

Approved Minutes
Conservation Easement Authority
2002

CONSERVATION EASEMENT AUTHORITY

MINUTES 4 September 2002

The first regular meeting of the Conservation Easement Authority was held at 7:30 p.m. on Wednesday, 4 September 2002, in the Board of Supervisors Meeting Room.

Present: John Bieschke, Randy Buckley, Michael Hobert, Wingate Mackay-Smith, Tom McFillen, Jane Radford, David Weiss
Absent: No one
Staff: Charles Johnston

Call to Order

Mr. Johnston as Clerk to the Authority, called its first meeting to order and reviewed the County Ordinances that established the Authority and its membership.

Adoption of Bylaws

Mr. Johnston reviewed the draft by-laws including a revised section addressing conflict of interest. On motion of Ms. Radford, seconded by Mr. Bieschke, the Authority unanimously approved the by-laws with the revised conflict of interest section.

Election of Officers

Per the form established in the by-laws, Mr. Johnston opened the floor for nominations for the office of Chairperson. Mr. Hobert nominated Ms. Mackay-Smith, seconded by Ms. Radford. Hearing no other nominations, Mr. Johnston closed the floor and called for a vote. Ms. Mackay-Smith was unanimously elected Chairperson.

Mr. Johnston opened the floor for nominations for the office of Vice- Chairperson. Mr. Bieschke nominated Mr. McFillen, seconded by Mr. Weiss. Hearing no other nominations, Mr. Johnston closed the floor and called for a vote. Mr. McFillen was unanimously elected Vice-Chairperson.

Mr. Johnston opened the floor for nominations for the office of Secretary/Treasurer. Ms. Mackay-Smith nominated Mr. Hobert, seconded by Ms. Radford. Hearing no other nominations, Mr. Johnston closed the floor and called for a vote. Mr. Hobert was unanimously elected Secretary/Treasurer.

Property Evaluation Criteria

Mr. Johnston noted that the ordinance creating the Authority called for the Board of Supervisors to approve by resolution the criteria to be used to evaluate property being considered for easement. On motion of Mr. McFillen, seconded by Mr. Bieschke, the Authority unanimously recommended the property evaluation criteria as recommended in the Report of the Conservation Easement Study Committee of 17 October 2001.

Mr. Johnston also noted that a different set of criteria might be necessary when considering donated easements on property. Chairperson Mackay-Smith stated that this issue should probably be referred to one of the new committees of the Authority that are to be discussed later in the agenda.

Easement Value Criteria

Mr. Johnston noted that the ordinance creating the Authority called for the Board of Supervisors to approve by resolution the criteria to be used to evaluate the income of property owners to be used to adjust the value of a proposed easement. On motion of Mr. Bieschke, seconded by Mr. McFillen, the Authority unanimously recommended the income/easement value criteria as recommended in the Report of the Conservation Easement Study Committee of 17 October 2001.

Establish Committees

By consensus, the Authority agreed to establish these committees with membership and meeting dates as noted.

Outreach Committee

Purpose	To conduct programs and provide materials to inform property owners about the easement purchase program and solicit applications.
Members	John Bieschke, Tom McFillen, Jane Radford
Meeting	11 September

Property Evaluation Committee

Purpose	To evaluate properties proposed for consideration and prioritize applications; evaluate effectiveness of PE Criteria and develop criteria for donated easements.
Members	John Bieschke, Randy Buckley, David Weiss
Meeting	25 September

Easement Value Committee

Purpose	To establish easement value based on property characteristics and applicant income and recommend specific properties for easement purchase.
Members	Randy Buckley, Mike Hobert, Tom McFillen
Meeting	Not established

Revenue Committee

Purpose	To maximize funding for program from the County budget and from grants and donations from other governmental agencies, non-profit organizations, and other private sources.
Members	Mike Hobert, Wingate Mackay-Smith, Jane Radford
Meeting	18 September

