

CLARKE COUNTY BOARD OF SUPERVISORS
April 19, 2011 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, April 19, 2011.

Board Members Present

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

Board Members Absent

None

Staff Present

David Ash, Chuck Johnston, Tom Judge, Tony Roper, Lora B. Walburn

Others Present

John Friant, Jr., Mary Veillux, Bruce Conover, Barbara Lee, Robina Rich Bouffault, Barbara Bosserman, Franklin Robert, Geneva Jackson, Willis Nelson, Kay Gunter, Keith Dalton, Gem Bingol, Becky Lane, Ed Leonard and other citizens

Call to Order

Chairman Hobert called the meeting to order at 1:05 p.m.

Presentation of Proclamation In Memory of John Rector Friant, Senior 11-01P

Chairman J. Michael Hobert presented members of the Friant family, John Friant Jr., son, and Mary Veillux, daughter, with a proclamation in memory of their father, John Rector Friant, Senior adopted by the Board of Supervisors at their February 15, 2011 regular meeting. Mr. Hobert read the proclamation into the record:

PROCLAMATION IN MEMORY OF

John Rector Friant, Senior
December 3, 1919 to January 16, 2011

WHEREAS, John R. Friant, Sr., as a local business owner and employer, contributed to the economic stability of the community;

WHEREAS, Mr. Friant was an active participant in the Clarke County Chamber of Commerce and Ruritan Club. He further served the community on the boards of the Clarke County Library Advisory Council, The Barns of Rose Hill, Grafton School, original member of the Clarke County Industrial Development Authority, member and first Chairman of the Clarke County Planning Commission established in July 1956, and a founding board member of Heritage Child Development Center;

WHEREAS, his initiatives include Clarke County Recreational Center, the Route 7 Triangle Beautification Project, expanding and improving the Library by moving it to the Joint Government Center, Dictionary Project, development of the first County Zoning ordinances during his tenure on the Planning Commission, and the international guest program at the Annual Ruritan County Fair.

WHEREAS, in 1998 Mr. Friant was awarded The Clarke County Citizen of the Year.

NOW, THEREFORE BE IT RESOLVED, the Clarke County Board of Supervisors does hereby issue this proclamation in remembrance of John Rector Friant, Senior, a respected citizen of Clarke County and an active participant in civic affairs and in recognition of his excellent character, citizenship, and dedicated service to the citizens of the County.

IN WITNESS THEREOF, I have set my hand and caused the seal of the County of Clarke, Virginia to be affixed this 15th day of February 2011.

Attest:

J. Michael Hobert, Chair

Supervisor Dunning joined the meeting at 1:07 pm.

Adoption of Agenda

Chairman Hobert requested the addition to the VDOT Discussion Item 21 consideration of Draft Resolution Opposing Designation of a Northern Virginia North-South Corridor of Statewide Significance by the Commonwealth Transportation Board.

By consensus, the Board of Supervisors adopted the agenda as modified.

Rappahannock Electric Cooperative Update by Kent Farmer, Matt Faulconer, and John Crawford

Kent Farmer appeared before the Board to review progress since he first addressed the Supervisors and to see how well Rappahannock Electric Cooperative [REC] was meeting expectations. He introduced Chris Shipe, Board of Trustees; John Crawford, Front Royal District Manager; David Cooper, VP Customer Services; Casey Holland, Senior Writer Public Relations; and Matt Faulconer, Director of Governmental Affairs. He distributed a handout titled *"The Cooperative and Clarke County"* dated April 19, 2011 that listed improvement projects, explanation of terms, etc. Highlights of the presentation and comments include:

- Took over the distribution assets of Allegheny Power June 2009; and shortly thereafter, experienced significant equipment problems.
- REC is currently buying wholesale power from Allegheny.
- Some Allegheny employees have transferred to REC.
- As a cooperative, members own REC; therefore, REC's objective is to be a non-profit provider.
- November is the adjustment month when credits are given back to members for any margins made in the year. This credit is given back based on how the power was used by the member. For every \$100 spent for electricity in the last 7 months, members will get \$3 back.
- REC strives to be environmentally friendly and to provide low cost energy.
- Maintaining right-of-ways is a top priority. It is estimated that it will take three to five years to get the rights-of-ways up to REC preferred condition.
- Due to previous practice, REC is spending a great deal of money and time in this area on systems and equipment maintenance improvements.
- Rates have not increased. REC is billing under the same rates billed as Allegheny Power.
- An extremely hot summer in 2010 and an extremely cold winter in 2011 increased the number of kilowatt hours used resulting higher electric bills.
- Effective July 1, 2011, REC will be increasing rates approximately 7.5% in accordance with the agreement approved by the SCC when acquisition was approved.
- Part of the agreement allows for rate increase to be spread out over a 4-year period eventually reaching a combined 30% increase.
- Allegheny Power originally secured the 30% increase from the SCC.
- This area has been paying approximately 30% less than other areas in the Commonwealth.
- Picked up 50% new customers at a reasonable price – worked as a benefit to REC as a whole and a benefit to customers.
- REC offers member programs to help manage usage.

- REC is continues to see a growth in energy demands. Ten years ago the average kwh use per month was 800 to 1,000; now, the average use is 1,400 kwh per month.
- Areas to improve energy efficiency include better insulation in homes; more energy efficient appliances. Of note due to the features of big-screen television, they use 5 to 7 times more power.
- The demand response program allows REC to turn off water heaters during peak demand for period of one to three hours. Last year, this program saved in excess of \$5 million in wholesale energy costs. It was noted that Allegheny Power did not invest in this program for this area.
- Another service available to members with smart meters is individual outage notification at a cost of \$3 per month. Chairman Hobert put forth that this benefits REC and they are supposed to provide – please reconsider charging for this.
- REC plans to change over to smart meters and hopes to be complete by November 2011. The new meters will allow them to gather more nearly accurate data on energy usage.
- REC is investigating the purchase of a power plant. Currently, they own 30% of Dominion Electric Cooperative – a wholesale provider of electric. They also own a percentage in a coal-fire generating facility in Halifax County; three peaking facilities; and simple cycle facilities in Louisa and Fauquier Counties, as well as Cecil County, MD; and nuclear generating facilities. All of these sources combined generate about 50% of the energy needs.
- Wholesale energy market is volatile.
- REC, serving a rural area, is not particularly affected by gas providers / usage.
- REC continues to explore ways to provide internet service to members; however, at this time it has not worked as well as hoped. It is recognized that to fully take advantage of many services REC offers requires internet access.
- REC Board of Trustees is looking at boundaries to redistrict. While members do serve at large, districts serve to ensure representation from all service areas. The next annual meeting will be held in August at Liberty High School in Fauquier County so that members in this area will have an opportunity to attend. To get on the ballot, a member must secure 25 signatures of other cooperative members. All cooperative members are given the opportunity to vote that can be done by proxy.
- Mr. Shipe, area representative, described his personal experience of selection, review and election process to the Board of Trustees.
- REC tries to be good a citizen and they are willing to participate at fairs or other civic events.

Barbara Lee, Chair Clarke County School Board, appeared before the Supervisors to provide the monthly update from the Clarke County public schools. Highlights include:

- On behalf of the School Board, expressed appreciation for passage of the FY2012 budget.
- The School Board is requesting a \$94,028 supplement to cover operating expense of which over \$57,000 was to cover annual leave payouts.
- 20 students less than the September count.
- Kindergarten enrollment remaining at the same level.
- Teacher contracts were offered by established deadlines.
- RIF'ing 8.7; 6 positions through attrition; 1.7 positions through reduction in the number of classes taught.
- 4.5 in new positions in IT were added with approximate savings of \$200,000.
- Supervisor Dunning urged the School Board to hold spending in this tough economy.
- Robina Rich Bouffault New High School...
 - Excessive rain has impacted the construction schedule.
 - Stormwater ponds being well used in current rainy conditions.
 - Cutting bike path that will remain open during construction.
 - Roof anchor bolts and concrete almost finished.
 - Bearing walls going up in section C and second floor classroom wing.
 - Roof up second to third week of May
 - Joist are up, as well as bevel decking.
 - Roof is on the gymnasium.
 - Jon Erikson shall be present when curbs are poured as weather permits.
 - Paving of parking lot has slowed due to rain.
 - Ductwork is going up in the classroom wing and auditorium.
 - Electrical work proceeding normally.
 - Moseby Boulevard / VDOT:
 - While street lighting is not required, if chosen, it must meet specific requirements. It was put forth that the required lights are very high and unattractive.
 - Neither option [with or without lights] is fully funded.
 - There may need to be substantial changes to the roundabout and road configuration.

- Project to go out for bid Jan 2012 per the current schedule.
- Construction start, at best, would begin May 2012 and will not be ready for the new high school opening;
- Phased road construction was suggested to lessen the congestion during the school year in an area where three schools are located.

Chairman Hobert thanked the School Board for the update and expressed appreciation for the job they were doing. He further thanked Mrs. Bouffault for her circulation of meeting memorandums that kept the Supervisors informed.

Northwestern Regional Jail Authority Request for Approval of Resolution Of The Board Of Supervisors Of Clarke County Virginia, Consenting To The Issuance Of Revenue Obligations By The Northwestern Regional Jail Authority Pursuant To The Second Amended And Restated Regional Jail Agreement And Other Matters In Connection Therewith

Major Bruce Conover appeared before the Supervisors to explain the request of the Northwestern Regional Jail Authority that was seeking an issue of money to upgrade heating and cooling system at jail and outdated lighting. Siemens, a state-approved contractor, will be performing the proposed upgrades that are guaranteed to save \$55,000 the first year and up to \$85,000 by the fifteenth year – the end of the payback period. He further explained that all other participants had voted for the project that is part of a Frederick County initiative to improve energy efficiencies.

Supervisor Staelin commented that Clarke County had pursued similar energy savings but found that they had been poorly implemented.

Robina Rich Bouffault added that the Clarke County Public Schools were in the process of doing RFP for alternate energy company. She stated that TAC's performance over the years had been faulty; and while Snider has subsequently taken over, Robert Levi, Maintenance Director, found the lack of control at the local level problematic and, with charges for each local system adjustment made at the Texas location, costly.

Supervisor Dunning expressed doubt noting the County's less than satisfactory results with similar providers that promised results that had not been realized. He did state that Siemens was a reputable company but energy efficiency outfits were questionable with extended pay back periods.

Tom Judge interjected that in his experience reports were difficult to challenge because the providers use their own model that are so complicated that it is difficult to tell whether the system is truly providing the promised energy savings.

Chairman Hobert asked Major Conover to provide a progress report next year.

