Wage Works	Finance Flex Rmb	daily flex settlment	05/16/2016	71.96
Wage Works	Finance Flex Rmb	daily flex settlment	05/17/2016	25.32
Wage Works	Finance Flex Rmb	daily flex settlement	05/18/2016	240.09
Wage Works	Finance Flex Rmb	Daily flex settlement	05/19/2016	53.83
Wage Works	Finance Flex Rmb	daily flex settlement	05/20/2016	72.86
Wage Works	Finance Flex Rmb	Daily flex settlement	05/23/2016	45.00
Wage Works	Finance Flex Rmb	daily flex settlement	05/25/2016	109.14
Wage Works	Finance Flex Rmb	daily flex settlement	05/26/2016	17.00
Wage Works	Finance Flex Rmb	daily flex settlement	05/27/2016	99.42
Wage Works	Finance Flex Rmb	daily flex settlement	05/30/2016	623.83
Wage Works	Finance Flex Rmb	daily flex settlement	05/31/2016	3,285.27
Wage Works	Finance CS	Flex monthly admin & compliance fees	05/17/2016	391.25
<b>Wage Works Total</b>				6,887.85
Walmart	Rec Center Mat&Sup	Supplies	04/13/2016	92.36
Walmart	Programs Mat&Sup	Supplies	04/13/2016	452.20
<b>Walmart Total</b>				544.56
Washington Gas	Maintenanc Heating	101 Chalmers Cir 04/12-05/11	05/13/2016	155.05
Washington Gas	Maintenanc Heating	04/12-05/11 100 N Church St	05/13/2016	26.95
Washington Gas	Maintenanc Heating	04/12-05/11 104 N Church St	05/13/2016	188.81
Washington Gas	Maintenanc Heating	225 Al Smith 04/13-05/12	05/16/2016	114.61
Washington Gas	Maintenanc Heating	101 Chalmers Cir 04/12-05/11	05/13/2016	92.24
<b>Washington Gas Total</b>				577.66
Winchester Electric	Maintenanc Mat&Sup	rm WElectric exhaust fan motors bathroom in back	04/25/2016	101.84
<b>Winchester Electric Total</b>				101.84
Winchester Regional	Airport EntityGift	FY 16 4th qtr civic contribution	04/30/2016	625.00
<b>Winchester Regional Total</b>				625.00
Winchester Star	BoS Advertising	Advertising budget 16-17	03/31/2016	1,647.30

**Clarke County  
Invoice History Report  
May 31, 2016**

VENDOR NAME	ACCOUNT DESC	FULL DESC	INVOICE	
			DATE	AMOUNT
Winchester Star	BoS Advertising	Advertisements	04/30/2016	171.60
Winchester Star	BoS Advertising	LBW Trea \$197-40;BoS \$143;IT \$514-80;Maint \$720-80	05/02/2016	143.00
Winchester Star	Treasurer Advertise	LBW Trea \$197-40;BoS \$143;IT \$514-80;Maint \$720-80	05/02/2016	197.40
Winchester Star	IT CS	LBW Trea \$197-40;BoS \$143;IT \$514-80;Maint \$720-80	05/02/2016	514.80
Winchester Star	Maintenanc Advertise	Ads-JWMS Painting, Boyce Heat Pump	03/31/2016	400.40
Winchester Star	Maintenanc Advertise	Advertisements	04/30/2016	643.50
Winchester Star	Maintenanc Advertise	LBW Trea \$197-40;BoS \$143;IT \$514-80;Maint \$720-80	05/02/2016	720.80
Winchester Star	Plan Adm Advertise	PA PH May'16	05/03/2016	486.20
Winchester Star	BrdSepApp Advertise	BSA PH May '16	05/03/2016	343.20
Winchester Star	Finance Advertise	Advertisements	04/30/2016	171.60
<b>Winchester Star Total</b>				<b>5,439.80</b>
Zumbaugh, Steve	Parks Adm Mileage	Mileage around park	04/25/2016	5.40
<b>Zumbaugh, Steve Total</b>				<b>5.40</b>
<b>Grand Total</b>				<b>444,398.84</b>

# Clarke County Board of Supervisors

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## Shenandoah Farms Sanitary District Discussion

# **Clarke County Board of Supervisors**

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## **Government Projects Update**

# **Clarke County Board of Supervisors**

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## **Miscellaneous Items**

# Clarke County Board of Supervisors

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SUP-16-01/SP-16-01, Hecate Energy LLC  
Update by Brandon Stidham

Board of Supervisors  
Summary of Required Actions Status Report

<i>Meeting/Letter Date</i>	<i>Item</i>	<i>Description</i>	<i>Responsibility</i>	<i>Status</i>	<i>Date Complete</i>
5/17/2016	1972	Berryville Main Street: request update at the June Finance Committee.	David Weiss	Scheduled for July	5/23/2016
5/17/2016	1973	VDOT: Add discussion on HB2 and Westwood Road to June Work Session.	David Ash	Complete	5/23/2016
5/17/2016	1974	Habitat for Humanity: request an update at a future work session.	David Ash	Complete, added to 6/13	5/23/2016
5/17/2016	1975	NSVRC: Schedule update at a future work session.	Brandon Stidham	New director scheduling updates	5/23/2016
5/17/2016	1976	Process approved minutes.	Lora B. Walburn	Complete	5/26/2016
5/17/2016	1977	Process and advertise public hearings for SUP-16-10/SP-16-01 and RZ-16-01	Lora B. Walburn	Complete	5/19/2016
5/17/2016	1978	Process and coordinate with VDOT public hearing on the SSYP.	Lora B. Walburn	Complete	5/19/2016
5/17/2016	1979	Update appointment database and process notice of appointment	Lora B. Walburn	Complete	5/25/2016
5/17/2016	1980	Send notice of special event permit approval.	Lora B. Walburn	Complete	5/26/2016
5/17/2016	1981	Update Code CC 2016-02.	Lora B. Walburn	Complete	5/26/2016

**Board Member Committee Status  
Reports**

# Clarke County Board of Supervisors

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## Closed Session Pursuant to 2.2-3711-A1 Specific Employees or Appointees of the Board

To convene a closed session, a member of the Board of Supervisors should:

*“Move to convene a closed session pursuant to Section (see section number above), of the Code of Virginia, as amended, to discuss (identify to extent possible).”*

To reconvene in public session after a closed session, the Board of Supervisors should readmit the public and only then a member of the Board should:

*“Move to reconvene in open session.” With the vote taken immediately thereafter.*

Next, a member of the Board should:

*“Move to certify that to the best of the member’s knowledge (i) only public business matters lawfully exempted from open meeting requirements under Chapter 2.2-3700, et sec, of the Code of Virginia, as amended, and (ii) 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 by the Board.”*

# **Clarke County Board of Supervisors**

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## **Citizen Comment Period**

## Public Hearing Notices

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The Virginia Department of Transportation and the Board of Supervisors of Clarke County, in accordance with Section 33.1-70.01 of the Code of Virginia, will conduct a joint public hearing in the Berryville Clarke County Government Center Main Meeting Room, 101 Chalmers Court, 2nd Floor, Berryville, VA, on Tuesday, June 21, 2016 at 6:30 pm.

**PH 16-15:** The purpose of this public hearing is to receive public comment on the proposed Secondary Six-Year Plan for 2016/2017 - 2021/2022 in Clarke County, and on the Secondary System Construction Budget for Fiscal Year 2017.

Copies of the proposed Plan and Budget may be reviewed at the Edinburg Residency Office of the Virginia Department of Transportation, located at 14031 Old Valley Pike Edinburg, Virginia or at the Clarke County offices located at 101 Chalmers Court, Suite B, Berryville, Virginia.

All projects in the Secondary Six-Year Plan that are eligible for federal funds will be included in the Statewide Transportation Improvement Program (STIP), which documents how Virginia will obligate federal transportation funds.

Persons requiring special assistance to attend and participate in this hearing should contact the Virginia Department of Transportation at 1-800-367-7623 (callto:1-800-367-7623). Any person who wishes to speak on this item is invited to attend the hearing.

David L. Ash - County Administrator

## Public Hearing Notices

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The Clarke County Board of Supervisors will hold public hearing on Tuesday, June 21, 2016, at 6:30 PM, or as soon thereafter as the matter may be heard, in the Berryville Clarke County Government Center, Main Meeting Room, 101 Chalmers Court, 2<sup>nd</sup> Floor, Berryville, Virginia to consider the following matters:

**PH 16-16:** RZ-16-01, Shenandoah Retreat Land Corporation (owner) and Philip Jones (applicant). Request the rezoning of a 2,223 square foot portion of a 14,165 square foot proposed adjusted parcel from Forestal-Open-Space Conservation (FOC) to Rural Residential (RR). The purpose of the request is to rezone all of the subject property to the RR District to avoid having a split-zoned parcel. The subject properties are located at or near 609 Laurel Lane, Buckmarsh Electoral District, and are referenced as Tax Map Parcel 17A1-8-100 & 100A, 17A1-8-31, & 17A1-A-1.

**PH 16-17:** SUP-16-01/SP-16-01, Hecate Energy, LLC. Request approval of a Special Use Permit (SUP) and Site Plan to construct a 20MW solar power plant, large photovoltaic, in the Agricultural-Open Space-Conservation (AOC) District per §3-A-1-a-3(s) of the Zoning Ordinance. The property is identified as Tax Map #27-A-5, located on the north side of Lord Fairfax Highway (U.S. 340) with frontage on the west side of Gun Barrel Road (Rt. 644), north side of Double Tollgate Road (Rt. 670), north side of Highland Corners Road (Rt. 669), and east side of Stonewall Jackson Highway (U.S. 522) in the White Post Election District.

Pertinent information in connection with the above matter is available to the public in Clarke County Administration during regular working hours. Any person desiring to be heard regarding the above matters should appear at the appointed time and place. Written copies of statements at public hearings are requested but not required.

David L. Ash - County Administrator

Secondary System  
Clarke County  
Construction Program  
Estimated Allocations

Fund	FY2017	FY2018	FY2019	FY2020	FY2021	FY2022	Total
CTB Formula - Unpaved State	\$74,451	\$87,791	\$100,989	\$97,058	\$0	\$0	\$360,289
Secondary Unpaved Roads	\$0	\$0	\$0	\$0	\$0	\$0	\$0
TeleFee	\$31,394	\$31,394	\$31,394	\$31,394	\$31,394	\$31,394	\$188,364
Residue Parcels	\$0	\$0	\$0	\$0	\$0	\$0	\$0
STP Converted from IM	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Federal STP - Bond Match	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Formula STP	\$0	\$0	\$0	\$0	\$0	\$0	\$0
MG Formula	\$0	\$0	\$0	\$0	\$0	\$0	\$0
BR Formula	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Other State Match	\$0	\$0	\$0	\$0	\$0	\$0	\$0
State Funds	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Federal STP	\$0	\$0	\$0	\$0	\$0	\$0	\$0
District Grant - Unpaved	\$0	\$0	\$0	\$0	\$136,278	\$136,278	\$272,556
<b>Total</b>	<b>\$105,845</b>	<b>\$119,185</b>	<b>\$132,383</b>	<b>\$128,452</b>	<b>\$167,672</b>	<b>\$167,672</b>	<b>\$821,209</b>

Board Approval Date:

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Residency Administrator

Date

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County Administrator

Date

District: Staunton  
 County: Clarke County  
 Board Approval Date:

## SECONDARY SYSTEM CONSTRUCTION PROGRAM (in dollars)

2017-18 through 2021-22

Route PPMS ID Accomplishment Type of Funds Type of Project Priority #	Road Name Project # Description FROM TO Length	Estimated Cost  Ad Date	Previous Funding  SSYP Funding Other Funding Total	Additional Funding Required	PROJECTED FISCAL YEAR ALLOCATIONS						Balance to complete	Traffic Count Scope of Work FHWA # Comments	
					2016-17	2017-18	2018-19	2019-20	2020-21	2021-22			
Rt.0723 64818 STATE FORCES/HIRED EQUIPMENT S No Plan 0001.03	MILLWOOD ROAD 0723021 RTE 723 - BRIDGE REHAB 0.62 to Route 255 1.35 to Route 340 0.1	PE \$0 RW \$0 CON \$0 Total \$0	\$71,011 \$108,399 \$179,410	(\$179,410)	\$0 \$0 \$0	\$0 \$0 \$0	\$0 \$0 \$0	\$0 \$0 \$0	\$0 \$0 \$0	\$0 \$0 \$0	\$0 \$0 \$0	1400 Bridge Rehab w/o Added Capacity 16014 Complete schedule & estimate required.	
Rt.0636 104351 RAAP CONTRACT  No Plan 0004.01	Westwood Road 0636021723 Rt. 636 Westwood Road Improvements Rt 7 Business Ramsburg Lane 0.4	PE \$250,000 RW \$0 CON \$2,250,000 Total \$2,500,000	\$205,376 \$0 \$205,376	\$2,294,624	\$0 \$0 \$0	\$0 \$0 \$0	\$0 \$0 \$0	\$0 \$0 \$0	\$0 \$0 \$0	\$0 \$0 \$0	\$2,294,624	780 Reconstruction w/ Added Capacity 13003	
Rt.0639 105008 STATE FORCES/HIRED EQUIPMENT S No Plan 0004.04	Allen Road 0639021729 Allen Rd - Secondary Unpaved Road Project Phase I Rt. 611 - Summit Point Road 1.1 MI W Rt. 611 - Summit Point Road 1.1	PE \$10,000 RW \$0 CON \$195,000 Total \$205,000	\$202,216 \$0 \$202,216	\$2,784	\$74,451 \$0 \$74,451	\$31,101 \$0 \$31,101	\$0 \$0 \$0	\$0 \$0 \$0	\$0 \$0 \$0	\$0 \$0 \$0	\$0 \$0 (\$102,768)	170 Reconstruction w/o Added Capacity 16004	
Rt.0621 106051 STATE FORCES/HIRED EQUIPMENT  No Plan 0004.05	Lockes Mill Road 0621021730 Lockes Mill Road - Secondary Unpaved Road Project 2.09 MI E Rt. 608 (Parshall Rd) 1.09 MI E Rt. 608 (Parshall Rd) 1.0	PE \$5,000 RW \$0 CON \$300,000 Total \$305,000	\$0 \$0 \$0	\$305,000	\$0 \$0 \$0	\$56,690 \$0 \$56,690	\$100,989 \$0 \$100,989	\$97,058 \$0 \$97,058	\$50,263 \$0 \$50,263	\$0 \$0 \$0	\$0 \$0 \$0	\$0	120 Reconstruction w/o Added Capacity 16004
Rt.0639 -18120 STATE FORCES/HIRED EQUIPMENT  State forces/Hired equip CN Only 0004.06	Allen Road 0639021734 Allen Rd - Secondary Unpaved Road Project Phase II 1.1 MI W Rt. 611 - Summit Point Road Crums Church Road Rt 632 1.5	PE \$0 RW \$0 CON \$469,700 Total \$469,700	\$0 \$0 \$0	\$469,700	\$0 \$0 \$0	\$0 \$0 \$0	\$0 \$0 \$0	\$0 \$0 \$0	\$86,015 \$0 \$86,015	\$136,278 \$0 \$136,278	\$0 \$0 \$247,407	180 Reconstruction w/o Added Capacity 16004	

District: Staunton  
 County: Clarke County  
 Board Approval Date:

## SECONDARY SYSTEM CONSTRUCTION PROGRAM (in dollars)

2017-18 through 2021-22

Route	Road Name	Estimated Cost	Previous Funding	Additional Funding Required	PROJECTED FISCAL YEAR ALLOCATIONS						Balance to complete	Traffic Count Scope of Work FHWA # Comments
					2016-17	2017-18	2018-19	2019-20	2020-21	2021-22		
PPMS ID	Project #											
Accomplishment	Description											
Type of Funds	FROM		SSYP Funding									
Type of Project	TO		Other Funding									
Priority #	Length	Ad Date	Total									
Rt.4003		PE \$0										
100135	1204003	RW \$0	\$28		\$0	\$0	\$0	\$0	\$0	\$0		0
S	COUNTYWIDE RURAL ADDITIONS	CON \$250,000	\$0		\$0	\$0	\$0	\$0	\$0	\$0		Reconstruction w/o Added Capacity
	VARIOUS LOCATIONS IN COUNTY	Total \$250,000	\$28	\$249,972	\$0	\$0	\$0	\$0	\$0	\$0	\$249,972	16004
9999.99	VARIOUS LOCATIONS IN COUNTY	3/1/2011										RURAL ADDITIONS - SECTION 33.1 -72.1. ROLLOVER OF FUNDS CAN BE FOR FIVE YEARS.
Rt.4007		PE \$0										
100148	1204007	RW \$0	\$13,184		\$0	\$0	\$0	\$0	\$0	\$0		0
NOT APPLICABLE	COUNTYWIDE TRAFFIC SERVICES	CON \$250,000	\$0		\$0	\$0	\$0	\$0	\$0	\$0		Safety
S	VARIOUS LOCATIONS IN COUNTY	Total \$250,000	\$13,184	\$236,816	\$0	\$0	\$0	\$0	\$0	\$0	\$236,816	10021
9999.99	VARIOUS LOCATIONS IN COUNTY	3/1/2020										TRAFFIC SERVICES INCLUDE SECONDARY SPEED ZONES, SPEED STUDIES, OTHER NEW SECONDARY SIGNS
Rt.4005		PE \$0										
100204	1204005	RW \$0	\$116,423		\$31,394	\$31,394	\$31,394	\$4,713	\$31,394	\$31,394		0
S	COUNTYWIDE ENGINEERING & SURVEY	CON \$250,000	\$0		\$0	\$0	\$0	\$0	\$0	\$0		Preliminary Engineering
	VARIOUS LOCATIONS IN COUNTY	Total \$250,000	\$116,423	\$133,577	\$31,394	\$31,394	\$31,394	\$4,713	\$31,394	\$31,394	(\$28,106)	16015
9999.99	VARIOUS LOCATIONS IN COUNTY	3/1/2011										MINOR SURVEY & PRELIMINARY ENGINEERING FOR BUDGET ITEMS AND INCIDENTAL TYPE WORK.
Rt.4006		PE \$0										
100300	1204006	RW \$0	\$1,000		\$0	\$0	\$0	\$0	\$0	\$0		0
S	COUNTYWIDE FERTILIZATION & SEEDING	CON \$250,000	\$0		\$0	\$0	\$0	\$0	\$0	\$0		Preliminary Engineering
	VARIOUS LOCATIONS IN COUNTY	Total \$250,000	\$1,000	\$249,000	\$0	\$0	\$0	\$0	\$0	\$0	\$249,000	16015
9999.99	VARIOUS LOCATIONS IN COUNTY	3/1/2011										FERTILIZATION AND SEEDING TO IMPROVE SLOPE STABILIZATION ON SECONDARY SYSTEM
Rt.4008		PE \$0										
100352	1204008	RW \$0	\$5,000		\$0	\$0	\$0	\$26,681	\$0	\$0		0
S	COUNTYWIDE RIGHT OF WAY ENGR.	CON \$250,000	\$0		\$0	\$0	\$0	\$0	\$0	\$0		Right of Way
	VARIOUS LOCATIONS IN COUNTY	Total \$250,000	\$5,000	\$245,000	\$0	\$0	\$0	\$26,681	\$0	\$0	\$218,319	16016
9999.99	VARIOUS LOCATIONS IN COUNTY	1/30/2011										USE WHEN IMPARTIAL TO OPEN A PROJECT: ATTORNEY FEES AND ACQUISITION COST.

**REZONING (RZ-16-01)**

**Shenandoah Retreat Land Corporation / Philip Jones**

**June 21, 2016 Board of Supervisors Meeting – PUBLIC HEARING**

**STAFF REPORT - Department of Planning**

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The purpose of this staff report is to provide information to the Board of Supervisors to assist them in reviewing this proposed ordinance amendment. It may be useful to members of the general public interested in this proposed amendment.  
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**Case Summary**

**Applicant:** Philip Jones

**Property Owner:** Shenandoah Retreat Land Corporation

**Location:**

- Existing house at 609 Laurel Lane; Tax Map Parcel 17A1-8-100 & 100A
- Area to be rezoned is west of 609 Laurel Lane and is a portion of Tax Map Parcel 17A1-((A))-1; Tax Map Parcel 17A1-7-31 to be added by consolidation
- Shenandoah Retreat; West side of Laurel Lane between Timber Lane and Dogwood Lane
- Buckmarsh Election District (Kreider, Kruhm – Planning Commission; Weiss – Board of Supervisors)

**Parcel Size/Area to be Rezoned:**

2,223 square foot portion of an existing one and one-half acres, more or less, parcel section. (Note: Tax Map Parcel Identification Number 17A1-A-1 represents over 300 acres of “common land” owned by the Shenandoah Retreat Land Corporation (SRLC) located in various areas around the subdivision.)

**Request:**

Approval of a rezoning request for a 2,223 square foot portion of the property identified as Tax Map #17A1-A-1, located west of 609 Laurel Lane in the Buckmarsh Election District, from Forestal-Open-Space Conservation (FOC) to Rural Residential (RR). No proffered conditions have been provided by the applicants and staff has not identified a need for proffers at this time.

**Purpose of Request:**

Shenandoah Retreat Land Corporation (Owner) and Philip Jones (Applicant) are requesting the rezoning of a 2,223 square foot portion of the subject property from the FOC District to the RR District in order to complete a Boundary Line Adjustment needed to provide satisfactory area for an existing structure currently resting on two separate parcels with different zoning classification and with separate ownership. The boundary line adjustment ordinance does not permit an adjustment that would alter a property line coincident with a zoning district boundary.

**Staff Recommendation:**

Approve the rezoning request for a 2,223 square foot portion of the property identified as Tax Map #17A1-A-1, located west of 609 Laurel Lane in the Buckmarsh Election District, from Forestal-Open-Space Conservation (FOC) to Rural Residential (RR).

**Facts:**

Shenandoah Retreat Land Corporation (SRLC) recently agreed to a Boundary Line Adjustment (BLA) consisting of 2,223 square feet of land with Catherine Loy, owner of 609 Laurel Lane in Shenandoah Retreat. The BLA is necessary because it was discovered that the existing home encroached on the Corporation's parkland area. When the owner approached staff for a BLA approval, staff explained that the Clarke County Subdivision Ordinance §10-D-3 would not permit a BLA between parcels in separate zoning districts and a rezoning would be required prior to approval of a BLA. This ordinance appears to prevent split zoned parcels from being created through boundary line adjustments.