Establish first review cycle

By consensus the Authority agreed to the following tentative work schedule:

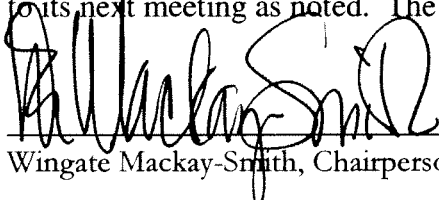
1 October	Have information materials available (such as: Information Brochure, Flow Chart, Fact Sheet, Program Outline, Application Form, Legal Documents) and start Outreach Program to solicit property owners interested in selling easements.
1 November	Have received statements of interest from property owners.
1 December	Have prepared prioritized list of easements to be considered for purchase.

Topics for next meeting

The Authority agreed by consensus that the following topics should be addressed at its next meeting which was scheduled for Wednesday, 18 September, 7:30 p.m., Board Room:

8. Review Outreach Program
9. Review legal process issues with attorney Robert Mitchell

There being no further business, Mr. Bieschke moved and Ms. Radford seconded, that the Authority adjourn to its next meeting as noted. The motion was approved unanimously.


Wingate Mackay-Smith, Chairperson

C. Johnston
Charles Johnston, Clerk to the Authority

CONSERVATION EASEMENT AUTHORITY
MINUTES
18 September 2002

The second regular meeting of the Conservation Easement Authority was held at 7:30 p.m. on Wednesday, 18 September 2002, in the Board of Supervisors Meeting Room.

Present: John Bieschke, Randy Buckley, Michael Hobert, Wingate Mackay-Smith, Tom McFillen, David Weiss
Absent: Jane Radford
Staff: Charles Johnston

Call to Order

Chairperson Mackay-Smith called the meeting to order.

Agenda

On motion of Mr. McFillen, seconded by Mr. Bieschke, the Authority unanimously approved the agenda as presented.

Minutes

On motion of Mr. Hobert, seconded by Mr. Weiss, the Authority unanimously approved the minutes of the meeting of 4 September 2002.

Review of Bylaws

Mr. Johnston reviewed the revised conflict of interest section of the Authority's bylaws and the conflict of interest section of Virginia Code. He stated that the County's attorney, Robert Mitchell, could not be available for this meeting as requested at the last meeting. Chairperson Mackay-Smith asked staff to see if Mr. Mitchell could attend the next meeting of the Authority to insure the Authority members clearly understand the conflict of interest statutes.

Review Outreach Program

Mr. Johnston reviewed the proposed outreach activities prepared by the Outreach Committee. By consensus, the Authority agreed to following components:

- A press release to be circulated the Clarke Times-Courier, the Winchester Star, the Northern Virginia Daily, Insights in earlier October with an opportunity for an interview of the Chairperson and the Vice-Chairperson.
- The ordering of 10,000 brochures for distribution in all tax bills. The Authority agreed to fund a part-time person to help put the brochure in the bills. The Authority reviewed and modified the final draft of the brochure. Mr. Johnston reported that the bills are to be mailed out the week of October 7th.
- An interview with Barry Lee on Adelphia Cable of the Chairperson and the Vice-Chairperson.
- Prepare display for two bank lobbies

It was agreed to not send letters to individual property owners so as to not seem exclusive.

Easement Appraiser

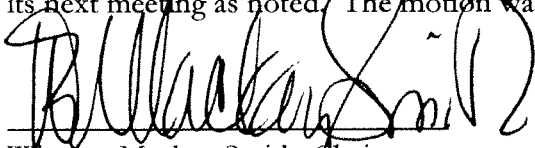
Mr. Johnston stated the need to obtain the services of a professional property appraiser in order to establish the value of proposed easements. The Authority discussed the selection of an appraiser. Chairperson Mackay-Smith asked the Easement Valued Committee to work on criteria for the selection of an appraiser and report back at the next Authority meeting. The Committee agreed to meet at 11:30, Wednesday, 2 October 2002, at the Lone Oak Restaurant.