Supervisor Byrd moved to adopt the Resolution Of The Board Of Supervisors Of Clarke County Virginia, Consenting To The Issuance Of Revenue Obligations By The Northwestern Regional Jail Authority Pursuant To The Second Amended And Restated Regional Jail Agreement And Other Matters In Connection Therewith 2011-08r. The motion carried as follows:

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

**RESOLUTION OF THE BOARD OF SUPERVISORS OF CLARKE COUNTY VIRGINIA,
CONSENTING TO THE ISSUANCE OF REVENUE OBLIGATIONS BY THE NORTHWESTERN
REGIONAL JAIL AUTHORITY PURSUANT TO THE SECOND AMENDED AND RESTATED
REGIONAL JAIL AGREEMENT AND OTHER MATTERS IN CONNECTION THEREWITH
2011-08R**

WHEREAS, the Counties of Clarke, Fauquier and Frederick, Virginia, and the City of Winchester, Virginia (collectively, the "Participating Jurisdictions"), have created the Northwestern Regional Jail Authority (the "Authority") pursuant to Chapter 3, Article 3.1 of Title 53.1 (the "Act") of the Code of Virginia, 1950, as amended (the "Code"), for purposes of owning and operating the Northwestern Regional Adult Detention Center (the "Regional Jail");

WHEREAS, the Participating Jurisdictions and the Authority have entered into a Second Amended and Restated Regional Jail Agreement dated as of June 1, 2005 (the "Jail Agreement"), providing for the ownership, operation and financing of the Regional Jail;

WHEREAS, the Authority proposes to undertake certain capital improvements to the Regional Jail, consisting of various energy conservation and performance improvements (the "Project");

WHEREAS, to finance the Project, the Authority proposes to issue an additional series of Obligations (as defined in the Jail Agreement) (the "2011 Obligations") payable from and secured by amounts derived from the below-described Participating Jurisdiction Obligations in accordance with the terms of the Act and the Jail Agreement;

WHEREAS, pursuant to Sections 4 and 6.F. of the Jail Agreement, the Participating Jurisdictions have each agreed to pay to the Authority amounts sufficient to pay when due its respective share of the principal of and interest on the Obligations, including the 2011 Obligations, based upon the "Allocation Formula" set forth in Section 4.A. of the Jail Agreement as such Allocation Formula may be adjusted pursuant to Section 6.F. in the event the Authority lacks sufficient funds to pay scheduled debt service on the Obligations or certain other costs (the "Participating Jurisdiction Obligations");

WHEREAS, the Authority has determined it is in the best interest of the Authority to sell the 2011 Obligations to the Virginia Resources Authority ("VRA"); and

WHEREAS, the Authority has requested the consent of the Participating Jurisdictions to the issuance of the 2011 Obligations as provided in Section 3 of the Jail Agreement and VRA has required the Participating Jurisdictions to enter into certain agreements and to acknowledge certain matters as conditions to VRA's purchase of the 2011 Obligations;

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF CLARKE COUNTY VIRGINIA:

1. The Board approves and consents to the undertaking of the Project, the issuance of the 2011 Obligations by the Authority in a principal amount not to exceed [\$575,000] in accordance with Section 3 of the Jail Agreement, the use of the proceeds of the 2011 Obligations to finance the Project and the costs of issuance related to the 2011 Obligations and the sale of the 2011 Obligations to VRA.
2. The Board (i) acknowledges that the 2011 Obligations will be payable from and secured by amounts derived pursuant to the Participating Jurisdiction Obligations, (ii) acknowledges that VRA would not purchase the 2011 Obligations without the security and credit enhancement provided by the Participating Jurisdiction Obligations, (iii) acknowledges that both the 2011 Obligations and the Participating Jurisdiction Obligations are "local obligations" within the meaning of Section 62.1-199 of the Code, (iii) agrees that VRA is a third party beneficiary of the Jail Agreement, and (iv) agrees that the Jail Agreement may not be modified or amended without VRA's prior written consent.
3. For purposes of Section 265(b)(3)(C)(iii) of the Internal Revenue Code of 1986, as amended, the County irrevocably agrees that the amount of the 2011 Obligations shall be allocated to each Participating Jurisdiction in the same proportion that each Participating Jurisdiction has been allocated payment responsibilities under the "Allocation Formula," determined for Fiscal year ending June 30, [2012], under the Jail Agreement with respect to the 2011 Obligations.
4. The County Administrators hereby authorized and directed to execute and deliver such other documents as are necessary to enable the Authority to finance the costs of the Project, including, but not limited to, any agreements or certificates requested by VRA. Any other County official so designated by the County Administrator is hereby similarly authorized and directed to execute and deliver such other documents.
5. All other acts of the officers of the County, heretofore or hereafter taken, that are in conformity with the purposes and intent of this Resolution and in furtherance of the issuance and sale of the 2011 Obligations by the Authority and the undertaking of the Project, are hereby approved, ratified and confirmed.
6. Nothing in this Resolution or in the Jail Agreement is or shall be deemed to be a lending of the credit of the County or other Participating Jurisdictions to the Authority or to any holder of any of the 2011 Obligations or to any other person, and nothing herein contained is or shall be deemed to be a pledge of the faith and credit or the taxing power of the County or the other Participating Jurisdictions within the meaning of the Constitution of Virginia.
7. This Resolution shall take effect immediately.

Members of the Board of Supervisors voted as follows on the adoption of this resolution on this 19th day of April 2011: Byrd-Aye, Dunning-Nay, Hobert-Aye Staelin-Aye Weiss-Aye

Attest:

David Ash, Clerk

Approval of Minutes

Supervisor Staelin moved to approve the March 1, 2011 Budget Work Session minutes 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 March 15, 2011 Regular Meeting minutes as corrected on Page 570 changing the vote of Supervisor Dunning from Aye to Absent. 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 Byrd moved to approve the April 5, 2011 FY2012 Budget and Calendar Year 2011 Tax Rate Public Hearing minutes 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 Dunning moved to approve the April 12, 2011 Budget Work Session minutes 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

Consent Agenda

Request for Easement Purchase approval for Karel Wennick, Arnold Rexroad, Lawrence and Jane Wood, Lawrence Buckner

MEMORANDUM

TO: Board of Supervisors, David Ash

FROM: Alison Teetor

DATE: April 12, 2011

SUBJECT: Request for Easement Purchase approval

The Clarke County Easement Authority has approved the following easements for purchase. The Authority requests the Board of Supervisors to authorize the Chairman of the Board of Supervisors to execute deeds, easements, and other documents necessary to the transactions.

DUR PURCHASE

Karel Wennink: There are two parcels for consideration. The properties are located in Blue Ridge Downs subdivision on the east side of Kennel Road at the end of Burch Lane. Tax Map# 30-((1))-11 is 5.06 acres of vacant land with 1 DUR, the property resource score is 40.75. The parcel adjoins a conservation easement and the owner would like to retire the DUR and merge the parcel with his other property. Tax Map# 30-((A))-12 is 11.09 acres has an existing pre-1980 house and an extra DUR. The applicant would retire the remaining DUR. The property resource score for this property is 37.97. The properties meet the easement criteria by scoring over 35 and retiring a DUR. The smaller parcel is also adjacent to an existing easement.

Purchase offer \$40,000, County - \$20,000, VDACS - \$20,000

Arnold Rexroad: The parcel is located on the east side of Auburn Road 3/10ths of a mile north of the intersection with Castleman Road. The parcel is 13.02 has an existing house which was built in 1997. The applicant would like to retire the remaining DUR. The property resource score is 39.14, the parcel is not over 40 acres and is not adjacent to an existing easement.

Purchase offer \$20,000, County - \$10,000, VDACS - \$10,000

Lawrence and Jane Wood: There are two parcels for consideration. The properties are located on the west side of Lockes Mill Road approximately 1.4 miles east of the intersection of Parshall Road. The application includes Tax Map# 24-((A))-34D, 40.72 acres, with an existing house and no remaining DUR's. This parcel had a property resource score of 38.85. The second parcel is Morgan Island, Tax Map# 24-((A))-34C, 5 acres, and does

have a DUR. The property resource score is 48.69. The applicants would like to retire the DUR on the island and place both properties in easement. The parcels front on the Shenandoah River.

Purchase offer \$20,000, County - \$10,000, VDACS - \$10,000

Lawrence Buckner: The parcel is located on the east side of Howellsville Road (Route 658) approximately ¾ miles south of Route 50. The parcel is long and narrow, consisting of 14.78 acres of wooded vacant land with 1 DUR. In reviewing the parcel 3 out of 4 criteria have been met. The parcel is adjacent to the Idlewild Easement. The remaining DUR will be retired and the property resource score was 53.14. Approximately half of the property has slopes over 25% and Mr. Buckner has owned it since 1970. The parcel has 225 feet of frontage on Howellsville Road, a State Scenic Byway and is visible from the River.

Purchase offer \$20,000, County - \$10,000, VDACS - \$10,000

Agreement Between Clarke County and Shenandoah Farms Sanitary District

AGREEMENT TO ALLOW OPERATION AND MAINTENANCE

This Agreement to Allow Operation and Maintenance ("Agreement") made and entered into this day of , 2011 by and between the SHENANDOAH FARMS SANITARY DISTRICT, a political subdivision of the Commonwealth of Virginia acting by and through the Board of Supervisors of Warren County, Virginia, its governing body (hereinafter the "Sanitary District") and the BOARD OF SUPERVISORS OF CLARKE COUNTY, VIRGINIA, a political subdivision of the Commonwealth of Virginia.

WITNESSETH:

WHEREAS, the Sanitary District was created and its boundaries defined by entry of orders of the Circuit Court of Warren County, Virginia on June 19, 1996 and March 5, 1997, and by Virginia law the Board of Supervisors of Warren County, Virginia serves as the governing body of the Sanitary District; and

WHEREAS, the Sanitary District encompasses certain defined portions of the Shenandoah Farms Subdivision within Warren County, including the roads and common properties and recreational facilities therein; and

WHEREAS, the Shenandoah Farms Subdivision as a whole also includes parcels and properties within Clarke County; and

WHEREAS, several such parcels within Clarke County, located generally at 6401 Howellsville Road, serve as the community center, meeting hall, and business office of the Property Owners of Shenandoah Farms (POSF), a property owners association organized under the laws of Virginia, together with an outdoor amphitheater, a playground and river access lot (herein collectively referred to as "Community Center"); and

WHEREAS, the Sanitary District has recently assumed the responsibility for the maintenance of the roads and common properties of the Sanitary District, and also desires to assume

responsibility for the operation and maintenance of the Community Center, located in Clarke County, for use as a sub-station or office for the Sanitary District for the location within its parking lot of vehicles, equipment, and supplies appropriate for road maintenance and snow removal, and for recreational use; and

WHEREAS, Section 21-118.4 of the Code of Virginia does not permit the expenditure of public funds of the Sanitary District for maintenance of a community center or recreational facility located outside the boundaries of the Sanitary District unless the Sanitary District enters into an Agreement with the political subdivision in which the facility is located, pursuant to Section 15.2-1300 of the Code of Virginia ; and

WHEREAS, the Sanitary District and Clarke County now desire to enter into such an Agreement to allow the Sanitary District to expend its public funds for the maintenance and operation of the Community Center.

