

Approved Minutes
Conservation Easement Authority
2004

CLARKE COUNTY
CONSERVATION EASEMENT AUTHORITY
MINUTES
14 January 2004 - Board of Supervisors Room

The twenty-eighth regular meeting of the Conservation Easement Authority was held at 5:00 pm on Wednesday, 14 January 2004, Board of Supervisors Room, Clarke County Circuit Courthouse.

Present: Wingate Mackay-Smith, Chair; John Bieschke, Vice-Chair; Randy Buckley, Michael Hobert, Pat McKelvy, and Jane Radford

Absent: George Ohrstrom

Staff: Charles Johnston

Call to Order Mr. Johnston, as Clerk to the Commission, called the first meeting of the calendar year to order.

Election of Officers Mr. Johnston opened the floor for the nomination to the office of Chair, Vice-Chair, and Secretary/Treasurer. With nomination by Ms. McKelvy, seconded by Mr. Buckley, Ms. Mackay-Smith, Mr. Bieschke, and Mr. Hobert were unanimously reelected as Chair, Vice-Chair, and Secretary/Treasurer, respectively.

Schedule of Meetings On motion by Mr. Bieschke, seconded by Ms. McKelvy, the meeting schedule of 5 pm on second and fourth Wednesdays of each month was unanimously adopted.

Agenda On motion of Mr. Hobert, seconded by Mr. Buckley, the Authority unanimously approved the agenda.

Minutes On motion of Ms. McKelvy, seconded by Mr. Bieschke, the Authority unanimously approved the minutes of the meeting of 10 December 2003.

Solicitation of private financial contributions

Ms. Radford introduced Kate Petranec, a marketing consultant working on fund raising for Downtown Berryville Inc.'s project: The Barns at Rose Hill. The Chair explained the need of the Authority to raise funds from private sources to match public funds from the County and other public entities. She also described the Authority's interest in educating the public about the Authority and its mission. Ms. Petranec agreed to prepare a marketing program to address the Authority's needs and interests, with three basic steps: market analysis, education, and solicitation, to be presented at the Authority's meeting on the 11th of February.

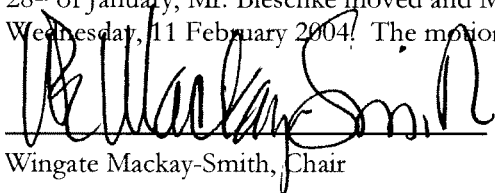
Discussion of budget request for the Authority

Mr. Johnston presented a draft FY05 budget, prepared with the Authority's budget committee, Mr. Ohrstrom and Ms. Radford. It proposes \$75,000 for easement acquisition and \$10,000 for professional services (legal, public information, solicitation of financial support, and appraisals for grants, etc.). On motion of Mr. Bieschke, seconded by Ms. McKelvy, the Authority unanimously recommended the proposed budget to the Board of Supervisors. The Chair asked Mr. Johnston to include with the budget request a report on Authority expenses to date.

Status of Easement Properties

- Greenway Court – The Chair and Mr. Johnston reported that the stock pile of tires on the property had been removed and that the \$5,000 in escrow to ensure their removal had been released. On motion of Ms. McKelvy, seconded by Mr. Bieschke, the Authority unanimously ratified the release of the escrow funds.
- Boyce Crossing Tree Preserve - Mr. Johnston reported that the Board of Supervisors approved the proposed easement with a modification to Easement document sunsetting the display of 'For Sale' signs directing potential buyers into the subdivision at 1 Jan 08 and modifying the Tree Maintenance Agreement removing the reference to covenants and more clearly stating the committee formed by the Maintenance Agreement recommends changes to the Agreement to the Easement Authority for Authority action. On motion by Ms. Radford, seconded by Ms. McKelvy, the Authority unanimously approved these modifications.
- Linden (proposed) – Mr. Johnston reported that he had sent a revised draft easement to Mr. Fortna and was awaiting his response.

There being no further business, and as there appeared to be the potential for several absences at the next scheduled meeting on the 28th of January, Mr. Bieschke moved and Ms. Radford seconded, that the Authority adjourn to its next meeting at 5:00 pm, Wednesday, 11 February 2004. The motion was approved unanimously.


Wingate Mackay-Smith, Chair


Charles Johnston, Clerk to the Authority

**CLARKE COUNTY
CONSERVATION EASEMENT AUTHORITY
MINUTES
25 February 2004 - Board of Supervisors Room**

The twenty-ninth regular meeting of the Conservation Easement Authority was held at 5:00 pm on Wednesday, 25 February 2004, Board of Supervisors Room, Clarke County Circuit Courthouse.

Present: Wingate Mackay-Smith, Chair; John Bieschke, Vice-Chair; Randy Buckley, Michael Hobert, Pat McKelvy, George Ohrstrom, and Jane Radford

Absent: No one

Staff: Charles Johnston

Call to Order Chair Mackay-Smith called the meeting to order.

Agenda On motion of Ms. McKelvy, seconded by Mr. Ohrstrom, the Authority unanimously approved the agenda.

Minutes On motion of Ms. McKelvy, seconded by Mr. Bieschke, the Authority unanimously approved the minutes of the meeting of 14 January 2004.

Solicitation of private financial contributions

Mr. Johnston distributed the proposal, received earlier this day, of Kate Petranech, marketing consultant, for a plan to solicit private financial contributions to the Authority. As the proposal was just received, the Authority agreed to table discussion until its March 10th meeting. The Authority discussed the previous plan for a cocktail party fund raiser and a new suggestion of a stable tour fund raiser

Report on the status of the sale of Easement Tax Credits Sales Program

Taylor Cole of Communities Partners, LLC, reported by conference call on recent sales of tax credits. He stated that there had been \$30 million of credits sold state wide with \$8 million actually transferred and the donors of 85% of tax credits sold received 80¢ on the dollar, which is considered full price. He also reviewed proposed changes to the Code of Virginia regarding tax credits. The changes would cap the amount of donation and amount of tax credit in a given year. The Authority discussed co-sponsoring a seminar with the professional associations of attorneys and/or accountants to inform landowners with potential tax credits to sell and businesses interested in purchasing tax credits about this program. The Chair described the Vermont Land Trust's program, whereby the proceeds from the state transfer tax is allocated to a special fund to be used for affordable housing and the purchase of open space easements. She asked Mr. Johnston to find out how much revenue is generated from the transfer tax in Clarke County, with the idea that the Board of Supervisors could be asked to set aside this amount for use by the Easement Authority.

Discussion of budget request for easement purchase program

Mr. Hobert reported that the Authority's request for \$75,000 for the purchase of easements survived the first round of the Board's budget review. He said that the request for \$10,000 for a separate professional services budget was included in the Board's professional services budget.

Proposed Easement Donation

On motion of Mr. Bieschke, seconded by Ms. Radford, 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, Ms. McKelvy, 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:

- (xi) only public business matters lawfully exempted from Open Meeting requirements under Chapter 2.2-3700, et sec., of the Code of Virginia, as amended, pursuant to Section 2.23711-A3 of the Code of Virginia, as amended, to discuss the Acquisition or Sale of Property, and
- (xii) 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	Ms. McKelvy	Aye
Mr. Bieschke	Aye	Mr. Ohrstrom	Aye
Mr. Buckley	Aye	Ms. Radford	Aye
Mr. Hobert	Aye		

By consensus, the Authority authorized Mr. Johnston to begin planning for an application period in the next few months for the purchase of development rights, once the Board of Supervisors has established the Authority's budget for FY2005 and to respond to any land owner's proposal for sale of development rights with a letter stating that the Authority would keep their application on file to be included in this upcoming round. Mr. Hobert stated that the Authority must address the issue of the use appraisals for the

determination of value, as some members of the Board of Supervisors believe that easements could be purchased at below market rates.

