

CLARKE COUNTY BOARD OF SUPERVISORS
September 21, 2010 Regular Meeting 1:00 p.m.
Main Meeting Room

At a regular meeting of the Board of Supervisors of Clarke County, Virginia, held in the Main Meeting Room, 2nd Floor Berryville Clarke County Joint Government Center, 101 Chalmers Court, 2nd Floor, Berryville, Virginia on Tuesday, September 21, 2010.

Board Members Present

Barbara Byrd; A. R. Dunning, Jr.; J. Michael Hobert; John Staelin; David Weiss

Staff Present

David Ash, Lisa Cooke, Chuck Johnston, Tom Judge, Alison Teetor, Susanne Vaughan, Lora B. Walburn

Others Present

Keith Dalton, Jennifer Welliver, Mike Murphy, Ed Leonard, Lauren McKay, Becky Layne and other citizens

Call to Order

Chairman Hobert called the meeting to order at 1:00 p.m.

Adoption of Agenda

By consensus, the agenda was accepted as modified:

- Add to Consent Agenda: National Adult Education and Family Literacy Week Proclamation.
- Add to Miscellaneous: Update on Frederick County from Chuck Johnston.
- Add to Miscellaneous: Discussion on 2011 Legislative Priorities
- Replacement page for Resolution In Support Of Reduced Mandates For Public Education In Virginia under the Consent Agenda.
- Corrected pages 350 and 352 of the August 17, 2010 minutes.

Supervisor Dunning joined the meeting at 1:05 pm.

Clarke County Public Schools Update

Dr. Murphy appeared before the Supervisors to provide the monthly update from the Clarke County public schools. Highlights include:

- Kids
 - Distributed, reviewed and answered questions on SAT report prepared by Edward Shewbridge, Testing Coordinator.
 - On-time graduation rate is good and slightly better than last year.
 - Excellent school spirit, participation and athletic competition.
 - Gearing up for academic, as well as athletic competitions. The goal is to compete, and win, the Wachovia Academic Cup.
- Staff
 - Linda Bodkin won the Carol Gray Award for Autism.
 - Refocusing on appropriate and value-added professional development.
 - Increased emphasis on school-based training.
- Budget
 - Reorganized account managers and consolidated accounts for better management.
 - Jobs fund recommendation is that we hold the funds until the General Assembly budget review in January and revisit the issue.
 - Next finance committee will revisit the 1% carry-over target discussion and the creation of a dedicated textbook fund.
 - 10-year capital plan approved by School Board. In conjunction with Tom Judge, distributed, reviewed, and answered question regarding the School Board Ten-Year Capital Budget dated September 20, 2010.
 - Points:
 - Supervisor Dunning urged moving forward proposed renovations to the elementary school if possible.
 - Supervisor Byrd expressed concern regarding transfer of the agriculture specifically downsizing and ensuring adequate space, equipment relocation, and funding.
 - Tom Judge mentioned that inflation has not yet been applied in the figures presented.
- Educational Program
 - School start up went well.
 - Increased focus on instructional improvement in AYP subgroups.
 - Fully accredited school division. Still working on improvements to SOL scores with a goal of 100% by 2014.

- Working on “understanding AYP” with staff, parents and community. Distributed, reviewed and answered questions on “A Community Guide to School Accountability.”
- Interactive Achievement “in process” to help us define individual student strengths and areas of improvement in our work and the work of our students.
- New High School
 - Work continues and it is looking good.
 - Some blasting is still being done.
 - Shockey is making good progress.

Supervisor Dunning praised Dr. Murphy for his openness in reporting.

Chairman Hobert stated that it was helpful to have open, frank and detailed presentations from the Schools. He acknowledged that it was a courtesy for the School Board to appear and expressed his appreciation for Dr. Murphy's cooperation.