NOW, THEREFORE, for and in consideration of the sum of One Dollar (\$ 1.00) and the mutual covenants contained herein, the receipt and sufficiency of which are hereby acknowledged, the parties agree as follows:

1. Clarke County agrees that the Sanitary District may operate and maintain the Community Center for the purposes of use as a sub-station or office for the Sanitary District; for the location of vehicles, equipment, and supplies; for recreational use; and for any other lawful and appropriate use by the Sanitary District.
2. The purpose of this Agreement is for Clarke County to agree for the Sanitary District to operate and maintain the Community Center, located in Clarke County, and by this Agreement Clarke County does not assume any responsibility, financial or otherwise, for the operation and/or maintenance of the Community Center, or any liability related thereto.
3. The duration of this Agreement is perpetual.
4. Clarke County may terminate this Agreement by ninety (90) days written notice to the Sanitary District.

WITNESS the following signatures:

SHENANDOAH FARMS SANITARY
DISTRICT
Board of Supervisors of Warren County,
Virginia, its governing body

CLARKE COUNTY, VIRGINIA

By: _____
Archie A. Fox, Chairman
Board of Supervisors of Warren County, VA

By: _____
J. Michael Hobert, Chairman
Board of Supervisors of Clarke County, VA

**Supervisor Byrd moved to approve the items on the Consent Agenda 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

Citizens Comment Period

David Boyce signed up to speak during the comment period however he deferred to the scheduled discussion for the special event permit application for Rock N River at Historic Long Branch.

Special Event Permit: Historic Long Branch Rock N River Festival June 4, 2011

David Ash briefly reviewed the application from Historic Long Branch for Rock N River scheduled for June 4, 2011. He advised that the application was before the Board because it was submitted as a small event that would typically be reviewed administratively by staff; however, the number of event days already permitted for activities at Long Branch have moved it into the medium category that requires Board approval and a decision as to whether the Board will require a public hearing:

Chairman Hobert clarified that this matter was before the Board for consideration because of the number of event days in the year associated with that entity.

David Ash made the Board aware that representatives from Long Branch were present. He put forth that to better define the conversation the first question would be whether Long Branch agrees or disagrees with this assessment. He referenced ongoing emails with Long Branch that have lead him to believe that they disagree with his interpretation of the ordinance.

Chairman Hobert invited Long Branch representatives to speak to the matter and to make a brief presentation.

David Boyce, Director Historic Long Branch, addressed the Supervisors. He stated that the request was simple that they had an event that is going to take place, or they would like it to take place, at Long Branch – a one-day event from 11 am until 9 pm tentatively scheduled for June 4. He stated that he had obtained approval from seven of the eight necessary endorsing bodies: the Virginia State Police, Virginia ABC, Clarke County Sheriff's Office, Clarke County Building Department and a number of other groups. He continued that this was why he was before the Supervisors being the last entity to allow Long Branch to have the event.

David Boyce then distributed to each of the Supervisors a piece of paper outlining and detailing the events at Long Branch of which there are a total of 15 over half of which last

about half an hour. He stated that they were gearing up this coming week for the Boyce Baptist Sunrise service at 6:30 am that will be for about 60 people. He said that it was his understanding that this was not the concern the concern was when you have events that are in excess of 149 of which they have 6.

1. Shenandoah Valley Runners
2. Easter Egg Hunt
3. Proposed Rock N River
4. Old Dominion Kennel Club
5. Balloon, Wine and Music Festival
6. Blue Ridge Hunt Stirrup Cup

Mr. Boyce stated that it was very important to note the following that only five of these six events cited maintain a crowd in excess of 149. He said that the only one that does is the Shenandoah Valley Runners because everyone must be there at once. He said that events like the Easter Egg Hunt might attract 200 to 250 people staggered throughout the day. Mr. Boyce, noting the Blue Ridge Point to Point, said that these events are weather driven; so if it is a wet, damp, soggy Saturday, it is unlikely they will see 250 people. He said that they were never there all at once and that the same could be certainly true for the Blue Ridge Hunt Stirrup Cup, whereas the Balloon, Wine and Music Festival attendance is a little heavier than some of the other smaller event; but it is the only event that really is a big fundraiser.

Supervisor Staelin asked if the Blue Ridge Hunt gave Historic Long Branch any money for the Stirrup Cup.

David Boyce responded yes stating that there is a contract that is written, as you know.

Supervisor Staelin interjected that he did not know, which was why he asked the question.

David Boyce said that, yes indeed; and the donation is forthcoming. He further explained that it was a contractual event with a written contract that he believed was signed by all three of the masters.

Supervisor Dunning said that this was not unusual and asked how much the Hunt paid.

David Boyce responded that he believed it was a donation of about \$100. He opined that this was his point that Long Branch was not making a lot of money with the Baptist Church, Shenandoah Valley Runners, the Blue Ridge Hunt Point to Point. He said that they were a benevolent, loving association that likes to be part of the community and gives the community an opportunity to have these wonderful events. He opined that non-profits were suffering and it was tough. Mr. Boyce went on to say that they had a wonderful facility and a great resource that they were anxious to share with everyone.

Supervisor Byrd said that as she was reading through the event application that two other groups would be sharing the funds that are made from this event including Down Stream Project and Friends of the Shenandoah River.

David Boyce said that he was glad Supervisor Byrd caught that saying that these were two great non-profit organizations. He said that Long Branch was named for the stream that passes through its property that is a tributary of the Shenandoah River. He stated that it was their feeling that they wanted to become a little more conservation minded and bring awareness to the community and the region at large that the tributaries count and you have to think down stream.

Mr. Boyce said that he actually applauded and somewhat supported the Code section on special events.

Vice Chairman Weiss put forth that what was being referred to was determined by the Special Event Committee and then the Board of Supervisors that the length was not the determining fact or that it was non-profit for it was not the purpose of the ordinance therefore it had no relevance. He continued that doing a good deed does not change the fact that an event is being held that impacts neighbors that is why the Special Event Committee wanted to limit the maximum number of events allowed on one property because it becomes a burden to the neighbor.

Chairman Hobert clarified that under five event days was considered a small event.

Supervisor Staelin confirmed adding that with six or more days it would become the equivalent a medium event that has to be processed.

David Ash added that with six or more event days an application must be processed as a medium event and must come to the Board of Supervisors for approval since it is no longer administratively approvable.

Vice Chairman Weiss interjected that even medium and large events had limits to the number that could be had in a year.

David Boyce concurred and said that he believed the threshold was anything over 149 people and up.

Supervisor Staelin said that was correct. He added that it was also for out door events therefore the lecture series would not be affected.

Supervisor Staelin explained that indoor events are limited in size by the building and that there were very few buildings that can hold over 150 people.

David Boyce said that, again, the point he wanted to share with the Supervisors for consideration was that, yes, they had what seemed to be many events; yet, the Cub

Scouts Cubmobile race, the Boyce Baptist Sunrise service, the Easter Egg Hunt, these events, collectively, last maybe three hours.

Note: at 2:45 pm the Government Center lost power and transferred to generator.

David Boyce stated if he worked for an hour he would not bill for eight hours and that was how he was interpreting this requirement. He opined that if they did the math, that in his mind, he had some availability that they would easily allow them to be able to host the Rock N River event.

Chairman Hobert stated that Mr. Boyce was jumping to the substantive issue when in fact the first question is what is the procedure; is it an event that has to be approved by Mr. Ash after looking at everyone else's comments or is it an event that this Board approves because it falls into the six or more category. He asked Mr. Boyce if he agreed.

Mr. Boyce expressed agreement. He put forth that he was glad Mr. Hobert brought the point up because we've had the application with the County since February. He again said that he had obtained approval from the Clarke County Sheriff's Department, Clarke County Health Department, Clarke County Building and Zoning Department, Boyce Fire and Rescue, Virginia ABC, Virginia Department of Transportation and the Virginia State Police. He stated that he had had these approvals for months.

Supervisor Dunning said that agency reviews were necessary but ultimately the Board of Supervisors must approve.

Supervisor Staelin put forth that he believed the issue referred to the Board also included "event attendance." He noted that Mr. Boyce had said that attendance would be less than 500.

David Boyce confirmed stating that this was an estimate based on the fact that this was a first time event. He said that he had also looked at Harvfest at Clermont that has roughly the same attendance going into its third year. He concluded that the short answer was that he didn't really know and that it could be 1,000 instead of 500, weather depending.

David Ash stated that the event could not be 1,000.

Vice Chairman Weiss concurred with Mr. Ash.

Supervisor Staelin put forth that if Long Branch did not want to turn people away when they get to the 499th person it would behoove them have the event reviewed by the Board of Supervisors allowing for the medium event maximum.

David Boyce said that this was true but at first it was just the number of events.

Vice Chairman Weiss asked for clarification that the application was for 475 attendees.

David Boyce responded that he had just picked a small event.

Supervisor Staelin explained there were two things here: a frequency and a size issue; and the reason that the ordinance involved the Board in events over 500 people or for six or more events were because such things impacted neighbors. He reminded Mr. Boyce that Long Branch sought specific Board approval for the Balloon Festival and the Kennel Club, both of which had already been approved for a certain number of event days.

Mr. Boyce said that they had sought Board approval for those events. He continued stating that the Kennel Club was a three-day event because there was a two-hour show on Friday night. He said that the Balloon Fest was a three-day event because that first day was only an hour and a half not a full eight hours. He said that if the Board of Supervisors did this mathematical and compare apples to apples they would find that they weren't full days.

Supervisor Staelin commented that very few events go all day and named the Balloon Festival as one such event. He said he understood what Mr. Boyce was saying but that the ordinance was a set of rules even though they may not be perfect.

Vice Chairman Weiss noted that the ordinance keeps the County out of making subjective decisions such as how they might make determinations based on event hours and what constituted a day that could be endless.

Supervisor Staelin stated that it appeared to him that this was something the Board needed to decide.

Supervisor Dunning commented that Mr. Boyce had a tough job and noted that Long Branch had had a great year with good weather. He cautioned Mr. Boyce about having too many events and suggested Long Branch seek events tied to farming, open space, AOC, animals, etc.

Chairman Hobert recapped the discussion calling for a consensus that the matter did in fact belong in front of the Board of Supervisors and not Mr. Ash. The Board of Supervisors unanimously agreed.