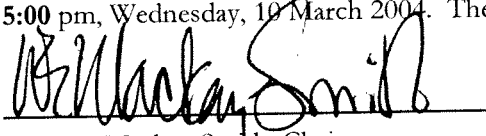
Status of Easement Properties

Greenway Court – Mr. Johnston reported that a document assigning the easement to the Virginia Board of Historic Resources has been prepared by Virginia Department of Historic Resources staff and was being reviewed by Robert Mitchell, the Authority's attorney.

Boyce Crossing Tree Preserve – Mr. Johnston stated that he anticipated that the property owners would be submitting the easement document for signature in the next couple of weeks.

Linden (proposed) – Mr. Johnston stated that he had not received any further communication regarding this proposal.

There being no further business, Ms. McKelvy moved and Mr. Ohrstrom seconded, that the Authority adjourn to its next meeting at 5:00 pm, Wednesday, 10 March 2004. The motion was approved unanimously.



Wingate Mackay-Smith, Chair



Charles Johnston, Clerk to the Authority

**CLARKE COUNTY
CONSERVATION EASEMENT AUTHORITY
MINUTES
10 March 2004 - Board of Supervisors Room**

The thirtieth regular meeting of the Conservation Easement Authority was held at 5:00 pm on Wednesday, 10 March 2004, Board of Supervisors Room, Clarke County Circuit Courthouse.

Present: Wingate Mackay-Smith, Chair; John Bieschke (by conference call), Vice-Chair; Randy, Michael Hobert, Pat McKelvy, and Jane Radford

Absent: George Ohrstrom

Staff: Charles Johnston

Call to Order Chair Mackay-Smith called the meeting to order.

Agenda On motion of Ms. McKelvy, seconded by Mr. Buckley, the Authority unanimously approved the agenda.

Minutes On motion of Ms. Radford, seconded by Ms. McKelvy, the Authority unanimously approved the minutes of the meeting of 25 February 2004.

Solicitation of private financial contributions

Kate Petranec, marketing consultant, was present and reviewed her proposal of 23 February. She stated that there needed to be a mutual understanding as to what the expected products would be. The Chair stated that the Authority needed to raise \$10,000 to \$12,000 for a core account and establish an endowment fund. She stated that she was working with a local group interested in preserving open space that was soliciting their members for a donation to the Authority. She noted that Fauquier County was considering increasing its property tax rate by 2¢ and dedicating this amount to their easement purchase program. After discussion with the Authority, Ms. Petranec left the meeting. After further discussion, Ms. Radford moved, Ms. McKelvy seconded, and the Authority unanimously agreed that Mr. Johnston should contact Ms. Petranec and request her to: 1. prepare a proposal for the development of a donation letter for a selective mail out to likely donors as determined by the Authority and 2. prepare a proposal to work with the Clarke County Office of the Piedmont Environmental Council for the development of tax credit seminar for the education of local attorneys, accountants, and bankers to be held in May or June of this year.

The Chair stated that, as previously reported, Board of Supervisors members Staelin and Dunning had expressed an interest in holding a cocktail party to benefit the Authority. She said she would contact them to determine the status of their plans.

Tax Credits Seminar

As discussed earlier in the meeting, the Authority agreed to work with the Piedmont Environmental Council to sponsor a tax credit seminar for attorneys, accountants, and bankers in May or June.

Update on budget request for easement purchase program

Mr. Hobert stated that the requested \$75,000 for easement purchase was still in the proposed County budget. Because of the hour, the Chair suggested that the discussion regarding use of appraisals in determining easement value be postponed.

Easement Purchase – Round 2

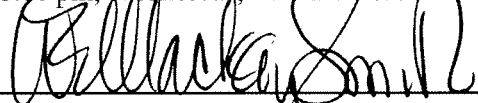
Mr. Johnston reviewed plans to place the Authority's brochure with insert announcing a second purchasing round in the property tax bills scheduled to go out after budget adoption scheduled for 19th April. Authority members made comments on the insert and suggested Mr. Johnston have Ms. Petranec review a revised insert.

Status of Easement Properties

Greenway Court – Mr. Johnston reported that the revised assignment of the easement was in the hands of Virginia Department of Historic Resources staff after being reviewed by Robert Mitchell, the Authority's attorney. He reported that Mr. Ohrstrom and his staff had installed plexiglass over the windows of the Land Office.

Boyce Crossing Tree Preserve – Mr. Johnston stated that he anticipated that the property owners would be submitting the easement document for recordation in the next couple of days.

There being no further business, Ms. McKelvy moved, and Ms. Radford seconded, that the Authority adjourn to its next meeting at 5:00 pm, Wednesday, 24 March 2004. The motion was approved unanimously.


Wingate Mackay-Smith, Chair


Charles Johnston, Clerk to the Authority

CLARKE COUNTY
CONSERVATION EASEMENT AUTHORITY
Minutes - 14 April 2004 - Board of Supervisors Room

The thirty-first regular meeting of the Conservation Easement Authority was held at 5:00 pm on Wednesday, 14 April 2004, Board of Supervisors Room, Clarke County Circuit Courthouse.

Present: John Bieschke, Vice-Chair; Randy Buckley, Michael Hobert, Pat McKelvy, George Ohrstrom, and Jane Radford
Absent: Wingate Mackay-Smith, Chair
Staff: Charles Johnston, Alison Teetor

Call to Order Vice-Chair Bieschke called the meeting to order. He noted that the meeting scheduled for 24 March 2004 was cancelled due the absence of three of the seven members.

Agenda On motion of Ms. Radford, seconded by Mr. Buckley, the Authority unanimously approved the agenda with the addition of a presentation by Ms. Teetor on the US NRCS Farm and Ranch Land Protection Program.

Minutes On motion of Ms. Radford, seconded by Ms. McKelvy, the Authority unanimously approved the minutes of the meeting of 10 March 2004.

Farm and Ranch Land Protection Program - Ms. Teetor reported that the U.S. Natural Resources Conservation Service has a Farm and Ranch Land Protection Program whereby they pay 50% of the cost of a conservation easement that protects quality farmland. She stated that an Enrollment Period for the program was announced last month running from the 17th of March to the 3rd of May. By the closing date the County would have to complete an application that would have to identify a specific property for easement purchase, have an appraisal of the value of the easement being purchased, and state that the 50% matching funds were available. The Authority agreed that it would not be possible to accomplish all this by the 3rd of May. They agreed to focus the efforts of the Authority in filing a complete application for the next Farm and Ranch Land Protection Program cycle, which would be March 2005.

Solicitation of private financial contributions - The Authority agreed by consensus that the services of Kate Petranek, marketing consultant (discussed at previous meetings) would help in achieving the goals of the Authority, but that it did not have the resources to employ her at this time. Mr. Johnston indicated that he understood there was still interest in Supervisors Staelin and Dunning hosting a funding raising cocktail party. Ms. Radford suggested that the Authority co-sponsor a fund raising barn tour with the Piedmont Environmental Council and the Downtown Berryville Inc. Barns Project for the fall of 2005. By consensus, the Authority unanimously endorsed this idea. Ms. Radford also suggested that the Authority have a presence at the June 4th/5th Barns Festival and the County Fair to inform the public about the Authority and solicit funds. The Authority agreed to this as well.

Mr. Hobert entered the meeting.

Tax Credits Seminar - Gem Bingol, PEC staff for Clarke County, reported on the draft proposal for a workshop on Conservation Easements and Tax Credits cosponsored by the PEC and this Authority. The proposal is for a workshop on Thursday, June 10th from 8:30 am to 12:30 pm at the Grace Episcopal Church Fellowship Hall. On motion of Ms. McKelvy, seconded by Mr. Ohrstrom the Authority unanimously endorsed the proposal as presented. Ms. Bingol stated that she needed help to line up speakers for the programs. Authority members and staff said they would get back to her with suggestions.