If the rezoning request is approved, then along with the rezoning, a boundary line adjustment will be recorded between Parcels 17A1-8-100A and the newly rezoned 2,223 square feet portion of Parcel 17A1-A-1, concurrently on the same plat, a lot consolidation will be recorded of Parcels 17A1-8-100 & 100A, 17A1-7-31, and the rezoned 2,223 sq. ft. portion of 17A1-A-1 resulting in a new Lot 100, which will be 14,165 square feet in size or 0.325 acres and completely zoned RR.

Lots 100 (5,485 sq. ft.) & 100A (997 sq. ft.) are nonconforming in terms of lot area since the minimum lot size for a RR-zoned parcel outside a County sewer service area is one (1) acre. The proposed new Lot 100 (14,165 sq. ft.) will remain nonconforming but will be made larger and thus less nonconforming in terms of area.

The property is also nonconforming in terms of setback distance from a structure to a rear property line in the RR District (25' minimum required). Staff determined that there is no requirement that the BLA meet the 25 foot rear setback for an existing structure, but instead the requirement for BLA approval is that the proposal may not be more nonconforming. The current setback is an encroachment across the property line, and the proposed setback is 5 feet, which is less nonconforming.

The applicant and planning staff have researched the permit history for the subject property in an attempt to ascertain how the encroachment may have occurred. Staff determined that the home was constructed approximately 1952, and there have been subsequent additions (structure additions, a deck, and a small attached shed). Building permits are no longer available for the original construction or later projects due to records retention policies in the County Building Department. There were also no zoning permits available.

On January 21, 1982, SRLC and Irene Karic (et al) recorded a boundary line adjustment survey plat performed by Richard Goode. This survey appears to show that the original unimproved (e.g. no added bedroom, no bathroom) structure located on Lot 100 was encroaching on SRLC land. Essentially, the adjustment provided the then-owner, Karic, a 20 feet by 50 feet portion of land (1000 square feet) in order to correct the encroachment. At this time, Lot 100 and the land from which the 1,000 square foot portion was adjusted were in the same zoning district. This survey also appears to incorrectly indicate that the front of the property abutting Laurel Lane began 10 feet from the center of the road which was misleading. The deed clearly stated that the 1000 square foot parcel was to be "merged with and become one with the existing 5,482 square feet" (Lot 100). For unknown reasons the 1000 square foot parcel acquired by Karic has since been known as Lot 100A instead of properly being merged.

At a later time on January 21, 1982, a deed was filed in the Clarke County land records for the sale of Lot 100 and the additional 1000 square foot parcel (now Lot 100A) from Irene Karic et al to William Thompson. Based on the timing of these filings, it is reasonable to assume that the boundary line adjustment recorded two minutes earlier was necessary to overcome the encroachment and complete the sale of the original Lot 100 and the existing structure to Mr. Thompson.

On May 11, 1982 the Clarke County Health Department completed a record of inspection for the installation of a septic system on Lot 100. Since it appears that the original structure did not have a bathroom, it is reasonable to assume that the addition of a septic system was necessary to accommodate the addition of a bathroom to the original structure. It appears that somewhere between 1982 and 1984 an addition was added to the structure. As noted above, the survey performed by Mr. Goode as part of the boundary line adjustment may have been misleading with regard to the front property line, and it appears that Mr. Thompson may have assumed that he had a total of 130 feet from the middle of Laurel Lane to the rear of the property, which may have resulted in yet another encroachment.

Lots 100 and 100A were purchased by Mary Leonard and Gail Mann at public auction in 1987, and it appears the structure existing on these lots at the time of this sale was substantially the same as it was when Ms. Loy acquired it in 2009.

In 1990, the SRLC and Clarke County agreed to down-zone the SRLC land immediately behind (west) of these lots from Rural Residential (RR) to Forestal-Open Space-Conservation (FOC).

Catherine Loy purchased the property in 2009, and no survey was performed as her Title Insurance contained a “no survey” waiver clause. The house on the property was sold as a two-bedroom, one-bath, one-story home. With the exception of a small shed on the rear of the house, no other improvements or additions have been made by the current owner. At the time of the sale, property lines were verbally conveyed to the owner as extending approximately 10 feet past the rear of the existing structure.

The Clarke County Health Department has reviewed the proposed plat (required for the Boundary Line Adjustment portion of the proposal) and has informed staff that they are prepared to sign the final plats when presented.

**Staff Analysis:**

One of the major issues in reviewing these types of cases is determining whether the rezoning would increase the property’s capacity for development. As noted above, the area of the subject property is being increased from 6,482 square feet to 14,165 square feet. Since the minimum lot size is one acre, the property remains a nonconforming lot and cannot be further subdivided. Therefore, its capacity for development is not being increased.

**Evaluation of the rezoning request is also required to include an analysis of 17 criteria set forth in §8-E-3 of the Zoning Ordinance:**

*a. Will be consistent with the Comprehensive Plan of the County.*

The request is not inconsistent with any provisions of the Plan.

*b. Will be consistent with the Purposes and Intent of this Ordinance.*

The request is not inconsistent with the provisions, and correcting an encroachment helps to establish clear delineation between the residential parcels and the community’s open space/parkland. Two specific provisions are furthered by this request:

*1-B-2-c. To facilitate the creation of a convenient, attractive and harmonious community.*

*1-B-2-h. To protect and stabilize the rural, agricultural, forestal, and open space areas that are essential to maintaining the County’s heritage, character and economy.*

*c. Will not have an undue adverse impact on the short-term and long-term fiscal resources of the county for education, water, sewage, fire, police, rescue, solid waste disposal or other services, and will be consistent with the capital improvement goals and objectives of the Comprehensive Plan, to the end that growth of the community will be consonant with the efficient and economic use of public funds.*

The request will not increase the property's capacity for development.

- d. Will not cause an undue adverse effect on neighboring property values without furthering the goals of the Comprehensive Plan to the benefit of the County.*

The request would not adversely affect adjacent property values.

- e. Will not cause an undue adverse effect on the preservation of agricultural or forestal land.*

The request would not adversely affect preservation of agricultural or forestal land.

- f. Will not cause unreasonable traffic congestion or unsafe conditions on existing or proposed public roads and has adequate road access.*

The request will not increase the property's capacity for development.

- g. Will not cause destruction of or encroachment upon historic or archeological sites, particularly properties under historic easement.*

The subject property does not border historic or archaeological sites.

- h. Will not cause an undue adverse effect on rare and irreplaceable natural areas, areas of outstanding natural beauty, state-designated scenic byways or scenic rivers or properties under open space easement.*

The subject property does not border stated natural areas or open space easements.

- i. Will not cause an undue adverse effect on wildlife and plant habitats.*

The subject property will not impact wildlife and plant habitats.

- j. Will have sufficient water available for its foreseeable needs.*

The request will not increase the property's need for additional water capacity.

- k. Will not cause unreasonable depletion of or other undue adverse effect on the water source(s) serving existing development(s) in adjacent areas.*

The request will not impact existing water sources as there is no increase of water usage.

- l. Will not cause undue surface or subsurface water pollution.*

The request will not result in new activities that would affect surface or subsurface water pollution.

- m. Will not cause an undue adverse effect on existing or proposed septic systems in adjacent areas.*

The existing structure will continue to be served by the existing septic system.

- n. Will not cause unreasonable soil erosion.*

No land disturbance activities are proposed.

- o. Will have adequate facilities to provide safety from flooding, both with respect to proposed structures and to downhill/downstream properties.*

There are no watercourses or areas for potential downstream flooding on the property.

- p. Will not cause undue air pollution.*

There are no activities associated with this request that would produce air pollution.

*q. Will not cause undue noise, light or glare, dust, odor, fumes, or vibration.*

There are no activities associated with this request that would produce the aforementioned elements.

**Planning Commission:**

At the May 6, 2016 Planning Commission meeting, the Commission voted 9-0-2 (Scott Kreider - Abstained / Douglas Kruhm – Absent), to approve the rezoning request for a 2,223 square foot portion of the property identified as Tax Map #17A1-A-1, located west of 609 Laurel Lane in the Buckmarsh Election District, from Forestal-Open-Space Conservation (FOC) to Rural Residential (RR).

**Staff Recommendation:**

Staff recommends that the Board of Supervisors approve the rezoning request for a 2,223 square foot portion of the property identified as Tax Map #17A1-A-1, located west of 609 Laurel Lane in the Buckmarsh Election District, from Forestal-Open-Space Conservation (FOC) to Rural Residential (RR).

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**History:**

- February 23, 2016**                      **Rezoning application filed with the Department of Planning.**
- April 1, 2016**                        **Placed on the Commission’s regular meeting agenda to set Public Hearing.**
- May 6, 2016**                         **Commission voted 9-0-2 (Kreider abstained, Kruhm absent) to recommend approval of the request.**
- May 17, 2016**                       **Placed on the Board of Supervisor’s regular meeting agenda to set Public Hearing.**

**SPECIAL USE PERMIT/SITE PLAN (SUP-16-01/SP-16-01)**  
**Hecate Energy, LLC**  
**June 21, 2016 Board of Supervisors Meeting – PUBLIC HEARING**  
**SUPPLEMENTARY STAFF REPORT #1 – Department of Planning**

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The purpose of this staff report is to provide information to the Planning Commission and Board of Supervisors to assist them in reviewing this proposed land use request. It may be useful to members of the general public interested in this request.  
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**Case Summary**

**Applicant:** Hecate Energy, LLC                      **Property Owner:** Montie W. Gibson, Jr.

**Location:**

- North side of Lord Fairfax Highway (U.S. 340) with frontage on the west side of Gun Barrel Road (Rt. 644), north side of Double Tollgate Road (Rt. 670), north side of Highland Corners Road (Rt. 669), and east side of Stonewall Jackson Highway (U.S. 522).
- Tax Map #27-A-5; 234.84 acres in size.
- Located in the White Post Election District (Commissioners – Robina Bouffault, Randy Buckley; Board of Supervisors – Beverly McKay)

**Parcel Size/Project Area:** 234.84 total acres; 223.0385 acre lease area for project

**Request:**

Request approval of a Special Use Permit (SUP) and Site Plan to construct a 20MW solar power plant, large photovoltaic, in the Agricultural-Open Space-Conservation (AOC) District per §3-A-1-a-3(s) of the Zoning Ordinance.

**Staff Recommendation:**

- Staff recommends approval of the Special Use Permit (SUP) subject to the list of recommended conditions included in this Staff Report.
- Staff recommends approval of the Site Plan conditioned upon Staff approval of any minor modifications needed to accommodate the Virginia Department of Transportation's (VDOT) approval of the property entrance.

**Case Update:**

This Supplementary Staff Report provides an update on the remaining issues from the previous Staff Report that was prepared for the May 17, 2016 Board of Supervisors meeting along with changes to the Applicant's site plan and to Staff's list of recommended conditions. The issues are addressed separately below.

**Review of Property Entrance -- Virginia Department of Transportation (VDOT)**

On May 18, the Applicant's engineer proposed the relocation of the property entrance to a new location immediately to the northwest of the current entrance (see enclosed exhibit). The Applicant's engineer is relocating the entrance in order to resolve VDOT's design concerns with the current entrance and to avoid having to obtain an ingress/egress agreement with the owners of the Freeman property to the south to resolve an existing encroachment.

The new entrance would be located on the opposite side of the stone wall and utility pole that is adjacent to the current entrance and would tie into the existing access road for the subject property. The current entrance would be removed and overall land disturbance for this project would be minimal. VDOT staff has provided additional technical comments on the revised plan via email on June 14 and the Applicant's engineer has requested a conference with VDOT staff to discuss the comments – VDOT approval remains outstanding as of the drafting of this report. Condition #11 requires that all VDOT permits must be approved before the County will issue a building permit. Staff is recommending as a condition of the site plan approval that Staff may approve minor modifications to the site plan needed to accommodate VDOT's approval of the property entrance. Copies of the aforementioned correspondence and revised site plan are included for your review.

As a result of moving the entrance to a new location and removal of the current entrance, the issue of the entrance encroachment on the Freeman property to the south is resolved. Language in Condition #11 requiring an easement to be obtained from the owners of the Freeman property is recommended for removal as it is no longer necessary.

**Stormwater Management Plan Review -- Virginia Department of Environmental Quality (DEQ)**

On June 15, Staff spoke with Heather McAlister (DEQ Richmond office) who is responsible for reviewing the Applicant's stormwater management plan for compliance with State regulations. Ms. McAlister indicated that they have completed their review and are ready to issue the Virginia Stormwater Management Program (VSMP) permit to approve the project but needed approval from the County on the erosion and sediment control (E&S) plan. Scott Cramer (Anderson & Associates) emailed his approval of the Applicant's E&S plan based on their most recent corrections (see attached), and Staff has forwarded this email to DEQ per their direction.

As a required component of DEQ's review for compliance with State stormwater management regulations, the Applicant is required to purchase phosphorus credits – a copy of the Applicant's Affidavit of Phosphorus Credit Sale is enclosed for your reference.

Staff is anticipating written approval from DEQ on the stormwater management plan shortly.

### Site Plan Review

In addition to resolution of remaining comments on the E&S Plan, Staff indicated in the May 17 Staff Report that the review for compliance with the County's more stringent stormwater management requirements remained outstanding.

On June 15, Heather McAlister (DEQ Richmond office) provided Staff with an email indicating that according to Code of Virginia § 62.1-44.15:33 (Authorization for more stringent ordinances), the County is not authorized to enforce more stringent stormwater regulations and that the County's stormwater ordinance is "null and void." In speaking with her, she indicated that State law only authorizes localities to have more stringent regulations if they are a Virginia Stormwater Management Program (VSMP) Authority responsible for issuing the State permits. She said that localities such as Clarke County that have "opted out" of accepting responsibility of managing the VSMP process are prohibited under State law from applying more stringent regulations. Those counties that have "opted in" and are VSMP Authorities can only have more stringent regulations if they are approved by the State to have such regulations.

The County Attorney was asked to review Ms. McAlister's position and the referenced State code section and he has determined that the County's stormwater ordinance provisions cannot be applied to the Applicant's pending site plan application. The Applicant is still responsible for complying with the State's stormwater regulations and are still required to obtain a VSMP permit from DEQ. With the resolution of the County stormwater ordinance issue and the remaining E&S plan comments, Anderson & Associates staff has no additional concerns and recommends approval of the site plan. A copy of the approval letter from Anderson Staff is enclosed for your reference.

### Recommended Addition to Condition #14, Landscaping Plan

In reviewing the minutes from the Planning Commission Site Plan Review Committee, Staff noted that the Committee recommended including language in Condition #14 to require the Applicant to schedule County Staff to inspect the landscaping one year after issuance of the Certificate of Occupancy. This language was not included in the version of Condition #14 that was recommended for approval by the Planning Commission, however Staff recommends that the language be incorporated into the Condition as follows:

***The landscaping shall be inspected by County Staff one year after issuance of the certificate of occupancy to determine viability of plantings and identify any dead landscaping to be removed. The Applicant shall be responsible for contacting the Department of Planning to schedule this inspection.***

Staff has included this language in bold italics in the text of Condition #14 at the end of this report.

### Payment Agreement

As noted in previous Staff Reports, the Applicant intends to provide a payment to the County to account for the loss of machinery and tools tax revenue from the 2014 law adopted by the General Assembly that preempts localities from collecting such taxes on solar power plants that are 20MW or smaller in size. The Applicant has provided a draft proposed payment structure and is in the process of developing a draft agreement for the County Attorney's evaluation.

Since the Payment Agreement is not required to be resolved before issuance of the Special Use Permit, the County Attorney has recommended inclusion of the following new Condition #15:

- 15. Payment Agreement. Prior to the issuance of a land disturbance permit, the Applicant shall enter into a written agreement with the County providing for payments to the County in addition to real estate taxes, and compliance with said agreement shall be a condition of this Special Use Permit.***

This Condition will ensure that the Payment Agreement is executed with the County prior to issuance of a land disturbance permit and will make the Agreement an enforceable component of the Special Use Permit.

#### Additional Modifications to the Special Use Permit conditions

Per the County Attorney's recommendation, the list of conditions has been modified to replace the term, "Permit Holder," with the term, "Applicant." This change simplifies the wording of the conditions and avoids any confusion between the entity for the special use permit and site plan applications (Hecate Energy LLC) and the operating entity for the facility (Hecate Energy Clarke County LLC) referenced in Condition #1.

For your reference, Staff has included an updated summary table in the Appendix to this report reflecting items addressed in this Staff Report and an updated timeline for required completion.

#### **Special Use Permit Conditions:**

Staff has provided the following list of Special Use Permit Conditions to address the various issues with this request discussed in this report and in previous Staff Reports. Changes from the May 17, 2016 Staff Report are shown in bold italics with strikethroughs where necessary.

- 1. Special Use Permit purpose; nontransferable.*** This Special Use Permit is issued for the subject property for operation of a "solar power plant, large photovoltaic" solely by the Applicant, ***Hecate Energy LLC, through its operating entity, Hecate Energy Clarke County LLC*** (~~*Permit Holder*~~). The Special Use Permit shall not be transferable to any other person or entity without prior approval of the Board of Supervisors as an amendment to the approved Special Use Permit conditions.
- 2. ~~Permit Holder Applicant~~ and Property Owner ("Owner") to sign list of adopted permit conditions.*** The ~~*Permit Holder Applicant*~~ and the Owner shall sign the list of adopted conditions to indicate receipt of and intention to comply fully with the conditions for the life of the special use permit. A signed copy of the conditions shall be provided to Planning Department Staff ("Staff") within thirty (30) days of the ~~*Permit Holder's Applicant's*~~ and Owner's receipt of the adopted conditions.
- 3. Access for inspections required. ~~The Permit Holder and Owner shall provide~~*** Staff and other County officials ~~*with shall have*~~ access to the property in order to conduct periodic compliance inspections of the facility and the subject property throughout the life of the permit.

4. **Ongoing maintenance of site features.** The following site features shall be properly maintained throughout the life of the permit:
- Property entrance shall be maintained consistent with VDOT regulations.
  - Vegetated property buffer including existing trees and shrubs and supplemental plantings as depicted on the approved landscaping plan per Zoning Ordinance requirements.
  - Fences and gates.
  - Outdoor lighting fixtures to ensure compliance with Zoning Ordinance requirements.
  - Warning signage.
  - Knox box for fire, emergency services, and law enforcement access.
5. **Decommissioning of facility.** The following condition shall set forth required provisions for decommissioning the facility either at the end of its lifespan or in the event of inactivity for more than two consecutive years.
- **Notice of inactivity.** The *Permit Holder Applicant* or Owner shall be responsible for notifying the Zoning Administrator within 30 days of the facility becoming inactive and no longer producing electric power. Notification shall be provided in writing and shall include the date that the facility ceased producing power. Failure to return the facility to an active status and producing electric power for two consecutive years shall constitute grounds for special use permit revocation.
  - **Decommissioning process.** Upon completion of the facility's lifespan or following revocation of the special use permit, the facility shall be decommissioned including removal of all equipment, panels, racking systems, wiring (including underground wiring), fencing, steel skids, concrete pads, and other above-ground features. All wetland protections, natural vegetation, erosion control, and stormwater features shall remain in place. The *Permit Holder Applicant* or Owner shall provide a decommissioning plan to Staff and applicable State agencies and obtain all required permits prior to conducting decommissioning activities. All decommissioning activities shall be completed within six months of providing notice of inactivity unless a longer time period is approved by the Zoning Administrator.
6. **Removal of debris.** All existing trash and debris shall be removed from the property and disposed of at an approved waste management facility prior to issuance of a certificate of occupancy. No trash, debris, or construction materials shall be buried or burned on site. The Applicant shall provide written evidence, such as tipping receipts, of disposal of the debris at an approved waste management facility.
7. **Abandonment of existing well.** The existing well on the subject property as identified in the *Permit Holder's Applicant's* environmental reconnaissance survey shall be abandoned in accordance with State and County ordinances prior to issuance of a certificate of occupancy.

8. **Blasting prohibited.** No blasting shall be allowed on the subject property.
9. **Fire & EMS coordination and training.** The *Permit Holder Applicant* will work proactively with the Director of Fire & Emergency Services to develop an agreed-upon set of procedures and protocols for managing risk of fire and for responding in the event of a fire or other emergency at the facility. These procedures and protocols shall be in the form of a Fire & Emergency Services Manual for Clarke County that shall be completed by the *Permit Holder Applicant* and accepted by the Director of Fire & Emergency Services or Staff prior to issuance of a certificate of occupancy to begin producing electric power. The Manual will specify the roles of responsible parties in the event of a fire or other emergency at the site. The plan will include at a minimum:
- Clear statements on the responsibility for fire response decision making.
  - Related emergency communications direction as well as emergency phone numbers and key points of contact.
  - Special training for fire and emergency services personnel and a tour of the site to ensure upfront awareness of the site and equipment as well as points of ingress/egress.
  - Designated shutoff procedure and location for equipment shutoff.
  - Maps outlining location of key equipment including:
    - Location of lock box (or if desired the Director of Fire & Emergency Services will be provided with a key to the facility in advance)
    - Inverters
    - Transformers
    - System/electrical cut-off switches
    - Points of ingress/egress at the facility
    - Cleared access around the site
10. **Noise.** The following condition shall apply to noise generated during the construction of the facility and the facility's ongoing operation.
- **Construction noise.** All construction activities shall be limited to 7:00AM to 7:00PM in order to limit noise impacts on adjacent and nearby properties.
  - **Facility equipment.** Prior to issuance of a building permit, the *Permit Holder Applicant* shall provide technical documentation for all facility equipment that may generate noise to verify that the manufacturer's noise specifications do not exceed Zoning Ordinance requirements.
11. **Entrance requirements.** The following conditions shall apply to the property entrance.
- **VDOT permitting required.** The *Permit Holder Applicant* shall obtain all required permits from VDOT and complete all required improvements to the property entrance prior to issuance of a building permit.