Approval of Minutes

Supervisor Staelin moved to approve the minutes of July 20, 2010 Regular Meeting as presented. The motion was approved by the following vote:

J. Michael Hobert, Chair	- Aye
David S. Weiss, Vice Chair	- Aye
Barbara J. Byrd	- Aye
A.R. Dunning, Jr.	- Aye
John R. Staelin	- Aye

Supervisor Staelin moved to approve the minutes of August 17, 2010 Regular Meeting as modified:

Book 20 Page 350 last sentence in last full paragraph: Change to read: *He put forth that Loudoun and Warren counties allow a set number of animals and Frederick County defines a commercial breeder as any breeder that sells any animal.*

Book 20 Page 352 third full paragraph from top: Change to read: *Supervisor Byrd suggested that the ordinance should be sent back noting that it did not address ~~boarding~~ hoarding.*

The motion was approved by the following vote:

J. Michael Hobert, Chair	- Aye
David S. Weiss, Vice Chair	- Aye

Barbara J. Byrd - Aye
A.R. Dunning, Jr. - Aye
John R. Staelin - Aye

Consent Agenda

2010 VACo Voting Credentials

**VACo 2010 Annual Meeting
Voting Credentials Form**

Voting Delegate:
(Supervisor)

Name J. Michael Hobert
Title Chair - Clarke County Board of Supervisors
Locality Clarke County, Virginia

Alternate Delegate:
(Supervisor)

Name David S. Weiss
Title Vice Chair - Clarke County Board of Supervisors
Locality Clarke County, Virginia

Certified by:
(Clerk of the Board)

Name David L. Ash
Title County Administrator - Clerk to the Board of Supervisors
Locality Clarke County, Virginia

**VACo 2010 Annual Meeting
Proxy Statement**

Clarke County authorizes the following person to cast its vote at the 2009 Annual Meeting of the Virginia Association of Counties on November 9, 2010.

_____, a non-elected official of this county.

-OR-

_____ a supervisor from _____ County.

This authorization is:

Uninstructed. The proxy may use his/her discretion to cast _____ County's votes on any issue to come before the annual meeting.

Instructed. The proxy is limited in how he/she may cast _____ County's votes. The issues on which he/she may cast those votes and how he/she should vote are:
(List issues and instructions on the back of this form)

Certified by: Name _____
Title _____
Locality _____

Constitution Week Proclamation

CONSTITUTION WEEK PROCLAMATION 10-04P

WHEREAS, The Constitution of the United States of America, the guardian of our liberties, embodies the principles of limited government in a Republic dedicated to rule by law; and,

WHEREAS, September 17, 2010, marks the two hundred twenty-third anniversary of the framing of the Constitution of the United States of America by the Constitutional Convention; and,

WHEREAS, It is fitting and proper to accord official recognition to this magnificent document and its memorable anniversary, and to the patriotic celebrations which will commemorate it; and,

WHEREAS, Public Law 915 guarantees the issuing of a proclamation each year by the President of the United States of America designating September 17 through 23 as Constitution Week,

NOW, THEREFORE, the Clarke County Board of Supervisors does hereby proclaim the week of September 17 through 23 as Constitution Week and ask our citizens to reaffirm the ideals the framers of the Constitution had in 1787 by vigilantly protecting the freedoms guaranteed to us through this guardian of our liberties.

IN WITNESS WHEREOF, I have set my hand and caused the seal of the County of Clarke, Virginia to be affixed this 21st day of September 2010.

Attest:

J. Michael Hobert, Chair

Lord Fairfax Emergency Medical Services Counsel Appointment

The proposed action is to rescind last month's board action to appoint David Sours to represent Clarke County on the Lord Fairfax Emergency Medical Services Council. Mr. Sours has confirmed that despite his affiliation with the John H. Enders Volunteer Fire and Rescue Company, he is no longer a resident of Clarke County. The open position should be referred to the Personnel Committee for recommendation.

Resolution In Support Of Reduced Mandates For Public Education In Virginia

RESOLUTION IN SUPPORT OF REDUCED MANDATES FOR
PUBLIC EDUCATION IN VIRGINIA 10-20R

WHEREAS, it is the responsibility of the County of Clarke, Virginia, through its Board of Supervisors and its School Board, to construct a balanced budget within the confines of available federal, state and local funds; and,

WHEREAS, the Commonwealth of Virginia provides direction to and imposes requirements on the public schools within the state; and,

WHEREAS, the FY2011 Clarke County School budget required cuts of \$973,370 from the previous year's budget of \$19,905,151 to achieve a balanced budget.