Update on 2005 budget request/Discussion of use of appraisals in determining easement value - Mr. Hobert stated that he understood it was the intent of the Board of Supervisors to meet the Authority budget with the fund balance from the fiscal year ending June 30th. The amount of this balance and allocation to the Authority would not be known until after that date. The Authority members and staff discussed whether the method of determining easement value should be changed. The Authority agreed by consensus to have Mr. Ohrstrom and Mr. Johnston prepare alternatives with continued discussion at the Authority's April 28th meeting.

Easement Purchase – Round 2 - Mr. Johnston stated the announcement for the next round of easement applications have been placed in the Authority's brochures, and will be inserted in the tax bills scheduled going out after budget adoption on April 19th.

Status of Easement Properties - Mr. Johnston reported that the donated pest control activities at Greenway Court is scheduled for April 21st. He stated that the easement for the Boyce Crossing Tree Preserve should be recorded shortly.

There being no further business, Ms. McKelvy moved, and Ms. Radford seconded, that the Authority adjourn to its next meeting at 5:00 pm, Wednesday, 28 April 2004. The motion was approved unanimously.



John Bieschke, Vice-Chair



Charles Johnston, Clerk to the Authority

CLARKE COUNTY
CONSERVATION EASEMENT AUTHORITY
Minutes – 28 April 2004 - Board of Supervisors Room

The thirty-second regular meeting of the Conservation Easement Authority was held at 5:00 pm on Wednesday, 28 April 2004, Board of Supervisors Room, Clarke County Circuit Courthouse.

Present: Wingate Mackay-Smith, Chair; John Bieschke, Vice-Chair; Randy Buckley, Pat McKelvy, and George Ohrstrom

Absent: Michael Hobert and Jane Radford

Staff: Charles Johnston

Call to Order Chair Mackay-Smith called the meeting to order.

Agenda On motion of Ms. McKelvy, seconded by Mr. Bieschke, the Authority unanimously approved the agenda.

Minutes On motion of Mr. Bieschke, seconded by Ms. McKelvy, the Authority unanimously approved the minutes of the meeting of 14 April 2004.

Tax Credits Seminar - Gem Bingol, PEC staff for Clarke County, reported on the proposed seminar on Conservation Easements and Tax Credits cosponsored by the PEC and this Authority. The seminar is to be held on Thursday, June 10th from 8:30 am to 12:30 pm at the Grace Episcopal Church Fellowship Hall. The Authority agreed to ask the Chair of the Clarke County Board of Supervisors if he or another member of the Board would be willing to deliver some remarks. Ms. Bingol stated that she is working on finalizing the list of speakers for the program. Invitations are scheduled to go out next week.

Mr. Ohrstrom entered the meeting.

Budget Issues – Mr. Johnston indicated there was no change in the status of the FY04 budget request with the Board of Supervisors making its determination after July 1: the amount for the Authority would be dependent on the FY03 fund balance. The Authority discussed requesting the Board to designate a funding source for the Authority. The Authority also discussed modifying its value determination criteria so that the appraised value of an easement would be discounted not only in terms of the income of the property owner but in addition also by the Selection Criteria Score, that is the higher a property scores in terms of its agricultural and natural/cultural value, the closer the Authority would pay full appraised value. The Authority agreed to continue its discussion to its May 12th meeting and asked Mr. Ohrstrom and Mr. Johnston to develop a draft memo to the Board stating its position.

Private Solicitation Activities – The Chair stated that she would be speaking at the annual meeting of the Blue Ridge Hunt on May 5th to encourage donations to the Easement Authority. Mr. Johnston volunteered to ask Mr. Staelin about the prospect of the proposed fund raising event he and Mr. Dunning had volunteered to host.

Meetings with other manager of Easement Purchase Programs - Mr. Johnston stated that he attended the semi-annual meeting of managers of Easement Programs near Richmond on April 16th. Present were staff from Virginia Beach, Chesapeake, and Albemarle. A member of the Virginia Beach staff reported that he had attended a seminar on the Farm and Rural Land Protection Program. He emphasized that the purpose of the program is protection of top soil not enhancement of agriculture or protection of open space. He stated that a new rule had been established limiting the use of funds to properties with not more than 2% impervious surface, so as to focus funding on land based agriculture as opposed to what are perceived as factory farms. On April 28th, Mr. Johnston attended a session cosponsored by the American Planning Association and the American Farmland Trust at the APA annual conference in Washington, DC. Present were representatives for two dozen jurisdictions, mostly in the eastern United States. Staff from the State of Delaware, Adams County, Pennsylvania (Gettysburg area), and Baltimore County, Maryland made detailed presentations.


Easement Purchase Round 2 – Mr. Johnston reported that the easement brochure with insert was being mailed out the last week of April with a response deadline of June 30th.

Status of Easement Properties – Mr. Johnston stated that the Assignment of Easement for VDHR to co-hold the Greenway Court easement was being circulated for signature. He reported that Pest Control specialist Ron LeMarr treated the Greenway Court structures on the 21st of April. He also reported that the easement for the Boyce Crossing Tree Preserve was recorded on April 19th.

Mountain Land Plan – Ms. McKelvy reported on the issues being considered by the Mountain Land Plan, including encouraging or requiring large residual parcels of subdivisions being placed under easement with the Authority.

There being no further business, Ms. McKelvy moved, and Mr. Bieschke seconded, that the Authority adjourn to its next meeting at 5:00 pm / Wednesday, 12 May 2004. The motion was approved unanimously.


Wingate Mackay-Smith, Chair


Charles Johnston, Clerk to the Authority

CLARKE COUNTY
CONSERVATION EASEMENT AUTHORITY
Minutes – 12 May 2004 - Board of Supervisors Room

The thirty-third regular meeting of the Conservation Easement Authority was held at 5:00 pm on Wednesday, 12 May 2004, Board of Supervisors Room, Clarke County Circuit Courthouse.

Present: W. Mackay-Smith, Chair; J. Bieschke, Vice-Chair; R. Buckley, M. Hobert, P. McKelvy, and G. Ohrstrom

Absent: J. Radford

Staff: C. Johnston

Call to Order Chair Mackay-Smith called the meeting to order.

Agenda On motion of Ms. McKelvy, seconded by Mr. Bieschke, the Authority unanimously approved the agenda.

Minutes On motion of Mr. Bieschke, seconded by Ms. McKelvy, the Authority unanimously approved the minutes of the meeting of 28 April 2004.

Donation of the Blue Ridge Hunt Pru Anderson, from the Blue Ridge Hunt, stated that her organization had started a fund raising effort for the benefit of the Easement Authority. As a result of this effort, she presented 37 checks with a total of \$5,350, from members of the Blue Ridge Hunt. The Chair and other members of the Authority expressed their deep appreciation of the donation. The Chair mentioned there were several other clubs involved in hunting and riding that might be interested in supporting the efforts of the Authority.

Proposed Easement Donation On motion of Mr. Hobert, seconded by Ms. McKelvy, 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. Ohrstrom, seconded by Ms. McKelvy, the Authority unanimously approved reconvening in Open Session. Mr. Hobert moved, seconded by Mr. Ohrstrom, to certify that to the best of the member's knowledge:

- (ix) only public business matters lawfully exempted from Open Meeting requirements under Chapter 2.2-3700, et sec., of the Code of Virginia, as amended, pursuant to Section 2.23711-A3 of the Code of Virginia, as amended, to discuss the Acquisition or Sale of Property, and
- (x) 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. Hobert	Aye	Ms. Radford	Absent
Mr. Bieschke	Aye	Ms. McKelvy	Aye		
Mr. Buckley	Aye	Mr. Ohrstrom	Aye		

Tax Credits Seminar Gem Bingol (PEC Clarke County officer) reported on the status of the proposed seminar "The Benefits of Conservation" jointly sponsored by the PEC and this Authority. It will be held on Thursday, 10 June, from 8:30 to 12:30, Grace Episcopal Church Hall, 110 North Church Street. Presentations from attorneys, accountants, appraisers, and local officials are planned. 100-acre-plus property owners and other potentially interested parties will be invited.