Chairman Hobert stated that the next step was consideration of the event by the Board of Supervisors and invited Mr. Boyce to explain why the event was being proposed and why it would be good for the community and his organization.

David Boyce said that he thought this was a great proposal; and as they had already learned, they had received approvals from all the other supporting entities. He asked the Board of Supervisors to trust that Long Branch would put out a quality product. He said that they would be aligning themselves with the Friends of the Shenandoah River and with the Downstream Project. He said that Dr. Burwell would be doing a hawk release. He

opined that he was trying to be totally transparent here and that they had nothing to hide. Mr. Boyce said that he was new at Long Branch and was learning. He said that he had walked through with his staff all of the events they had that were in the range of 149 and above and all the other events as well that lead to the creation of the list of 15 events presented to the Board of Supervisors. He said that some of the events really did not generate any revenue.

Mr. Boyce said that Mr. Dunning had alluded to the revenues generated by the gratuitous weather at the last Balloon Festival and that had been lucrative. He opined that this does not always happen.

Supervisor Byrd asked Mr. Boyce to describe what would be going on at the event restating the intention to release a hawk.

David Boyce said that they would have food and bands. He said he would briefly run through the event:

- Starts 11 am;
- Three bands are all water oriented [Pan Masters, Parrott Head and The Golden Butter Band]
- Hawk release
- Three food vendors [Mr. B's and two others all approved through the Health Department]
- Ten environmental/ecological crafters
- This is not to be a rock and roll event but would deal with the environment.
- Speeches will be given in favor of the environment and saving the Shenandoah River and promoting good management of tributaries.

Supervisor Dunning asked Mr. Boyce roughly how much he had tied up in the bands.

Mr. Boyce said it was less than \$10,000 in the bands.

Supervisor Dunning asked how they would make a profit.

Mr. Boyce restated that he believed it was approximately \$4,000.

Supervisor Byrd asked if Piedmont Environmental Group was going to be in attendance.

Mr. Boyce said that Long Branch had been approached and that there would be an enormous amount of synergy with a lot of the local, regional and state groups. He said that in recent conversation with the Virginia Outdoor Foundation they were very excited.

Chairman Hobert asked Mr. Boyce to speak to the issue of the easement since that had come up in consideration.

Mr. Boyce opined that this was somewhat of a red herring but for years Bob Lee, Director VOF, has repeatedly said this type of activity at Long Branch does not conflict with or violate its conservation easement. He said that he had retrieved a letter dating back to 2007 that the Balloon Fest activity was not in conflict with the easement.

Supervisor Dunning interjected that he had not been successful in his attempts to contact Mr. Lee over the past few days.

David Boyce offered to provide Mr. Dunning Mr. Lee's telephone number.

Supervisor Dunning declined stating that he had the information. He said that he wanted to ask Mr. Lee about the scenic easement and had left a message with him that if he did not hear back he would assume that Mr. Lee would not be approving the event. He concluded that Mr. Lee had not called him back.

David Boyce restated that he had a letter from 2007 from the Virginia Outdoor Foundation specific to the Balloon Fest that he provided to Chairman Hobert. He read into the record the following, "the letter is in response to your inquiry regarding the Balloon Festival's compliance with regards to the covenants and conservation easements. VOF does not perceive the activity as a violation."

Supervisor Staelin said that he had spoken to Bob Lee in the past and from what he recalled frequency and intensity of use was a factor and that sporadic events were not a violation but ancillary to the principal purpose of the property. He opined that at some point there is a line that is too much.

Supervisor Dunning then asked Mr. Boyce how many tickets he was going to sell.

David Boyce responded that Long Branch would be selling between 500 and 1,000 tickets.

Supervisor Dunning stated that Mr. Ash had not given him that information yesterday.

David Ash replied that the number of tickets to be sold was not stated in the application.

Vice Chairman Weiss added that the estimate was 475.

Supervisor Dunning opined that if Long Branch had spent \$4,000 and was selling 475 tickets – it would take more than 475 tickets to justify the \$4,000 unless they were going to lose money.

David Boyce said that he could always jettison some events they currently have to repair that. He said that they could get rid of Boy Scouts Derby Day, Blue Ridge Hunt Stirrup Cup, and Shenandoah Valley Runners, to get it within the time frame the Board wanted.

Supervisor Dunning interjected that all the events just mentioned were 100 to 200 people.

David Boyce said that Long Branch did not make any money off of these events.

Supervisor Dunning said that he understood that.

David Boyce said that this event was no different.

Vice Chairman Weiss said that the Board of Supervisors is not there to consider whether the event makes money or not for that is not the point of the ordinance. He continued that the ordinance tries to set reasonable limits on use of properties. Mr. Weiss said that it appears that Long Branch is reaching the threshold of activity and that he wasn't certain whether this activity pushed it over the edge.

Vice Chairman Weiss put forward that a letter from Bryan Conrad, Boyce Volunteer Fire and Rescue, mentioned that he believed that there were going to be a whole lot more than 475 people.

Supervisor Dunning stated that for Mr. Boyce to throw up his arms was unacceptable. He opined that Mr. Boyce had no handle on the number of people they were going to have at the event.

David Boyce said that he believed that was an unfair assessment. He went on to say that they had been doing events there, had talked to enough people and that they knew what the market would attract in terms of events such as that with the type of musicians that they had for the event. He provided additional detail about the bands stating that it wasn't like they were getting the Rolling Stones or a big bluegrass act.

Supervisor Byrd said that she saw what Long Branch needed to do to maintain this open land and to make it pay for itself. She said that they had to make it so that it would not be obtrusive to neighbors. She said that if they had an event with environmental things going on such as the promotion of locally grown food, agriculture, releasing a hawk or bands that are relaxing that this is a good way to make money to keep Long Branch open. Supervisor Byrd opined the larger events helped to pay for the smaller events. She said that she believed the Board should say yes as long as Long Branch does not go over board. She said that the event could be turned down next year reminding that the Board had almost turned down the Balloon Festival any number of times. She said that there were high restrictions on it that had been worked through to make it happen and allow Long Branch to maintain its financial ability to run a gorgeous piece of land.

Chairman Hobert asked Supervisor Dunning that since Long Branch was thinking of transitioning what did he think of allowing the event on a trial basis to see the reaction.

Supervisor Dunning responded that this event was not like the Balloon Fest. He opined that Long Branch had not done their work.

Chairman Hobert said that he thought Long Branch was trying to find another path to support their activities.

Supervisor Dunning stated that Long Branch was not going to give up the Balloon Festival.

Supervisor Dunning said Long Branch did not know how many people were coming. He said that the event had to be better planned than this reminding that it ranged from 500 to possibly thousands depending on the weather.

Vice Chairman Weiss addressed Mr. Boyce asking if he understood that if more people came than what had been applied for, currently 475 or up to 500, these persons would have to be turned away.

David Boyce responded that he did not know how they would do that.

Vice Chairman Weiss stated that Mr. Boyce needs to know.

Mr. Boyce added that it was like the Blue Ridge Hunt with a spread of 1,500 to 2,000.

Vice Chairman Weiss responded that Blue Ridge Hunt would have to make appropriate application that would cover that eventuality.

Mr. Boyce said that he had tried to do the same but it was simply a numbers game.

Vice Chairman Weiss stated that what happens is that if more persons show up than planned and the County receives a complaint than the Sheriff is sent out.

Mr. Boyce interjected that the Sheriff would already be there.

Vice Chairman Weiss continued that the Sheriff would shut the event down and that is how it works.

Supervisor Staelin stated that all the plans for the Health Department, the Fire Department and others have all been based on a smaller group. While the smaller group may not be an issue, if they knew it was going to be a larger group, they would ask for more information and there would be more issues.

Chairman Hobert asked if the evaluation was made on the basis of 475.

David Boyce responded that was roughly 500 and 1,000 because it is so difficult.

Chairman Hobert asked Mr. Boyce what was communicated to the reviewing agencies.

Supervisor Dunning stated that the application showed 475.

Supervisor Staelin also noted the 475 figure.

David Boyce responded that they had read Bryan Conrad's note that he could handle up to 2,000. He said the other organizations, as long as Long Branch always does what they have always done before, were not as concerned as the Board of Supervisors as to whether it was 499 or 1,000.

Supervisor Byrd asked if Mr. Boyce was talking about the number of cars or the number of individual people.

David Boyce said he was talking about both. He said that they could park roughly about 88 cars per acre. He said that he had car parkers on board and had a sufficient number of Johnny Blues.

Vice Chairman Weiss interjected that that was the point "a sufficient number of Johnny Blues" based on what number.

David Boyce said that he would have to consult with Angie Anderson to get that answer.

Vice Chairman Weiss replied that the way the ordinance is set up the thresholds set in motion what an applicant would need, for example, the number of Johnny Blues. He said that a whole lot more Johnny Blues would be needed for 1,000 people than for 500.

David Boyce responded that the rule was one Johnny Blue per one hundred people.

Vice Chairman Weiss said that this is where the number is important; and if he thought he was going to have an event that was successful and large, than, even though it required Board approval rather than just administrative approval, Mr. Boyce would be better off to take the larger number. He said his understanding was that Long Branch had brought to David Ash a smaller event under 500 people and it was to be administratively approved until the frequency of the events triggered it to come to the Supervisors. David Weiss opined that he did not think the plans submitted were for enough people if Mr. Boyce felt he was going to get between 500 and 1,000 people.

David Boyce said that he believed Mr. Ash could answer that question. He said that he believed they had really made accommodation for the event if they have more than 475. He asked David Ash if he knew how many Johnny Blues Long Branch had ordered, guessing that it was over 20 some.

Supervisor Byrd said that they would have to turn people away so they could encourage people to come early.

Jim Edwards told the Supervisors that he would be leaving the meeting to attend the executive committee meeting. He said that a couple of things were evident to him and that they had gone over this understanding what the cost were going to be knowing, that up

front there was going to be some cost and knowing that if there wasn't a large enough turn out that this might in fact be another money loser. He said that the executive committee was now ready to go forward; so, if they have to cut back and limit the number of tickets that are sold, so be it. Mr. Edwards said that the way this thing came about was that for three years, due to the generosity of one of their board members, they had tried to do a combination fishing day and turn it into an environmental day that was one big loser noting that someone donated the trout for the fishing day. He said that the thought was why would they run a program that no one shows up for and have environmental people there with no one to talk to. He said that they were looking for a way to bring in a crowd other than come have a picnic and taking the children fishing. He said that the first year was not intended to be a big money maker that is obvious and it may or may not turn into something else. He said that as the man that runs the Balloon Festival for the last several years he took it down to eight balloons and the balloons were not coming from Front Royal but from neighbors.