WHEREAS, according to James Regimbal, Jr., reporting to the Virginia Association of Counties on June 17, 2010, "adopted FY2011 K-12 state distribution from all funding sources is \$512 million lower than this year's adopted FY2010 distribution;" and,

WHEREAS, Clarke County has no reason to believe that state funding for K-12 education in FY2012 will increase and may in fact decline; and

WHEREAS despite making substantial cuts in services and positions, the Clarke County School Board is faced with the difficult choice of reducing educational programs or facing non-compliance with state regulations in the current difficult economy; and

WHEREAS there is substantial need to ease burdens placed on all localities by Commonwealth-imposed unfunded mandates that force difficult choices between untenable tax increases or cuts in educational services for our children;

NOW, THEREFORE, BE IT RESOLVED that the Clarke County Board of Supervisors requests that the Virginia Department of Education substantially reduce the current number of unfunded mandates.

BE IT FURTHER RESOLVED that the Virginia Department of Education delay implementation of all new unfunded mandates until the economy has substantially recovered.

BE IT FURTHER RESOLVED that the Virginia Department of Education place a moratorium on penalties for noncompliance until the substantial recovery of the economy.

BE IT FURTHER RESOLVED, that the Department of Education shall reduce the need for locally-generated paperwork and statistics which do not provide actual benefit to students.

BE IT FURTHER RESOLVED, that careful consideration be given to the impact of mandates on small school systems, such as Clarke County, that has a school population of approximately 2,100, a population that has not varied greatly in the past 30 years.

BE IT FURTHER RESOLVED, that the Virginia Department of Education align SOL testing schedules with federally-mandated testing in order to minimize the time students spend testing rather than learning.

BE IT FURTHER RESOLVED, that in agreement with the 2010 legislative Policies of the Virginia Association of School Superintendents, "the state should assume a role of support and direction rather than one of punitive enforcement in accountability and accreditation".

BE IT FURTHER RESOLVED, that a copy of this Resolution shall be presented to Robert McDonnell, Governor of Virginia; State Senator Jill Vogel; Delegate Joe May; U. S. Senator Mark Warner; U. S. Senator James Webb; Congressman Frank Wolf; the Virginia Board of Education; and the Virginia Department of Education.

Adopted this 21st day of September, 2010

ATTEST:

J. Michael Hobert, Chair
Clarke County Board of Supervisors

National Adult Education and Family Literacy Week Proclamation

PROCLAMATION - NATIONAL ADULT EDUCATION AND FAMILY LITERACY WEEK
10-05P

WHEREAS, the need for highly literate citizens increases as Virginia moves toward a future increasingly focused on technology; and,

WHEREAS, approximately eighteen percent of Virginia's adults experience literacy issues that severely impact their lives and families, their ability to work productively and their full participation as citizens and residents of our state; and,

WHEREAS, parents create a foundation for their children's lifelong learning potential and are full partners with teachers, principals and administrators in the education of their children; and,

WHEREAS, parents who improve their own literacy skills are better prepared to assist in the education of their children and are equipped with the tools and skills necessary to achieve and maintain self-sufficiency; and,

WHEREAS, Virginia's public schools, volunteer and community-based literacy organizations, community colleges and libraries provided adult basic education, literacy and family literacy services; and,

WHEREAS, Virginians are encouraged to learn more about the importance of literacy and promote literacy in their communities.

NOW, THEREFORE, the Clarke County Board of Supervisors does hereby acknowledge September 13 through 18 as Adult Education and Family Literacy Week.

IN WITNESS WHEREOF, I have set my hand and caused the seal of the County of Clarke, Virginia to be affixed this 21st day of September 2010.

Attest:

J. Michael Hobert, Chair

Supervisor Byrd moved to approve the items on the Consent Agenda as modified.

The motion carried by the following vote:

J. Michael Hobert, Chair	-	Aye
David S. Weiss, Vice Chair	-	Aye
Barbara J. Byrd	-	Aye
A.R. Dunning, Jr.	-	Aye
John R. Staelin	-	Aye

Citizens Comment Period

No persons appeared to address the Supervisors.