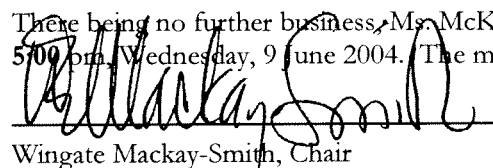
Easement Purchase Program Funding Mr. Johnston reviewed a draft memo to Board of Supervisors proposing the proceeds from the recordation tax as a dedicated funding source for the Authority and discounting the proposed compensation for an easement purchase by its score based on the Authority property evaluation criteria. The Authority unanimously agreed, by consensus, to approve the proposed memo with the addition of a request to meet with the Board at one of their work sessions.

Solicitation of private financial contributions The Chair observed that the contribution of the Blue Ridge Hunt members was a good first step in this effort. She said she would contact Supervisors Staelin and Dunning regarding their offer for a Cocktail Party. Mr. Johnston stated that the balance in the Authority's checking account would be just over \$7500 with the donation from the Blue Ridge Hunt members.

Status of Easement Purchase – Round 2 Mr. Johnston reported that the brochure went out with the tax bill at the end of April and there had been a few phone calls from interested parties.

Status of Easement Properties Greenway Court: The Chair signed the assignment of Easement for VDHR co-hold. Boyce Crossing Tree Preserve: Mr. Johnston reported work had begun on the Boyce Crossing subdivision.

There being no further business, Ms. McKelvy moved, and Mr. Bieschke seconded, that the Authority adjourn to its next meeting at 5:00 pm, Wednesday, 9 June 2004. The motion was approved unanimously.


Wingate Mackay-Smith, Chair


Charles Johnston, Clerk to the Authority

CLARKE COUNTY
CONSERVATION EASEMENT AUTHORITY
Minutes – 9 June 2004 - Board of Supervisors Room

The thirty-fourth regular meeting of the Conservation Easement Authority was held at 5:00 pm on Wednesday, 9 June 2004, Board of Supervisors Room, Clarke County Circuit Courthouse.

Present: W. Mackay-Smith, Chair; J. Bieschke, Vice-Chair; R. Buckley, M. Hobert, and P. McKelvy

Absent: G. Ohrstrom and J. Radford

Staff: C. Johnston

Call to Order Chair Mackay-Smith called the meeting to order.

Agenda On motion of Ms. McKelvy, seconded by Mr. Bieschke, the Authority unanimously approved the agenda.

Minutes On motion of Mr. Bieschke, seconded by Ms. McKelvy, the Authority unanimously approved the minutes of the meeting of 12 May 2004.

Proposed Easement Purchase/Donation On motion of Mr. Buckley, seconded by Ms. McKelvy, 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 Ms. McKelvy, seconded by Mr. Bieschke, the Authority unanimously approved reconvening in Open Session. Mr. Hobert moved, seconded by Mr. Buckley, to certify that to the best of the member's knowledge:

(vii) only public business matters lawfully exempted from Open Meeting requirements under Chapter 2.2-3700, et seq., of the Code of Virginia, as amended, pursuant to Section 2.23711-A3 of the Code of Virginia, as amended, to discuss the Acquisition or Sale of Property, and

(viii) 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. Hobert	Aye	Ms. Radford	Absent
Mr. Bieschke	Aye	Ms. McKelvy	Aye		
Mr. Buckley	Aye	Mr. Ohrstrom	Absent		

Tax Credits Seminar Gem Bingol (PEC Clarke County officer) reported on the status of the tax credit seminar 'The Benefits of Conservation' sponsored by the PEC for Thursday, 10 June, from 8:30 to 12:30, Grace Episcopal Church Hall, 110 North Church Street. Presentations from attorneys, accountants, appraisers, and local officials are planned. Property owners and other potentially interested parties were invited.

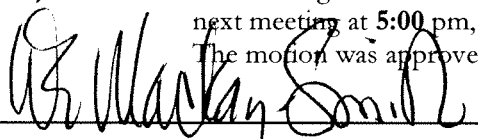
Easement Purchase Program Funding Mr. Johnston reported that the memo approved by the Authority at its last meeting was distributed to the Board of Supervisors. Mr. Hobert stated he would work with the Board chairman and schedule a meeting with the Board and the Authority at a Board work session.

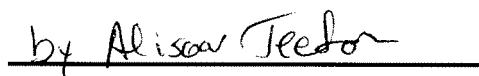
Solicitation of private financial contributions The Chair stated that she had received an addition \$500 from a member of the Blue Ridge Hunt. Mr. Johnston said that Pru Anderson, of the Hunt, had forward an additional \$50 from two Hunt members. Mr. Johnston reported that Authority had \$7,912.50 in its account as of 31 May. He suggested that two of the three signers on the checking account (Chair, Vice-chair, Sec.-Treas.) go to the Bank of Clarke County and so that the Authority's account could be converted to interest bearing, now that the \$1000 minimum balance could be maintained.

Status of Easement Purchase – Round 2 Mr. Johnston reported that he had received phone calls expressing interest in the program only from owners of small parcels in the Shenandoah Retreat or agriculturally zoned property with no unused dwelling unit rights. He said had received an application in February for a property that scored an 83 based on the Authority's property evaluation criteria. He reported that the PEC had assembled a mailing list of approximately 185 owners of parcels of 70 acres or more for their Tax Credit Seminar and suggested that the Authority could send a follow up letter soliciting interest in this purchase round. By consensus, the Authority asked Mr. Johnston to contact the February applicant to discuss the purchase process and criteria and determine if they were still interested, contact the second and third ranked property owners from the first round and determine if there were still interested, and send a letter to the property owners on the PEC seminar mailing list.

Status of Easement Properties Mr. Johnston said there was no new activity regarding the easement properties.

Adjournment There being no further business, Mr. Bieschke moved, and Ms. McKelvy seconded, that the Authority adjourn to its next meeting at 5:00 pm, Wednesday, 30 June 2004, as this was the deadline for submittal of Round 2 applications. The motion was approved unanimously.


Wingate Mackay-Smith, Chair


Charles Johnston, Clerk to the Authority

CLARKE COUNTY
CONSERVATION EASEMENT AUTHORITY
Minutes – 30 June 2004 - Board of Supervisors Room

The thirty-fifth regular meeting of the Conservation Easement Authority was held at 5:00 pm on Wednesday, 30 June 2004, Board of Supervisors Room, Clarke County Circuit Courthouse.

Present: W. Mackay-Smith, Chair; J. Bieschke, Vice-Chair; R. Buckley, M. Hobert, P. McKelvy, and G. Ohrstrom
Absent: J. Radford
Staff: C. Johnston

Call to Order Chair Mackay-Smith called the meeting to order.

Agenda On motion of Mr. Ohrstrom, seconded by Mr. Bieschke, the Authority unanimously approved the agenda.

Minutes On motion of Ms. McKelvy, seconded by Mr. Ohrstrom, the Authority unanimously approved the minutes of the meeting of 9 June 2004.

The Chair noted that the tax credit seminar: 'The Benefits of Conservation' sponsored by the Piedmont Environmental Council on the June 10th was very successful with over 50 attendees. She encouraged the PEC to consider hosting similar seminars in the future.

Proposed Easement Purchase/Donation Mr. Johnston stated that June 30th was the deadline for Round 2 of the County Easement Purchase Program. He said there were two applications for donation and three applications for purchase. On motion of Mr. Hobert, seconded by Mr. Ohrstrom, 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:

- (v) only such public business matters lawfully exempted from Open Meeting requirements under Chapter 2.2-3700, et sec., of the Code of Virginia, as amended, pursuant to Section 2.23711-A3 of the Code of Virginia, as amended, to discuss the Acquisition or Sale of Property, and
- (vi) 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. Hobert | Aye | Ms. Radford | Absent |
| Mr. Bieschke | Aye | Ms. McKelvy | Aye | | |
| Mr. Buckley | Aye | Mr. Ohrstrom | Aye | | |

The Authority agreed to visit the applicant properties on Saturday, the 10th of July, meeting at the Courthouse at 10 a.m.