- ~~*Encroachment on Freeman property. Provide copy of recorded ingress/egress easement document prior to issuance of any land disturbance permit or building permit.*~~
  - **Potential damage to adjoining properties.** In the event that there is damage to adjoining properties as a result of ingress/egress of construction vehicles, the *permit holder Applicant* shall remedy all damage in full prior to issuance of a certificate of occupancy.
12. **State and Federal permits.** The *Permit Holder Applicant* shall provide copies of all applicable State and Federal permits to Staff prior to issuance of a building permit.
13. **Karst monitoring.** Ongoing inspections for Karst activity shall be conducted by the *Permit Holder Applicant* according to the following schedule and requirements:
- Initial Inspection Period. Site inspections shall be performed annually by the *Permit Holder's Applicant's* engineer beginning one year from the completion of Phase 1. This Initial Inspection Period shall continue until five years from the date of completion of Phase 2.
  - Ten-Year Inspection Period. If no solution activity is identified during the Initial Inspection Period, then inspections shall be conducted once every two years for the next ten years.
  - Ongoing Inspection Period. If no solution activity is identified during the Ten-Year inspection Period, then inspections shall be conducted once every five years for the remaining life of the project.
  - Inspection dates shall coincide with the date of issuance of a certificate of occupancy allowing the facility or Phases of the facility to begin producing electric power.
  - Written reports for each inspection shall be provided to Planning Staff according to this schedule. Staff reserves the right to have the reports reviewed by the County's Karst engineer and the *Permit Holder Applicant* acknowledges that they will be responsible for reimbursing the County for review of the report(s).
  - The County reserves the right to request intermittent inspections as deemed necessary or if suspected solution activity is reported.
  - In the event that an inspection reveals an issue that in the opinion of the County's Karst engineer requires specific remediation activities, the *Permit Holder Applicant* shall be responsible for completing such activities within a timeframe deemed acceptable by the Zoning Administrator and the County's Karst engineer.
14. **Landscaping Plan.** The following condition shall govern the installation of landscaping in accordance with the approved plan.
- **Full installation required.** All landscaping shown on the approved landscaping plan shall be installed prior to issuance of a certificate of occupancy to begin producing electric power regardless of the phasing of construction. *The landscaping shall be inspected by County Staff one year after issuance of the*

*certificate of occupancy to determine viability of plantings and identify any dead landscaping to be removed. The Applicant shall be responsible for contacting the Department of Planning to schedule this inspection.*

- **Minor deviations from approved landscaping plan.** In the event that the ~~Permit Holder~~ Applicant requests a minor deviation from the approved landscaping plan in order to avoid conflicts with the placement of panels that would adversely impact their effectiveness, or to move plantings to more effective locations on the site, such deviation shall be provided on a revised plan sheet for review and approval by Staff. Additionally, Staff may request minor deviations from the approved landscaping plan, including provision of additional plantings, in order to ensure that supplemental landscaping provides effective screening of the facility from adjacent properties. Staff may consult with the Planning Commission's Site Plan Committee to determine whether such minor deviations, requested either by the ~~Permit Holder~~ Applicant or by Staff, is consistent with the special use permit and site plan approvals.

**15. Payment Agreement.** *Prior to the issuance of a land disturbance permit, the Applicant shall enter into a written agreement with the County providing for payments to the County in addition to real estate taxes, and compliance with said agreement shall be a condition of this Special Use Permit.*

**Staff Recommendation:**

Staff recommends approval of the Special Use Permit (SUP) subject to the list of recommended conditions included in this Staff Report. Staff also recommends approval of the Site Plan conditioned upon Staff approval of any minor modifications necessary to accommodate VDOT's approval of the property entrance.

As with all Special Use Permit/Site Plan approval requests, Staff notes that the Board must pass separate motions in order to take action on the special use permit and the site plan. A set of recommended motions is enclosed for your reference.

-----  
**History:**

- |                           |  |
|---------------------------|--|
| <b>December 28, 2016.</b> | <b>Pre-Application meeting held with Planning Staff.</b>   |
| <b>February 5, 2016.</b>  | <b>Special Use Permit and Site Plan Applications filed by the applicant.</b>   |
| <b>February 19, 2016.</b> | <b>Site Plan Committee meeting held; site visit conducted on February 26.</b>  |
| <b>March 4, 2016.</b>     | <b>Commission voted 9-0-2 (Ohrstrom, Kreider absent) to schedule Public Hearing for the April 1, 2016 regular meeting.</b> |

- March 21, 2016.** Site Plan Committee meeting held.
- April 1, 2016.** Request was deferred for one month to the May 6, 2016 Commission meeting at the Applicant's request. No public hearing was conducted and the Commission did not discuss the merits of the request.
- April 27, 2016.** Site Plan Committee meeting held.
- May 6, 2016.** Commission voted 9-0-2 (Daniel abstained, Kruhm absent) to recommend conditional approval of the SUP request subject to the 14 special conditions recommended by Staff with the addition of language to Condition #11 to ensure repairs of any damage to adjoining properties from trucks during construction, as well as final approvals from Virginia DEQ and Anderson & Associates prior to the Board of Supervisors' Public Hearing. Commission also voted 9-0-2 (Daniel abstained, Kruhm absent) to recommend conditional approval of the site plan conditioned on resolution of all outstanding technical issues prior to the Board of Supervisors' Public Hearing.
- May 17, 2016.** Board of Supervisors voted unanimously to schedule Public Hearing for the June 21, 2016 meeting.
- June 21, 2016.** Placed on the Board's meeting agenda and advertised for Public Hearing.

**APPENDIX  
SUMMARY OF ITEMS TO COMPLETE AND TIMELINE FOR COMPLETION**

<b>Item</b>	<b>Complete By:</b>	<b>Notes</b>
Site Plan Approval from Anderson & Associates	COMPLETED	
Stormwater Plan Approval from Virginia DEQ	COMPLETED	
<i>Execute Payment Agreement with County</i>	<i>Land Disturbance Permit issuance</i>	<i>Per Condition #15</i>
<i>Provide recorded ingress/egress easement from Freeman property encroachment</i>	<i>Land Disturbance Permit issuance</i>	<i>Per Condition #11</i>
Provide noise specifications on plant equipment	Building Permit issuance	Per Condition #10
Provide copy of VDOT entrance approval	Building Permit issuance	Per Condition #11
Provide copies of all required State and Federal permits	Building Permit issuance	Per Condition #12
Remove all debris/waste from property and dispose of at approved waste management facility	Certificate of Occupancy issuance	Per Condition #6
Abandon existing well per State and Local requirements	Certificate of Occupancy issuance	Per Condition #7
Complete Fire & EMS Manual and Procedures; approval by Fire & EMS Director	Certificate of Occupancy issuance	Per Condition #9
Install all landscaping consistent with approved plan	Certificate of Occupancy issuance	Per Condition #14
Remedy any damage to adjoining properties from construction traffic	Certificate of Occupancy issuance	Per Condition #11 (if necessary)
Provide signed copy of adopted conditions	Following Board approval and within 30 days of receipt from Staff	Per Condition #2
Request landscaping inspection by County Staff	One year from date of issuance of Certificate of Occupancy	Per Condition #14
Decommissioning Plan	n/a	Per Condition #5
Karst Monitoring Plan	n/a	Per Condition #13

**RECOMMENDED MOTIONS  
SUP-16-01/SP-16-01 HECATE ENERGY LLC**

**NOTE** – Separate motions are required in order to act on the special use permit and site plan.

**SPECIAL USE PERMIT**

**TO APPROVE AS RECOMMENDED BY STAFF:**

Move to approve Special Use Permit SUP-16-01, Hecate Energy LLC, subject to the list of conditions as recommended by Staff.

**TO APPROVE WITH MODIFIED CONDITIONS:**

Move to approve Special Use Permit SUP-16-01, Hecate Energy LLC, subject to the list of conditions recommended by Staff, modified as follows:

[insert modified conditions]

**TO DEFER ACTION:**

Move to defer action on Special Use Permit SUP-16-01, Hecate Energy LLC, for one month to the Board's July 19, 2016 Meeting. The purpose of the deferral is...

[insert reason for deferral, action items to complete, etc.]

**SITE PLAN**

**TO APPROVE AS RECOMMENDED BY STAFF SUBJECT TO CONDITION:**

Move to approve Site Plan SP-16-01, Hecate Energy LLC, as recommended by Staff conditioned upon Staff approval of minor modifications needed to accommodate VDOT's approval of the property entrance.

**TO APPROVE WITH ADDITIONAL CONDITIONS:**

Move to approve Site Plan SP-16-01, Hecate Energy LLC, as recommended by Staff conditioned upon Staff approval of minor modifications needed to accommodate VDOT's approval of the property entrance. Approval is also subject to the following conditions:

[insert conditions]

**TO DEFER ACTION:**

Move to defer action on Site Plan SP-16-01, Hecate Energy LLC, for one month to the Board's July 19, 2016 Meeting. The purpose of the deferral is...

[insert reason for deferral, action items to complete, etc.]

**REVIEW OF PROPERTY ENTRANCE  
VIRGINIA DEPARTMENT OF TRANSPORTATION**

Clarke County

bstidham@clarkecounty.gov

**RE: Hecate Energy 20 MW Solar Project - Revised VDOT Entrance Location**

**From :** Jeremy Tweedie <jtweedie@greenwayeng.com> Wed, May 18, 2016 05:17 PM  
**Subject :** RE: Hecate Energy 20 MW Solar Project - Revised VDOT Entrance Location 2 attachments  
**To :** Brandon Stidham <bstidham@clarkecounty.gov>, Boyce, Arthur (VDOT) <Bobby.Boyce@VDOT.Virginia.gov>

Brandon, Bobby

In the essence of time, we have relocated the entrance to avoid having to obtain an easement from the adjacent property owner. In addition by doing so we have addressed VDOT comments.

Attached is the revised entrance location with revisions requested by VDOT.

- The entrance is now at a distance of 7.1' from the existing rock wall to provide for shy distance.
- The site plan has scaled to 10 scale to clearly show dimensions and obstacles.
- The proposed road width is now labeled.
- All proposed utility poles are now labeled.
- The existing and proposed shoulders are now shown and labeled.
- AutoTURN was used to analyze the SU-30 Single Unit Truck with a turning radius of 42 feet. The vehicle paths are now shown at 20 scale so you can clearly see the vehicle paths entering and exiting the site.
- Existing flow paths are now shown on site plan

These are already incorporated into the latest plan set, which we will publish later this week.

Please advise if there are any additional comments or concerns to obtain VDOT approval.

Thank you  
Jeremy

**Jeremy N. Tweedie** | Senior Project Manager  
151 Windy Hill Lane  
Winchester, VA 22602

Phone: 540.662.4185

Cell: 540.974-0343

Fax: 540.722.9528

Web: [www.GreenwayEng.com](http://www.GreenwayEng.com)

Email: [jtweedie@greenwayeng.com](mailto:jtweedie@greenwayeng.com)



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24 KB

**5448H VDOT Entrance Rev 5-18-2016.pdf**  
1 MB

Clarke County

bstidham@clarkecounty.gov

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**FW: Response to VDOT comments 6-1-16: Clarke County (Double Toll Gate) - Route 669 - Hecate Energy 20MW Solar Project**


---

**From :** Boyce, Arthur (VDOT) <Bobby.Boyce@VDOT.Virginia.gov> Tue, Jun 14, 2016 03:30 PM  
**Subject :** FW: Response to VDOT comments 6-1-16: Clarke County (Double Toll Gate) - Route 669 - Hecate Energy 20MW Solar Project 3 attachments

**To :** 'Jeremy Tweedie' <jtweedie@greenwayeng.com>

**Cc :** Brandon Stidham <bstidham@clarkecounty.gov>, Smith, Matthew, P.E. (VDOT) <Matthew.Smith@vdot.virginia.gov>, Funkhouser, Rhonda (VDOT) <Rhonda.Funkhouser@VDOT.Virginia.gov>

1. Increase both sides of the entrance radii to 40'.
2. Both measurements are to the center of the lane on stopping sight distance (not 14.5' offset into the entrance as with intersection sight distance).
3. The 2' height target height and 3.5' eye height locations should be reversed stopping sight distance (opposite of intersection sight distance).
4. Show on a typical section for the entrance the shoulder slope (1":1') and 21-B aggregate extending 1' beyond the edge of pavement.

---

**From:** Jeremy Tweedie [mailto:jtweedie@greenwayeng.com]

**Sent:** Thursday, June 02, 2016 10:34 AM

**To:** Boyce, Arthur (VDOT)

**Cc:** Brandon Stidham; Smith, Matthew, P.E. (VDOT); Funkhouser, Rhonda (VDOT)

**Subject:** Response to VDOT comments 6-1-16: Clarke County (Double Toll Gate) - Route 669 - Hecate Energy 20MW Solar Project

Bobby,

Attached is a PDF of the revised site plan for the Hecate Energy 20MW Solar Project Entrance. Per VDOT comments, the following revisions were made:

1. The radius for the right-turn-out was increased from 20' to 40' to reduce centerline crossing on Route 669. Note that the tire path is always within the pavement and the overhang of the vehicle is always within the pavement or the shoulder (See Sheet 21A)
2. The center of the approach driving lane was used for the Stopping Sight Distance. The Stopping Sight Distance Plan View now shows, in red, the path and distance used. The label "250' SSD Sight Distance" is now labeled "Sight Line" to avoid confusion. (See Sheet 21)

This should address all VDOT comments, Please let me know if you need anything additional,  
 Thank you,  
 Jeremy

**From:** Boyce, Arthur (VDOT) [mailto:Bobby.Boyce@VDOT.Virginia.gov]

**Sent:** Wednesday, June 01, 2016 3:18 PM

**To:** Jeremy Tweedie <[jtweedie@greenwayeng.com](mailto:jtweedie@greenwayeng.com)>

**Cc:** 'Brandon Stidham' <[bstidham@clarkecounty.gov](mailto:bstidham@clarkecounty.gov)>; Funkhouser, Rhonda (VDOT) <[Rhonda.Funkhouser@VDOT.Virginia.gov](mailto:Rhonda.Funkhouser@VDOT.Virginia.gov)>; Smith, Matthew, P.E. (VDOT) <[Matthew.Smith@vdot.virginia.gov](mailto:Matthew.Smith@vdot.virginia.gov)>

**Subject:** RE: Clarke County (Double Toll Gate) - Route 669 - Hecate Energy 20MW Solar Project

Jeremy,

We have reviewed the above subject revised plan dated May 18, 2016 and offer the following comments:

- Increase the proposed 20' radius to accommodate a SU-30 Single Unit Truck and to reduce centerline crossing on Route 669. The recommended radius from Table 4-3 is 42' however somewhere between (35'-40') may be adequate with the 24' throat proposed, an increase in radius may also allow the entrance throat width to be reduced.
- The location of the target for Stopping Sight Distance is the center of the approach driving lane on Route 669, not 14.5' back in the entrance.
- The proposed gate location provides plenty of room for a vehicle to pull off Route 669 and unlock/open the gate.

Please revise the plan and resubmit for approval. If you have any questions, please let me know.

Thanks,

Arthur (Bobby) R. Boyce

VDOT Land Development Engineer

Shenandoah, Frederick, Clarke, & Warren Counties

14031 Old Valley Pike

Edinburg, VA 22824

(540)984-5631

---

**From:** Boyce, Arthur (VDOT)

**Sent:** Tuesday, May 17, 2016 9:03 AM

**To:** 'Jeremy Tweedie'

**Cc:** 'Brandon Stidham'; Funkhouser, Rhonda (VDOT); Smith, Matthew, P.E. (VDOT)

**Subject:** Clarke County (Double Toll Gate) - Route 669 - Hecate Energy 20MW Solar Project

Hey Jeremy,

I got your voice mail message. The shy line offset is the distance from the edge of pavement which a roadside object will not be perceived as an obstacle and change the vehicle's path of travel. Depending on the vehicle, this distance is about 4' at low speeds "a normal shoulder width". Drivers will shy away from fixed objects because they can't tell how close they are to the object. Normally the vehicle turning paths would be plotted right on the site plan with all the dimensions (radii and entrance width) and obstacles (walls, utilities, slopes, trees, etc...) shown. The scale provided is too small to see the location of the utility poles or wall to determine if there is clearance or if they are in the entrance shoulder. Inadequate clearance will force drivers to cross the centerline of the roadway, run off the roadway to negotiate the turn, and/or stop in the roadway creating maintenance and safety issues.

The reasons I am concerned with this are 1) the width of the entrance appears to be good but is not dimensioned in the plan set, 2) the poles and wall are not shown on the plans (with sight line or Auto-turn), 3) the entrance shoulder is not shown, 4) the trucks are crossing the centerline of Route 669 to make the turn, and 5) the minimum entrance radii for a passenger car design was used when likely utility trucks and picks with trailers will be the routine vehicles used once constructed. Tractor trailers will also mostly likely be

used for delivering materials and equipment during construction. The turning radius for a design vehicle Single Unit Truck SU-30 is 42' see table 4-3 from Appendix F below. Even agricultural field access should use Single Unit Truck design to accommodate farm vehicles and gated entrances being manually opened for access.

Design Vehicle and Turning Radius by Land Use		
Land Use(s) Served by Access	Design Vehicle	Radius
Office with Separate Truck Access	Passenger Car/Pickup	24
Office without Truck Access	Single Unit Truck SU-30	42
Commercial / Retail with Separate Truck Access	Passenger Car/Pickup	24
Commercial / Retail without Separate Truck Access	WB-62 Truck	45
Industrial with Separate Truck Access	Passenger Car/Pickup	24
Industrial without Separate Truck Access	WB-62 Truck	45
Recreational without Watercraft Access or Camping	Passenger Car/Pickup	24
Recreational with Watercraft Access or Camping	Motor Home/Boat	50
Agricultural Field Access	Single Unit Truck	42
Municipal and County Roads	WB-62 Truck	45

**TABLE 4-3 DESIGN VEHICLE AND TURNING RADIUS BY LAND USE**

Note: "with Separate Truck Access" indicates truck prohibition from primary access.

Is there a reason the line of sight and turning template cannot be shown on a better scaled entrance detail with a few drainage arrows? Our approval will be contingent upon the access agreement from the adjacent property. If you have any questions, please let me know.

Thanks,

Arthur (Bobby) R. Boyce

VDOT Land Development Engineer

Shenandoah, Frederick, Clarke, & Warren Counties

14031 Old Valley Pike

Edinburg, VA 22824

(540)984-5631

**From:** Boyce, Arthur (VDOT)

**Sent:** Friday, May 13, 2016 10:51 AM

**To:** 'Jeremy Tweedie'

**Cc:** Brandon Stidham; Funkhouser, Rhonda (VDOT)

**Subject:** RE: VDOT DRAFT EXHIBIT - SSD PHOTO & AUTOTURN

Locate the utility pole and rockwall on a larger scale 1"=10' plan view with pickup truck and trailer. Remove the SU design and photographs to provide room for the entrance detail with pavement radii and widths. Adequate shy line is needed for the vehicles to clear these obstructions.

**From:** Jeremy Tweedie [<mailto:jtweedie@greenwayeng.com>]

**Sent:** Thursday, May 12, 2016 2:10 PM

**To:** Boyce, Arthur (VDOT)

**Cc:** Brandon Stidham

**Subject:** FW: VDOT DRAFT EXHIBIT - SSD PHOTO & AUTOTURN

Bobby

Per you comment:

- Adequate radii to accommodate a single-unit truck and pickup trucks with trailers for routine maintenance operations should be provided. The entrance should be designed to at least accommodate these design vehicles. Provide a turning template.
- Show any existing or proposed physical obstructions vegetation, trees, utilities, walls, etc. in close proximity of the entrance or line of sight and note any removal and/or relocation.

Please advise if the attached exhibit will suffice to address VDOT concerns, if so we will include this in our resubmission

Thank you

**Jeremy N. Tweedie** | Senior Project Manager  
151 Windy Hill Lane  
Winchester, VA 22602

Phone: 540.662.4185

Cell: 540.974-0343

Fax: 540.722.9528

Web: [www.GreenwayEng.com](http://www.GreenwayEng.com)

Email: [jtweedie@greenwayeng.com](mailto:jtweedie@greenwayeng.com)



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Design Vehicle and Turning Radius by Lane Use		
Design Vehicle	Design Radius	Radius
Class 1 Single Unit Truck	100 ft	100 ft
Class 2 Single Unit Truck	100 ft	100 ft
Class 3 Single Unit Truck	100 ft	100 ft
Class 4 Single Unit Truck	100 ft	100 ft
Class 5 Single Unit Truck	100 ft	100 ft
Class 6 Single Unit Truck	100 ft	100 ft
Class 7 Single Unit Truck	100 ft	100 ft
Class 8 Single Unit Truck	100 ft	100 ft
Class 9 Single Unit Truck	100 ft	100 ft
Class 10 Single Unit Truck	100 ft	100 ft
Class 11 Single Unit Truck	100 ft	100 ft
Class 12 Single Unit Truck	100 ft	100 ft
Class 13 Single Unit Truck	100 ft	100 ft
Class 14 Single Unit Truck	100 ft	100 ft
Class 15 Single Unit Truck	100 ft	100 ft
Class 16 Single Unit Truck	100 ft	100 ft
Class 17 Single Unit Truck	100 ft	100 ft
Class 18 Single Unit Truck	100 ft	100 ft
Class 19 Single Unit Truck	100 ft	100 ft
Class 20 Single Unit Truck	100 ft	100 ft
Class 21 Single Unit Truck	100 ft	100 ft
Class 22 Single Unit Truck	100 ft	100 ft
Class 23 Single Unit Truck	100 ft	100 ft
Class 24 Single Unit Truck	100 ft	100 ft
Class 25 Single Unit Truck	100 ft	100 ft
Class 26 Single Unit Truck	100 ft	100 ft
Class 27 Single Unit Truck	100 ft	100 ft
Class 28 Single Unit Truck	100 ft	100 ft
Class 29 Single Unit Truck	100 ft	100 ft
Class 30 Single Unit Truck	100 ft	100 ft
Class 31 Single Unit Truck	100 ft	100 ft
Class 32 Single Unit Truck	100 ft	100 ft
Class 33 Single Unit Truck	100 ft	100 ft
Class 34 Single Unit Truck	100 ft	100 ft
Class 35 Single Unit Truck	100 ft	100 ft
Class 36 Single Unit Truck	100 ft	100 ft
Class 37 Single Unit Truck	100 ft	100 ft
Class 38 Single Unit Truck	100 ft	100 ft
Class 39 Single Unit Truck	100 ft	100 ft
Class 40 Single Unit Truck	100 ft	100 ft
Class 41 Single Unit Truck	100 ft	100 ft
Class 42 Single Unit Truck	100 ft	100 ft
Class 43 Single Unit Truck	100 ft	100 ft
Class 44 Single Unit Truck	100 ft	100 ft
Class 45 Single Unit Truck	100 ft	100 ft
Class 46 Single Unit Truck	100 ft	100 ft
Class 47 Single Unit Truck	100 ft	100 ft
Class 48 Single Unit Truck	100 ft	100 ft
Class 49 Single Unit Truck	100 ft	100 ft
Class 50 Single Unit Truck	100 ft	100 ft