VDOT

Jerry Copp – Maintenance and Operations Items and Residency Administrator and Ed Carter – Six-Year Plan Programs and Enhancement, Recreational Access, with Charlie Monroe – Area Maintenance Superintendent, and Stacey Sager, Program Manager, appeared before the Supervisors to provide the monthly update.

- Maintenance work accomplished since last Board meeting:
 - Performed sidewalk repair in the Town of Berryville.
 - Performed shoulder repair along Route.761.
 - Removed hazardous trees and replaced pipe on Route 621.
 - Performed skin patching along Routes 606 and 649.
 - Performed A-boom operations along Routes 680 and 622.
 - Completed brush trimming around signs and began mowing operations on secondary routes.

- Maintenance work planned for the upcoming month:
 - Complete mowing of secondary routes and begin mowing operations on primary routes.
 - Remove hazardous trees on Routes 636, 633, 651 and 340.
 - Conduct shoulder repairs and skin patching on various routes in the county.
 - Lay a patch for " STOP AHEAD " sign on Route 641.

- Other Projects of interest:
 - Rt.604 Ebenezer Road - The survey work has been completed and turned over to the design engineer who is scheduled to complete by October 1st. As soon as we have the box design, we will contact the effected property owners. In the interim, environmental is preparing the changes for clearance. Our objective is to begin construction before bad weather sets in.
 - Town of Boyce, Signalization of Rt.340/723 - We were working on a plan that would have provided the funding for construction in fiscal year 2011/2012. The plan involved partnering with the Town, the fire department and the County. Unfortunately as we began to assemble the pieces and make the necessary contacts, we found that VDOT's rules and regulations prohibited the necessary transfer of funds. While we will continue to look for a solution, currently we have exhausted all options.
 - Mosby Boulevard. – Meeting held in August and consultant designer is on board. Public hearing is still anticipated in January 2011.

- Supervisor Comments and Requests:
 - Supervisor Dunning asked for confirmation of the rumored closing of Route 723 east and west for a period of ten hours stating that if true it would be an excellent opportunity to remove trees. Jerry Copp confirmed the scheduled closure.
 - Supervisor Byrd noted the need for pavement repair on Route 340 right before Summit Point Road by the cigarette store.
 - Supervisor Byrd acknowledged VDOT improvements on Old Charlestown Road and remarked that there were still areas of concern.
 - Supervisor Staelin noted traffic calming efforts in Millwood.

Public Meeting PH 10-21 CDBG by Request of People Inc.

The Clarke County Board of Supervisors will hold a public hearing, number PH 10-21, on September 21, 2010 at 1:30 p.m. at the Main Meeting Room, 101 Chalmers Court, 2nd Floor, Berryville, VA 22611 to solicit public input on the proposed Community Development Block Grant (CDBG) proposal to be submitted to the Virginia Department of Housing and Community Development for microenterprise and entrepreneurship development. Residents of the project area are encouraged to attend.

The draft CDBG proposal will be presented for comment along with information on projected beneficiaries, including the number of low- and moderate-income residents to benefit from the proposed project, and plans to minimize displacement. Citizens will also be given the opportunity to comment on Clarke County's past use of CDBG funds. A fact sheet on the proposed project and the draft proposal is available at the County Administrator's office. For additional information, contact the County Administrator's Office at 540-955-5100 or info@clarkecounty.gov. David Ash

advised People Inc. had requested rescheduling of the public meeting to accommodate scheduling difficulties in other affected jurisdictions.

David Ash provided an introduction for Robert Goldsmith of People Inc.

Mr. Goldsmith reviewed the draft CDBG proposal for microenterprise and entrepreneurship development prepared by People Inc. for Warren and Clarke Counties that was provided at the beginning of the meeting. Some highlights include:

- One full-time staff person will be hired, as well as support or review staffing.
- Two-year project.
- Each county will receive \$170,000.
- Average loan is \$17,000.
- 93% repayment rate.
- Interest comes close to offsetting any losses on loans.
- Typically break even.
- Program is competitive.
- Participate in an open submission process funded by the state.
- Funding comes from community development block grant funds through the Department of Housing and Urban Development.