Easement Purchase Program Funding The Chair asked Mr. Johnston to determine the wishes of the Board of Supervisors in meeting with the Authority. Mr. Johnston stated that he understood that the Board would willing to meet with the Authority at one of the Board's work sessions, the next such sessions scheduled for July 12th and August 9th, and that he would ask the Chairman of Board his preference, and then communicate this date to the Authority members.

Private Financial Contributions Mr. Ohrstrom asked whether Authority members were interested in renewing contact with Kate Petranec, the marketing professional who had made a proposal to the Board for a private solicitation campaign. The Authority agreed that Ms. Radford and Mr. Ohrstrom should contact Ms. Petranec to determine her continued interest and that they should establish some objectives for this effort and make a recommendation to the Authority for action at its next meeting.

The Authority agreed that Mr. Ohrstrom would contact Messers Dunning and Staelin about their offer to host a cocktail party for the benefit of the Authority. The Authority agreed that a contribution of \$100 per person would be a reasonable request.

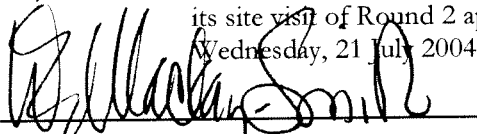
The Chair reported that she had signed the forms to convert the Authority's checking account to interest bearing. Mr. Hobert confessed that he had been unable to sign these forms. Mr. Johnston said the account balance was now over \$8,000, with the exact monthly balance not available until after the beginning of July.

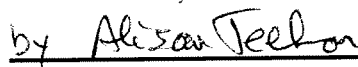
Status of Easement Properties

Greenway Court – Mr. Johnston reported there was nothing new at Greenway Court.

Boyce Crossing Tree Preserve – Mr. Johnston reported that work had begun on the Boyce Crossing subdivision and that he would be visiting the site later this evening. Mr. Bieschke stated that he would be joining Mr. Johnston.

Adjournment There being no further business, Mr. Ohrstrom moved, and Mr. Bieschke seconded, that the Authority adjourn to its site visit of Round 2 applications at 10:00 a.m., Saturday, 10 July 2004 and its next meeting at 5:00 pm, Wednesday, 21 July 2004. The motion was approved unanimously.


Wingate Mackay-Smith, Chair

by 
Charles Johnston, Clerk to the Authority

CLARKE COUNTY
CONSERVATION EASEMENT AUTHORITY
Minutes – Special Meeting – 10 July 2004

A special meeting of the Conservation Easement Authority was held at 10:00 am on Saturday, 10 July 2004, at the properties proposed for Conservation Easement donation or sale.

Present: Vice-Chair J. Bieschke; R. Buckley, M. Hobert, P. McKelvy, G. Ohrstrom, and J. Radford
Absent: W. Mackay-Smith, Chair
Staff: C. Johnston

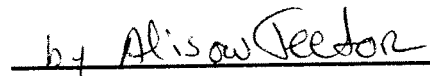
Call to Order Vice-Chair Bieschke called the meeting to order.

The Authority visited six properties whose owners have asked to be considered for Conservation Easement donation or sale.

Adjournment There being no further business, Mr. Ohrstrom moved, and Mr. Buckley seconded, that the Authority adjourn to its next regular meeting at **5:00** pm, Wednesday, 21 July 2004. The motion was approved unanimously.



John Bieschke, Vice-Chair



Charles Johnston, Clerk to the Authority

CLARKE COUNTY
CONSERVATION EASEMENT AUTHORITY
Minutes – 21 July 2004 - Board of Supervisors Room

The thirty-sixth regular meeting of the Conservation Easement Authority was held at 5:00 pm on Wednesday, 30 June 2004, Board of Supervisors Room, Clarke County Circuit Courthouse.

Present: W. Mackay-Smith, Chair; J. Bieschke, Vice-Chair; R. Buckley, M. Hobert, P. McKelvy, G. Ohrstrom, and J. Radford
Absent: No one
Staff: C. Johnston

Call to Order Chair Mackay-Smith called the meeting to order.

Agenda On motion of Mr. Hobert, seconded by Ms. McKelvy, the Authority unanimously approved the agenda.

Minutes On motion of Mr. Bieschke, seconded by Mr. Ohrstrom, the Authority unanimously approved the minutes of the meeting of 30 June and 10 July 2004.

Bank Account Mr. Johnston reported the monthly bank statement showed a balance of \$8,662.50 in the Authority's account. On motion of Mr. Ohrstrom, seconded by Mr. Buckley, the Authority unanimously agreed to reimburse Mr. Johnston \$58.51 for the cost of lunch for six members of the Authority and Mr. Johnston during the Round 2 site visits on Saturday 10 July 2004. The Chair reported that she had signed the forms to convert the Authority's checking account to interest bearing; Mr. Hobert said he would do so in the next few days

Proposed Easement Purchase/Donation – Round 2 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. Mr. Hobert left the Closed Session. On motion of Ms. McKelvy, seconded by, the Authority unanimously approved reconvening in Open Session. Mr. Buckley moved, seconded by, to certify that to the best of the member's knowledge:

(iii) only public business matters lawfully exempted from Open Meeting requirements under Chapter 2.2-3700, et sec., of the Code of Virginia, as amended, pursuant to Section 2.23711-A3 of the Code of Virginia, as amended, to discuss the Acquisition or Sale of Property, and

(iv) 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. Hobert	Absent	Ms. Radford	Aye
Mr. Bieschke	Aye	Ms. McKelvy	Aye		
Mr. Buckley	Aye	Mr. Ohrstrom	Aye		

On motion of Mr. Ohrstrom, seconded by Ms. Radford, the Authority unanimously authorized to sign the proposed donated easement agreement on the property of John and Maria Zambanini, Tax Map Parcels 30-((A))-28 & 28A so as to co-hold the easement with the Clarke County Board of Supervisors.

Easement Purchase Program Funding The Chair reported that the Authority had been scheduled to meet with the Board of Supervisors at the Board's next work session on the 9th of August to discuss funding for the Authority and the method for evaluating easements. She asked all Authority members to attend this meeting if their schedule permitted.

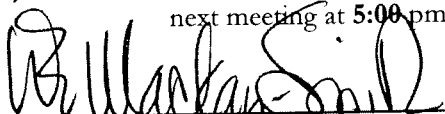
Private Financial Contributions Mr. Ohrstrom stated he would contact Messers Dunning and Staelin about their offer to host a cocktail party for the benefit of the Authority.

Status of Easement Properties

Greenway Court – Mr. Johnston reported there was nothing new at Greenway Court.

Boyce Crossing Tree Preserve – Mr. Johnston reported that work was continuing on the Boyce Crossing subdivision and that so far they appeared to be in compliance with all requirements.

Adjournment There being no further business, Mr. Bieschke moved, and Ms. McKelvy seconded, that the Authority adjourn to its next meeting at 5:00 pm, Wednesday, 18 August 2004. The motion was approved unanimously.


Wingate Mackay-Smith, Chair


Charles Johnston, Clerk to the Authority

CLARKE COUNTY
CONSERVATION EASEMENT AUTHORITY
Minutes – 18 August 2004 - Board of Supervisors Room

The thirty-seventh regular meeting of the Conservation Easement Authority was held at 5:00 pm on Wednesday, 18 August 2004, Board of Supervisors Room, Clarke County Circuit Courthouse.

Present: W. Mackay-Smith, Chair; J. Bieschke, Vice-Chair; R. Buckley, P. McKelvy, G. Ohrstrom, and J. Radford

Absent: M. Hobert

Staff: C. Johnston

Call to Order Chair Mackay-Smith called the meeting to order.