Jim Edwards said that it was very likely that the Balloon Festival was not going to be a balloon festival for the fall event because he was not going to run it; and unless someone had done something that he did not know about; if there was anything there would be a tethered balloon or two.

David Boyce assured Mr. Edwards that his understanding was correct.

Jim Edwards said that the Balloon Festival may not work out to be a three-day event. He said that he had been working for years to try to come up with a plan that spread out events. He said that he hoped they would be able to do this on a trial basis this year; and if it turns out to be a good event and they do not lose money and grows into something bigger, so be it – it would be good but something, obviously, must go in exchange. He alluded to how his vote would go in the executive committee meeting scheduled for this afternoon with regard to the number of events.

David Boyce said that he wanted to mention that Long Branch has since obtained a cash sponsorship from WFTR for advertisement.

Vice Chairman Weiss stated that while he likes Long Branch, he did not feel that it was the Supervisor's job to help make it money but to protect the health and safety of the surrounding community; therefore, if Long Branch made money, that was great but it had absolutely nothing to do with what the Board was trying to figure out today.

David Boyce said that this is why they obtained the permits from all the others to ensure safety and his mantra is safety first. He added that he has been doing events for over twenty years of all sizes. He concluded that he believed this would be a wonderful event for the County and a great opportunity for economic development. He said that he apologized profusely for not getting the numbers mixed up and he said that he did not believe that was Mr. Ash's fault but he really did not think it was all Long Branches' fault. He said that there was a lapse of time and they were on parallel tracks and obtaining all

the other permits. Mr. Boyce said that Mr. Ash could show that some of the approvals came in late February and that he had been on this for a long time contrary to what Supervisor Dunning was saying.

Supervisor Dunning responded that he had heard nothing about this event until Mr. Ash had told him that he had turned it over to the Supervisors.

David Boyce opined that this was because the application had been over at the County. He went on to say that he had been scrutinizing this and drilling down on it.

Vice Chairman Weiss said that according to what he was reading there were 30 Johnny Blues 27 regular and 3 handicap.

David Boyce responded that this should take care of a crowd.

Vice Chairman Weiss said that this answered one question.

Supervisor Dunning added that Long Branch was anticipating a larger crowd and that Mr. Boyce was too professional to come in before the Supervisors and say that it was going to be under 500 but have 30 Johnny Blues. He opined that he believed there were comparable organizations that must be treated equally. He restated that he did not believe the event had been well planned. Mr. Dunning also informed Mr. Boyce that he had only found out about the event application on Monday and had individually called members of the Board about the matter.

David Boyce said that he thought Supervisor Dunning had been informed by his friends at Friends of the Shenandoah River and the Downstream Project putting forth that he believed that Mr. Dunning had lunch with them over a month ago at the Battletown Inn with George Ohrstrom.

Supervisor Dunning, again, maintained that he knew nothing about the event until Monday, April 18. He asked David Ash if he had called him.

David Ash responded that Supervisor Dunning had called him.

Chairman Hobert asked a question for clarification stating that it sounded like Mr. Boyce had gone in with an event that was stated for under 500 people but ultimately . . .

David Boyce interjected 'originally.'

Chairman Hobert continued but ultimately Mr. Boyce became aware that this was going to be a bigger event and he wanted to plan for a bigger event. He continued that Mr. Conrad indicated that he had reviewed it with the idea that it was going to be for substantially more than 500 people. Further, it would appear that the Health Department had suggested an certain number of port-a-potties if it was going to be a bigger event.

David Boyce stated that this was correct.

Chairman Hobert asked if the other departments . .

David Boyce interjected that yes they did.

Chairman Hobert continued that they all reviewed it as an event of more than 500.

David Boyce responded that for some of the other events like the ABC and the building and zoning.

Supervisor Byrd asked about Harvest Fest at Clermont. She said that he had mentioned that it was in its third year and asked how many people they had had at their utmost.

David Boyce said that he believed they had had 500 and some at the last event.

Supervisor Byrd asked if it went all day.

David Boyce said that it did.

Chairman Hobert said that they do not bill it as a music event and is not quite the same since the Long Branch event is planned more for music. He said that what the Supervisors were hearing was that the application was in fact for a medium event.

David Ash responded that the Supervisors were not hearing that because Long Branch had not given a number of attendees.

David Boyce said that this is what started this because David Ash's paper says 499.

David Ash said that 499 was a small event.

David Boyce opined that David Ash had this information since February.

David Ash responded that 500 to 999 was a medium event and anything larger is a large event and requires a public hearing.

Supervisor Byrd said that if Long Branch went for a medium event that would be up to 1,000 people they could do that now.

Chairman Hobert asked if Mr. Boyce could tell the Supervisors now what Long Branch would be applying for.

David Boyce said that they would be applying for 500 to 999 and would be fine. He continued stating that he thought it got kicked up to that number already.

David Ash stated that no, the number of attendees had not been changed. He said that it got kicked into the review process because of the number of event days not on the size; but the problem was the size anticipated is substantially over the 499 number. Mr. Ash put forth that since the Board of Supervisors was considering the matter where the size is indicated in the application there is no number but to be determined. He further stated that the right of access to the property had been modified.

Chairman Hobert asked Mr. Ash to explain the right of access.

David Ash said that the ordinance requires a release that allows County employees to enter the property for the purposes of enforcing the ordinance and have a form for this release. He further stated that this release must be on the County's form and that the form provided by Long Branch is not the County's form and is a modified release that allows the County to be on the property but only while accompanied by one of their officials.

Chairman Hobert asked Mr. Boyce for an explanation of the right of access.

David Ash stated that he had no explanation other than a rewritten form had been submitted.

Supervisor Dunning stated that the application was a mess.

Vice Chairman Weiss said that the Supervisors do not want to plan Long Branch's event and noted that it was Mr. Boyce's first time to apply. He continued that applications come to the County with fixed numbers that the applicant has provided that fall into the fixed numbers for small, medium and large events.

Supervisor Dunning said that when he spoke with David Ash on Monday that he had been told that if the event had not put Long Branch over the five-day threshold it would have gone in on the Consent Agenda and with administrative approval with under 500 people. He went on to state that it was now probably 2,000 to 3,000 or who knows if it is a good day.

David Ash clarified that there was no obligation or process for the County Administrator to bring small events to the Board of Supervisors and that it does not go on the Consent Agenda.

David Boyce opined that it was now in its fourth month but the number of events at Long Branch kicked it into another category. He said that it had evolved a little since then. He asked on behalf of everyone at Long Branch if they would consider approving this application to host an event at Long Branch between 500 and 999.

Chairman Hobert stated that he believed it would be helpful if the Board of Supervisors had known more precisely that this was the number for the event for which Long Branch

was applying and it would be helpful to know if the groups that reviewed the application reviewed it with that in mind. He said that it seems the agencies did take it as a larger event but that is not known for certain. He asked if Long Branch would be able to submit the application so that it could be processed in the next 30 days and reviewed at the May meeting.

David Boyce said that would be an incredibly tight timeline and a management decision whether to jettison the whole event because June 4 is not that far out. He opined again that because of the lapse of time between the original submission and today, it was originally going to be that number. He opined that the Sheriff's Department was really eager for this because they wanted to park some cars and do some service. He said that they had the capacity to accommodate. He said that he did not believe it was a matter of numbers [whether it was 499 or 501]; and opined that it did not matter.

Vice Chairman Weiss said that the problem as he saw it was that the County tried to set up a system that is very objective; when presented, the application is either complete or not complete. He continued that what the Supervisors had tried to do today was to punch that system for Long Branch; but that this puts the Board in a situation with which he was not comfortable and was not the intent of the ordinance. He said that he supports the event but the system has gone out the window today with this event.

David Boyce asked if it were 499 would it be within the system.

Chairman Hobert stated that an applicant can't come in and give a number just to please the Supervisors and the applicant must tell the Board what numbers are proposed for the event.

David Boyce said that he was aware of that but everyone was saying one number and he was saying another and they hadn't even discussed the weather yet. He said that these events can be nothing.

Chairman Hobert concurred that this can be risky business.

David Boyce said that this was all money being put out by Long Branch to generate revenue to carry other events along. He opined that if this event did not go there would probably be a number of wonderful events jettisoned.

Chairman Hobert stated that he was not sure they had any relationship as to why the Supervisors were talking about this event.

David Boyce said it was called revenue.

Supervisor Dunning opined that it was called blackmail.

Supervisor Byrd said that if this request had come to her from someone of whom she knew nothing she would question it but the County has been working with Long Branch for about twelve years or more and are a known quantity. She asked if the Supervisors were going to have faith in them. She did note that the work could have been more efficient. Mrs. Byrd said that she would like to see more economic development and like the natural aspect.

Chairman Hobert called for other comments.

Vice Chairman Weiss asked David Ash if there was a stipulation or regulation that if the event was denied if they were precluded from reapplying.

David Ash said that he was not aware of such a requirement but this was the first time such a thing had happened.

Supervisor Dunning moved to deny the special event permit application request for Rock N River. The motion to deny carried as follows:

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

Chairman Hobert stated that the application was denied. He continued stating that Mr. Boyce had heard from several Board members support for what Long Branch is trying to do but that it was important to follow the established guidelines to make these presentations. He indicated a resubmission might be possible; but; stated that he understood there could be business reasons why it could not be done at this time. He also stated that he did not think that the vote reflected a lack of support for Long Branch.

David Boyce said that with the number of events and that they did make the application in a timely manner.

Chairman Hobert stopped discussion on the matter.

David Boyce thanked the Supervisors for their time.

Committee Action

Personnel Committee

Expiration of Term for appointments expiring through February 2011

04/11/2011 Summary: The Personnel Committee recommended reappointment for:

<i>Committee/Board</i>	<i>Appointee</i>	<i>Expiration Date</i>
Clarke County Library Advisory Council <i>Mrs. Kalbian is re-appointed to a 4-year term.</i>	Maral Kalbian	04/15/2015
Clarke County Library Advisory Council <i>Mrs. Al-Khalili is re-appointed to a 4-year term.</i>	Adeela Al-Khalili	04/15/2015
Clarke County Library Advisory Council <i>Mr. Meeks is re-appointed to a 4-year term.</i>	Robert B Meeks	04/15/2015
Clarke County Library Advisory Council <i>Mrs. Zinman is re-appointed to a 4-year term.</i>	Maxine Zinman	04/15/2015
Clarke County Historic Preservation Commission <i>Mr. Nelson is re-appointed to serve a 1-year term at the Planning Commission representative to the Clarke County Historic Preservation Commission.</i>	Clifford Nelson	04/30/2012
Clarke County Planning Commission <i>Mr. Ohrstrom, II is re-appointed to a 4-year term.</i>	George Ohrstrom, II	04/30/2015

04/19/2011: Supervisor Byrd moved to confirm the appointments as presented. The motion was approved 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

Parks & Recreation Advisory Board: notify David Weiss of vacancy and request proposal of suitable replacement.