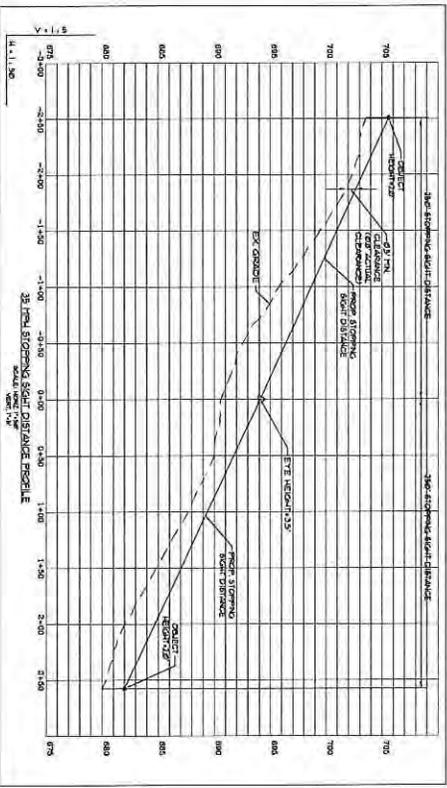
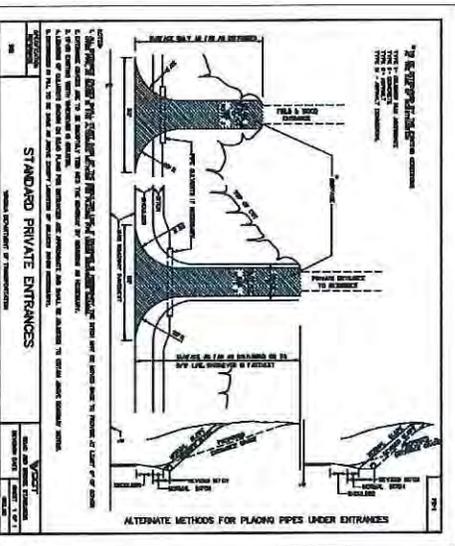
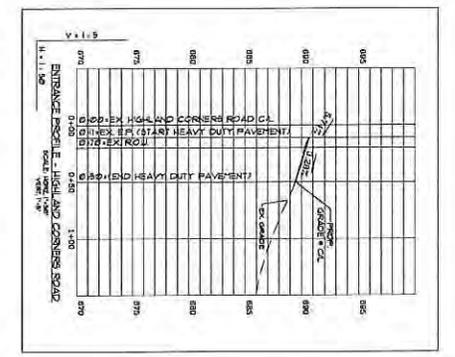
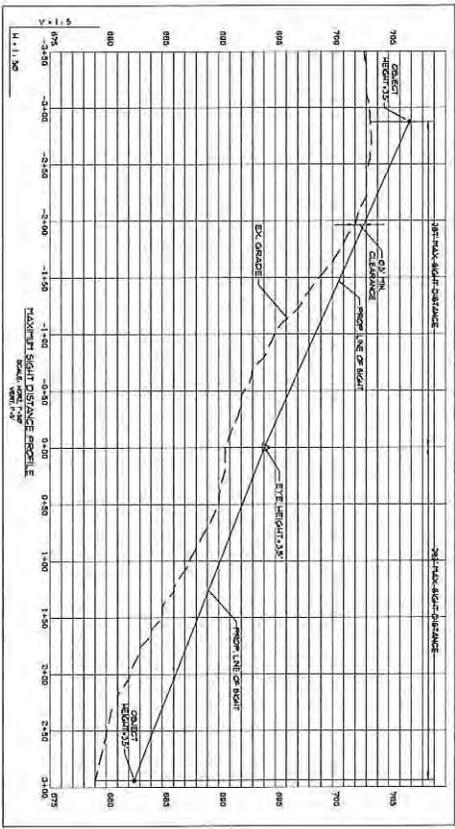
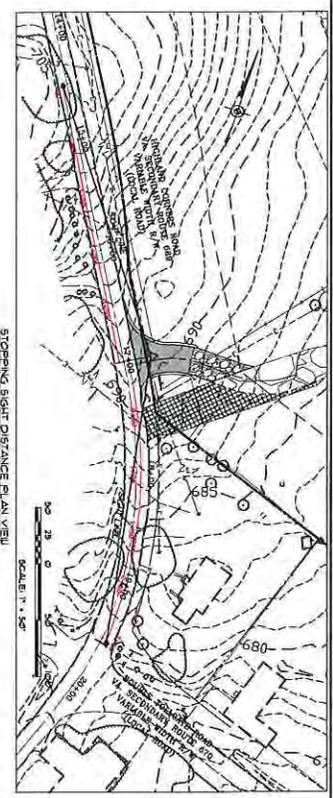
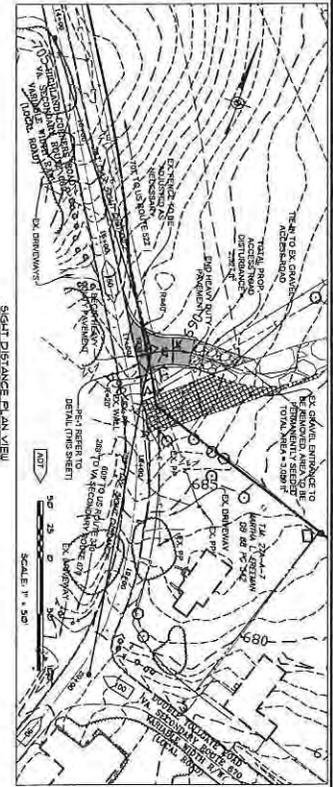
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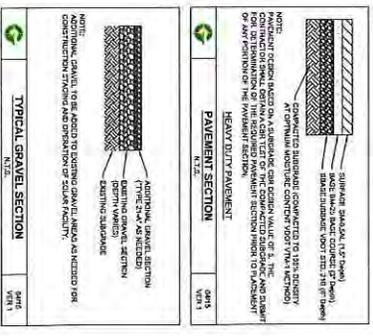
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1 MB

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NOTES:  
 1. NO STOPPING SIGN SHALL BE PLACED AT THE ENTRANCE TO A PRIVATE DRIVE.  
 2. ALL PRIVATE DRIVES SHALL BE CONSTRUCTED TO MEET THE MINIMUM REQUIREMENTS OF THE VIRGINIA DEPARTMENT OF TRANSPORTATION (VDOT) STANDARD SPECIFICATIONS FOR ROADWAY CONSTRUCTION, INCLUDING VEHICLE CLASSIFICATION, WIDTH, AND GRADE.  
 3. A STOP SIGN SHALL BE PLACED AT THE ENTRANCE TO A PRIVATE DRIVE.  
 4. A STOP SIGN SHALL BE PLACED AT THE ENTRANCE TO A PRIVATE DRIVE.  
 5. A STOP SIGN SHALL BE PLACED AT THE ENTRANCE TO A PRIVATE DRIVE.



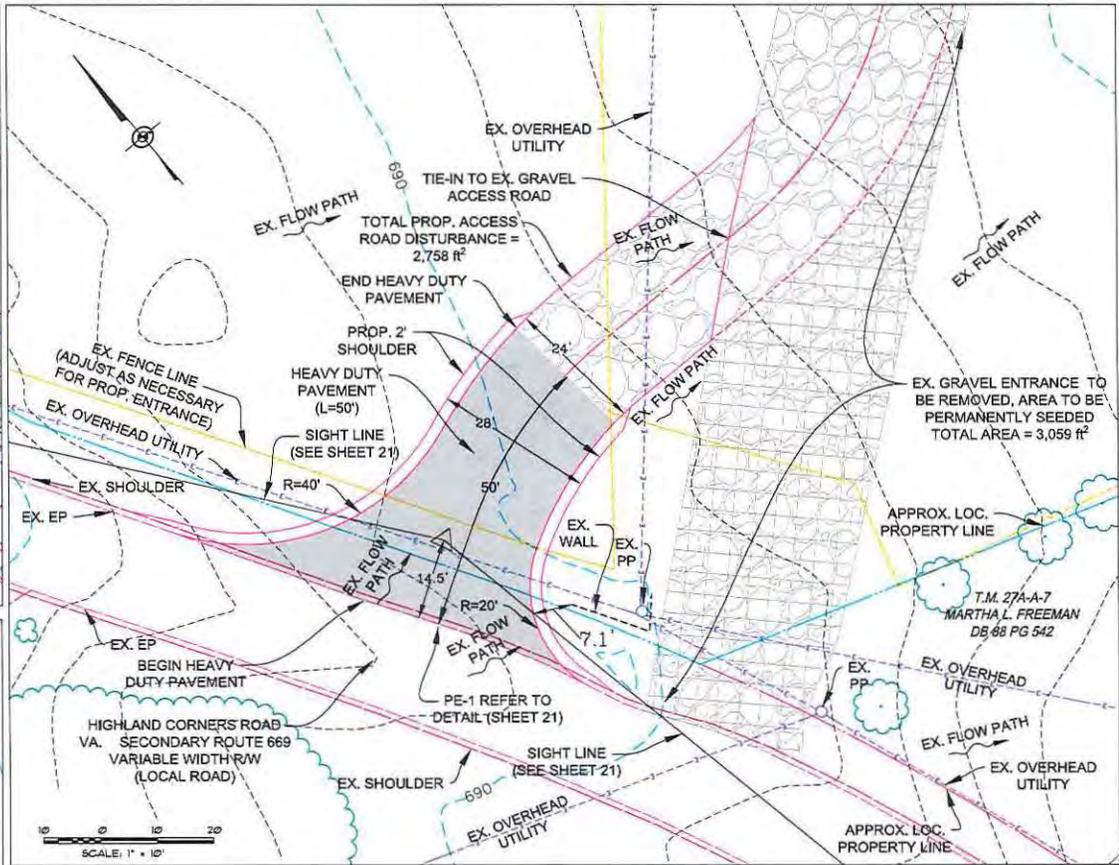
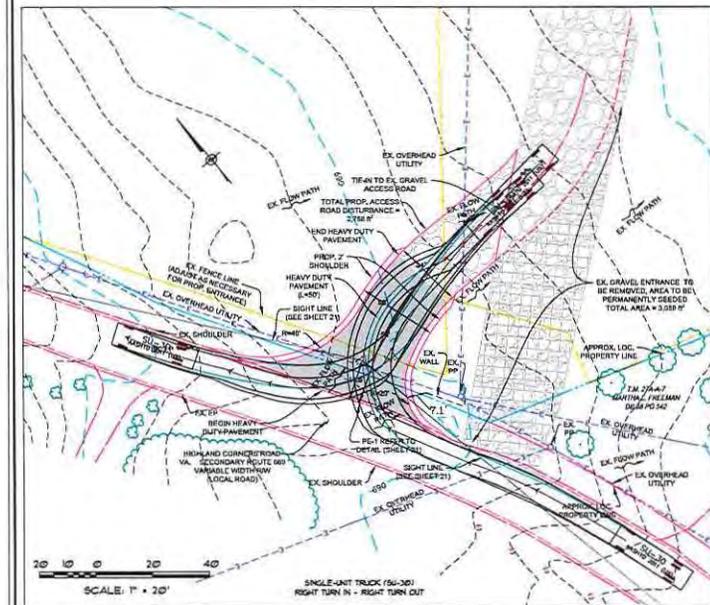
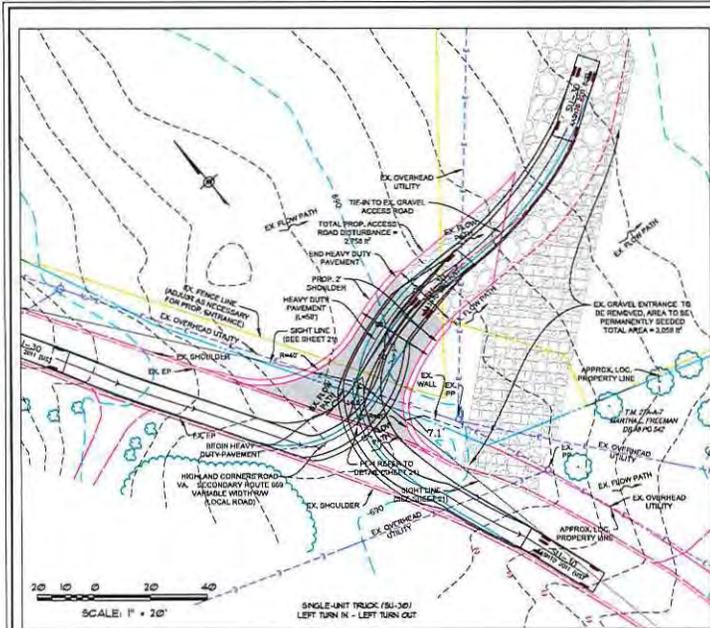
VDOT ENTRANCE PLAN  
**HECATE ENERGY 20MW SOLAR PROJECT**

DATE: 02-12-09  
 SCALE: AS SHOWN  
 DESIGNED BY: [Name]  
 FILE NO: [Number]  
 SHEET 21 OF 28  
 15-03

**GREENWAY ENGINEERING**

151 Windy Hill Lane  
 Winchester, Virginia 22602  
 Telephone: (540) 662-4183  
 Fax: (540) 728-9338  
 www.greenwayeng.com

Page 237 of 279



- NOTES:
1. NO POSTED SPEED LIMIT ON HIGHLAND CORNERS ROAD.
  2. NO STRIPING ON HIGHLAND CORNERS ROAD.
  3. APT INFORMATION PROVIDED FROM THE 2004 VIRGINIA DEPARTMENT OF TRANSPORTATION DAILY TRAFFIC VOLUME ESTIMATES INCLUDING VEHICLE CLASSIFICATION ESTIMATES - ASSOCIATION REPORT #1 - CLARKE COUNTY, TOWN OF BERRYVILLE, TOWN OF BOYCE.
  4. VDOT HAS APPROVED A 35 MPH STOPPING SIGHT DISTANCE BASED ON THE SPEED STUDY PERFORMED BY HOLTE LAND SURVEYING ON HIGHLAND CORNERS ROAD ON APRIL 15-21, 2016.

111 West Hill Ave  
Woodstock, Virginia 22602  
Phone: (540) 221-2185  
Fax: (540) 221-2183  
www.greenwayeng.com



VEHICLE ENTRANCE PLAN  
**HECATE ENERGY 20MW SOLAR PROJECT**  
GREENWAY MAGISTERIAL DISTRICT  
CLARKE COUNTY, VA

Rev. No.	Date
DATE:	02-16-2016
SCALE:	AS SHOWN
DESIGNED BY:	NT/WNB
FILE NO.	5448F
SHEET	21A OF 24B
16-03	

**VIRGINIA DEPARTMENT OF ENVIRONMENTAL  
QUALITY CORRESPONDENCE/DOCUMENTATION**

Clarke County

bstidham@clarkecounty.gov

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**Stormwater Ordinance**

---

**From :** McAlister, Heather (DEQ)  
<Heather.McAlister@deq.virginia.gov>

Wed, Jun 15, 2016 01:30 PM

📎 1 attachment

**Subject :** Stormwater Ordinance

**To :** 'bstidham@clarkecounty.gov'  
<bstidham@clarkecounty.gov>

**Cc :** 'Jeremy Tweedie' <jtweedie@greenwayeng.com>,  
'cramer@andarssoc.com' <cramer@andarssoc.com>,  
'boyd@andarssoc.com' <boyd@andarssoc.com>

Mr. Stidharm,

According to [§ 62.1-44.15:33. Authorization for more stringent ordinances.](#), since Clarke County has opted out of becoming a VSMP they do not have the authorization for more stringent ordinances. The current Clarke County Stormwater Ordinance is null and void. All plans must meet state standards and are reviewed by DEQ. Clarke County is responsible for the Erosion and Sediment Control review. If you have any question please let me know.

Heather McAlister  
Office of Stormwater Management  
*Virginia Department of Environmental Quality*  
629 E. Main Street, Richmond, VA 23219  
(804) 698-4215 DEQ Central Office – Direct Line  
(540) 569-2927 AWL Office – Direct Line  
[heather.mcalister@deq.virginia.gov](mailto:heather.mcalister@deq.virginia.gov)  
[www.deq.virginia.gov](http://www.deq.virginia.gov)

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— [http://law.lis.virginia.gov/vacode\\_title62.1\\_chapter3.1\\_section62.1-44.pdf](http://law.lis.virginia.gov/vacode/title62.1_chapter3.1_section62.1-44.pdf)  
26 KB

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## § 62.1-44.15:33. Authorization for more stringent ordinances

A. Localities that are VSMP authorities are authorized to adopt more stringent stormwater management ordinances than those necessary to ensure compliance with the Board's minimum regulations, provided that the more stringent ordinances are based upon factual findings of local or regional comprehensive watershed management studies or findings developed through the implementation of a MS4 permit or a locally adopted watershed management study and are determined by the locality to be necessary to prevent any further degradation to water resources, to address TMDL requirements, to protect exceptional state waters, or to address specific existing water pollution including nutrient and sediment loadings, stream channel erosion, depleted groundwater resources, or excessive localized flooding within the watershed and that prior to adopting more stringent ordinances a public hearing is held after giving due notice.

B. Localities that are VSMP authorities shall submit a letter report to the Department when more stringent stormwater management ordinances or more stringent requirements authorized by such ordinances, such as may be set forth in design manuals, policies, or guidance documents developed by the localities, are determined to be necessary pursuant to this section within 30 days after adoption thereof. Any such letter report shall include a summary explanation as to why the more stringent ordinance or requirement has been determined to be necessary pursuant to this section. Upon the request of an affected landowner or his agent submitted to the Department with a copy to be sent to the locality, within 90 days after adoption of any such ordinance or derivative requirement, localities shall submit the ordinance or requirement and all other supporting materials to the Department for a determination of whether the requirements of this section have been met and whether any determination made by the locality pursuant to this section is supported by the evidence. The Department shall issue a written determination setting forth its rationale within 90 days of submission. Such a determination, or a failure by the Department to make such a determination within the 90-day period, may be appealed to the Board.

C. Localities shall not prohibit or otherwise limit the use of any best management practice (BMP) approved for use by the Director or the Board except as follows:

1. When the Director or the Board approves the use of any BMP in accordance with its stated conditions, the locality serving as a VSMP authority shall have authority to preclude the onsite use of the approved BMP, or to require more stringent conditions upon its use, for a specific land-disturbing project based on a review of the stormwater management plan and project site conditions. Such limitations shall be based on site-specific concerns. Any project or site-specific determination purportedly authorized pursuant to this subsection may be appealed to the Department and the Department shall issue a written determination regarding compliance with this section to the requesting party within 90 days of submission. Any such determination, or a failure by the Department to make any such determination within the 90-day period, may be appealed to the Board.

2. When a locality is seeking to uniformly preclude jurisdiction-wide or otherwise limit geographically the use of a BMP approved by the Director or Board, or to apply more stringent

conditions to the use of a BMP approved by the Director or Board, upon the request of an affected landowner or his agent submitted to the Department, with a copy submitted to the locality, within 90 days after adoption, such authorizing ordinances, design manuals, policies, or guidance documents developed by the locality that set forth the BMP use policy shall be provided to the Department in such manner as may be prescribed by the Department that includes a written justification and explanation as to why such more stringent limitation or conditions are determined to be necessary. The Department shall review all supporting materials provided by the locality to determine whether the requirements of this section have been met and that any determination made by the locality pursuant to this section is reasonable under the circumstances. The Department shall issue its determination to the locality in writing within 90 days of submission. Such a determination, or a failure by the Department to make such a determination within the 90-day period, may be appealed to the Board.

D. Based on a determination made in accordance with subsection B or C, any ordinance or other requirement enacted or established by a locality that is found to not comply with this section shall be null and void, replaced with state minimum standards, and remanded to the locality for revision to ensure compliance with this section. Any such ordinance or other requirement that has been proposed but neither enacted nor established shall be remanded to the locality for revision to ensure compliance with this section.

E. Any provisions of a local stormwater management program in existence before January 1, 2013, that contains more stringent provisions than this article shall be exempt from the requirements of this section. However, such provisions shall be reported to the Board at the time of the locality's VSMP approval package.

1989, cc. 467, 499, § 10.1-603.7; 1991, c. 84; 2004, c. 372; 2011, cc. 341, 353; 2012, cc. 785, 819; 2013, cc. 591, 756, 793; 2014, cc. 303, 598.

Exhibit A

**WINCHESTER MANAGEMENT LLC – CROSS JUNCTION NUTRIENT FACILITY**

**AFFIDAVIT OF PHOSPHORUS CREDIT SALE**

**WINCHESTER MANAGEMENT, LLC**, a Virginia limited liability company (the “Company”), hereby certifies the following:

1. Pursuant to that certain Purchase and Sale Agreement dated June 1, 2016 (the “Agreement”), between the Company (as Seller) and Hecate Energy Clarke County LLC, (“Purchaser”), the Company, for the benefit of the Purchaser, agreed to sell 2.80 pounds of nonpoint source phosphorus Credits to Purchaser and retire the associated ratio of nonpoint source nitrogen Credits at the credit generating facility in the amount of 20.79 pounds of nitrogen Credits;

2. The Company and the Purchaser, as of the date hereof, have closed the transaction contemplated by the Agreement and the Company has sold to Purchaser the phosphorous Credits.

WITNESS the following signature:

WINCHESTER MANAGEMENT, LLC,  
a Virginia limited liability company

By: \_\_\_\_\_

Date: \_\_\_\_\_

Sworn to and subscribed before me this 1<sup>st</sup> of **June, 2016** by,  
Mark D. Smith, Manager, on behalf of  
WINCHESTER MANAGEMENT, LLC, a Virginia limited liability company.

My commission expires: Sept. 30, 2020 State of Virginia  
County of Frederick

Deanna D. Painter  
Notary Public

Permit #: Pending  
Project Description: Hecate Energy 20MW Solar Project  
Permittee: Hecate Energy Clarke County LLC  
Phosphorus Credits: 2.80  
Associated Nitrogen Credits: 20.79

DEANNA D PAINTER  
NOTARY PUBLIC  
REG. #7135427  
COMMONWEALTH OF VIRGINIA  
MY COMMISSION EXPIRES SEPTEMBER 30, 2020

**SITE PLAN REVIEW**

May 18, 2016

Mr. Ryan Fincham  
Zoning Administrator / Senior Planner  
Clarke County Planning Department  
101 Chalmers Court  
Berryville, VA 22611

Re: Hecate Energy (Solar Farm)  
Site Plan Review (3rd Submittal)  
A&A JN 32016.00

Dear Mr. Fincham:

Thank you for the opportunity to provide plan review services to Clarke County for this important project. Overall, we continue to find the plans and information submitted to be very detailed and thorough. Though most of the remaining comments addressed herein may need just minor adjustments to the Site Development Plan, a few of the remaining comments do still require further revision in order for Clarke County to approve the application.

#### Background

On February 12, 2016, Anderson & Associates, Inc. received a copy of the Special Use Permit and Land Development application for the proposed 20 MW Photovoltaic Solar Power Facility, dated February 5, 2016, prepared by Greenway Engineering on behalf of Hecate Energy. Subsequently, on February 18, 2016, a revised Site Development Plan, dated February 16, 2016, was received. Our review of this first submittal was provided to your office on March 11, 2016.