Agenda On motion of Mr. Bieschke, seconded by Ms. Radford, the Authority unanimously approved the agenda.

Minutes On motion of Ms. McKelvy, seconded by Mr. Bieschke, the Authority unanimously approved the minutes of the meeting of 21 July 004.

Bank Account Mr. Johnston reported the monthly bank statement showed a balance of \$8,804.35 in the Authority's account and that the account had been converted to interest bearing.

Easement Purchase Program Funding

The Chair reported that she and Ms. McKelvy met with the Board of Supervisors at its Work Session on the 9th of August. She said the consensus of the Board was that the fund balance for the just concluded fiscal year should be used for easement purchase and that additional sources of revenue should also be applied to the program. The Finance Committee will discuss this further at their next meeting on the 13th of September, when the exact fund balance will be known; it is currently estimated as more than \$100,000.

Easement Valuation

The Chair also reported she and Ms. McKelvy discussed with the Board modifications as to how proposed purchase easement values are determined. She said the consensus of the Board was that the amendment to the Easement Authority Ordinance should be pursued, allowing the use of a property's Selection Criteria score and other factors (in addition to an appraisal and the income of the property owner) to establish the maximum amount of funds to be offered for a purchase. The Authority discussed the proposed amendment and agreed that the change would help the Authority to better prioritize and focus public funds on properties where the most benefit would result from an easement purchase. On motion of Mr. Ohrstrom, seconded by Ms. Radford, the Authority unanimously recommended approval to the Board of Supervisors the amendment of County Code §72-7, Procedures, Section D. to read: "Using the appraised value of the proposed easement, **and** the Income Criteria, **the Selection Criteria score of a property, and such other factors that may be determined by the Authority**, the Authority shall determine the **maximum** amount of County funds that would be offered to the property owner (Purchase Price) for the purchase of the easement."

Review of Easement Purchase/Donation – Round 2

The Authority directed staff to: 1) contact the owners of the highest scoring property proposed for purchase to let them know the interest of the Authority and the status of the Authority's funding, 2) contact the owners of the other property proposed for purchase, thanking them for their interest and letting them know that the Authority will continue to pursue additional funds and that it hopes it will be able to work with them in the future, and 3) contact the owners of property proposed for donation to let them know the Authority is finalizing the criteria to be used to evaluate donations and will be contacting them in the near future. The Authority agreed to focus their next meeting on determining the criteria for accepting easement donations.

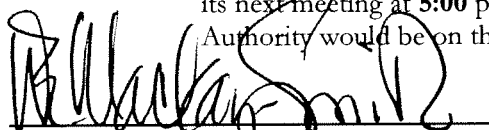
Solicitation of private financial contributions

The Authority discussed the use of professional assistance in development of a private fund raising program. On motion of Mr. Ohrstrom, seconded by Ms. Radford, the Authority unanimously voted to request the professional fund raiser, previously contacted by the Authority, Kate Petranec, to submit a contract to develop and implement a fund raising program for a fee not to exceed \$6,500, plus expenses for discussion and action at the next regular Authority meeting. Mr. Ohrstrom reported that Mr. Staelin reiterated his interest in hosting a cocktail party/fund raiser for the Authority. It was agreed that this event should be coordinated with the plan developed by Ms. Petranec.

Status of Easement Properties - Greenway Court / Boyce Crossing Tree Preserve

Mr. Johnston reported no change in the status of Greenway Court and that construction in Boyce Crossing was staying outside the limits of the conservation easement.

Adjournment There being no further business, Ms. McKelvy moved, and Mr. Ohrstrom seconded, that the Authority adjourn to its next meeting at 5:00 pm, Wednesday, 15 September 2004, and that all subsequent regular meetings of the Authority would be on the third Wednesday of each month. The motion was approved unanimously.



Wingate Mackay-Smith, Chair



Charles Johnston, Clerk to the Authority

CLARKE COUNTY
CONSERVATION EASEMENT AUTHORITY
Minutes – 15 September 2004 - Board of Supervisors Room

The thirty-eighth regular meeting of the Conservation Easement Authority was held at 5:00 pm on Wednesday, 15 September 2004, Board of Supervisors Room, Clarke County Circuit Courthouse.

Present: J. Bieschke, Vice-Chair; R. Buckley, M. Hobert, P. McKelvy, and G. Ohrstrom
Absent: W. Mackay-Smith, Chair, and J. Radford
Staff: C. Johnston

Call to Order Vice-Chair Bieschke called the meeting to order.
Agenda On motion of Ms. McKelvy, seconded by Mr. Ohrstrom, the Authority unanimously approved the agenda.
Minutes On motion of Mr. Ohrstrom, seconded by Mr. Buckley, the Authority unanimously approved the minutes of the meeting of 18 August 2004.
Bank Account Mr. Johnston reported the monthly bank statement showed a balance of \$8,805.47 in the Authority's account.

Mr. Hobart entered the meeting.

Easement Purchase Program Funding

Mr. Johnston said the Board of Supervisors, at a Work Session on the 13th of September, was scheduled to determine the fund balance for the just concluded fiscal year and determine the amount to be allocated for easement purchase and whether additional sources of revenue should also be applied to the program. However, due to the press of business, this issue was deferred to the 16th of September.

Easement Valuation

Mr. Johnston reported that the proposed amendment of County Code §72-7, Procedures, Section D. to read: "Using the appraised value of the proposed easement, **and** the Income Criteria, **the Selection Criteria score of a property, and such other factors that may be determined by the Authority**, the Authority shall determine the **maximum** amount of County funds that would be offered to the property owner (Purchase Price) for the purchase of the easement." is scheduled to go to the Board at their regular meeting of 21 September to set public hearing.

Review of Easement Purchase/Donation – Round 2

Mr. Johnston said that he had contacted all the applicants for Round 2 as directed by the Authority, but that he had not yet been able to contact an appraiser for the high scoring property. The Vice Chair noted that the Authority had agreed at its last meeting to focus this next meeting on determining the criteria for accepting easement donations, however due to the absence of two members, he suggested that this discussion be postponed to the next meeting. By consensus, the Authority agreed with this suggestion.

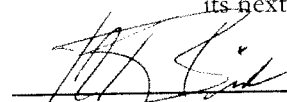
Solicitation of private financial contributions

Mr. Johnston said the Authority had agreed at its last meeting to request the professional fund raiser, previously contacted by the Authority, Kate Petranec, to submit a contract to develop and implement a fund raising program for a fee not to exceed \$6,500, plus expenses for discussion and action at the next regular Authority meeting. However, he had determined that Ms. Petranec was out of town until the 20th of September and that this matter would have to be deferred until the next meeting of the Authority.

Status of Easement Properties - Greenway Court / Boyce Crossing Tree Preserve

Mr. Johnston reported that staff from the Virginia Department of Historic Resources would be visiting Greenway Court on the 8th of October to help the County determine what should be done to protect the structures. He also reiterated that construction in Boyce Crossing was staying outside the limits of the conservation easement.

Adjournment There being no further business, Ms. McKelvy moved, and Mr. Ohrstrom seconded, that the Authority adjourn to its next meeting at **5:00** pm, Wednesday, 20 October 2004. The motion was approved unanimously.



John Bieschke, Vice-Chair



Charles Johnston, Clerk to the Authority

CLARKE COUNTY
CONSERVATION EASEMENT AUTHORITY
Minutes – 20 October 2004 - Board of Supervisors Room

The thirty-ninth regular meeting of the Conservation Easement Authority was held at 5:00 pm on Wednesday, 20 October 2004, Board of Supervisors Room, Clarke County Circuit Courthouse.