At 2:17 pm Chairman Hobert opened the public comment portion of the public meeting. There being no persons present desiring to address the Supervisors the public comment portion of the public hearing was closed.

Vice Chairman Weiss moved to adopt Resolution 10-21R 2010 Virginia Community Development Block Grant Citizen Participation Plan for Local Government Applicants.

The motion carried by the following vote:

J. Michael Hobert, Chair	- Aye
David S. Weiss, Vice Chair	- Aye
Barbara J. Byrd	- Aye
A.R. Dunning, Jr.	- Aye
John R. Staelin	- Aye

2010 Virginia Community Development Block Grant Citizen Participation Plan for Local
Government Applicants
10-21R

At a regular meeting of the Board of Supervisors of Clarke County, Virginia, held at the Berryville Clarke County Government Center on September 21, 2010. On motion by David S. Weiss the

Board of Supervisors (Byrd-Aye; Dunning-Aye; Hobert-Aye; Staelin-Aye; Weiss-Aye) approved the following:

BE IT RESOLVED that, pursuant to two public hearings advertised in accordance with the standards set forth in the 2010 *Virginia Community Development Block Grant Citizen Participation Plan for Local Government Applicants*, the County of Clarke, in partnership with the County of Warren and People Incorporated Financial Services, requests \$300,000 in Virginia Community Development Block Grant Local Innovation Program funds to support the *Warren and Clarke County Microenterprise Development Program*.

WHEREAS, additional funding in the amount of \$150,000 will be contributed to the project by People Incorporated Financial Services, and the proposed project will meet the National Objective of providing benefit to low to moderate income persons by creating at least 21 jobs for low-income individuals and by creating or sustaining 18 businesses that are either owned by or which employ or otherwise benefit low-income individuals.

BE IT FURTHER RESOLVED that Clarke County's Chief Administrative Official, David Ash, is hereby authorized to complete, sign and submit appropriate documents confirming Clarke County's participation in the Virginia Community Development Block Grant proposal referenced herein.

ADOPTED this the 21st day of September, 2010.

ATTEST:

David L. Ash, Clerk
Clarke County Board of Supervisors

Upcoming Event - Green Homes Tour

Alison Teetor distributed a flyer titled "Green Homes Tour" and summarized the activities planned for October 9 to showcase alternate energy / "green" homes with tour proceeds benefiting Habitat for Humanity's "Build It Green" home in Winchester.

Six-Year USGS Water Study Publication Availability

Alison Teetor distributed the published Six-Year USGS Water Study. She informed the Board that 200 copies were available for distribution.

Supervisor Staelin informed the Supervisors that subsequent to a recent water meeting he had asked Alison Teetor to research water storage.

Chairman Hobert asked Alison Teetor to closely review the study and provide the Supervisors direction in groundwater protection, as well as other noted areas of improvement.

Supervisor Staelin noted that the Conservation Easement Authority had already used the study to identify recharge areas for potential protection efforts.

Supervisor Staelin contributed that during a recent meeting of a technical advisory committee on which he serves the Shenandoah River was listed in the top two rivers in the Commonwealth that have reached water draw capacity.

Committee Action

Personnel

Expiration of Term for appointments expiring through November 2010.

No action taken was during the regular meeting.

Committee Criteria List

No action was taken during the regular meeting.

On-line Solicitation of Interest in Appointments to Boards and Commissions

No action was taken during the regular meeting.

Work Session

Closed Session

No action was taken during the regular meeting.

Discussion of Redistricting Timeline and Legal Requirements

Chairman Hobert said that more information would be forthcoming on redistricting. He put forth that only minor adjustments were anticipated.

Outdoor Burning Ban.

Chairman Hobert commented that the outdoor burning ban remained in place.

Finance Committee

School Board Ten-Year Capital Budget

Tom Judge provided additional detail of the School Board Ten-Year Capital Budget distributed by Dr. Murphy early in the meeting. Mr. Judge reiterated that the School Board had adopted the plan last evening and, as requested, were presenting to the Board of Supervisors for acceptance.

Supervisor Staelin moved to accept the plan for spending \$7.1 million subject to the following School Board actions:

1. Review the plan annually; and,
2. Inform the Supervisors of any changes proposed to the plan prior to implementing such a change;
3. Spend VPSA funds before local funds and,
4. Investigate ways to spend the funds on the approved future projects as quickly as possible in order to benefit from the current construction market.