Topics for next meeting


The Authority agreed by consensus that the following topics should be addressed at its next meeting which was scheduled for Wednesday, 2 October, 7:30 p.m., Board Room:

5. Review conflict of interest and other legal process issues with attorney Robert Mitchell
6. Review process and criteria for hiring professional appraiser
7. Review progress of Outreach Program

There being no further business, Mr. Bieschke moved and Mr. Buckley seconded, that the Authority adjourn to its next meeting as noted. The motion was approved unanimously.



Wingate Mackay-Smith, Chairperson



Charles Johnston, Clerk to the Authority

CONSERVATION EASEMENT AUTHORITY
MINUTES
2 October 2002

The third regular meeting of the Conservation Easement Authority was held at 7:30 p.m. on Wednesday, 2 October 2002, in the Board of Supervisors Meeting Room.

Present: Randy Buckley, Michael Hobert, Tom McFillen, and David Weiss
Absent: John Bieschke, Wingate Mackay-Smith, and Jane Radford
Staff: Charles Johnston

Call to Order

Vice-Chairperson McFillen called the meeting to order.

Agenda

On motion of Mr. Weiss, seconded by Mr. Hobert, the Authority unanimously approved the agenda as presented.

Minutes

On motion of Mr. Hobert, seconded by Mr. Weiss, the Authority unanimously approved the minutes of the meeting of 18 September 2002.

Review of conflict of interest section of Virginia Code

Mr. Johnston reported that Robert Mitchell had been invited to meeting, but that he was unable to attend tonight's meeting having returned from vacation. Vice-Chair McFillen suggested that the matter be postponed until the next meeting of the Authority.

Review Outreach Program

Mr. Johnston reported that 10,000 brochures had been received from the printer and will be distributed in the real estate tax bills. Vice-Chair McFillen reviewed the Press Release. The Authority agreed by consensus on the revised document and directed staff to distribute it to all local media. The Authority also agreed to ask Ms. Radford to send letters to the editors of the local print meeting explaining the program. The Authority reviewed the draft application form and developed a series of specific directions to Mr. Johnston as to how modify the application materials. Mr. Johnston was asked to Email the revised documents to Authority members as soon as possible and to modify the Press Release so it could also be used as an Information Sheet for prospective applicants. Mr. Johnston was also asked to request Robert Mitchell to expeditiously prepare a sample or model easement agreement to share with potential applicants. Mr. Mitchell is to asked to complete this by October 11th so it could be distributed for review at the next Authority meeting.

Property Evaluation Committee

The Property Evaluation Committee met on September 25th and discussed criteria for donated easements. The following questions were raised:

1. Who pays costs (legal, etc.)?
2. Does the value of donated easements have to be determined as part of the donation process? Who determines this value?
3. Does property keep under Use Value designation if just open space? Are there any management requirements for open space?
4. Should a land management plan be required as part of the easement donation? Reviewed annually?
5. Should there be proof of 'developability' (find a drainfield, if so of what minimum size; minimum area – 2 acres; minimum number of DURs extinguished [more than one]; show accessibility)?

- 6. Should Property Evaluation Criteria established for purchased easements also be applied to donated easements with a lower minimum score?
- 7. If property is already under partial easement, should the Authority be the entity to accept an expanded easement or should this be done by the original easement holder?

It was the consensus of the Committee that the entire Authority should discuss these issues. Given the lateness of the hour, Vice-Chair McFillen suggested this topic be addressed at the next meeting.

Easement Value Committee

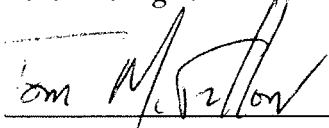
The Easement Value Committee meeting on 2 October and agreed to recommend the concept of using Blue Ridge Appraisers (the company currently used by the County to appraise property) for easement value appraisals. It was the consensus of the Authority that this company seemed qualified and they asked the Committee to meet with the company and discuss this project.