Present: W. Mackay-Smith, Chair; J. Bieschke, Vice-Chair; R. Buckley, M. Hobert, P. McKelvy, G. Ohrstrom, and J. Radford
Absent: No one
Staff: C. Johnston

Call to Order Chair Mackay-Smith called the meeting to order.
Agenda On motion of Ms. McKelvy, seconded by Mr. Ohrstrom, the Authority unanimously approved the agenda.
Minutes On motion of Mr. Bieschke, seconded by Ms. McKelvy, the Authority unanimously approved the minutes of the meeting of 15 September 2004.
Bank Account Mr. Johnston reported the monthly bank statement showed a balance of \$9,016.57 in the Authority's account. On motion of Mr. Ohrstrom, seconded by Ms. Radford, the Authority unanimously accepted the bank statement report.

Solicitation of private financial contributions

The Chair reported that she and Ms. Radford, Mr. Ohrstrom, and Mr. Johnston met with Kate Petranech, a fund raising professional just before today's meeting to further discuss an agreement between her and the Authority by which she would develop and conduct a program to solicit financial support for the Authority and possible conservation easement donations/sales. The Chair stated that Ms. Petranech would submit a letter of agreement for action by the Authority at its next meeting. Mr. Hobart entered the meeting during the discussion of the above item.

Easement Donation and Purchase

- *Discussion of Donation Criteria* The Committee agreed to hold a special meeting at 5:00 pm on Monday, 1 November for the sole purpose of discussing the criteria for easement donation.

- *Round 2 donations and sales* On motion of Ms. McKelvy, seconded by Mr. Ohrstrom, 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. Ohrstrom, seconded by Ms. Radford, the Authority unanimously approved reconvening in Open Session. Mr. Bieschke moved, seconded by Ms. Radford, 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, pursuant to Section 2.23711-A3 of the Code of Virginia, as amended, to discuss the Acquisition or Sale of Property, 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. Hobert | Absent | Ms. Radford | Aye |
| Mr. Bieschke | Aye | Ms. McKelvy | Aye | | |
| Mr. Buckley | Aye | Mr. Ohrstrom | Aye | | |

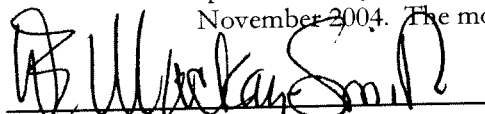
- *Easement Authority Funding* Mr. Johnston reported that, after a public hearing at their regular meeting on 19 October, the Board of Supervisors appropriated \$150,000 for the current fiscal year for the Easement Authority to acquire development rights.

- *Easement Valuation Amendment* Mr. Johnston reported that, after a public hearing at their regular meeting on 19 October, the Board of Supervisor approved the proposed amendment to the County Code to allow the Authority to discount the proposed compensation for a conservation easement by the property resource score and for other reasons as determined by the Authority.

Status of Easement Properties - Greenway Court / Boyce Crossing Tree Preserve

Mr. Johnston reported that he met with the Director, Senior Historian, Project Coordinator, and Regional Manager of the Virginia Department of Historic Resources at Greenway Court on the 8th of October. He said they encouraged him to reapply for a General Assembly grant and for Certified Local Government funds to develop and implement a plan for the renovation and long-term protection of the 18th century structures at Greenway Court. Mr. Johnston also reported that construction continued at the Boyce Crossing subdivision adjacent to the Tree Preserve.

Adjournment There being no further business, Ms. McKelvy moved, and Mr. Ohrstrom seconded, that the Authority adjourn to special meeting at 5:00 pm, on Monday, 1 November and to a regular meeting at 5:00 pm, Wednesday, 17 November 2004. The motion was approved unanimously.


Wingate Mackay-Smith, Chair


Charles Johnston, Clerk to the Authority

CLARKE COUNTY
CONSERVATION EASEMENT AUTHORITY
Minutes - 1 November 2004

The fortieth meeting of the Conservation Easement Authority was held as a special meeting at 5:00 pm on Monday, 1 November 2004, Board of Supervisors Room, Clarke County Circuit Courthouse.

Present: W. Mackay-Smith, Chair; J. Bieschke, Vice-Chair; M. Hobert, P. McKelvy
Absent: R. Buckley, G. Ohrstrom, J. Radford
Staff: C. Johnston

Call to Order Chair Mackay-Smith called the meeting to order.
Agenda On motion of Ms. McKelvy, seconded by Mr. Bieschke, the Authority unanimously approved the agenda.

Solicitation of private financial contributions

On motion of Ms. McKelvy, seconded by Mr. Bieschke, the Authority unanimously approved the memorandum of understanding submitted electronically on 27 October 2004 by Kate Petranec to launch a campaign to attract donations of land and money for the Authority. The scope of work is:

- Review current donor list for year-end appeal.
- Write year-end appeal letter.
- Write acknowledgement letters to all donors.
- Analyze response to the appeal and report to the committee.
- Write copy and prepare a copywriter's rough for a brochure describing the authority, soliciting involvement and seeking tangible support
- Secure brochure design and printing estimates for committee approval.
- Research PSA (public service announcement) opportunities in local press and broadcast media; if opportunities exist, develop copy for a print ad and/or radio announcement and secure estimates to design the print ad.
- Work with committee to develop news items for monthly press releases.
- Write and distribute at least one release each month.
- Work with committee to develop a list of potential presentation opportunities with area groups; arrange dates. If desired, work with presenter to fine tune the presentation.

The term of contract is from November 1, 2004 to August 31, 2004. The fee for this work is \$6,500 payable in ten monthly installments of \$650 per month, due on the first of the month.

Discussion of Criteria for Donated Easements

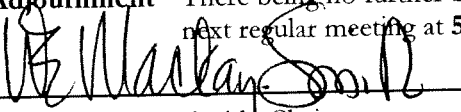
The Authority discussed the use of the property criteria for easement purchases to identify the positive aspects of property proposed for donation. The Authority also discussed a list of negative aspects that could possibly disqualify a proposed donation such as:

1. Property contains a landfill, hazardous waste dump, active quarry, or other use with environmental hazards.
2. Property is eligible for conservation easement held by another entity (would not preclude co-hold).
3. Property is less than ## acres.
4. LESA score for properties over 20 acres is less than 64.
5. Property has an evaluation score of less than ##.
6. Property is located in an incorporated Town, Berryville Annexation, or residential or commercial zoning district, unless it contains outstanding natural or cultural resources.
7. Property contains a commercial use.
8. Property is not located adjacent to land under easement.
9. Property is not eligible for land use without easement.

The Authority members present agreed that all the positive and negative criteria should be considered. In light of the absence of three members of the Authority, it was agreed to continue this discussion to the next meeting.

The Authority also discussed what restrictions should be placed on a donated easement. Specifically, whether such restrictions should be limited to just no subdivision or whether other restrictions should be applied such as limitations on Forestry, Hunting, Use of ATVs, Vegetative setbacks, Lighting, Architectural review of changes to historic structures, Architectural standards for new structures, and/or House location specifications. The Authority also agreed to continue this discussion to the next meeting.

Adjournment There being no further business, Ms. McKelvy moved, and Mr. Hobert seconded, that the Authority adjourn to its next regular meeting at 5:00 pm, on Wednesday, 17 November 2004. The motion was approved unanimously.


Wingate Mackay-Smith, Chair

C. Johnston
Charles Johnston, Clerk to the Authority

CLARKE COUNTY
CONSERVATION EASEMENT AUTHORITY
Minutes – 17 November 2004

The forty-first regular meeting of the Conservation Easement Authority was held at 5:00 pm on Wednesday, 17 November 2004, Board of Supervisors Room, Clarke County Circuit Courthouse.

Present: W. Mackay-Smith, Chair; J. Bieschke, Vice-Chair; R. Buckley, P. McKelvy, G. Ohrstrom, and J. Radford

Absent: M. Hobert

Staff: C. Johnston; K. Petranech, consultant to the Authority

Call to Order Chair Mackay-Smith called the meeting to order.

Agenda On motion of Mr. Bieschke, seconded by Mr. Ohrstrom, the Authority unanimously approved the agenda.