For clarification, Chairman Hobert asked Supervisor Staelin to repeat the motion.

Supervisor Staelin moved to accept the plan for spending the \$7.1 million.

Chairman Hobert interrupted and asked Mr. Staelin to clarify that he did not intend to address the cyclical expenditures nor any expenditures beyond the \$7.1 million.

Supervisor Staelin affirmed. He commented that it was good to have the information but that in the motion he was only looking at expenditures related to the \$7.1 million from the savings from the low bid. Mr. Staelin then continued with the restatement of his motion that the School Board to review annually, inform the Board of Supervisors of any changes they may want to make prior to spending any money towards those changes, that they spend the VPSA funds prior to using local funds, and they investigate ways of spending the funds for the out years for the Cooley renovation, Primary and so on as quickly and wisely as possible to benefit from the current construction market.

Supervisor Byrd provided an overview of proposed renovations to Primary covered by the projected \$500,000.

Chairman Hobert opined that the part of the motion that addresses the concurrence of the Board of Supervisors with the adoption of the plan 2012 thru 2015 dealing with the \$7.1 million is consistent with the Supervisors' feelings; but he personally did not think that it would harm anything for the Board to hold this

over to consider the mechanics of the processing of this for he was not certain what passing such a resolution meant in terms of appropriation of funds.

Supervisor Staelin interjected that funds for 2012 through 2015 were already appropriated and could be used for capital items.

Supervisor Dunning called for question terminating debate and proceed with vote on the matter. The motion to proceed with the vote was approved by the following vote:

J. Michael Hobert, Chair	-	Aye
David S. Weiss, Vice Chair	-	Aye
Barbara J. Byrd	-	Aye
A.R. Dunning, Jr.	-	Aye
John R. Staelin	-	Aye

Supervisor Staelin repeated the motion:

The Board of Supervisors accepts the School Board plan for spending the \$7.1 million in savings from the low construction bid including in that plan the School Board's verbal statement of including approximately \$200,000 to go towards new high school construction subject to the following actions:

1. School Board to review the plan annually; and,
2. Notify the Supervisors if the School Board desires to make changes to the plan prior to spending any money associated with those changes; and,
3. The School Board spend the VPSA and Build America funds prior to spending local funds; and,
4. The School Board investigate ways to spend both quickly and wisely the funds for the Cooley and the high school renovation so as to take advantage of the current construction market.

The motion was approved by the following vote:

J. Michael Hobert, Chair	-	Aye
David S. Weiss, Vice Chair	-	Aye
Barbara J. Byrd	-	Aye
A.R. Dunning, Jr.	-	Aye
John R. Staelin	-	Aye

FY 10 Supplemental Appropriations and Transfers.

General Fund Transfers. Resolve that the following transfers be made among general fund accounts in FY 10:

From	To	Amount	Reason
Personnel Contingency	Victim Witness	981.00	Selection of higher cost health plan
Minor Capital Contingency	J&D Relations Court	2,087.00	Prior year bills carried over.
Drug Task Force	Criminal Justice Training Center	323.00	Inaccurate budget estimate
Refuse Disposal	Litter Control	725.00	Rising dumpster expenditures

School Operations and School Debt Service Transfer. "Be it resolved that FY 10 expenditures and appropriations for the School Operating Fund in the amount of \$32,985 be transferred to the School Debt Service Fund to cover a shortfall in interest revenue earned on bond proceeds."

Unemployment Compensation Supplemental. "Be it resolved that FY 10 expenditures for the Unemployment Compensation Fund be increased \$1,405, and the same appropriated, to cover a shortfall in this fund."

Conservation Easement Supplemental. "Be it resolved that FY 10 expenditures for the Conservation Easement Fund be increased \$9,486, and the same be appropriated, and be it further resolved that the designation for conservation easements be reduced in the same amount".