On April 15, 2016, we were provided electronic access to the second submittal of this project. This submittal includes a Comment Response Letter to our review comments, dated March 18, 2016, and a Site Development Plan dated April 15, 2016. Our review of this second submittal was provided to your office on April 25, 2016.

On May 5, 2016, we were provided electronic access to the third submittal of this project. This submittal includes a Comment Response Letter to our review comments, dated May 5, 2016, and a Site Development Plan dated May 5, 2016.

Our review of this third submittal is based on the requirements of the applicable Clarke County Ordinances, the Virginia Erosion and Sediment Control Regulations, and general plan review expectations of the County. It is our understanding that the Virginia Department of Environmental Quality is also reviewing this submittal for compliance with Virginia Stormwater Management Program criteria. Therefore, we have limited our stormwater management review to the requirements of the Clarke County Stormwater Ordinance that exceed the Virginia DEQ requirements.

Note that due to the updates made by the applicant in this third submittal, some of the sheet, note, and section references from our previous comments may be out-of-date with the current submittal. These references are kept for record in the "Original Comment" items, and any "Follow-Up Comment" items address the updated sheet, note, and section references where applicable. Also note that any previous comments from March 11, 2016 and April 25, 2016 that are not addressed herein are deemed to be satisfied by the applicant's prior responses.

**Erosion & Sediment Control/Stormwater Management Set Comments**

**Sheet 2 – General Notes and Legend**

1. Original Comment #4: Project Note 4 mentions that water quality measures are not required due to the land use conversion. However, Clarke County's Stormwater Management Ordinance (§ 154-4-B 1) indicates the Water Quality Design Criteria required by the County. As stated in Comment 3 above, the County criteria are more stringent than Virginia DEQ requirements. Please indicate how the Ordinance criteria are to be met by this project.

Response: Narrative and calculations have been revised to clarify conformance to ordinance criteria. Refer to Sheet 2, 13-14 of the Site Development Plan. Since plan submission, Greenway Engineering has not had contact with DEQ representatives.

Follow-Up Comment: Concerning water quality compliance, the update to Sheet 2 in the Water Quality section references the Clarke County Code 154-4-C. This Code section references both section 154-4-B and the Virginia Stormwater Management Handbook. These references provide different and, at times, contradictory criteria for water quality compliance. 154-4-B criteria is according to the current Virginia Stormwater Management Program Regulations (Part IIB). The Virginia Stormwater Management Handbook Performance-Based Criteria is according to the Virginia Stormwater Management Program Regulations (Part IIC).

The criteria that apply to this project are Part IIB. However, Clarke County Code 154-4-B-1-a further requires a phosphorus load threshold for new development projects of 0.28 pounds per acre per year, which is more stringent than the Part IIB criteria. Sheet 24 of the plan set provides a water quality calculation based on the Part IIB criteria, using the appropriate Virginia Runoff Reduction Method New Development Worksheet. This calculation needs to be adjusted in order to use Clarke County's 0.28 pounds per acre per year threshold for phosphorus. This adjustment may need to be done by hand, as the Worksheet does not allow for manual adjustment of the target load value.

Sheet 24 Water Quality Compliance Note indicates the intent of the applicant to provide offsite options/credits from an approved Nutrient Bank in order to comply with the water quality criteria. While Anderson & Associates, Inc. believes that this approach is reasonable prior to the issuance of a Land Disturbance Permit by Clarke County, we defer to the Virginia Department of Environmental Quality and its review of this stormwater management quality approach for this project.

Follow-up Response: Clarke County Storm Water Management Ordinance and DEQ Water Quality Compliance means and methodology cannot be cross interpreted. The project complies with both Clarke County and DEQ.

Follow-Up Comment: While Clarke County Code sections 154-4-B-1-a and 154-4-C are potentially inconsistent, it is Anderson & Associates, Inc.'s understanding that the current Virginia Stormwater Management Program Regulations (Part IIB) should be used according to the appropriate Virginia Runoff Reduction Method New Development Worksheet for water quality compliance, with a 0.28 pounds per acre per year threshold for phosphorus.

Sheet 4 – E&S Control Narrative

2. Original Comment #15: Minimum Construction Standards Narrative lists the Minimum Standards for Erosion & Sediment Control Plans. Please indicate how this plan meets Minimum Standard 19.

Response: Stormwater associated with this project is contained on site. Runoff by land conversion reduce the overall pre to post development runoff. No offsite area are affected by as result of the this development.

Follow-Up Comment: Please indicate how stormwater runoff associated with this project is to be contained on the site. The proposed site and grading plans (Sheets 9 – 14) appear to show that sheet/overland flow from the site will runoff onto adjacent properties. Reduction of overall pre to post development runoff does not necessarily fulfill the requirements of Minimum Standard 19. It is recommended that sections i, m, and n of Minimum Standard 19 be used as justification for this project meeting this standard.

Follow-up Response: Refer to Sheet 4A, MS-19 under Clarke County Code refers a-k. We have separated the two jurisdictional Minimum Construction Standards for reviewer purposes and to comply with each. DEQ E&S Narrative on a separate sheet which references the MS 19:l-n items for after July 2014.

Follow-Up Comment: Clarke County Code section 148-3 B indicates that the MS-19 requirements for Clarke County are the same as those for DEQ, and are included in the Virginia Erosion and Sediment Control Regulations. All items listed under MS-19 on Sheet 4 apply to Clarke County requirements. It is recommended that sections i, m, and n of Minimum Standard 19 be used as justification for this project meeting this standard. Please state in the Narrative on Sheet 4 how this plan meets Minimum Standard 19.

Sheet 5 – E&SC Phase I & II

3. Original Comment #21: Please indicate where or if Construction Road Stabilization (CRS) is to be used. Also on Sheets 6 and 7.

Response: No construction road stabilization is being provided.

Follow-Up Comment: Construction Road Stabilization is recommended. Without its use throughout the site, please indicate how the existing ground will remain undisturbed as vehicles traverse the site for purposes of proposed grading and placement of the proposed single axis trackers.

Follow-up Response: Perimeter measures that are proposed will provide the required erosion protection. The majority of activity will be performed with small and medium sized equipment that will not require roads. Due to the nature of this light construction activity, built up construction roads are not planned nor warranted, and would cause unnecessary additional impacts and impervious areas throughout the entire site area

Follow-Up Comment: The above response is acceptable. Please include the above statement or substantially similar in the Erosion and Sediment Control Narrative on Sheet 4.

Mr. Ryan Fincham  
May 18, 2016  
Page 4 of 4

Sheet 6 – E&SC Phase I & II

4. Original Comment #23: Please provide Silt Fence (SF) or some other perimeter sedimentation barrier along the eastern corner and southeastern edge of the proposed limits of construction, where the existing grade slopes downhill offsite.

Response: Refer to Sheet 4 of the Site Development Plan.

Follow-Up Comment: Please indicate where/how Sheet 4 addresses this comment. Please provide Silt Fence (SF) or some other perimeter sedimentation barrier along the eastern corner of the proposed limits of construction, where the existing grade slopes downhill offsite.

Follow-up Response: Silt fence has been extended to the flow line along the eastern corner of the proposed limits of construction. The flow line is now labeled to show where the offsite water returns to the site.

Follow-Up Comment: This information does not appear to have been included on Sheet 6 of the May 5, 2016 resubmittal. Please include as noted above.

Sheet 11 – Site Plan

5. Original Comment #28: Please indicate if the existing wire fencing within the limits of construction is to be removed. Also on Sheet 11.

Response: Yes, all internal wire fencing shall be removed. Refer to Sheet 9, 10, 11 of the Site Development Plan.

Follow-Up Comment: It is recommended that the existing fencing to be removed not be shown on this sheet or be labeled to be removed, in order to avoid confusion during construction. Also on Sheet 13.

Follow-up Response: Fencing has been removed from the Site Plan.

Follow-Up Comment: Please also remove from Sheets 12 and 14 the existing fencing that is proposed to be removed in construction.

This is the extent of our comments at this time. Please do not hesitate to contact either of us with questions.

Sincerely,

ANDERSON & ASSOCIATES, INC.



Keith Boyd, PE  
VP Land Development



Scott V. Cramer, P.E.  
Project Engineer



151 Windy Hill Lane  
Winchester, VA 22602

June 2, 2016

Anderson & Associates, Inc.  
100 Ardmore Street  
Blacksburg, VA 24060

Attn: Scott V. Cramer, P.E., Project Engineer

Re: Hecate Energy Solar Facility – Clarke County  
Comment Response Letter

Dear Mr. Cramer:

Greenway Engineering Inc. has collectively collaborated with Hecate Energy upon receipt of comments dated May 18, 2016. On behalf of Hecate Energy, we are pleased to present the following responses.

#### **Erosion & Sediment Control/Stormwater Management Set Comments**

##### **Sheet 2 – General Notes and Legend**

*Comment 1: Original Comment #4: Project Note 4 mentions that water quality measures are not required due to the land use conversion. However, Clarke County's Stormwater Management Ordinance (§ 154-4-B 1) indicates the Water Quality Design Criteria required by the County. As stated in Comment 3 above, the County criteria are more stringent than Virginia DEQ requirements. Please indicate how the Ordinance criteria are to be met by this project.*

Response: Narrative and calculation have be revised to clarify conformance to ordinance criteria. Refer to Sheet 2, 13-14 of the Site Development Plan. Since plan submission, Greenway Engineering has not had contact with DEQ representatives.

*Follow-up Comment: Concerning water quality compliance, the update to Sheet 2 in the Water Quality section references the Clarke County Code 154-4-C. This Code section references both section 154-4-B and the Virginia Stormwater Management Handbook. These references provide different and, at times, contradictory criteria for water quality compliance. 154-4-B criteria is according to the current Virginia Stormwater Management Program Regulations (Part IIB). The Virginia Stormwater Management Handbook Performance-Based Criteria is according to the Virginia Stormwater Management Program Regulations (Part IIC).*

*The criteria that apply to this project are Part IIB. However, Clarke County Code 154-4-B-1-a further requires a phosphorus load threshold for new development projects of 0.28 pounds per acre per year, which is more stringent than the Part IIB criteria. Sheet 24 of the plan set provides a water quality calculation based on the Part IIB criteria, using the appropriate Virginia Runoff Reduction Method New Development Worksheet. This calculation needs to be adjusted in order to use Clarke County's 0.28 pounds per acre per year threshold for*

phosphorus. This adjustment may need to be done by hand, as the Worksheet does not allow for manual adjustment of the target load value.

Sheet 24 Water Quality Note indicates the intent of the applicant to provide offsite options/credits from an approved Nutrient Bank in order to comply with the water quality criteria. While Anderson & Associates, Inc. believes that this approach is reasonable prior to the issuance of a Land Disturbance Permit by Clarke County, we defer to the Virginia Department of Environmental Quality and its review of this stormwater management quality approach for this project.

Follow-up Response: Clarke County Storm Water Management Ordinance and DEQ Water Quality Compliance means and methodology cannot be cross interpreted. The project complies with both Clarke County and DEQ.

*Follow-up Comment: While Clarke County Code sections 154-4-B-1-a and 154-4-C are potentially inconsistent, it is Anderson & Associates, Inc.'s understanding that the current Virginia Stormwater Management Program Regulations (Part IIB) should be used according to the appropriate Virginia Runoff Reduction Method New Development Worksheet for water quality compliance, with a 0.28 pounds per acre per year threshold for phosphorus.*

Follow-up Response:

The Clarke County Water Quality Compliance Note on Sheet 24B has been updated and explains how the project is in compliance with the Code of Clarke County "Chapter 154-4-B-1-a and 154-4-C". Equation 5-21 found within the Virginia Stormwater Management Handbook was used to calculate the total phosphorous load of the proposed site. The result was found to be 0.14 pounds per acre per year less than the 0.28 pound per acre per year threshold. Therefore, the project is in compliance with the Code of Clarke County "Chapter 154-4-B-1-a".

#### Sheet 4 – E&S Control Narrative

*Comment 2: Original Comment #15: Minimum Construction Standards Narrative lists the Minimum Standards for Erosion & Sediment Control Plans. Please indicate how this plan meets Minimum Standard 19.*

Response: Stormwater associated with this project is contained on site. Runoff by land conversion reduce the overall pre to post development runoff. No offsite area are affected by as result of this development.

*Follow-up Comment: Please indicate how stormwater runoff associated with this project is to be contained on the site. The proposed site and grading plans (Sheets 9 – 14) appear to show that sheet/overland flow from the site will runoff onto adjacent properties. Reduction of overall pre to post development runoff does not necessarily fulfill the requirements of Minimum Standard 19. It is recommended that sections i, m, and n of Minimum Standard 19 be used as justification for this project meeting this standard.*

Follow-up Response: Refer to Sheet 4A, MS-19 under Clarke County Code refers a-k, We have separated the two jurisdictional Minimum Construction Standards for reviewer purposes and to comply with each. DEQ E&S Narrative on a separate sheet which references the MS 19:l-n items for after July 2014.

*Follow-up Comment: Clarke County Code section 148-3 B indicates that the MS-19 requirements for Clarke County are the same as those for DEQ, and are included in the Virginia Erosion and Sediment Control Regulations. All items listed under MS-19 on Sheet 4 apply to Clarke County requirements. It is recommended that sections i, m, and n of Minimum Standard 19 be used as justification for this project meeting this standard. Please state in the Narrative on Sheet 4 how this plan meets Minimum Standard 19.*

Follow-up Response:

Runoff from this site will not damage adjacent properties, or exceed the capacity or cause erosion of receiving streams. The calculations on Sheets 15-17 show that the post-development discharges are reduced within all 6 delineated watersheds onsite.

To protect the adjacent properties from any sediment during construction, the contractor shall install all erosion & sediment control measures as stated in the E&S Narrative on Sheet 4 and as shown on the E&S Phase I & II Plan on Sheets 5-7 prior to any land disturbance. All overland flow that will runoff onto adjacent properties will be protected by structural and vegetative measures. The structural measure include silt fence and super silt fence. The vegetative measures include permanent seeding and a 59' wide natural vegetative buffer will act as a secondary erosion & sediment control measure in the event that a structural measure fails. The site superintendent or his representative shall inspect the site daily to ensure all E&S measures are functioning properly. Any damaged structures shall be repaired by the end of the day.

**Sheet 5 – E&SC Phase I & II**

*Comment 3: Original Comment #21: Please indicate where or if Construction Road Stabilization (CRS) is to be used. Also on Sheets 6 and 7.*

Response: No construction road stabilization is being provided.

*Follow-up Comment: Construction Road Stabilization is recommended. Without its use throughout the site, please indicate how the existing ground will remain undisturbed as vehicles traverse the site for purposes of proposed grading and placement of the proposed single axis trackers.*

Follow-up Response: Perimeter measures that are proposed will provide the required erosion protection. The majority of activity will be performed with small and medium sized equipment that will not require roads. Due to the nature of this light construction activity, built up construction roads are not planned nor warranted, and would cause unnecessary additional impacts and impervious areas throughout the entire site area

*Follow-up Comment: The above response is acceptable. Please include the above statement or substantially similar in the Erosion and Sediment Control Narrative on Sheet 4.*

Follow-up Response:

Acknowledged, the above response has been added to the Erosion and Sediment Control Narrative on Sheet 4.

**Sheet 6 – E&SC Phase I & II**

*Comment 4: Original Comment #23: Please provide Silt Fence (SF) or some other perimeter sedimentation barrier along the eastern corner and southeastern edge of the proposed limits of construction, where the existing grade slopes downhill offsite.*

Response: Refer to Sheet 4 of the Site Development Plan.

*Follow-up Comment: Please indicate where/how Sheet 4 addresses this comment. Please provide Silt Fence (SF) or some other perimeter sedimentation barrier along the eastern corner of the proposed limits of construction, where the existing grade slopes downhill offsite.*

Follow-up Response: Silt fence has been extended to the flow line along the eastern corner of the proposed limits of construction. The flow line is now labeled to show where the offsite water returns to the site.

*Follow-up Comment: This information does not appear to have been included on Sheet 6 of the May 5, 2016 resubmittal. Please include as noted above.*

Follow-up Response:

Additional silt fence and existing flow line has been added to Sheet 5 in the location of where the existing grade slopes downhill offsite.

#### Sheet 11 – Site Plan

*Comment 5: Original Comment #28: Please indicate if the existing wire fencing within the limits of construction is to be removed. Also on Sheet 11.*

Response: Yes, all internal wire fencing shall be removed. Refer to Sheet 9, 10, 11 of the Site Development Plan.

*Follow-up Comment: It is recommended that the existing fencing to be removed not be shown on this sheet or be labeled to be removed, in order to avoid confusion during construction. Also on Sheet 13.*

Follow-up Response: Fencing has been removed from the Site Plan.

*Follow-up Comment: Please also remove from Sheets 12 and 14 the existing fencing that is proposed to be removed in construction.*

Follow-up Response:

The existing fencing has been removed from the Grading Plan Sheets 10, 12, & 14.

Thank you for your assistance with this project. Contact us with any questions or need for additional information.

Sincerely,  
Greenway Engineering, Inc.

Jeremy N. Tweedie

Enclosures

June 8, 2016

Mr. Ryan Fincham  
Zoning Administrator / Senior Planner  
Clarke County Planning Department  
101 Chalmers Court  
Berryville, VA 22611

Re: Hecate Energy (Solar Farm)  
Site Plan Review (4th Submittal)  
A&A JN 32016.00

Dear Mr. Fincham:

Thank you for the opportunity to provide plan review services to Clarke County for this important project. We recommend that Clarke County approve this Site Development Plan, contingent on the applicant resolving the following two comments to Clarke County's satisfaction.

#### Background

On February 12, 2016, Anderson & Associates, Inc. received a copy of the Special Use Permit and Land Development application for the proposed 20 MW Photovoltaic Solar Power Facility, dated February 5, 2016, prepared by Greenway Engineering on behalf of Hecate Energy. Subsequently, on February 18, 2016, a revised Site Development Plan, dated February 16, 2016, was received. Our review of this first submittal was provided to your office on March 11, 2016.

On April 15, 2016, we were provided electronic access to the second submittal of this project. This submittal includes a Comment Response Letter to our review comments, dated March 18, 2016, and a Site Development Plan dated April 15, 2016. Our review of this second submittal was provided to your office on April 25, 2016.

On May 5, 2016, we were provided electronic access to the third submittal of this project. This submittal includes a Comment Response Letter to our review comments, dated May 5, 2016, and a Site Development Plan dated May 5, 2016. Our review of this third submittal was provided to your office on May 18, 2016.

On June 2, 2016, we were provided electronic access to the fourth submittal of this project. This submittal includes a Comment Response Letter to our review comments, dated June 2, 2016, and a Site Development Plan dated June 2, 2016.

Our review of this fourth submittal is based on the requirements of the applicable Clarke County Ordinances, the Virginia Erosion and Sediment Control Regulations, and general plan review expectations of the County. It is our understanding that the Virginia Department of Environmental Quality will be communicating its approval of this submittal for compliance with Virginia Stormwater Management Program criteria. Therefore, we have limited our stormwater management review to the requirements of the Clarke County Stormwater Ordinance that exceed the Virginia DEQ requirements.

Note that due to the updates made by the applicant in this fourth submittal, some of the sheet, note, and section references from our previous comments may be out-of-date with the current submittal. These references are kept for record in the "Original Comment" items, and any "Follow-Up Comment" items address the updated sheet, note, and section references where applicable. Also note that any previous comments that are not addressed herein are deemed to be satisfied by the applicant's prior responses.

**Erosion & Sediment Control/Stormwater Management Set Comments**

**Sheet 2 – General Notes and Legend**

1. Original Comment #4: Project Note 4 mentions that water quality measures are not required due to the land use conversion. However, Clarke County's Stormwater Management Ordinance (§ 154-4-B 1) indicates the Water Quality Design Criteria required by the County. As stated in Comment 3 above, the County criteria are more stringent than Virginia DEQ requirements. Please indicate how the Ordinance criteria are to be met by this project.

Response: Narrative and calculations have been revised to clarify conformance to ordinance criteria. Refer to Sheet 2, 13-14 of the Site Development Plan. Since plan submission, Greenway Engineering has not had contact with DEQ representatives.

Follow-Up Comment: Concerning water quality compliance, the update to Sheet 2 in the Water Quality section references the Clarke County Code 154-4-C. This Code section references both section 154-4-B and the Virginia Stormwater Management Handbook. These references provide different and, at times, contradictory criteria for water quality compliance. 154-4-B criteria is according to the current Virginia Stormwater Management Program Regulations (Part IIB). The Virginia Stormwater Management Handbook Performance-Based Criteria is according to the Virginia Stormwater Management Program Regulations (Part IIC).

The criteria that apply to this project are Part IIB. However, Clarke County Code 154-4-B-1-a further requires a phosphorus load threshold for new development projects of 0.28 pounds per acre per year, which is more stringent than the Part IIB criteria. Sheet 24 of the plan set provides a water quality calculation based on the Part IIB criteria, using the appropriate Virginia Runoff Reduction Method New Development Worksheet. This calculation needs to be adjusted in order to use Clarke County's 0.28 pounds per acre per year threshold for phosphorus. This adjustment may need to be done by hand, as the Worksheet does not allow for manual adjustment of the target load value.

Sheet 24 Water Quality Compliance Note indicates the intent of the applicant to provide offsite options/credits from an approved Nutrient Bank in order to comply with the water quality criteria. While Anderson & Associates, Inc. believes that this approach is reasonable prior to the issuance of a Land Disturbance Permit by Clarke County, we defer to the Virginia Department of Environmental Quality and its review of this stormwater management quality approach for this project.

Follow-up Response: Clarke County Storm Water Management Ordinance and DEQ Water Quality Compliance means and methodology cannot be cross interpreted. The project complies with both Clarke County and DEQ.

Follow-Up Comment: While Clarke County Code sections 154-4-B-1-a and 154-4-C are potentially inconsistent, it is Anderson & Associates, Inc.'s understanding that the current Virginia Stormwater Management Program Regulations (Part IIB) should be used according to the appropriate Virginia Runoff Reduction Method New Development Worksheet for water quality compliance, with a 0.28 pounds per acre per year threshold for phosphorus.

Follow-up Response: The Clarke County Water Quality Compliance Note on Sheet 24B has been updated and explains how the project is in compliance with the Code of Clarke County "Chapter 154-4-B- 1 -a and 154-4-C". Equation 5-21 found within the Virginia Stormwater Management Handbook was used to calculate the total phosphorous load of the proposed

site. The result was found to be 0.14 pounds per acre per year less than the 0.28 pound per acre per year threshold. Therefore, the project is in compliance with the Code of Clarke County "Chapter 154-4-B-1-a".