Topics for next meeting


The Authority agreed by consensus that the following topics should be addressed at its next meeting which was scheduled for Wednesday, 18 October, 7:30 p.m., County Board Room:

- 1. Review progress of Outreach Program;
- 2. Review draft of sample easement agreement and conflict of interest issues with attorney Robert Mitchell;
- 3. Discuss criteria for donated easements; and
- 4. Review hiring professional appraiser.

There being no further business, Mr. Hobert moved and Mr. Buckley seconded, that the Authority adjourn to its next meeting as noted. The motion was approved unanimously.



 Tom McFillen, Vice-Chairperson



 Charles Johnston, Clerk to the Authority

- 7. Establish next meeting date and issues to be addressed

CONSERVATION EASEMENT AUTHORITY
MINUTES
16 October 2002

The fourth regular meeting of the Conservation Easement Authority was held at 7:30 p.m. on Wednesday, 16 October 2002, in the Board of Supervisors Meeting Room.

Present: John Bieschke, Randy Buckley, Michael Hobert, Jane Radford, and David Weiss
Absent: Wingate Mackay-Smith and Tom McFillen
Staff: Charles Johnston

Call to Order

Secretary/Treasurer Hobert called the meeting to order.

Agenda

On motion of Mr. Weiss, seconded by Mr. Bieschke, the Authority unanimously approved the agenda as presented.

Minutes

On motion of Mr. Weiss, seconded by Mr. Buckley, the Authority unanimously approved the minutes of the meeting of 2 October 2002.

Review of Draft Easement Agreement

Robert Mitchell, the County's land-use attorney, presented a draft easement agreement with the Authority. Mr. Mitchell noted that the enabling legislation non-public bodies cannot co-hold easements with public bodies. After discussion by Authority members, they agreed to continue discussion until the next meeting so as to hear the comments of the two absent members.

Review of the Virginia Code regarding conflict of interest

Mr. Mitchell presented an overview of the conflict of interest section of the Virginia Code. He noted that:

- if a member has a personal interest (ownership or income) in a property proposed for easement, then that member would have a conflict of interest;
- if a member is an adjacent property owner he can participate in discussion and votes on a proposed easement so long as he publicly declares the circumstances; he may abstain in these situations, but that would be his choice; and
- whenever someone abstains, either because of a direct conflict of interest or out of concern of the appearance of a possible conflict, the reason for the abstention must be stated.

Review Outreach Program

Mr. Johnston reviewed outreach program activities including circulation of the brochure, distribution of the press release, preparation of a letter to the editor, and an appearance of the Authority members on the Adelpia Cable talk show. The Authority also reviewed drafts of the form letters to be used to notify property owners of the various stages in the easement purchase process.

Discuss criteria for donated easements

Authority members agreed by consensus that this should be discussed at a later meeting.

Discuss selection of professional property appraiser

Members of the Property Evaluation Committee stated that a meeting had been scheduled for October 21st with Mike Didawick of the Blue Ridge Appraisers.

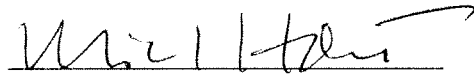
Tax Credit Seminar

Mr. Hobert and Mr. Johnston reported that they had attended a seminar on October 7th that had discussed in depth various aspects of tax credits as it related to the donation of open space easements including a new provision in the Virginia Code that allows the sale of tax credits.

Next meeting date and issues to be addressed

The next meeting was scheduled for Wednesday, November 6th at 7:30 pm. Issues to be addressed include: a status report on the first application round, discussion of the property appraisal process, and possibly, criteria for donated easements and money.

There being no further business, Mr. Hobert moved and Mr. Buckley seconded, that the Authority adjourn to its next meeting as noted. The motion was approved unanimously.