General Fund Supplementals. 'Be it resolved that the following FY 10 expenditures and appropriations be adjusted

- a. Increase for NSV Regional Commission \$2,118, and reduce designation for government carryover requests from government savings in the same amount, to correct for the exclusion of the water study cost from the original FY 10 budget request.
- b. Increase Bio-Solids Application \$7,357, and reduce designation for government carryover requests from government savings in the same amount, to cover expenditure made in excess of budget without offsetting revenue due to Commonwealth of Virginia delays".

Social Services Supplemental. "Be it resolved that the FY 10 local transfer to the Social Services Fund be increased \$35,920, and the same be appropriated, and be it further resolved that the designation for government carryover requests from government savings be reduced in the same amount."

Conservation Easement Starting Balance. "Whereas the Board of Supervisors provided for continuing appropriations for the Conservation Easement Fund when the FY 10 Budget and Appropriations Resolutions were adopted, and whereas the FY 09 audit showed the ending balance for this fund in the General Fund instead, now therefore be it resolved that this error be corrected by showing a starting balance of \$258,128 in the Conservation Easement Fund for FY 10, with a corresponding decrease to the General Fund Balance."

School ARRA Switch. "Whereas the Commonwealth reversed its decision on the use of ARRA funds for debt service, and whereas these funds can be expended for school operating costs, now be resolved that estimated federal revenue of \$139,039 be transferred from School Debt Service to School Operations, and that a like amount of General Fund contribution be transferred from School Operations to School Debt service."

Tom Judge reviewed and answered questions on FY10 supplemental appropriations and transfers.

Supervisor Staelin moved to approve the recommendations of the Finance Committee.

The motion carried by the following vote:

J. Michael Hobert, Chair	- Aye
David S. Weiss, Vice Chair	- Aye
Barbara J. Byrd	- Aye
A.R. Dunning, Jr.	- Aye
John R. Staelin	- Aye

FY 10 Capital Projects Carryover

"Be it resolved that the FY 10 Capital Projects carryover be approved as presented".

Supervisor Staelin moved to approve the recommendations of the Finance Committee. The motion carried by the following vote:

J. Michael Hobert, Chair	- Aye
David S. Weiss, Vice Chair	- Aye
Barbara J. Byrd	- Aye
A.R. Dunning, Jr.	- Aye
John R. Staelin	- Aye

FY 10 Designations

No action was taken during the regular meeting.

Fiscal Model: Ten-year capital plan

Following review and discussion, **Supervisor Dunning** moved to approve for use in the fiscal model the draft ten-year capital plan budget excluding the Mobile Command Unit budgeted for 2015. The motion carried by the following vote:

J. Michael Hobert, Chair	-	Aye
David S. Weiss, Vice Chair	-	Aye
Barbara J. Byrd	-	Aye
A.R. Dunning, Jr.	-	Aye
John R. Staelin	-	Aye

Fiscal Model: Operating Budget Escalators.

Following review and discussion, **Vice Chairman Weiss** moved to adopt the use of the operating budget escalators in the fiscal model. The motion carried by the following vote:

J. Michael Hobert, Chair	-	Aye
David S. Weiss, Vice Chair	-	Aye
Barbara J. Byrd	-	Aye
A.R. Dunning, Jr.	-	Aye
John R. Staelin	-	Aye

FY11 Supplementals

Following review and discussion, **Supervisor Dunning** moved to approve "Whereas, the budget request from the NSV Regional Commission did not include funding for the Water Study, be it resolved that FY 11 expenditure and appropriation of \$2,118 be increased for the NSV Regional Commission."

The motion carried by the following vote:

J. Michael Hobert, Chair	-	Aye
David S. Weiss, Vice Chair	-	Aye
Barbara J. Byrd	-	Aye

A.R. Dunning, Jr. - Aye
John R. Staelin - Aye

At the suggestion of Supervisor Dunning, Chairman Hobert instructed David Ash to follow up with Alison Teetor, Natural Resource Planner, with regard to conducting a water-quality sampling study.

Standing Reports: Reconciliation of Appropriations.

No action was taken during the regular meeting.

Government Projects Update

David Ash provided the following highlights:

- Berryville Clarke County Government Center
 - o HVAC report is being prepared.
 - o Recording monitors are being collected today.
- Circuit Courthouse
 - o Progress meeting is scheduled for Thursday.