Follow-Up Response: It remains Anderson & Associates, Inc.'s understanding that the current Virginia Stormwater Management Program Regulations (Part IIB) should be used according to the appropriate Virginia Runoff Reduction Method New Development Worksheet for water quality compliance, with a 0.28 pounds per acre per year threshold for phosphorus. This is the "Pollutant – Runoff Reduction Method" stated in Clarke County Code section 154-4-C, as opposed to the Simple Method used in the Performance-Based Water Quality Criteria presented by the applicant.

It is noted that Sheet 24 shows the use of the "Pollutant – Runoff Reduction Method", though using the less stringent 0.41 pounds per acre per year threshold for phosphorus as required by the Virginia Department of Environmental Quality, and concludes that the total phosphorus load reduction for the site post-development will be 2.80 pounds per year.

However, Clarke County Code section 154-4-C states that another methodology that achieves equivalent or more stringent results may be used for water quality compliance, if approved by the Program Administrator. The Simple Method in the Performance-Based Water Quality Criteria is shown as another methodology by the applicant. The Situation 1 conclusion in Step 3 as provided on Sheet 24B shows that no reduction in the after development pollutant discharge is required. This conclusion would remove the need for any water quality measures on the proposed development site and/or purchasing of water quality credits from a Nutrient Bank. This method does not appear to achieve equivalent or more stringent results than the "Pollutant – Runoff Reduction Method," nor does it take into account the 0.28 pounds per acre per year threshold for phosphorus stated in Clarke County Code section 154-4-B-1-a.

The applicant has also provided a calculation of the Simple Method used in the Performance-Based Water Quality Criteria for Situation 2, though this is not the applicable Situation to use. Step 5 of this method determines that the relative post-development total phosphorus load for the site is 0.14 lbs/acre/year. Though the final step in this calculation is not according to any stated procedure in the "Pollutant – Runoff Reduction Method" or the Simple Method, it does yield a pollutant load that is less than Clarke County's 0.28 pounds per acre per year threshold for phosphorus. This Step 5 determination and the following Step 6 determination conclude that there is no need for any water quality measures on the proposed development site and/or purchasing of water quality credits from a Nutrient Bank. This method also does not appear to achieve equivalent or more stringent results than the "Pollutant – Runoff Reduction Method."

It is therefore necessary for the applicant to use the "Pollutant – Runoff Reduction Method" stated in Clarke County Code section 154-4-C and provided in Chapter 12 of the Virginia Stormwater Management Handbook (July 2013 version), as opposed to the Simple Method used in the Performance-Based Water Quality Criteria from the Virginia Stormwater Management Handbook (1999 version). As stated previously, the 0.28 pounds per acre per year threshold for phosphorus should be used, and this adjustment may need to be done by hand, as the Worksheet does not allow for manual adjustment of the target load value.

#### Sheet 6 – E&SC Phase I & II

2. Original Comment #23: Please provide Silt Fence (SF) or some other perimeter sedimentation barrier along the eastern corner and southeastern edge of the proposed limits of construction, where the existing grade slopes downhill offsite.

Mr. Ryan Fincham  
June 8, 2016  
Page 4 of 4

Response: Refer to Sheet 4 of the Site Development Plan.

Follow-Up Comment: Please indicate where/how Sheet 4 addresses this comment. Please provide Silt Fence (SF) or some other perimeter sedimentation barrier along the eastern corner of the proposed limits of construction, where the existing grade slopes downhill offsite.

Follow-up Response: Silt fence has been extended to the flow line along the eastern corner of the proposed limits of construction. The flow line is now labeled to show where the offsite water returns to the site.

Follow-Up Comment: This information does not appear to have been included on Sheet 6 of the May 5, 2016 resubmittal. Please include as noted above.

Follow-up Response: Additional silt fence and existing flow line has been added to Sheet 5 in the location of where the existing grade slopes downhill offsite.

Follow-Up Comment: Please include the requested Silt Fence on Sheet 6. Silt Fence on Sheet 5 is shown satisfactorily, but Silt Fence is needed on a portion of the eastern edge of the proposed limits of construction on Sheet 6. See attached sketch of Sheet 6 for the specific location.

This is the extent of our comments at this time. Please do not hesitate to contact either of us with questions.

Sincerely,

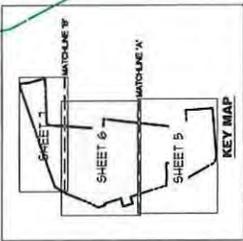
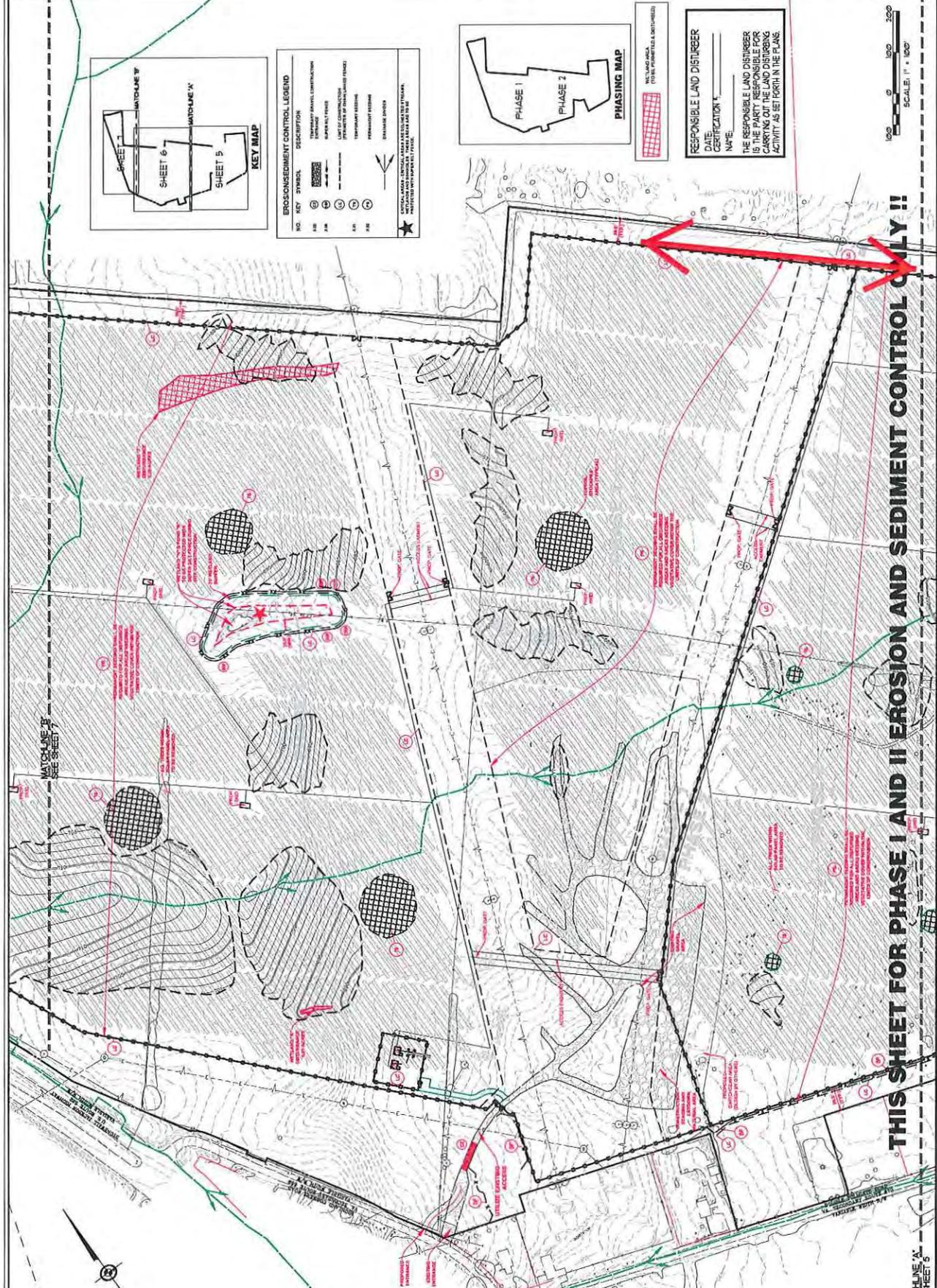
ANDERSON & ASSOCIATES, INC.



Keith Boyd, PE  
VP Land Development

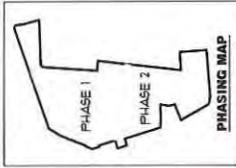


Scott V. Cramer, P.E.  
Project Engineer



**EROSION CONTROL LEGEND**

NO.	KEY SYMBOL	DESCRIPTION
1	(Symbol)	EMERGENCY TRAVEL CONTRIBUTION
2	(Symbol)	SEPARATE FENCE
3	(Symbol)	LINE OF CONTRIBUTION
4	(Symbol)	PERIMETER OF DISTURBED AREAS
5	(Symbol)	PERIMETER OF DISTURBED AREAS
6	(Symbol)	PERIMETER OF DISTURBED AREAS
7	(Symbol)	PERIMETER OF DISTURBED AREAS
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100	(Symbol)	PERIMETER OF DISTURBED AREAS



**RESPONSIBLE LAND DISTURBER**  
 DATE: \_\_\_\_\_  
 CERTIFICATION #: \_\_\_\_\_  
 NAME: \_\_\_\_\_  
 THE RESPONSIBLE LAND DISTURBER IS THE PARTY RESPONSIBLE FOR CARRYING OUT THE LAND DISTURBING ACTIVITY AS SET FORTH IN THE PLANS.



**THIS SHEET FOR PHASE I AND II EROSION AND SEDIMENT CONTROL ONLY !!**

Clarke County

bstidham@clarkecounty.gov

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**RE: Stormwater Ordinance**

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**From :** Cramer, Scott <cramer@andassoc.com>

Wed, Jun 15, 2016 04:20 PM

**Subject :** RE: Stormwater Ordinance**To :** Stidham, Brandon (Clarke)  
<bstidham@clarkecounty.gov>  
 2 attachments**Cc :** Boyd, Keith <boyd@andassoc.com>

Brandon,

As a follow-up to our phone call this afternoon, with the update to Sheet 6 provided on 6/14 by Greenway, A&A recommends that Clarke County approve the Hecate submittal for compliance with the Erosion & Sediment Control requirements.

**Scott V. Cramer, P.E.***Project Engineer - Land Development***Anderson & Associates, Inc.***Focused on Service, Focused on You*100 Ardmore Street  
Blacksburg, VA 24060  
540.552.5592  
540.552.5729 (fax)[cramer@andassoc.com](mailto:cramer@andassoc.com)

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**From:** McAlister, Heather (DEQ) [mailto:Heather.McAlister@deq.virginia.gov]**Sent:** Wednesday, June 15, 2016 1:40 PM**To:** Cramer, Scott; Boyd, Keith**Subject:** FW: Stormwater Ordinance

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**From:** McAlister, Heather (DEQ)**Sent:** Wednesday, June 15, 2016 1:31 PM**To:** 'bstidham@clarkecounty.gov'**Cc:** 'Jeremy Tweedie'; 'cramer@andarsoc.com'; 'boyd@andarsoc.com'

**Subject:** Stormwater Ordinance

Mr. Stidharm,

According to [§ 62.1-44.15:33. Authorization for more stringent ordinances.](#), since Clarke County has opted out of becoming a VSMP they do not have the authorization for more stringent ordinances. The current Clarke County Stormwater Ordinance is null and void. All plans must meet state standards and are reviewed by DEQ. Clarke County is responsible for the Erosion and Sediment Control review. If you have any question please let me know.

Heather McAlister  
Office of Stormwater Management  
*Virginia Department of Environmental Quality*  
629 E. Main Street, Richmond, VA 23219  
(804) 698-4215 DEQ Central Office – Direct Line  
(540) 569-2927 AWL Office – Direct Line  
[heather.mcalister@deq.virginia.gov](mailto:heather.mcalister@deq.virginia.gov)  
[www.deq.virginia.gov](http://www.deq.virginia.gov)



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**image002.png**  
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June 16, 2016

Mr. Ryan Fincham  
Zoning Administrator / Senior Planner  
Clarke County Planning Department  
101 Chalmers Court  
Berryville, VA 22611

Re: Hecate Energy (Solar Farm)  
Site Plan Approval (E&SC)  
A&A JN 32016.00

Dear Mr. Fincham:

Thank you for the opportunity to provide plan review services to Clarke County for this important project. We recommend that Clarke County approve this Site Development Plan, as it is in conformance with the Virginia Erosion and Sediment Control Regulations and applicable Clarke County Ordinances concerning Erosion and Sediment Control.

#### Background

On February 12, 2016, Anderson & Associates, Inc. received a copy of the Special Use Permit and Land Development application for the proposed 20 MW Photovoltaic Solar Power Facility, dated February 5, 2016, prepared by Greenway Engineering on behalf of Hecate Energy. Subsequently, on February 18, 2016, a revised Site Development Plan, dated February 16, 2016, was received. Our review of this first submittal was provided to your office on March 11, 2016.

On April 15, 2016, we were provided electronic access to the second submittal of this project. This submittal includes a Comment Response Letter to our review comments, dated March 18, 2016, and a Site Development Plan dated April 15, 2016. Our review of this second submittal was provided to your office on April 25, 2016.

On May 5, 2016, we were provided electronic access to the third submittal of this project. This submittal includes a Comment Response Letter to our review comments, dated May 5, 2016, and a Site Development Plan dated May 5, 2016. Our review of this third submittal was provided to your office on May 18, 2016.

On June 2, 2016, we were provided electronic access to the fourth submittal of this project. This submittal includes a Comment Response Letter to our review comments, dated June 2, 2016, and a Site Development Plan dated June 2, 2016. Our review of this fourth submittal was provided to your office on June 7, 2016.

On June 14, 2016, we received an updated plan Sheet 6 in response to our review comments.

On June 16, 2016, we received confirmation from Clarke County that the current Clarke County Stormwater Management Ordinance is not applicable to this project. Therefore, previous comments concerning the more stringent requirements of that Ordinance are no longer necessary for approval of this project.

Our review of these submittals has been based on the requirements of the applicable Clarke County Ordinances, the Virginia Erosion and Sediment Control Regulations, and general plan review expectations of the County. It is our understanding that the Virginia Department of Environmental Quality will be communicating its approval of this submittal for compliance with Virginia Stormwater Management Program criteria.

This is the extent of our comments for this project. Please do not hesitate to contact either of us with questions.

Sincerely,

ANDERSON & ASSOCIATES, INC.



Scott V. Cramer, P.E.  
Project Engineer



Keith Boyd, PE  
VP Land Development

# **Clarke County Board of Supervisors**

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## **Adjournment**

# **Clarke County Board of Supervisors**

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## **Monthly Reports:**

- 1. Building Department**
- 2. Commissioner of the Revenue**
- 3. Fire & EMS**
- 4. Virginia Regional Transit**

**RESIDENTIAL CONSTRUCTION**

**NEW SINGLE FAMILY**

Owner/Address	Description/Parcel ID	Estimated Value
RICHMOND AMERICAN HOMES OF VIRGINIA, INC. 748 MCGUIRE CIRCLE, BERRYVILLE 22611	NEW RESIDENCE SINGLE 14C 1 45	490,716
RICHMOND AMERICAN HOMES OF VA, INC. 740 MCGUIRE CIRCLE BERRYVILLE 22611	NEW RESIDENCE SINGLE 14C 1 43	507,575
RICHMOND AMERICAN HOMES OF VIRGINIA, INC. 765 MCGUIRE CIRCLE, BERRYVILLE 22611	NEW RESIDENCE SINGLE 14C 1 14	627,819
PRO-TECH BUILDERS, LLC 535 ALDER LANE, BLUEMONT 20135	NEW RESIDENCE SINGLE 17A212 53	190,395
MILLER, JASON & JESSICA 3355 LOCKES MILL RD BERRYVILLE 22611	NEW RESIDENCE SINGLE 24 A 24	387,996
FOSTER, ADAM R. 17939 RAVEN ROCKS RD. BLUEMONT 20135	NEW RESIDENCE SINGLE 17 A 9	185,858
<b>TOTALS:</b>	<b>6</b>	<b>2,390,359</b>
<b>TOTAL NEW RESIDENTAL CONSTRUCTION:</b>	<b>6</b>	<b>2,390,359</b>

**RESIDENTIAL RENOVATIONS**

Owner/Address	Description/Parcel ID	Estimated Value
GRIFFITH, TODD & PATTY 16 BLAKEMORE LANE BERRYVILLE 22611	REMODEL-MINIMUM FEE 8 13 3	216,288
ROBERTS, VINCENT 1484 WESTWOOD RD. BERRYVILLE 22611	ADD/REM RESIDENCE SINGLE 13 A 41	60,566
MURRAY, NICHOLAS & DALIBORKA 152 HERMITAGE BLVD. BERRYVILLE 22611	REMODEL-MINIMUM FEE 14A8 3 92	157,710
DUMPHY, THERESA 217 LIIBERTY ST. BERRYVILLE 22611	REMODEL-MINIMUM FEE 14A2 A 119	20,000
SMITH, MARK & STACEY 90 LANDER LANE, BERRYVILLE 22611	ADD/REM RESIDENCE SINGLE 12 3 20	42,060
WILKINS, ENNARD & JUDITH 747 KIMBLE RD. BERRYVILLE 22611	ADDITION/REMODEL SINGLE 7 A 84	21,628
WEAVER, EDDIE 6575 HOWELLSVILLE RD. FRONT ROYAL 22630	REMODEL-MINIMUM FEE 37A2 1 23	8,640
COMPTON, JEFFREY 108 STELLA MAE LANE BLUEMONT 20135	REMODEL-MINIMUM FEE 32 A 41B	15,000
FREDRICKSON, NED & NORMA 318 S BUCKMARSH ST BERRYVILLE 22611	ADDITION/REMODEL SINGLE 14A5 A 48	192,631

**TOTALS:** 9 734,523

**COMMERCIAL CONSTRUCTION**

**COMMERCIAL RENOVATIONS**

Owner/Address	Description/Parcel ID	Estimated Value
ONE EAST MAIN, LLC 8 S. CHURCH ST. BERRYVILLE 22611	REMODEL-MINIMUM FEE	5,000
GENDA, WILLAIM 16 ROSEMONT MANOR LN., BERRYVILLE 22611	REMODEL-MINIMUM FEE	70,275
<b>TOTALS:</b>	<b>2</b>	<b>75,275</b>

**OTHER BUILDING PERMITS**

Owner/Address	Description/Parcel ID	Estimated Value
COOPER, ROY 57 GORDON'S RIDGE LANE BERRYVILLE 22611	TENTS OVER 900'	0
ANDERSON, DAVID, JANE & CHASE 1866 CRUM'S CHURCH RD. BERRYVILLE 22611	DECK/PORCH	2,000
BARTOSIEWICZ, JOHN 300 BRECKENRIDGE CT. BERRYVILLE 22611	DECK/PORCH	7,200
KELLY, LAURA 2065 FROGTOWN RD. BLUEMONT 20135	ACCESSORY BLDG	24,226
HARVEY, MICHAEL W. 414 PAGE ST. BERRYVILLE 22611	DECK/PORCH	7,500
HAWKINS, RICHARD 17 STONE HILL LANE, BERRYVILLE 22611	ACCESSORY BLDG	72,000
ROSEVILLE VETERINARY CLINIC 26 S. GREENWAY AVE. BOYCE 22620	OTHER NON RESIDENTIAL	15,872
MAGGARD, MELANIE & ERIC 501 HEMLOCK LANE, BLUEMONT 20135	DECK/PORCH	3,000
JOHNSON, BRENT 246 EVERGREEN LANE BLUEMONT 20135	RENEWAL PERMIT	0
BROWN, CHARLES & MILDRED 488 HACKBERRY LANE BLUEMONT 20135	RESIDENTIAL CARPORT	7,160
LICKING VALLEY CONSTRUCTION CORP. GORHAM LANE, BOYCE 22620	LAND DISTURBANCE PERMIT	0
BILLINGSLEY, CHARLES 186 TOY HILL LANE BLUEMONT 20135	ACCESSORY BLDG	17,000
<b>TOTALS:</b>	<b>12</b>	<b>155,958</b>

**DEMOLITION PERMIT**

Owner/Address	Description/Parcel ID	Estimated Value
FOSTER, ADAM R. 17939 RAVEN ROCKS RD. BLUEMONT 20135	DEMOLITION OF BUILDING	50
<b>TOTALS:</b>	<b>1</b>	<b>50</b>

**TOTAL # OF BUILDING PERMITS / VALUE:** 30 3,356,165

**CERTIFICATES OF OCCUPANCY**

DATE ISSUED	ADDRESS	TYPE
5/02/2016	799 MCGUIRE CIRCLE, BERRYVILLE 22611	PERMANENT
5/13/2016	4065 CALMES NECK LANE, BOYCE 22620	PERMANENT
5/24/2016	5609 SENSENY RD., BERRYVILLE 22611	PERMANENT

TOTAL PERMIT & INSPECTION FEES COLLECTED:	20,400.00
TOTAL OTHER REVENUE COLLECTED:	0.00
STATE SURCHARGE COLLECTED: COLLECTED:	344.80
<b>TOTAL REVENUE COLLECTED:</b>	<b>20,744.80</b>

**OTHER PERMITS ISSUED:**

TYPE	RES	COMM	FEES	VALUE
ELECTRICAL PERMIT	25	1	1,295.00	0
GAS PERMIT	2	0	80.00	0
MECHANICAL PERMIT	12	1	260.00	0
PLUMBING PERMIT	10	0	370.00	0
<b>TOTALS:</b>	<b>49</b>	<b>2</b>	<b>2,005.00</b>	<b>0</b>

**PROJECT CODE RECAP**

PERMITS BY TYPE	# OF PERMITS	ESTIMATED VALUE
ACCESSORY BLDG RESIDENTIAL	3	113,226
ADDITION/REMODEL SINGLE FAMILY	2	214,259
ADD/REM RESIDENCE SINGLE GARA	2	102,626
RESIDENTIAL CARPORT	1	7,160
DECK/PORCH	4	19,700
DEMOLITION OF BUILDING	1	50
ELECTRIC PERMITS	26	0
GAS PERMITS	2	0
LAND DISTURBANCE PERMIT	1	0
MECHANICAL PERMITS	13	0
NEW RESIDENCE SINGLE FAMILY	6	2,390,359
OTHER NON RESIDENTIAL BUILDING	1	15,872
PLUMBING PERMITS	10	0
RENEWAL PERMIT	1	0
REMODEL-MINIMUM FEE (COMM)	2	75,275
REMODEL-MINIMUM FEE (RES)	5	417,638
TENTS OVER 900'	1	0