Michael Hobert, Secretary/Treasurer



Charles Johnston, Clerk to the Authority

**CLARKE COUNTY
CONSERVATION EASEMENT AUTHORITY
MINUTES
6 November 2002**

The fifth regular meeting of the Conservation Easement Authority was held at 7:30 p.m. on Wednesday, 6 November 2002, in the Board of Supervisors Meeting Room.

Present: Wingate Mackay-Smith, Chair, Tom McFillen, Vice-Chair, John Bieschke, Randy Buckley, Michael Hobert, Jane Radford, and David Weiss
Absent: No one
Staff: Charles Johnston

Call to Order

Chairperson Mackay-Smith called the meeting to order.

Agenda

On motion of Mr. Bieschke, seconded by Mr. McFillen, the Authority unanimously approved the agenda as presented.

Minutes

On motion of Mr. Hobert, seconded by Mr. Bieschke, the Authority unanimously approved the minutes of the meeting of 16 October 2002.

Review of Draft Easement Agreement

Authority members discussed the draft agreement at length and by consensus agreed to request the County's attorney, Robert Mitchell to prepare modifications that would:

- require notification of the transfer of the subject property, and
- identification of the subject property as being under easement whenever an approval is requested from the Zoning Administrator.

In addition, the Authority has several procedural questions for staff to ask of Mr. Mitchell.

Review Current Application Cycle

Mr. Johnston reviewed the status of the current application cycle including:

- Appearance on the Adelphia Cable Talk Show by the Chair, Vice-Chair, and staff,
- Receipt of four applications, and
- Deadline of next Friday.

Status of professional property appraiser

Chairperson Mackay-Smith reported that she would be attending a seminar on easement and related tax issues on November 8th and that she expected to see several appraisers there and would discuss with them the needs of the Authority.

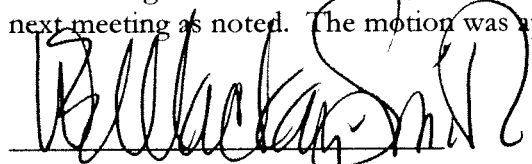
Discuss criteria for donated easements

Authority members agreed by consensus that this should be discussed at a later meeting.

Next meeting date and issues to be addressed

The next meeting was scheduled for Wednesday, November 20th at 5:00 pm. Issues to be addressed include: a review of first round applicants, further discussion of the draft easement agreement, and discussion of the professional appraiser.

There being no further business, Mr. Hobert moved and Mr. Buckley seconded, that the Authority adjourn to its next meeting as noted. The motion was approved unanimously.



Wingate Mackay-Smith, Chairperson

C. Johnston

Charles Johnston, Clerk to the Authority

CLARKE COUNTY
CONSERVATION EASEMENT AUTHORITY
MINUTES
20 November 2002

The sixth regular meeting of the Conservation Easement Authority was held at 5:00 p.m. on Wednesday, 20 November 2002, in the Board of Supervisors Meeting Room.

Present: Wingate Mackay-Smith, Chair, Tom McFillen, Vice-Chair, John Bieschke, Randy Buckley, Michael Hobert, Jane Radford, and David Weiss
Absent: No one
Staff: Charles Johnston

Call to Order

Chairperson Mackay-Smith called the meeting to order.

Agenda

On motion of Mr. Bieschke, seconded by Mr. McFillen, the Authority unanimously approved the agenda as presented.

Minutes

On motion of Mr. Hobert, seconded by Mr. Bieschke, the Authority unanimously approved the minutes of the meeting of 6 November 2002.