04/19/2011 Summary: Mr. Weiss advised that he was actively seeking a candidate. Chairman Hobert directed staff to write a resolution of appreciation of service rendered by Lawrence White.

Appointee Information Feedback Update

04/11/2011 Summary: The Personnel Committee instructed staff to provide them with the compiled data and inquired if the chairs of the various boards and committees had been provided with the data. Suggested FOIA training dates are still needed.

4/19/2011 Summary: Chairman Hobert instructed staff to select dates and coordinate FOIA training.

Sesquicentennial [150th] Committee Appointments

04/11/2011 Summary: An organizational meeting notice [scheduled for 3 pm on March 28] and request for appointment / confirmation from representative bodies was mailed 3/14/2011. The Personnel Committee was advised that the initial meeting was held but with very light turn out.

Recommendation to Require Annual Audit or 990 filing

04/11/2011: The Personnel Committee recommends that the Finance Committee consider the implication of making local funding dependent upon the filing of current annual audits and/or current 990 filings for financially supported agencies and/or organization.

04/19/2011 Summary: David Ash advised that this item would be placed on the May Finance Committee agenda.

Work Session

Access Independence Proclamation of disAbilities Awareness Week 2011

04/11/2011: Donald Price, Executive Director Access Independence, Inc., requested the Supervisors adopt a Proclamation of disABILITY Awareness Week [2011-03P] April 9 through 15, 2011. Due to time constraints, adoption is requested at the Work Session. Supervisor Byrd moved to adopt Proclamation 2011-03P as presented. The motion was approved as follows:

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

04/19/2011 Summary: The Chair summarized the matter. No further action was taken.

Crossover Discussion with VDOT

04/11/2011: VDOT will be presenting the results of a study on the closure of a number of crossovers on Route 7 west of Berryville. VDOT presented information regarding their analysis of the Route 7 Crossovers west of Berryville. Based upon their analysis, VDOT recommended closure of the crossover identified as Crossover No. 2 located at milepost 6.89. The analysis also recommended improvements to Crossover No. 1 and Crossover No. 3.

04/19/2011 Summary: Continued discussion of crossovers was added to the evening session of the April 19 regular meeting.

Fee for Service

04/11/2011: Contacted the service provider that works with Winchester and Administration is in the process of providing the information they requested in order to make a recommendation on the feasibility of fee for service in Clarke County. David Ash updated the Board on the status of fee for service noting that upon provision of information regarding details of the number and nature of calls that Premier Accounts Receivable Management, a division of Valley Health, will provide an initial feasibility analysis.

04/19/2011 Summary: The Chair summarized the matter. No action was taken.

Line of Duty

04/11/2011: The County Administrator shall provide an update on the status of the program and seek direction from the Supervisors on the response. David Ash provided an update on status of line of duty coverage mandated by the state. The Board directed the County Administrator to ask the fire companies to review and provide the information required for active members only as requested by VRS.

04/19/2011 Summary: David Ash advised that he was waiting on responses from the fire companies for the requested information.

Double Tollgate Planning Project and CIG Application Materials

04/11/2011: Chuck Johnston will review a draft RFP for Double Tollgate Corridor Land Use Analysis. Chuck Johnston was directed to prepare additional information and maps depicting possible limits for a Double Tollgate Highway Corridor Plan and to modify the RFP to address evaluation of an alternative plan for development of corridor using wells and drainfields for presentation at the next work session May 9.

04/19/2011 Summary: Chairman Hobert instructed staff to draft a letter to Barbara Seldon in response to her query about water and sewer access in the Double Tollgate area.

Request for Local Government Certification Eviction Defense Representation in the Shenandoah Valley

04/11/2011: This item was added at the Work Session. Blue Ridge Legal Services submitted a last-minute request for local government for the above-named program asking for a response no later than the close of business Tuesday, April 12, 2011. Supervisor Staelin moved to approve the Request for Local Government Certification Eviction Defense Representation in the Shenandoah Valley as presented. The motion was approved as follows:

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

The County Administrator was instructed to request a presentation from BRLS on services provided to County residents.

04/19/2011 Summary: The Chair summarized the matter. No further action was taken.

Closed Session:

A. Senior Center Status Update

04/11/2011: The Board anticipates convening in closed session pursuant to 2.2-3711(A)(7) to consult with staff regarding specific legal matters.

B. Personnel Budget Matters

04/11/2011: The Board anticipates convening in closed session pursuant to §2.2.3711-(A)(1) to consult with staff regarding specific employees.

Vice Chairman Weiss moved to convene into Closed Session pursuant to 2.2-3711-(A)(7) for Items A and 2.2-3711-(A)(1) for Item B. The motion carried as follows:

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

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

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

CERTIFICATION OF CLOSED SESSION

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

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

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

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

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.

04/19/2011 Summary: No action was taken at the regular meeting.

FY2012 Budget Review and Discussion

04/11/2011 Update: Public hearing was conducted April 5, 2011. Reminder: Budget Work Session is scheduled for April 12, 2011 at 5:30 pm.

4/19/2011 Summary: The Chair summarized the matter. No action was taken.

VDOT – Secondary Six-Year Plan

04/11/2011 Update: Public hearing is set for the April 19, 2011 Regular Meeting.

04/19/2011 Summary: Public hearing was conducted during the evening session.

Redistricting

04/11/2011 Update: Public hearing set for April 19, 2011 Regular Meeting.

04/19/2011 Summary: Public hearing was conducted during the evening session.

Following review, **Supervisor Staelin approved to approve the minutes of Board of Supervisors Work 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

Finance Committee

Tom Judge appeared before the Supervisors to review the Finance Committee recommendations from the April 11, 2011 committee meeting.

Transfer

04/11/2011 Summary: The Finance Committee recommends approval of the following transfer:

"Be it resolved that \$2,000 be transferred from Planning Administration to the Historic Preservation Commission for the purpose of covering planned and existing expenditures on professional services. "

4/19/2011: Supervisor Dunning moved to approve the transfer *"Be it resolved that \$2,000 be transferred from Planning Administration to the Historic Preservation Commission for the purpose of covering planned and existing expenditures on professional services."* The motion was approved 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

Software Integration Study.

04/11/2011 Summary: The Government Finance Officers Association has presented their findings to the Joint Administrative Services Board. The study calls for future investment in an Enterprise Resource Planning System to incrementally integrate diverse government and school software systems over time, beginning with Finance, Treasury, and Human Resource applications. The Joint Administrative Services will consider the study at their next meeting, and comments from the Board of Supervisors and School Board are welcome. The Finance Committee recommends that the Joint Administrative Services Board arrange a visit to a community, preferably our size and in the Commonwealth, to learn more about the costs and benefits of such a system.

04/19/2011: Tom Judge advised that the Finance Committee's recommendation would be reviewed at the April 28 Joint Administrative Services meeting.

Supervisor Dunning urged caution suggesting that the matter might be delayed until the economy is improved.

FY 12 Budget Changes.

04/11/2011 Summary: Budget changes were discussed, and have been acted upon by the Board of Supervisors on April 12.

School Supplemental Appropriation Request.

04/11/2011 Summary: The Finance Committee was informed of an expected request by the School Board to recognize additional State and Federal funding in the form of a supplemental appropriation. The School Board was to take up this request at a meeting on April 13. The expected action is as follows:
"Be it resolved that the School Board hereby requests of the Board of Supervisors an FY11 budgeted expenditure increase and supplemental appropriation of \$94,028, and the recognition of additional revenue from the Federal and State governments in the same amount, these funds to be used as follows:

- Increase contingency for annual leave payouts, etc \$57,503

- Software purchase \$14,000
- Purchased Services athletics \$7,000
- Vehicle Maintenance Supplies \$6,500
- School Supplies \$9,025
- TOTAL \$94,028

04/19/2011 Summary: Tom Judge informed the Supervisors that both the School Board and the Finance Committee had approved the request and advised that the funds were available.

Supervisor Staelin moved to approve the supplemental appropriation as presented. The motion was approved 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

School Debt Service Shortfall.

04/11/2011 Summary: The Finance Committee was informed that the interest earnings on the bond proceeds for the high school estimated to be \$124,000 less than budgeted. The Committee proposed no action at this time pending additional information regarding the status of County accounts at year end Fiscal 2011.

04/19/2011 Summary: Tom Judge advised that no action was needed at this time but the matter would most likely return to the Board before the end of the fiscal year.

Acceptance of March Bills and Claims.

04/11/2011 Summary: The Finance Committee recommended acceptance of this report.

04/19/2011: Supervisor Staelin moved to accept the March Bills and Claims report as presented. The motion carried by the following vote:

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

John R. Staelin - Aye

Standing Reports

04/11/2011 Summary: Reconciliation of Appropriations; General Fund Balance; General Fund Expenditure Summary were recommended for approval by the Finance Committee.

Government Projects Update

Highlights of project update provided by David Ash include:

Joint Building Committee:

- Met with counsel and consultant to review plans for correcting deficiencies in HVAC in the Berryville Clarke County Government Center.
- County attorney, with our consultant, is planning a meeting with the mechanical engineering firm that designed the HVAC system and their counsel.

Circuit Courthouse:

- Project nearing completion and should be ready for occupancy in mid-May.
- The current architect did not participate in work specific to the HVAC necessitating the negotiation of a special release form.

Commonwealth Attorney & Sheriff's Office Building:

- Remaining funds from the Circuit Courthouse project shall be used to perform renovations/repairs to the Commonwealth Attorney and Sheriff's buildings.
- The courts have entered a formal request to use the existing Commonwealth Attorney's office building for file storage for the court system.
- Repurposing the Commonwealth Attorney's office building will be problematic due to the lack of plumbing and other factors.