PERMITS BY TYPE - CONTINUED	# OF PERMITS	ESTIMATED VALUE
<b>TOTALS</b>	<b>81</b>	<b>3,356,165</b>

<b>PERMITS BY AREA</b>		
DESCRIPTION	# OF PERMITS	ESTIMATED VALUE
GREENWAY DISTRICT	4	8,640
CHAPEL DISTRICT	16	444,222
BATTLETOWN DISTRICT	18	386,463
LONGMARSH DISTRICT	11	414,542
BERRYVILLE DISTRICT	31	2,086,426
BOYCE DISTRICT	1	15,872
<b>TOTALS</b>	<b>81</b>	<b>3,356,165</b>

<b>INSPECTIONS BY TYPE</b>			
PERMIT TYPE	# OF INSPECTIONS	RES	COMM
BUILDING PERMIT	53	51	2
ELECTRICAL PERMIT	29	28	1
GAS PERMIT	6	6	0
MECHANICAL PERMIT	11	10	1
PLUMBING PERMIT	27	27	0
<b>TOTALS</b>	<b>126</b>	<b>122</b>	<b>4</b>

+11 from Munis

Building Dept. - Clarke County  
New Single Family Dwellings 2016

	Battletown	Berryville	Boyce	Chapel	Greenway	Longmarsh	TOTAL	COMMENTS				
January							0					
February				1			1					
March	1	8	1	1			11					
April	2	5			1	1	9					
May	2	3		1			6					
June												
July												
August												
September												
October												
November												
December												
TOTAL	5	16	1	3	1	1	27					

## INSPECTIONS COMPLETED FROM: 5/01/2016 to 5/31/2016

DATE INSP	PERMIT #/INSP #	ADDRESS	INSPECTOR	RESULTS	REINSPECTION?
5/02/2016	G-16-160232-001	RUSSELL RD. BERRYVILLE 1493	JHR	A	N/A
5/02/2016	E-16-160156-003	LORD FAIRFAX HWY., BERRYVILL	JHR	A	N/A
5/02/2016	P-16-160141-002	MCGUIRE CIRCLE BERRYVILLE 769	JHR	A	N/A
5/02/2016	P-16-160141-003	MCGUIRE CIRCLE BERRYVILLE 769	JHR	A	N/A
5/02/2016	P-16-160142-001	MCGUIRE CIRCLE BERRYVILLE, 779	JHR	A	N/A
5/02/2016	P-16-160142-002	MCGUIRE CIRCLE BERRYVILLE, 779	JHR	A	N/A
5/02/2016	P-16-160142-003	MCGUIRE CIRCLE BERRYVILLE, 779	JHR	A	N/A
5/02/2016	P-16-160143-002	MCGUIRE CIRCLE BERRYVILLE 766	JHR	A	N/A
5/02/2016	P-16-160143-003	MCGUIRE CIRCLE BERRYVILLE 766	JHR	A	N/A
5/03/2016	E-16-160256-001	SUMMERVILLE RD. BOYCE 155	JHR	A	N/A
5/03/2016	B-16-160165-003	STRINGTOWN RD. BERRYVILLE	JHR	A	N/A
5/03/2016	E-16-160165-002	STRINGTOWN RD. BERRYVILLE	JHR	A	N/A
5/03/2016	P-15-150543-001	GRANDDADDY LANE, BERRYVILLE	JHR	A	N/A
5/03/2016	B-16-160092-001	LINDEY LANE, BERRYVILLE, VA 259	JHR	A	N/A
5/03/2016	E-15-150620-002	LINDEY LANE, BERRYVILLE 259	JHR	A	N/A
5/05/2016	E-16-160258-001	CHILLY HOLLOW RD. BERRYVILLE	JHR	A	N/A
5/05/2016	G-16-160232-002	RUSSELL RD. BERRYVILLE 1493	JHR	A	N/A
5/05/2016	B-15-150673-007	CLAY HILL RD. MILLWOOD 598	JHR	A	N/A
5/05/2016	B-16-160105-004	PINE GROVE RD. BLUEMONT 509	JHR	A	N/A
5/05/2016	M-16-160179-001	LINDSAY CT. BERRYVILLE 416	JHR	A	N/A
5/05/2016	E-16-160255-001	PYLETOWN RD. BOYCE 2438	JHR	A	N/A
5/05/2016	B-16-160071-004	LORD FAIRFAX HWY., BERRYVILL	JHR	A	N/A
5/05/2016	E-15-150612-004	OLD CHAPEL AVE., BOYCE 302	JHR	A	N/A
5/05/2016	P-16-160143-004	MCGUIRE CIRCLE BERRYVILLE 766	JHR	A	N/A
5/05/2016	B-16-160093-003	S. BUCKMARSH ST., BERRYVILLE	JHR	A	N/A
5/05/2016	P-16-160093-002	S. BUCKMARSH ST., BERRYVILLE	JHR	A	N/A
5/06/2016	P-16-160240-001	ANAMARIA LANE, FRONT ROYAL	JHR	A	N/A
5/06/2016	B-16-160240-001	ANAMARIA LANE, FRONT ROYAL	JHR	A	N/A
5/06/2016	B-16-160197-001	TAYLOR ST. BERRYVILLE 205	JHR	A	N/A
5/06/2016	E-16-160197-001	TAYLOR ST. BERRYVILLE 205	JHR	A	N/A
5/06/2016	P-16-160197-001	TAYLOR ST. BERRYVILLE 205	JHR	A	N/A
5/06/2016	P-16-160217-002	MCGUIRE CIRCLE BERRYVILLE 754	JHR	A	N/A
5/06/2016	P-16-160217-003	MCGUIRE CIRCLE BERRYVILLE 754	JHR	A	N/A
5/06/2016	B-16-160172-003	CLIFTON RD. BERRYVILLE 968	JHR	A	N/A
5/09/2016	B-16-160221-002	TANNERY LANE MILLWOOD 24	JHR	A	N/A
5/09/2016	B-16-160233-001	SENSENY RD. BERRYVILLE 3347	JHR	A	N/A
5/09/2016	B-15-150411-002	MOSBY BLVD., BERRYVILLE 627	JHR	A	N/A
5/10/2016	B-16-160252-001	HERMITAGE BLVD. BERRYVILLE	JHR	A	N/A
5/10/2016	E-16-160252-001	HERMITAGE BLVD. BERRYVILLE	JHR	A	N/A
5/10/2016	P-16-160252-001	HERMITAGE BLVD. BERRYVILLE	JHR	A	N/A
5/10/2016	M-16-160181-001	SWIMLEY RD. BERRYVILLE 105	JHR	A	N/A
5/10/2016	B-16-160092-002	LINDEY LANE, BERRYVILLE, VA 259	JHR	A	N/A
5/10/2016	B-14-140440-006	W. MAIN ST., BOYCE, VA 4	JHR	A	N/A
5/10/2016	E-14-140440-002	W. MAIN ST., BOYCE, VA 4	JHR	A	N/A
5/10/2016	P-14-140440-003	W. MAIN ST., BOYCE, VA 4	JHR	A	N/A
5/10/2016	B-15-150673-008	CLAY HILL RD. MILLWOOD 598	JHR	A	N/A
5/10/2016	B-16-160105-005	PINE GROVE RD. BLUEMONT 509	JHR	A	N/A
5/11/2016	E-16-160267-001	HARRY BYRD HWY. BERRYVILLE	JHR	A	N/A
5/11/2016	B-16-160015-001	MCGUIRE CIRCLE, BERRYVILLE 794	JHR	A	N/A
5/11/2016	E-16-160015-001	MCGUIRE CIRCLE, BERRYVILLE 794	JHR	A	N/A
5/11/2016	M-16-160015-001	MCGUIRE CIRCLE, BERRYVILLE 794	JHR	A	N/A
5/11/2016	M-16-160015-002	MCGUIRE CIRCLE, BERRYVILLE 794	JHR	A	N/A

## INSPECTIONS COMPLETED FROM: 5/01/2016 to 5/31/2016

DATE INSP	PERMIT #/INSP #	ADDRESS	INSPECTOR	RESULTS	REINSPECTION?
5/11/2016	P-16-160015-006	MCGUIRE CIRCLE, BERRYVILLE 794	JHR	A	N/A
5/11/2016	E-14-140076-004	ROSEMONT MANOR LANE 20	JHR	A	N/A
5/11/2016	E-15-150617-003	ROSEMONT MANOR LANE, BERRYV	JHR	A	N/A
5/11/2016	E-15-150653-001	S. CHURCH ST. BERRYVILLE 323	JHR	A	N/A
5/12/2016	B-15-150185-001	EAGLE ROCK LANE, BLUEMONT	JHR	A	N/A
5/13/2016	P-15-150588-002	FIRST STREET, BERRYVILLE 307	JHR	A	N/A
5/13/2016	B-16-160015-002	MCGUIRE CIRCLE, BERRYVILLE 794	JHR	A	N/A
5/13/2016	B-15-150379-009	SENSENY RD., BERRYVILLE 5609	JHR	A	N/A
5/13/2016	B-16-160211-002	STRINGTOWN RD. BERRYVILLE	JHR	A	N/A
5/13/2016	B-16-160263-001	PAGE ST. BERRYVILLE 414	JHR	A	N/A
5/17/2016	P-16-160217-001	MCGUIRE CIRCLE BERRYVILLE 754	JHR	A	N/A
5/17/2016	E-15-150527-002	WHITE POST RD., WHITE POST	JHR	A	N/A
5/17/2016	B-15-150527-006	WHITE POST RD., WHITE POST	JHR	A	N/A
5/17/2016	B-15-150272-003	OLD CHAPEL RD., BERRYVILLE	JHR	A	N/A
5/17/2016	E-16-160164-001	ANNFIELD RD. BERRYVILLE 1819	JHR	A	N/A
5/18/2016	B-15-150673-009	CLAY HILL RD. MILLWOOD 598	JHR	A	N/A
5/18/2016	B-16-160259-001	CRUM'S CHURCH RD. BERRYVILLE	JHR	A	N/A
5/19/2016	B-15-150577-003	HEMLOCK LANE, BLUEMONT 501	JHR	A	N/A
5/19/2016	M-16-160260-001	S. CHURCH ST. BERRYVILLE 8	JHR	A	N/A
5/20/2016	B-16-160156-003	LORD FAIRFAX HWY., BERRYVILL	JHR	A	N/A
5/20/2016	M-16-160156-001	LORD FAIRFAX HWY., BERRYVILL	JHR	A	N/A
5/20/2016	E-16-160156-004	LORD FAIRFAX HWY., BERRYVILL	JHR	A	N/A
5/20/2016	B-14-140404-012	EBENEZER RD. BLUEMONT 241	JHR	V	NO
5/20/2016	B-16-160166-001	EBENEZER RD. BLUEMONT 241	JHR	A	N/A
5/20/2016	E-16-160248-001	BLAKEMORE LANE BERRYVILLE 16	JHR	A	N/A
5/20/2016	P-16-160016-003	SHEPHERDS MILL RD., BERRYVIL	JHR	A	N/A
5/20/2016	B-16-160121-002	EBENEZER RD. BLUEMONT 1358	JHR	A	N/A
5/20/2016	E-16-160121-002	EBENEZER RD. BLUEMONT 1358	JHR	A	N/A
5/20/2016	G-16-160121-001	EBENEZER RD. BLUEMONT 1358	JHR	A	N/A
5/20/2016	G-16-160121-002	EBENEZER RD. BLUEMONT 1358	JHR	A	N/A
5/20/2016	P-16-160231-002	LORD FAIRFAX HWY., BERRYVILL	JHR	A	N/A
5/20/2016	B-16-160257-001	GORDON'S RIDGE LANE BERRYVIL	JHR	A	N/A
5/24/2016	B-16-160233-002	SENSENY RD. BERRYVILLE 3347	JHR	A	N/A
5/24/2016	E-16-160128-002	PENDER CT. BERRYVILLE 604	JHR	A	N/A
5/24/2016	E-16-160294-001	LION'S LANE BOYCE 1000	JHR	A	N/A
5/24/2016	B-16-160298-001	HOWELLSVILLE RD. FRONT ROYA	JHR	A	N/A
5/24/2016	B-15-150577-004	HEMLOCK LANE, BLUEMONT 501	JHR	A	N/A
5/25/2016	B-16-160135-001	S. GREENWAY AVE. BOYCE 15	JHR	V	NO
5/25/2016	E-16-160268-001	LIIBERTY ST. BERRYVILLE 217	JHR	A	N/A
5/25/2016	B-16-160156-004	LORD FAIRFAX HWY., BERRYVILL	JHR	A	N/A
5/25/2016	P-16-160248-001	BLAKEMORE LANE BERRYVILLE 16	JHR	A	N/A
5/25/2016	B-16-160248-001	BLAKEMORE LANE BERRYVILLE 16	JHR	A	N/A
5/26/2016	B-16-160135-002	S. GREENWAY AVE. BOYCE 15	JHR	A	N/A
5/26/2016	M-16-160271-001	TAYLOR ST. BERRYVILLE, VA 100	JHR	A	N/A
5/26/2016	B-15-150132-008	LIONS LANE, BOYCE 1263	JHR	A	N/A
5/26/2016	E-15-150132-004	LIONS LANE, BOYCE 1263	JHR	A	N/A
5/26/2016	M-15-150132-002	LIONS LANE, BOYCE 1263	JHR	A	N/A
5/26/2016	P-15-150132-003	LIONS LANE, BOYCE 1263	JHR	A	N/A
5/26/2016	B-16-160121-003	EBENEZER RD. BLUEMONT 1358	JHR	A	N/A
5/26/2016	E-16-160105-001	PINE GROVE RD. BLUEMONT 509	JHR	A	N/A
5/27/2016	B-16-160182-001	LONG BRANCH LANE, BOYCE 830	JHR	A	N/A
5/27/2016	P-16-160081-002	WESTWOOD RD., BERRYVILLE	JHR	V	NO

INSPECTIONS COMPLETED FROM: 5/01/2016 to 5/31/2016

DATE INSP	PERMIT #/INSP #	ADDRESS	INSPECTOR	RESULTS	REINSPECTION?
5/27/2016	E-16-160081-003	WESTWOOD RD., BERRYVILLE	JHR	V	NO
5/27/2016	B-15-150527-007	WHITE POST RD., WHITE POST	JHR	A	N/A
5/27/2016	P-15-150527-001	WHITE POST RD., WHITE POST	JHR	A	N/A
5/27/2016	B-15-150543-001	GRANDDADDY LANE, BERRYVILLE	JHR	A	N/A
5/27/2016	B-15-150612-004	OLD CHAPEL AVE., BOYCE 302	JHR	A	N/A
5/27/2016	G-16-160087-001	HARRY BYRD HWY., BLUEMONT	JHR	A	N/A
5/27/2016	B-16-160262-001	FROGTOWN RD. BLUEMONT	JHR	A	N/A
5/31/2016	E-15-150604-002	RUSSELL RD. BERRYVILLE 1091	JHR	A	N/A
5/31/2016	G-15-150604-004	RUSSELL RD. BERRYVILLE 1091	JHR	A	N/A
5/31/2016	M-15-150604-001	RUSSELL RD. BERRYVILLE 1091	JHR	A	N/A
5/31/2016	B-16-160273-001	STONE HILL LANE, BERRYVILLE 17	JHR	A	N/A
5/31/2016	B-16-160131-001	MCGUIRE CIRCLE BERRYVILLE 780	JHR	V	NO
5/31/2016	E-16-160131-001	MCGUIRE CIRCLE BERRYVILLE 780	JHR	A	N/A
5/31/2016	E-16-160131-002	MCGUIRE CIRCLE BERRYVILLE 780	JHR	A	N/A
5/31/2016	M-16-160131-001	MCGUIRE CIRCLE BERRYVILLE 780	JHR	A	N/A
5/31/2016	M-16-160131-002	MCGUIRE CIRCLE BERRYVILLE 780	JHR	A	N/A
5/31/2016	P-16-160131-004	MCGUIRE CIRCLE BERRYVILLE 780	JHR	V	NO
5/31/2016	B-16-160043-003	FROGTOWN RD. BLUEMONT 505	JHR	A	N/A
5/31/2016	P-15-150604-003	RUSSELL RD. BERRYVILLE 1091	JHR	A	N/A
5/31/2016	B-15-150604-006	RUSSELL RD. BERRYVILLE 1091	JHR	V	NO
5/31/2016	B-15-150220-005	W. FAIRFAX STREET, BERRYVILL 8	JHR	A	N/A
5/31/2016	B-15-150468-002	SENSENY RD., BERRYVILLE, VA	JHR	A	N/A

TOTAL # of INSPECTIONS: 126 +11 from Munis = 137

APPROVED: 119 FAILED: 7 CONDITIONAL: 0

COUNTY OF CLARKE CIRCUIT COURT  
 MONTH END DEEDS OF PARTITION AND CONVEYANCE  
 LOCAL TAXATION DEPARTMENT  
 COUNTY  
 FOR MAY, 2016

RECORDED	INSTRUMENT	GRANTOR	(X) GRANTEE/ADDRESS	(X) CONSIDERATION	TYPE	PERCENT
05/02/16	16-784	TURKEL, WILLIAM; ET UX RECORDED TIME: 02:06 DESCRIPTION 1: CHAPEL DISTRICT, LOT 1, 3.0 ACRES DATE OF DEED : 03/19/16 BOOK: 601 PAGE: 958 MAP: 25-A-25B NUMBER PAGES : 0	N TURKEL, WILLIAM 12911 SW 108 STREET MIAMI, FL. 33186	N .00	DBS	100%
05/02/16	16-773	LINGELBACH, ZACHARIAH RECORDED TIME: 12:21 DESCRIPTION 1: TOWN OF BERRYVILLE, LOT 28, SECTION E DATE OF DEED : 04/29/16 BOOK: 601 PAGE: 918 MAP: NUMBER PAGES : 0	N GABLE, BRADLEY; ET UX 28 W MARKET STREET LEESBURG, VA. 20176	N 108,400.00	DBS	100% <i>103,400</i> <i>W/imp</i>
05/02/16	16-775	TRAMMEL, TANYA; ET AL RECORDED TIME: 12:35 DESCRIPTION 1: LONGMARSH DISTRICT, LOT B2 DATE OF DEED : 03/28/16 BOOK: 601 PAGE: 930 MAP: 13-S-28E NUMBER PAGES : 0	N TRAMMEL, RICHARD; ET AL 2681 SENSENY ROAD BERRYVILLE, VA. 22611	N .00	DG	100%
05/02/16	16-783	HAGAN, BETTE M RECORDED TIME: 12:51 DESCRIPTION 1: 1.478 ACRES DATE OF DEED : 00/00/00 BOOK: 601 PAGE: 955 MAP: 18-A-7 NUMBER PAGES : 0	Y BETTE M HAGAN, TR UNDER BETTE Y 17651 RAVEN ROCKS RD BLUEMONT, VA. 20135 BATTLETOWN DISTRICT	.00	DBS	100%
05/02/16	4288	DENNIS, BILLY MASON RECORDED TIME: 14:53 DESCRIPTION 1: TOWN OF BERRYVILLE, 1/6 INTEREST IN 2 LOTS DATE OF DEED : 05/02/16 BOOK: 97 PAGE: 514 MAP: 14A6-3-B-6 NUMBER PAGES : 0	N/A N/A JOSEPHINE ST, 221 & 223	.00	AFI	00%
05/04/16	16-791	WAITE, WILLIAM E; ET UX RECORDED TIME: 12:13 DESCRIPTION 1: BATTLETOWN DISTRICT, LOT 2, 5.8832 ACRES DATE OF DEED : 04/28/16 BOOK: 601 PAGE: 980 MAP: 26-A-134A NUMBER PAGES : 0	N WAITE & TESCHNER REVOCABLE LIV N 88 FOREST RIDGE LANE BLUEMONT, VA. 20135	.00	DG	100%
05/04/16	16-793	SHAWS, MICHAEL; ET UX RECORDED TIME: 12:36 DESCRIPTION 1: TOWN OF BERRYVILLE, LOT 32, SECTION E DATE OF DEED : 05/02/16 BOOK: 602 PAGE: 01 MAP: 17A2-17-E-32 NUMBER PAGES : 0	N BOUTCHER, MELANIE 214 RITTER PLACE BERRYVILLE, VA. 22611	N 90,000.00	DBS	100% <i>90,000</i> <i>W/imp</i>
05/04/16	4289	CHURCH, JANE P RECORDED TIME: 14:18 DESCRIPTION 1: PROPERTY IN TRUST DATE OF DEED : 05/04/16 BOOK: 97 PAGE: 218 MAP: NUMBER PAGES : 0	N/A N/A	.00	PROBATE	00%

COUNTY OF CLARKE CIRCUIT COURT  
 MONTH END DEEDS OF PARTITION AND CONVEYANCE  
 LOCAL TAXATION DEPARTMENT  
 COUNTY  
 FOR MAY, 2016