Minutes On motion of Ms. McKelvy, seconded by Mr. Bieschke, the Authority unanimously approved the minutes of the meeting of 20 October and 1 November 2004.

Bank Account Mr. Johnston reported the monthly bank statement showed a balance of \$9,192.73 in the Authority's account. On motion of Mr. Ohrstrom, seconded by Ms. Radford, the Authority unanimously accepted the bank statement report.

Solicitation of private financial contributions

Ms. Petranech reported on her work to put out a year-end solicitation and presented her monthly bill of \$650. On motion of Mr. Ohrstrom, seconded by Ms. McKelvy, the Authority unanimously agreed to pay this bill.

Easement Purchase

Mr. Johnston reported that he had received draft easement documents for the Bauhan property the previous day and had distributed them to five of the seven members, with Ms. McKelvy and Ms. Radford receiving them at the meeting. Mr. Ohrstrom stated that he had asked staff about adding a paragraph that would limit commercial activity. Mr. Johnston said he had asked the Authority's attorney, Robert Mitchell about such a paragraph and that Mr. Mitchell had faxed an excerpt from the standard Virginia Outdoors Foundation easement addressing this issue. Mr. Ohrstrom recommended that this paragraph be added to both documents. Mr. Johnston shared the report of architectural consultant, Maral Kalbian, stating that she believed the property eligible for the National Register. On motion of Mr. Ohrstrom, seconded by Ms. McKelvy, the Authority unanimously agreed to authorize the Chair to sign the Bauhan easement documents with an additional paragraph limiting commercial activity. Mr. Johnston noted that the Authority could address any issue that came up at their 15 December meeting, regarding the Bauhan property, before Board of Supervisors action on the 21st of December. On motion of Ms. McKelvy, seconded by Ms. Radford, the Authority unanimously agreed to pay Ms. Kalbian's bill of \$360 for her work on the Bauhan property.

Ms. McKelvy reported that she and Mr. Buckley attended yesterday's Board of Supervisors meeting, where the Board had discussed the proposed easement and spoke favorably of it. Ms. McKelvy also reported that the Board had formally voted to amend the Board's Fiscal Policy to state that at least \$150,000 of the unexpended fund balance of each fiscal year be appropriated to the Authority and that revenue from the penalty tax for taking land out of use value assessment (roll back tax) also be appropriated to the Authority.


Easement Donation

The Authority continued its discussion regarding the criteria for easement donation from its special meeting on the 1st of November. The Authority agreed that VOF criteria and Potomac Conservancy criteria should also be studied. Mr. Johnston agreed to have staff rate all properties proposed for easement donation based on the adopted Property Score, the list of negative aspects discussed at the last meeting, and the additional criteria for discussion at the next Authority meeting.

Status of Easement Properties - Greenway Court / Boyce Crossing Tree Preserve

Mr. Johnston reported that the Board of Supervisors had approved a request for a General Assembly Grant for rehabilitation and archeological work at Greenway Court. Mr. Johnston also reported that construction continued at the Boyce Crossing subdivision adjacent to the Tree Preserve Easement. The Chair asked that the Authority's arborist review the property to make sure all work was going according to approved plans.

Adjournment There being no further business, Mr. Bieschke moved, and Mr. Buckley seconded, that the Authority adjourn to its next regular meeting at 4:00 pm, on Wednesday, 15 December 2004. The motion was approved unanimously.


Wingate Mackay-Smith, Chair


Charles Johnston, Clerk to the Authority

CLARKE COUNTY
CONSERVATION EASEMENT AUTHORITY
Minutes – 15 December 2004

The forty-second regular meeting of the Conservation Easement Authority was held at 4:00 pm on Wednesday, 15 December 2004, Board of Supervisors Room, Clarke County Circuit Courthouse.

Present: W. Mackay-Smith, Chair; J. Bieschke, Vice-Chair; P. McKelvy, G. Ohrstrom, and J. Radford
Absent: R. Buckley
Staff: C. Johnston; K. Petranec, consultant to the Authority

Call to Order Chair Mackay-Smith called the meeting to order.

Agenda On motion of Mr. Hobert, seconded by Mr. Bieschke, the Authority unanimously approved the agenda.

Minutes On motion of Ms. McKelvy, seconded by Mr. Bieschke, the Authority unanimously approved the minutes of the meeting of 17 November 2004.

Bank Account Mr. Johnston reported the monthly bank statement showed a balance of \$9,133.88 in the Authority's account. On motion of Mr. Ohrstrom, seconded by Ms. Radford, the Authority unanimously accepted the bank statement report.

Donation

The Chair recognized Joan Comanor [Chair] and Kathy Holm [staff coordinator] of the Shenandoah Resource Conservation and Development Council. They presented the Authority with a donation of \$25,000 to be used for the purchase of an easement on the Bauhan property on Pyletown Road. Ms. Comanor stated the Council wanted to encourage the efforts of the Clarke County Conservation Easement Authority and had obtained funds from the Beirne Carter Foundation of Richmond, Virginia to make this donation. Bud Nagelvoort, member of the RC&D Council and Clarke County resident, also spoke in support of the activities of the Council and the Authority. On motion of Ms. McKelvy, seconded by Mr. Ohrstrom, the Authority unanimously approved the Memorandum of Understanding that stated that these funds would only be used for the proposed easement purchase of the Bauhan property on Pyletown Road. The Chair thanked the Council for this generous donation.

Easement Purchase

Mr. Johnston reported that at their meeting on 21 December the Board of Supervisors had approved the Round 2 easement purchase of the Bauhan property. He stated that the attorneys for the Authority and the Bauhans had made some minor alterations to the easement documents. On motion of Mr. Ohrstrom, seconded by Ms. Radford, the Authority unanimously agreed to authorize the Chair to sign the revised easement documents. Mr. Johnston stated that one of the properties was subject to a mortgage and closing would be contingent on the approval of the mortgage company. Mr. Johnston also stated that he had forwarded copies of the easement documents to Faye Cooper of the Virginia Outdoors Foundation requesting the VOF be a co-holder of the easement.

Campaign for the Authority

Kate Petranec reported on the status of the Campaign for the Authority, stating that as of 10 December, \$8,775 had been received from 6 donors in responses to the year-end appeal. She said that 157 letters were sent and that she was pleasantly surprised by the initial success of the effort that was quickly pulled together. On motion of Mr. Ohrstrom, seconded by Ms. Radford, the Authority unanimously agreed to authorize the payment of Ms. Petranec's monthly bill of \$650 [second of ten].

Easement Donation

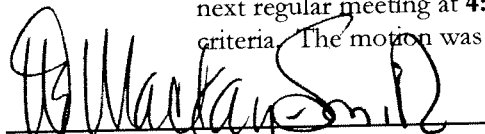
The Chair noted that the Authority had not resolved its Donation Criteria and suggested that this be the focus at its next meeting.

Status of Easement Properties

Greenway Court: Mr. Johnston reported that a request for \$50,000 had been resubmitted for a Virginia General Assembly grant toward a \$200,000 project for rehabilitation and archeological work at Greenway Court.

Boyce Crossing Tree Preserve: Mr. Johnston reported, that as requested by the Chair at the last meeting, the arborist advising the Authority on this property, Jay Banks, had visited the property and stated that all work was being done in accord with the plan, but that the temporary fence protecting the easement area need to be reestablished. Mr. Johnston stated that he had passed this issue on to John Strong of View Engineers, the site inspector for the Authority, and that he had informed the site contractor of the work that needed to be done. Mr. Hobert asked staff to make sure all efforts were documented in writing and that staff develop a written annual property review policy.

Adjournment There being no further business, Mr. Bieschke moved, and Ms. McKelvy seconded, that the Authority adjourn to its next regular meeting at 4:00 pm, on Wednesday, 19 January 2005, with the main topic to be property donation criteria. The motion was approved unanimously.


Wingate Mackay-Smith, Chair

C. Johnston
Charles Johnston, Clerk to the Authority