Miscellaneous

2010 VACo Conference

Supervisor Staelin put forward for discussion the 2010 VACo Conference scheduled for Sunday, November 7, through Tuesday, November 9:

- Reschedule November 8 committee meetings.
- Staff attendance will be reviewed at the October Finance Committee meeting.
- Vice Chairman Weiss and Supervisor Dunning will not be attending the conference.

Frederick County, Virginia Land Use Plan Proposal for the Route 11 and I81 Corridor

Chuck Johnston informed the Board that Frederick County would be conducting a public meeting to take comments on changes to the land use plan this Wednesday evening at 7:15 pm in the boardroom of the Frederick County Board of Supervisors

Supervisors Byrd and Dunning are planning to attend the public meeting.

Double Tollgate Planning Process

Chuck Johnston advised that the management team would be meeting tomorrow morning to review initial documents due at the end of month. He indicated that state grant funds in the amount of \$25,000 would be used to study utilities looking at where and how water and sewer could be provided in the Double Tollgate area.

Summary Of Required Action

<u>Item</u>	<u>Description</u>	<u>Responsibility</u>
1.	Modify 8/17/2010 minutes and process 7/20/2010 and 8/17/2010 minutes.	Lora B. Walburn
2.	Process VACo 2010 voting credentials.	Lora B. Walburn
3.	Process Constitution Week Proclamation 10-04P.	Lora B. Walburn
4.	Update Appointments database for Lord Fairfax Emergency Medical Services Council.	Lora B. Walburn
5.	Process Resolution in Support of Reduced Mandates 10-20R.	Lora B. Walburn
6.	Process Adult Education and Family Literacy Week Proclamation 10-05P.	Lora B. Walburn
7.	Process 2010 Virginia Community Development Block Grant Citizen Participation Plan for Local Government Applicants Resolution 10-21R	Lora B. Walburn
8.	Review the Six-Year USGS Water Study and provide the Supervisors direction in groundwater protection, as well as other noted areas of improvement.	Alison Teetor
9.	Add 9/21 Burn Ban update to website.	Lora B. Walburn
10.	Follow up with Alison Teetor, Natural Resource Planner, about conducting a water-quality sampling study.	David Ash
11.	Add rescheduling of November committee meeting to October Work Session.	David Ash
12.	Add review of staff attendance at the 2010 VACo Conference to October Finance Committee.	David Ash

Closed Session §2.2.3711-(A)(3) disposition of publicly held real property where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the public body and 2.2-3711-(A)(7) briefings by staff members or consultants pertaining to actual or probable litigation and consultation with legal counsel employed or retained by a public body regarding specific legal matters requiring the provision of legal advice by such counsel.

Supervisor Byrd moved to convene into Closed Session.

J. Michael Hobert, Chair	- Aye
David S. Weiss, Vice Chair	- Aye
Barbara J. Byrd	- Aye
A.R. Dunning, Jr.	- Aye
John R. Staelin	- Aye

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

J. Michael Hobert, Chair	- Aye
David S. Weiss, Vice Chair	- Aye
Barbara J. Byrd	- Aye
A.R. Dunning, Jr.	- Aye
John R. Staelin	- Aye

Supervisor Staelin moved to execute the following Certification of Closed Session:

CERTIFICATION OF CLOSED SESSION

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

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

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

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

J. Michael Hobert, Chair	- Aye
David S. Weiss, Vice Chair	- Aye
Barbara J. Byrd	- Aye
A.R. Dunning, Jr.	- Aye
John R. Staelin	- Aye

No action was taken on matters discussed in closed session.

Adjournment

There being no further business to be brought before the Board at 5:02 pm Chairman Hobert adjourned the Board of Supervisors meeting.

Next Regular Meeting Date

The next regular meeting of the Board of Supervisors is set for Tuesday, October 19, 2010 at 1:00 p.m. in the Main Meeting Room, 101 Chalmers Court, 2nd Floor, Berryville, Virginia.

ATTEST: September 21, 2010

J. Michael Hobert, Chair

David L. Ash, County Administrator

Minutes Recorded and Transcribed by:
Lora B. Walburn
Deputy Clerk, Board of Supervisors