RECORDED	INSTRUMENT	GRANTOR	(X) GRANTEE/ADDRESS	(X) CONSIDERATION	TYPE	PERCENT
05/05/16	16-802	JENNINGS, DONNA RECORDED TIME: 01:53 DESCRIPTION 1: LOT 19, SHEN. FARMS, SECT A DATE OF DEED : 05/04/16 BOOK: 602 PAGE: NUMBER PAGES : 0	N LICKING VALLEY CONSTRUCTION CO N 317 STONEHENGE RD WINCHESTER, VA. 22601 GREENWAY DIST 65 MAP: 37A2-1-19	N 30,000.00 PIN:	DBS	100% <i>90,000 VAC</i>
05/05/16	16-805	STRYKER, TR OF STRYKER REVOCAB RECORDED TIME: 02:57 DESCRIPTION 1: PARCEL 4B, CAREFREE ACRES DATE OF DEED : 00/00/00 BOOK: 602 PAGE: NUMBER PAGES : 0	N LICKING VALLEY CONSTRUCTION CO N 1035 SHENANDOAH RIVER LANE BOYCE, VA. 22620 GREENWAY DIST 82 MAP: 39-5-4B	N 70,000.00 PIN:	DBS	100% <i>90,000 VAC</i>
05/06/16	16-810	ATLANTIC TRUSTEE SERVICES LLC RECORDED TIME: 09:15 DESCRIPTION 1: CHAPEL DISTRICT, 46.0329 ACRES DATE OF DEED : 04/21/16 BOOK: 602 PAGE: NUMBER PAGES : 0	N BRUEHL, DIMITRY 216 KEKMPER COURT STEPENSON, VA. 22656	N 150,000.00 PIN: <b>F</b>	DTF	100% <i>309,200 VAC</i>
05/06/16	16-811	RICHMOND AMERICAN HOMES OF VA RECORDED TIME: 09:35 DESCRIPTION 1: BATTLETOWN DISTRICT, LOT 22, BERRYVILLE GLEN W/RS DATE OF DEED : 04/25/16 BOOK: 602 PAGE: NUMBER PAGES : 0	N MACDOUGALL, MARK & ELAINE 799 MCGUIRE CIRCLE BERRYVILLE, VA. 22611 114 MAP: 14C-1-22	N 90,000.00 PIN: <i>567,301</i>	DBS	100% <i>90,000</i>
05/06/16	16-813	HOFFMAN, MICHAEL & LINDA J RECORDED TIME: 11:45 DESCRIPTION 1: GREENWAY DISTRICT, 38.0959 ACRES MORE OR LESS DATE OF DEED : 00/00/00 BOOK: 602 PAGE: NUMBER PAGES : 0	N NAVILLE, NANCY A 2109 RED GATE ROAD WHITE POST, VA. 22663 137 MAP: 37-A-6A	N .00 PIN:	DG	100%
05/06/16	16-815	WINE, ANTIA L RECORDED TIME: 11:55 DESCRIPTION 1: GREENWAT DISTRICT, LOT 38 DATE OF DEED : 00/00/00 BOOK: 602 PAGE: NUMBER PAGES : 0	N BROWN, JEREMY E 863 MANOR ROSD FRONT ROYAL, VA. 22630 140 MAP: 37A4-1-38	N 76,300.00 PIN:	DBS	100% <i>57,000</i> <i>76,300</i>
05/06/16	16-816	BLUE, RICHARD; ET UX RECORDED TIME: 12:00 DESCRIPTION 1: BATTLETOWN DISTRICT DATE OF DEED : 00/00/00 BOOK: 12 PAGE: NUMBER PAGES : 1	N BLUE, RICHARD; ET UX N/A 27 MAP: 33-A-24A	N .00 PIN:	OPM	100%
05/11/16	16-832	TIMBERLAKE, BYRON B RECORDED TIME: 02:15 DESCRIPTION 1: CHAPEL DIST DATE OF DEED : 00/00/00 BOOK: 12 PAGE: NUMBER PAGES : 1	N SUMMERVILLE FARM N/A 28 MAP: 21-A-14	N .00 PIN:	OPM	100%

COUNTY OF CLARKE CIRCUIT COURT  
MONTH END DEEDS OF PARTITION AND CONVEYANCE  
LOCAL TAXATION DEPARTMENT  
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FOR MAY, 2016

RECORDED	INSTRUMENT	GRANTOR	(X) GRANTEE/ADDRESS	(X) CONSIDERATION	TYPE	PERCENT
05/12/16	16-841	RUMEL INC RECORDED TIME: 01:31 DESCRIPTION 1: LOTS 247---249, BLK 2A, UNIT 2 DATE OF DEED : 05/12/16 BOOK: 602 PAGE: 209 NUMBER PAGES : 0	N FU, CHARLENE L 739 HEMLOCK LN BLUEMONT, VA. 20135 SHEN. RET BATTLETOWN DIST MAP: 17A23-22-247+ PIN: 48	N 235,000.00	DBS	100%
05/13/16	16-844	ISTRATI, MELODY ANN RECORDED TIME: 09:43 DESCRIPTION 1: BATTLETOWN DISTRICT, SHEN RET, LOT 42, DATE OF DEED : 05/06/16 BOOK: 602 PAGE: 218 NUMBER PAGES : 0	N THIEL, JOHN R; ET UX 1440 BEECHWOOD LANE BLUEMONT, VA. 20135 BLOCK 2R MAP: 17A4-26-2R-42 PIN:	N 2,800.00	DBS	100%
05/16/16	16-856	NEALIS, BRIAN S RECORDED TIME: 01:05 DESCRIPTION 1: LONGMARSH DIST. DATE OF DEED : 05/15/16 BOOK: 602 PAGE: 264 NUMBER PAGES : 0	N ROBINS, ROBERT F ET AL 1919 WITHERS LARUE ROAD BERRYVILLE, VA, 22611 MAP: 4-A-7C PIN:	N 227,000.00	DBS	100%
05/16/16	16-851	SECRETARY OF VETERANS AFFAIRS RECORDED TIME: 10:35 DESCRIPTION 1: BATTLETOWN DISTRICT, SHEN RETREAT DATE OF DEED : 05/06/16 BOOK: 602 PAGE: 252 NUMBER PAGES : 0	Y 267 HEMLOCK LANE LLC 18777 BLUE RIDGE MTN ROAD BLUEMONT, VA. 20135 MAP: 17A2-22-105 PIN:	N 96,500.00	DBS	100%
05/16/16	16-852	ELLERSLIE PROPERTIES INC RECORDED TIME: 12:00 DESCRIPTION 1: LOT 4 - 193.0934 ACRES DATE OF DEED : 05/16/16 BOOK: 602 PAGE: 256 NUMBER PAGES : 0	N FERRELL, BRIAN E & JOHN K 1384 ELLERSLIE RD BERRYVILLE, VA. 22611 CHAPEL DIST MAP: 23-A-54 PIN:	N 2,124,027.40	DBS	100%
05/17/16	16-863	BLUE, RICHARD & SUSAN HOLLORAN RECORDED TIME: 02:15 DESCRIPTION 1: 4.3062 ACRES DATE OF DEED : 05/13/16 BOOK: 602 PAGE: 284 NUMBER PAGES : 0	N MARCY, MATTHEW A & JENNIFER L 17644 RAVEN ROCKS RD BLUEMONT, VA. 20135 BATTLETOWN DIST MAP: PIN:	N 39,000.00	DBS	100%
05/17/16	16-864	PETERSON, RICHARD; TRUSTEE RECORDED TIME: 02:58 DESCRIPTION 1: GREENWAY DISTRICT, ROCKY BANK LANE DATE OF DEED : 05/13/16 BOOK: 602 PAGE: 286 NUMBER PAGES : 0	N WILLIAMS, DEBORA W P O BOX 14 BERRYVILLE, VA. 22611 MAP: 30A-A-39 PIN:	N 350,000.00	DBS	100%
05/18/16	16-876	MISDOM, DANIEL J & VICKY D RECORDED TIME: 01:10 DESCRIPTION 1: PARCEL ON DORSEY ST DATE OF DEED : 05/13/16 BOOK: 602 PAGE: 393 NUMBER PAGES : 0	N LACY, ROBERT H & ELIZABETH 20 DORSEY ST BERRYVILLE, VA. 22611 TOWN OF BERRYVILLE MAP: 14A1-A-6A PIN:	N 362,000.00	DBS	100%

COUNTY OF CLARKE CIRCUIT COURT  
 MONTH END DEEDS OF PARTITION AND CONVEYANCE  
 LOCAL TAXATION DEPARTMENT  
 COUNTY  
 FOR MAY, 2016

RECORDED	INSTRUMENT	GRANTOR	(X) GRANTEE/ADDRESS	(X) CONSIDERATION	TYPE	PERCENT
05/18/16	16-875	MIDATLANTIC FARM CREDIT ACA RECORDED TIME: 11:45 DESCRIPTION 1: PARCEL 2 - 20.7481 ACRES WR/S DATE OF DEED : 05/13/16 BOOK: 602 PAGE: 373 MAP: 12-A-1E NUMBER PAGES : 0	N KEENAN, BRUCE JOHN , SR ET UX 4790 SENSENY RD BERRYVILLE, VA. 22611	N 950,000.00	DBS	100% <i>955,000</i> <i>W/INTP</i>
05/19/16	16-892	WILSON, EDWARD T TR RECORDED TIME: 03:45 DESCRIPTION 1: 32.6009 ACRES GREENWAY DIST DATE OF DEED : 05/16/16 BOOK: 602 PAGE: 515 MAP: 37-A-5 NUMBER PAGES : 0	N WILSON, ANNA FOSS, ET ALS 5345 FALMOUTH RD BETHESDA, MD. 20816	N .00	DBS	100%
05/19/16	4292	MCINTOSH, MICHAEL K RECORDED TIME: 10:05 DESCRIPTION 1: GREENWAY DISTRICT, LOT IN CAREFREE ACRES DATE OF DEED : 05/19/16 BOOK: 94 PAGE: 930 MAP: NUMBER PAGES : 0	N/A N/A	N .00	AFI	00%
05/19/16	16-883	KAVE, RICHARD V RECORDED TIME: 10:15 DESCRIPTION 1: LONGMARSH DISTRICT, LOT 3 DATE OF DEED : 05/18/16 BOOK: 602 PAGE: 468 MAP: 6-A-34B NUMBER PAGES : 0	N DAVIS, BETH KAVE 12354 HARRY BYRD HWY BERRYVILLE, VA. 22611	N 50,000.00	DBS	100% <i>YES INTEREST</i>
05/19/16	16-884	DAVIS, BETH KAVE RECORDED TIME: 10:16 DESCRIPTION 1: LONGMARSH DISTRICT, W/RS, LOT 3 DATE OF DEED : 05/18/16 BOOK: 602 PAGE: 469 MAP: 6-A-34B NUMBER PAGES : 0	N DAVIS, BETH AND SAMUEL 12354 HARRY BYRD HWY BERRYVILLE, VA. 22611	N .00	DBS	100%
05/20/16	16-895	MORAN, MICHAEL A & TAMMY S RECORDED TIME: 02:05 DESCRIPTION 1: 10 ACRES WR/S DATE OF DEED : 05/18/16 BOOK: 602 PAGE: 537 MAP: 38-A-32 NUMBER PAGES : 0	N WOLFE, JERRY W & DEBBRA A 7010 HOWELLSVILLE RD BOYCE, VA. 22620 GREENWAY DIST	N 535,000.00	DBS	100% <i>544,200</i> <i>LO/INTP</i>
05/20/16	16-893	TAYLOR, WAYNE A TRUSTEE OF HAR RECORDED TIME: 11:20 DESCRIPTION 1: CHAPEL DISTRICT, 7.6005 ACRES MORE OR LESS DATE OF DEED : 00/00/00 BOOK: 602 PAGE: 517 MAP: 33-A-7A NUMBER PAGES : 0	N TAYLOR, WAYNE A; ET AL 708 MORGANS MILL RD BLUEMONT, VA. 20135	N .00	DG	100%
05/23/16	16-911	LOKEY, CAREY D ET AL RECORDED TIME: 03:42 DESCRIPTION 1: LONGMARSH DIST DATE OF DEED : 00/00/00 BOOK: 602 PAGE: 584 MAP: 6-A-10C NUMBER PAGES : 0	N RAPPAHANNOCK ELECTRIC COOPERAT N/A	N .00	DE	100%

COUNTY OF CLARKE CIRCUIT COURT  
MONTH END DEEDS OF PARTITION AND CONVEYANCE  
LOCAL TAXATION DEPARTMENT  
COUNTY  
FOR MAY, 2016

RECORDED	INSTRUMENT	GRANTOR	(X) GRANTEE/ADDRESS	(X) CONSIDERATION	TYPE	PERCENT
05/23/16	16-912	RURITAN CLUB OF CLARKE COUNTY	N RAPPAHANNOCK ELECTRIC COOP N/A	N .00	DE	100%
		RECORDED TIME: 03:44				
		DESCRIPTION 1: LONGMARSH DIST				
		DATE OF DEED : 00/00/00 BOOK: 602 PAGE: 567 MAP: 14=A=2			PIN:	
		NUMBER PAGES : 0				
05/23/16	16-913	ALIVETO, FRANK M ET AL	N RAPPAHANNOCK ELECTRIC COOP N/A	N .00	DE	100%
		RECORDED TIME: 03:45				
		DESCRIPTION 1: CHAPEL DIST				
		DATE OF DEED : 00/00/00 BOOK: 602 PAGE: 590 MAP: 12-A-33C			PIN:	
		NUMBER PAGES : 0				
05/23/16	16-899	KAKOURAS, GEORGE & MARIA	N CAPIRAL BUILDERS LLC 237 TYSON DRIVE BERRYVILLE, VA. 22611	N <del>60,000.00</del> 50,000	DBS	100%
		RECORDED TIME: 09:25				
		DESCRIPTION 1: TOWN OF BERRYVILLE, 0.49 ACRES				
		DATE OF DEED : 00/00/00 BOOK: 602 PAGE: 561 MAP: 14-A-40			PIN:	
		NUMBER PAGES : 0				
05/24/16	16-917	HENDERSHOTT, DAVID A	N MANOCHEHRI-KALANTARI, MANOCHEH N 12 SADDLE RIDGE COURT NORTH POTOMAC, MD. 20878	N <del>810,000.00</del> 717,000	DBS	100%
		RECORDED TIME: 02:58				
		DESCRIPTION 1: BATTLEWON DISTRICT				
		DATE OF DEED : 05/19/16 BOOK: 602 PAGE: 650 MAP: 8-A-69			PIN:	
		NUMBER PAGES : 0				
05/24/16	16-920	WALLACE, TERRY A	N BLUE RIDGE RETREAT LLC 20165 BLUE RIDGE MTN ROAD PARIS, VA. 20135	N 1,399,000.00	DBS	100%
		RECORDED TIME: 04:13				
		DESCRIPTION 1: CHAPEL DISTRICT				
		DATE OF DEED : 05/18/16 BOOK: 602 PAGE: 689 MAP: 33-A-10			PIN:	
		NUMBER PAGES : 0				
05/24/16	16-913	WAAG, DAVID; ET UX	N INGRID A MOINI REVOCABLE DECLA N 256 SPRING HOUSE LANE BERRYVILLE, VA. 22611	N 465,000.00	DBS	100%
		RECORDED TIME: 11:08				
		DESCRIPTION 1: BATTLEWON DISTRICT, LOT 29				
		DATE OF DEED : 05/19/16 BOOK: 602 PAGE: 614 MAP: 15-1-29			PIN:	
		NUMBER PAGES : 0				
05/24/16	16-914	VIZA, JULIANA; ET AL	N DODSON, STANLEY & BETTY 219 NORTH BUCKMARSH STREET BERRYVILLE, VA. 22611	N 170,000.00	DBS	100%
		RECORDED TIME: 12:15				
		DESCRIPTION 1: TOWN OF BERRYVILLE				
		DATE OF DEED : 05/23/16 BOOK: 602 PAGE: 618 MAP: 14A1-A-92			PIN:	
		NUMBER PAGES : 0				
05/25/16	16-927	HENDRICKS, JASON & SARAH	N DRAKE, KYLE BRADFORD 172 TRIPLE RD BERRYVILLE, VA. 22611 LONGMARSH DIST	N 259,900.00	DBS	100%
		RECORDED TIME: 01:15				
		DESCRIPTION 1: LOT 47 ON RT 632				
		DATE OF DEED : 05/25/16 BOOK: 602 PAGE: 712 MAP: 7-A-47			PIN:	
		NUMBER PAGES : 0				

COUNTY OF CLARKE CIRCUIT COURT  
 MONTH END DEEDS OF PARTITION AND CONVEYANCE  
 LOCAL TAXATION DEPARTMENT  
 COUNTY  
 FOR MAY, 2016

RECORDED	INSTRUMENT	GRANTOR	(X) GRANTEE/ADDRESS	(X) CONSIDERATION	TYPE	PERCENT
05/25/16	16-922	NUNN, ROBERT AND REGINA RECORDED TIME: 10:41 DESCRIPTION 1: LONGMARSH DISTRICT, W/RS DATE OF DEED : 05/23/16 BOOK: 602 PAGE: 695 MAP: 6-A-55A NUMBER PAGES : 0	N SHIRLEY, REGINALD & KATHERINE N P O BOX 936 BERRYVILLE, VA. 22611	290,000.00	DBS	100% <i>246,322</i> <i>6/1/16</i>
05/25/16	16-926	GREENHALGH, GEORGE P; III ET A RECORDED TIME: 11:50 DESCRIPTION 1: TRACT 1 TOWN OF BERRYVILLE, TRACT 2 CHAPEL DI STRICT, DATE OF DEED : 05/23/16 BOOK: 602 PAGE: 707 MAP: 22-A123 NUMBER PAGES : 0	N GREENHALGH, JENNIFER, P ET AL N P.O. BOX 602 BERRYVILLE, VA. 22611	.00	DBS	100%
05/26/16	16-932	HEASLEY, WILLILAM, JR RECORDED TIME: 11:00 DESCRIPTION 1: LOT 41, 1.864 ACRES DATE OF DEED : 05/24/16 BOOK: 602 PAGE: 766 MAP: 40A-1-41 NUMBER PAGES : 0	N TAYLOR, GREG L & DESTA B GOLDE N 21860 BLUERIDGE MTN RD PARIS, VA. 20130 CHAPEL DIST WR/S	186,350.00	DBS	100% <i>190,110</i> <i>6/1/16</i>
05/26/16	16-934	DUNLOP, DAVID & DENISE M RECORDED TIME: 12:02 DESCRIPTION 1: LOT 53, HERMITAGE-PHASE II DATE OF DEED : 08/19/16 BOOK: 602 PAGE: 781 MAP: 14A8-2-53 NUMBER PAGES : 0	N PERRIN, SCOTT E & MEGAN L N 341 HERMITAGE BLVD BERRYVILLE, VA. 22611 TOWN OF BERRYVILLE	433,000.00	DBS	100% <i>403,820</i> <i>6/1/16</i>
05/26/16	16-938	FARRELL, CHRISTINE NOEL RECORDED TIME: 12:42 DESCRIPTION 1: CHAPEL DISTRICT, PARCEL B, 10.0 ACRES DATE OF DEED : 05/13/16 BOOK: 602 PAGE: 806 MAP: 33-A-36 NUMBER PAGES : 0	N MATZEN, DARYL & TRACEY N 19605 BLUE RIDGE MTN RD BLUEMONT, VA. 20135	510,600.00	DBS	100% <i>665,000</i> <i>591,300</i> <i>6/1/16</i>
05/27/16	16-947	ELROD, BRENT & KERRY RECORDED TIME: 02:30 DESCRIPTION 1: PARCEL 2 - 5 ACRES DATE OF DEED : 05/20/16 BOOK: 602 PAGE: 854 MAP: 34A-2-2 NUMBER PAGES : 0	N ENGLISH, SHERRI LYNN, ET AL, T N 19315 BLUERIDGE MTN RD BLUEMONT, VA. 20135 BATTLETOWN DIST	525,000.00	DBS	100% <i>478,600</i> <i>6/1/16</i>
05/27/16	16-942	POUNDERS, ROGER B & CONSTANCE RECORDED TIME: 09:50 DESCRIPTION 1: LOT 178, HERMITAGE, PHASE IVB DATE OF DEED : 05/26/16 BOOK: 602 PAGE: 831 MAP: 14A8-4-178 NUMBER PAGES : 0	N LANK, GREGORY R & MOIRA J N 401 MONTGOMERY CT BERRYVILLE, VA. 22611 TOWN OF BERRYVILLE	425,000.00	DBS	100% <i>435,500</i> <i>6/1/16</i>

TOTAL COUNTY DEEDS OF PARTITION AND CONVEYANCE: 44  
 TOTAL NUMBER OF COUNTY DEEDS OF CORRECTION : 0  
 TOTAL NUMBER OF COUNTY WILL/FIDUCIARY : 3

Clarke County Fire & EMS  
2015-2016 Closing Balance Summary

Description	May-15	Jun-15	Jul-15	Aug-15	Sep-15	Oct-15	Nov-15	Dec-15	Jan-16	Feb-16	Mar-16	Apr-16	May-16	YTD Totals
<b>Billable Calls</b>														
Boyce (Co 4)	8	15	11	9	17	12	9	12	8	18	13	13	17	162
Blue Ridge (Co 8)	2	7	3	3	9	0	2	7	4	4	6	14	11	72
Enders (Co 1)	67	60	77	70	62	56	52	64	63	68	73	64	61	837
<b>Total # of Billable Calls</b>	<b>77</b>	<b>82</b>	<b>91</b>	<b>82</b>	<b>88</b>	<b>68</b>	<b>63</b>	<b>83</b>	<b>75</b>	<b>90</b>	<b>92</b>	<b>91</b>	<b>89</b>	<b>1,071</b>
ALS Trips Billed	38	53	41	43	61	30	30	44	42	46	55	50	50	583
BLS Trips Billed	39	29	50	39	27	38	33	39	33	44	37	41	39	488
<b>Total</b>	<b>77</b>	<b>82</b>	<b>91</b>	<b>82</b>	<b>88</b>	<b>68</b>	<b>63</b>	<b>83</b>	<b>75</b>	<b>90</b>	<b>92</b>	<b>91</b>	<b>89</b>	<b>1,071</b>
<b>Calls Dispatched</b>														
Co 1 Career		69	69	55	55	37	39	48	52	52	54	59	60	649
Co 1 Volunteer		4	3	7	3	6	1	1	2	0	4	0	2	33
Co 1 Split		22	36	32	30	45	29	38	35	39	34	38	28	406
Co 4 Career		1	4	2	0	0	4	0	1	0	0	0	1	13
Co 4 Volunteer		13	3	0	15	5	4	2	8	5	6	7	7	78
Co 4 Split		12	10	8	7	4	6	14	5	13	11	10	12	112
Co 8 Career		0	0	0	0	0	0	0	0	0	0	0	0	0
Co 8 Volunteer		5	6	4	8	4	6	7	6	5	7	15	12	85
Co 8 Split		0	1	0	1	0	0	0	2	2	0	0	0	6
Unknown	130	8	3	2	1	4	3	12	6	8	3	9	10	199
<b>Total # of Calls Dispatched</b>	<b>130</b>	<b>134</b>	<b>135</b>	<b>110</b>	<b>120</b>	<b>105</b>	<b>92</b>	<b>122</b>	<b>117</b>	<b>124</b>	<b>119</b>	<b>138</b>	<b>132</b>	<b>1578</b>
<b>Total Payments</b>	<b>\$0.00</b>	<b>\$5,911.92</b>	<b>\$46,739.95</b>	<b>\$43,914.32</b>	<b>\$37,247.14</b>	<b>\$27,970.24</b>	<b>\$24,396.34</b>	<b>\$27,545.47</b>	<b>\$25,395.00</b>	<b>\$24,658.56</b>	<b>\$39,118.67</b>	<b>\$32,052.84</b>	<b>\$47,000.69</b>	<b>\$381,951.24</b>

Month: March 2016

Route	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	
Scheduled Trips	9	7	16	5			17	12	7	11	6			12	10	10	17	11			12	13	8	14	6			8	10	10	10	241
No Shows/Cancellations	3	1	1	2			2	0	0	0	0			0	3	2	2	1			0	3	0	0	0			2	2	0	1	25
Add Ons	0	0	0	0			2	2	2	3	1			2	0	0	1	1			0	0	0	0	0			0	0	1	0	15
Total Passengers Transported	6	6	15	3			17	14	9	14	7			14	7	8	16	11			12	10	8	14	6			6	8	11	9	231