Supervisor Byrd moved to refer to the Building Committee consideration and development of proposal of potential for the Commonwealth Attorney's building, along with the old Library building. Further, to bring back to the Board of Supervisors the proposal for decision. The motion carried by the following vote:

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

John R. Staelin - Aye

Summary Of Required Action

<u>Item</u>	<u>Description</u>	<u>Responsibility</u>
1.	Process approved minutes.	Lora B. Walburn
2.	Execute and forward Agreement Between Clarke County and Shenandoah Farms Sanitary District.	David Ash
3.	Execute and forward Resolution Of The Board Of Supervisors Of Clarke County Virginia, Consenting To The Issuance Of Revenue Obligations By The Northwestern Regional Jail Authority Pursuant To The Second Amended And Restated Regional Jail Agreement And Other Matters In Connection Therewith 2011-08R.	David Ash
4.	Provide letter of denial to Historic Long Branch.	David Ash
5.	Process appointments.	Lora B. Walburn
6.	Prepare resolution of appreciation of service rendered by Lawrence White.	David Ash
7.	Select dates and coordinate training for FOIA.	David Ash
8.	Add Recommendation to Require Annual Audit or 990 filing to May Finance Committee.	David Ash
9.	Draft a letter to Barbara Seldon in response to her query about water and sewer access in the Double Tollgate area.	Chuck Johnston
10.	Add review of Finance Committee recommendations for the Software Integration Study to the next Joint Administrative Services meeting.	Tom Judge
11.	Refer to the Building Committee consideration and development of proposal of potential for the Commonwealth Attorney's building, along with the old Library building. Further, to bring back to the Board of Supervisors the proposal for decision.	David Ash
12.	Update code CC-11-03.	Lora B. Walburn
13.	Coordinate filing of CC-11-03 2011-02ORD with the Department of Justice.	Barbara Bosserman
14.	Prepare and forward 2011-10R Virginia Department of Transportation Secondary Six-Year Plan 2011 – 2017 and Construction Budget 2011-2012	Lora B. Walburn

<u>Item</u>	<u>Description</u>	<u>Responsibility</u>
15.	Modify and forward to VDOT FY2012-2017 Six-Year Improvement Program priority letter.	Lora B. Walburn
16.	Modify Resolution Opposing Designation Of A Northern Virginia North-South Corridor Of Statewide Significance By The Commonwealth Transportation Board 2011-09R	J. Michael Hobert
17.	Process and forward Resolution Opposing Designation Of A Northern Virginia North-South Corridor Of Statewide Significance By The Commonwealth Transportation Board 2011-09R	Lora B. Walburn
18.	Local Government Certification Eviction Defense Representation in the Shenandoah Valley request a presentation from BRLS on services provided to County residents.	David Ash

Board Member Committee Status Reports

Supervisor John Staelin distributed graphs containing USGS information titled "*Duration Plot and Table of 28-Day Average Stream Flow*" and "*Groundwater Watch*" dated April 19, 2011. He noted that on a cumulative basis groundwater levels in the county were at a normal level.

Updates from other Board members were not given due to time constraints.

Closed Session

Supervisor Byrd moved to convene into Closed Session pursuant to 2.2-3711-(A)(3) Discussion or consideration of the acquisition of real property for a public purpose, or of the 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.

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 Dunning 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 Dunning 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.

At 4:40 pm Chairman Hobert recessed the meeting until 6:30 pm.

At 6:34 pm Chairman Hobert reconvened the meeting.

Chairman Hobert advised those present that the agenda had been modified to include discussion of the draft Resolution Opposing Designation of a Northern Virginia North-South Corridor of Statewide Significance by the Commonwealth Transportation Board distributed to Board members during the afternoon session.

Citizens Comment Period

Gem Bingol, Piedmont Environmental Counsel, appeared before the Supervisors to address the proposed designation of a Northern Virginia North-South corridor of statewide significance by the Commonwealth Transportation Board. She provided a brief history advising that the matter had only recently come to the fore, apparently with little to no discussion or solicitation of comment from local jurisdictions impacted by the decision. Ms. Bingol distributed a handout provided at the Loudoun County Board of Supervisors meeting today advising that the Loudoun Supervisors had voted 6 / 2 in support of sending a letter of opposition.

Chairman Hobert assured Ms. Bingol that the matter was scheduled for review later in the meeting.

PH 11-10: CC-11-03 Chapter 40 Voting Districts

Chuck Johnston appeared before the Supervisors to summarize the redistricting necessitated subsequent to the 2010 census. Using colored maps, he provided a detailed review of the proposed changes to election districts.

At 6:46 pm Chairman Hobert opened the public comment portion of the public hearing.

Franklin Robert, Boyce resident and Mayor – Town of Boyce: asked if moving the district lines helped and asked for explanation as to why the change was necessary.

Chairman Hobert advised that the growth of the Town of Berryville created some of the problem and that an equalized number of persons in each district was required.

Being no others desiring to address the Supervisor, at 6:48 pm Chairman Hobert closed the public comment portion of the public hearing.

Chuck Johnston urged the prompt action on the proposed ordinance change noting the need to meet election deadlines.

Registrar Barbara Bosserman added that the Department of Justice has a minimum of 60 days to review and respond to the proposed redistricting noting that a certified copy of the ordinance must accompany the submission.

Supervisor Dunning asked Mr. Johnston to review again for the Supervisors the proposed changes.

Chairman Hobert noted that the proposed ordinance referred to Code text, as well as maps; and he suggested that the County Administrator, as well as Board of Supervisors Chair, sign the ordinance.

Supervisor Staelin moved to adopt the proposed ordinance Clarke County Code Change CC-11-03 including reference to the attachment and maps and that it be signed by both the County Administrator and the Board of Supervisors Chair.

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

Chairman Hobert thanked Chuck Johnston and Barbara Bosserman for their diligence in attending to the matter of redistricting for Clarke County.

ORDINANCE 2011-02ORD

At a regular meeting of the Board of Supervisors of Clarke County, Virginia, held at the Town/County Government Center on 2011 April 19, on motion by Supervisor Staelin, the Board of Supervisors adopted an Ordinance (Byrd Aye; Dunning Aye; Hobert Aye; Staelin Aye; Weiss Aye) of proposed amendments to Clarke County Code, Section 40, Election Districts, so as to change the Clarke County Election District boundaries including reference to the attachment and maps.

WHEREAS, the 2010 Census shows the County population to have increased from 12,652 to 14,034 (+11.4%);

WHEREAS, the Code of Virginia, Section 24.2-304.1 requires equal population for Election Districts, which based on the 2010 Census would be 2807;

WHEREAS, Election Districts populations are allowed to vary by plus or minus 5%, which is a range of 2667 to 2947;

WHEREAS, the Code of Virginia, Section 24.2-305, requires Election District Boundaries to be "clearly defined and clearly observable boundaries" to include roads, rivers, and other permanent physical features recognized on official maps; and

WHEREAS, several segments of the Berryville Election District boundaries followed the Town of Berryville corporate limits in 2001 and Town corporate limits have changed since 2001;

NOW THEREFORE BE IT ORDAINED THAT the Clarke County Board of Supervisors approves the following amendments to Clarke County Code, Section 40, Election Districts, so as to change the Clarke County Election District boundaries.

Code of Clarke County, Virginia
Chapter 40 Voting Election Districts

§ 40-1. ~~Voting~~ *Election* districts established and defined; population of districts and supervisor representation

A. ~~*Election Districts of Clarke County*~~, pursuant to, ~~voting districts, established and as set to~~ *by the* authority contained in the Code of Virginia, § 15.2-1400, § 24.2-304.1-7, and § 15.2-1211 of ~~Clarke County~~ are hereby created and set forth in ~~subsection (c)~~ of this section.

(a) The ~~voting~~ *election* districts with populations set forth are as follows; supervisor representation to be as indicated:

Berryville --- ~~2,631~~ *2,852*, represented by one supervisor.

Buckmarsh --- ~~2,491~~ *2,854*, represented by one supervisor.

Millwood --- ~~2,549~~ *2,729*, represented by one supervisor.

Russell --- ~~2,429~~ *2,896*, represented by one supervisor.

White Post --- ~~2,552~~ *2,703*, represented by one supervisor.

(b) The boundaries of the respective ~~voting~~ *election* districts are as set forth below, and when reference is made in the following descriptions to a road, *railroad*, or river as a boundary, it shall be construed to mean the center line of such boundary:

Berryville
Voting
Election
district.

Berryville ~~voting~~ *election* district shall comprise the area bounded as follows:

- ~~Beginning at the intersection of U.S. Route 340 and Harry Byrd Highway (Virginia Route 7 Bypass),~~
- *Beginning at the intersection of North Buckmarsh Street (U.S. Route 340) and Mosby Boulevard (Virginia Route 1035),*
- ~~thence in a northwesterly direction with Harry Byrd Highway to the western limits of the Town of Berryville,~~
- *thence in a northwesterly direction with Mosby Boulevard to its intersection with Jackson Drive (Virginia Route 1041),*
- *thence in a southwesterly direction with Jackson Drive to its intersection with West Main Street (Virginia Route 7 Business),*
- *thence in a northwesterly direction with West Main Street to corporate limits of the Town of Berryville,*
- ~~thence in southwesterly and southeasterly direction with the town limits to Alexander Street~~ *Drive,*

- ~~thence in an southeasterly direction with Alexander Street and Hermitage Boulevard to the southern limits of the Town of Berryville at U.S. Route 340,~~
- *thence in a southeasterly direction with Alexander Drive to its intersection with Hermitage Boulevard (Virginia Route 1029)*
- *thence in a southeasterly direction with Hermitage Boulevard to its intersection with Dunlap Drive (Virginia Route 1028),*
- *thence in a northeasterly direction with Dunlap Drive to its intersection with Henderson Court (Virginia Route 1027)*
- *thence in a southeasterly direction with Henderson Court to its intersection with Taylor Street (Virginia Route 1006),*
- *thence in a southeasterly direction with Taylor Street to its intersection with South Buckmarsh Street (U.S. Route 340),*
- *thence in a southwesterly direction with South Buckmarsh Street to its intersection with Hermitage Boulevard (Virginia Route 1029),*
- *thence in a southeasterly direction with Hermitage Boulevard to its intersection with South Church Street (Virginia Route 616),*
- *thence in a southwesterly direction with South Church Street to its intersection with South Buckmarsh Street (U.S. Route 340),*
- *thence in a southwesterly direction with South Buckmarsh Street to the corporate limits of the Town of Berryville,*
- *thence in a southeasterly direction with the Berryville town limits to its intersection with the Norfolk Southern Railroad,*
- *thence in a northeasterly direction with the Norfolk Southern Railroad its intersection with Jack Enders Boulevard (Virginia Route 613 700),*
- *thence in a northerly direction with Jack Enders Boulevard to its intersection with East Main Street (Virginia Route 7 Business), thence in a westerly direction with East Main Street to its intersection with Boom Road ~~Boom Road~~ First Street (Virginia Route 615),*
- *thence in a northeasterly direction with Boom Road First Street to its intersection with East Fairfax Street (Virginia Route 1026),*
- *thence in a westerly direction with East Fairfax Street to its intersection with Soldiers Rest Lane (the eastern property line of Tax Map Parcel 142A-((A))-17),*
- *thence in a northeasterly direction with Soldiers Rest Lane, (the eastern property line of Tax Map Parcels 14A2-((A))-17 and 17A) to its intersection with the northern limits of the Town of Berryville,*
- *thence in a westerly direction with the Berryville town limits to its intersection with North Buckmarsh Street (U. S. Route 340),*

- thence in a ~~northerly~~ **southerly** direction with ~~U.S. Route 340~~ **North Buckmarsh Street**, to its intersection with ~~Harry Byrd Highway~~, **Mosby Boulevard (Virginia Route 1035)**, the point of beginning.