Review of First Round Applicants

Mr. Johnston reviewed the first round of applications. He stated that there were seven applicants that scored as follows:

Application file #	EA-02-01:	73.58
	EA-02-02:	64.19
	EA-02-03:	64.24
	EA-02-04:	92.47
	EA-02-05:	73.33
	EA-02-06:	44.37
	EA-02-07:	28.42

It was the consensus of the Authority to view the three highest scoring properties (# 1, 4, & 5) in closed session on Saturday, December 7th. It was also the consensus of the Authority that Mr. Johnston should:

- let the top three applicants know of the Authority's interest, confirm the viewing date, and share with the applicants a copy of the draft easement agreement,
- inform the 4th and 5th ranking properties (#2 & 3) that the Authority may be interested if discussions with the top three do not work out and to ask them to consider applying again next year, and
- tell the 6th and 7th ranking properties (#6 & 7) of the Authority's appreciation of their applications.

Discuss selection of professional property appraiser

By consensus, the Authority agreed that Mr. Johnston should contact the appraiser used by the County to do its reassessment to determine the value of the dwelling unit rights that were being offered. If this party was willing to do the work and showed a full understanding of the nature of the appraisal the Authority needed, then the necessary agreements should be completed so that he could complete his work in a timely fashion.

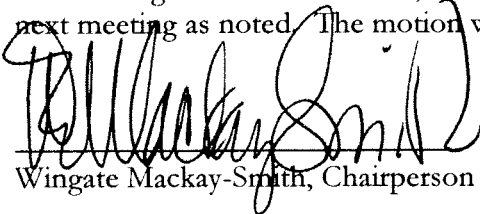
Discussion of draft of sample easement and other legal/procedural issues

The draft deed of easement prepared by Robert Mitchell and dated 19 November 02 was reviewed by the Authority and they agreed it was generally acceptable. Mr. Hobert stated that it would probably be modified as discussions were held with specific property owners.

Establish next meeting date and issues to be addressed

The next meeting was set for December 11th to discuss the site visit conducted on December 7th.

There being no further business, Mr. Hobert moved and Mr. Buckley seconded, that the Authority adjourn to its next meeting as noted. The motion was approved unanimously.


Wingate Mackay-Smith, Chairperson

C. Johnston
Charles Johnston, Clerk to the Authority

**CLARKE COUNTY
CONSERVATION EASEMENT AUTHORITY
MINUTES
21 December 2002**

A special meeting of the Conservation Easement Authority was held at 9:00 a.m. on Saturday, 21 December 2002, on the front steps of the Clarke County Circuit Courthouse.

Present: Wingate Mackay-Smith, Chair; John Bieschke, Randy Buckley, Michael Hobert, and David Weiss
Absent: Tom McFillen, Vice-Chair; Jane Radford
Staff: Charles Johnston

Call to Order

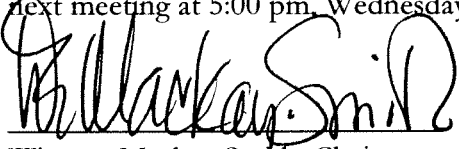
Chairperson Mackay-Smith called the meeting to order for the purpose of going into Closed Session to discuss real estate to be purchased by the County and to view such real estate.

On motion of Mr. Hobert, seconded by Mr. Bieschke, the Authority unanimously approved going into Closed Session pursuant to Section 2.23711-A3 of the Code of Virginia, as amended, to discuss the Acquisition or Sale of Property.

On motion of Mr. Hobert, seconded by Mr. Bieschke, the Authority unanimously approved reconvening in Open Session. Mr. Hobert moved, seconded by Mr. Bieschke, 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, and considered in the meeting by the Authority. The vote on the above motion was:

Chair Mackay-Smith	Aye
Mr. Bieschke	Aye
Mr. Buckley	Aye
Mr. Hobert	Aye
Mr. Weiss	Aye

There being no further business, Mr. Hobert moved and Mr. Buckley seconded, that the Authority adjourn to its next meeting at 5:00 pm, Wednesday, 8 January 2003. The motion was approved unanimously.


Wingate Mackay-Smith, Chairperson

C. Johnston
Charles Johnston, Clerk to the Authority