Buckmarsh
Voting
Election
District

Buckmarsh ~~voting~~ **election** district shall comprise the area bounded as follows:

- Beginning at **the intersection of** Lord Fairfax Highway (U. S. Route 340) with the Jefferson County line,
- thence in a southeasterly direction with the Clarke-Jefferson County line to its intersection with the Loudoun County line,
- thence in a southwesterly direction with the Clarke-Loudoun County line to **Harry Byrd Highway (Virginia Route 7)**,
- thence in a westerly direction with Harry Byrd Highway (~~Virginia Route 7~~) to ~~the~~ **its** intersection of **with** Pine Grove Road (Virginia Route 679),
- thence **in a westerly direction** with Pine Grove Road to its intersection with Harry Byrd Highway (**Virginia Route 7**),
- thence **in a westerly direction with** Harry Byrd Highway to the Shenandoah River,
- thence in a southwesterly direction with the Shenandoah River to a point in the center of the Shenandoah River nearest the intersection of Lockes Mill Road (Virginia Route 613) and Briggs Road (Virginia Route 621),
- thence in a westerly direction with Lockes Mill Road and in a northerly direction with Springsbury Road (both Virginia Route 613) to its intersection with **Jack Enders Boulevard (Route 700)**,
- **thence in a northerly direction with Jack Enders Boulevard to its intersection with** East Main Street (Virginia Route 7 Business),
- thence in a westerly direction with East Main Street to its intersection with ~~Boom Road~~ **First Street** (Virginia Route 615),
- thence in a northeasterly direction with ~~Boom Road~~ **First Street** to its intersection with Fairfax Street,
- thence in a westerly direction with Fairfax Street to Soldiers Rest Lane (the eastern property line of Tax Map Parcel 14A2-((A))-17),
- thence in a northeasterly direction with Soldiers Rest Lane (the eastern property line of Tax Map Parcel 14A2-((A))-17 and 17A) to its intersection with the northern ~~corporate town~~ limits of **the Town of Berryville**,
- thence in a westerly direction with the Berryville town limits to its intersection with **Lord Fairfax Highway** (U. S. Route 340),
- thence in a northeasterly direction with ~~U. S. Route 340~~ **Lord Fairfax Highway** to its intersection with the Jefferson County line, the point of beginning.

Blue Ridge
Precinct of
the
Buckmarsh
Voting
Election
District

The Blue Ridge Precinct of the Buckmarsh ~~Voting~~ **Election** District described above shall comprise the area bounded as follows:

- Beginning at the intersection of the Clarke-Jefferson County line with the Clarke-Loudoun County line,
- thence in a southwesterly direction with the Clarke-Loudoun County line to Harry Byrd Highway (Virginia Route 7),
- thence in a westerly direction with Harry Byrd Highway to the intersection of Pine Grove Road (Virginia Route 679),
- thence with Pine Grove to its intersection with Harry Byrd Highway (***Virginia Route 7***),
- thence with Harry Byrd Highway in a westerly direction to the Shenandoah River,
- thence in a northerly direction with the Shenandoah River to the Clarke-Jefferson County line,
- thence in an easterly direction with the Clarke-Jefferson County line, the point of beginning.

The Buckmarsh Precinct shall comprise the remaining area as set forth in the above description of the Buckmarsh ~~voting~~ **election** District.)

Millwood
voting
Election
District

Millwood ~~voting~~ **election** district shall comprise the area bounded as follows:

- Beginning at the intersection of Senseny Road (Virginia Route 657) and Janeville Road (Virginia Route 652),
- thence in an easterly direction with Senseny Road to ~~the~~ ***its*** intersection with ~~Lord Fairfax Highway (U.S. Route 340)~~ ***Westwood Road (Route 636)***,
- ***thence in a northeasterly direction with Westwood Road to its intersection with West Main Street (Virginia Route 7 Business)***,
- ***thence in a southwesterly direction with West Main Street to corporate limits of the Town of Berryville,***
- ***thence in southwesterly and southeasterly direction with the town limits to Alexander Drive,***
- ***thence in a southeasterly direction with Alexander Drive to its intersection with Hermitage Boulevard (Virginia Route 1029)***
- ***thence in a southeasterly direction with Hermitage Boulevard to its intersection with Dunlap Drive (Virginia Route 1028),***
- ***thence in a northeasterly direction with Dunlap Drive to its intersection with Henderson Court (Virginia Route 1027)***
- ***thence in a southeasterly direction with Henderson Court to its intersection with Taylor Street (Virginia Route 1006),***
- ***thence in a southeasterly direction with Taylor Street to its***

intersection with South Buckmarsh Street (U.S. Route 340),

- *thence in a southwesterly direction with South Buckmarsh Street to its intersection with Hermitage Boulevard (Virginia Route 1029),*
- *thence in a southeasterly direction with Hermitage Boulevard to its intersection with South Church Street (Virginia Route 616),*
- *thence in a southwesterly direction with South Church Street to its intersection with South Buckmarsh Street (U.S. Route 340),*
- *thence in a southwesterly direction with South Buckmarsh Street to the corporate limits of the Town of Berryville,*
- *thence in a southeasterly direction with the Berryville town limits to its intersection with the Norfolk Southern Railroad,*
- *thence in a northeasterly direction with the Norfolk Southern Railroad its intersection with Jack Enders Boulevard (Virginia Route ~~613~~ 700),*
- *thence in a northeasterly direction with Jack Enders Boulevard to its intersection with East Main Street (Virginia Route 7 Business),*
- ~~*thence in a northerly direction to a point where Lord Fairfax Highway intersects the southern limits of the Town of Berryville,*~~
- ~~*thence in an easterly direction with the town limits to Springsbury Road (Virginia Route 613),*~~
- *thence in a southerly direction with Springsbury Road to its intersection with Lockes Mill Road (Virginia Routes 618 and 613),*
- *thence in an easterly direction with Lockes Mill Road (Virginia Route 613) to the intersection of Briggs Road (Virginia Route 621),*
- *thence to a point in the center of the Shenandoah River nearest the intersection of Lockes Mill Road and Briggs Road,*
- *thence in a northeasterly direction with the Shenandoah River to its intersection with Harry Byrd Highway (Virginia Route 7),*
- *thence in an easterly direction with Harry Byrd Highway to ~~the~~ its intersection with Pine Grove Road (Virginia Route 679),*
- *thence in an easterly direction with Pine Grove Road to its intersection with Harry Byrd Highway (Virginia Route 7),*
- *thence continuing with Harry Byrd Highway to the Loudoun County line,*
- *thence in a southwesterly direction with the Clarke-Loudoun County line to its intersection with John Mosby Highway (U. S. Route 50),*
- *thence in a westerly direction with John Mosby Highway to its intersection with Millwood Road (Virginia Route 723),*
- *thence continuing in a westerly direction with Millwood Road to a*

point where Spout Run intersects Millwood Road east of the village of Millwood,

- thence in a northwesterly direction with Spout Run and its tributary Page Brook Run to a point where Page Brook Run intersects Lord Fairfax Highway (U. S. Route 340),
- thence in a northeasterly direction with Lord Fairfax Highway to its intersection with ~~Pyletown Road (Virginia Route 620)~~ **Annefield Road (Virginia Route 633)**,
- thence in a westerly direction with ~~Pyletown Road~~ **Annefield Road** to its intersection with ~~Summerville Road~~ **Janeville Road** (Virginia Route 652),
- thence with ~~Summerville Road~~ which becomes Janeville Road (~~both Virginia Route 652~~) in a northerly direction to its intersection with Senseny Road (Virginia Route 657), the point of beginning.

Pine Grove
Precinct of
the
Millwood
Voting
Election
District

The Pine Grove Precinct of the Millwood ~~Voting~~ **Election** District described above shall comprise the area bounded as follows:

- Beginning **in the center of the Shenandoah River nearest to a point** at the intersection of Lockes Mill Road and Briggs Road (Virginia Route 613 and 621),
- thence in a northeasterly direction with the Shenandoah River to its intersection with Harry Byrd Highway (Virginia Route 7),
- thence in an easterly direction with Harry Byrd Highway to the intersection with Pine Grove Road (Virginia Route 679),
- thence in an easterly direction with Pine Grove Road to its intersection with Harry Byrd Highway (**Virginia Route 7**),
- thence continuing with Harry Byrd Highway to the Clarke-Loudoun County line,
- thence in a southwesterly direction with the Clarke-Loudoun County line to its intersection with Morgans Mill Road (Virginia Route 605),
- thence in a westerly direction with Morgans Mill Road, to its intersection with Frogtown Road (Virginia Route 649),
- thence in a southerly direction to Morgan Mill Stream,
- thence in a westerly direction with Morgan Mill Stream to its intersection with the Shenandoah River,
- thence in a northwesterly direction with the Shenandoah River to a point in the center of the Shenandoah River nearest the intersection of Lockes Mill Road and Briggs Road (Virginia Route 613 and 621), the point of beginning.

(The Millwood Precinct shall comprise the remaining area as set forth in the above description of the Millwood ~~Voting~~ **Election** District.)

Russell
Voting
Election
District

Russell voting *election* district shall comprise the area bounded as follows:

- Beginning at a corner of Frederick, Clarke, and Jefferson Counties,
- thence in a southeasterly direction with the Clarke-Jefferson County line to its intersection with Lord Fairfax Highway (U. S. Route 340),
- thence in a southwesterly direction with Lord Fairfax Highway to its intersection with Harry Byrd Highway (Virginia Route 7 Bypass), **at which point U.S. Route 340 becomes North Buckmarsh Street** thence in a northwesterly direction with Harry Byrd Highway to the western limits of the Town of Berryville, **southwesterly direction with North Buckmarsh Street to its intersection with Mosby Boulevard, (Virginia Route 1035),**
- **thence in a northwesterly direction with Mosby Boulevard to its intersection with Jackson Drive (Virginia Route 1041),**
 - **thence in a southwesterly direction with Jackson Drive to its intersection with West Main Street (Virginia Route 7 Business),**
 - **thence in a northwesterly direction with West Main Street to Westwood Road (Virginia Route 636),**
- **thence in a southwesterly direction with Westwood Road to its intersection with Senseny Road (Route 657),**
- ~~• thence in southwesterly and southeasterly direction with the town limits to Alexander Street,~~
- ~~• thence in an southeasterly direction with Alexander Street and Hermitage Boulevard to the southern limits of the Town of Berryville at Lord Fairfax Highway,~~
- ~~• thence in a southwesterly direction to its intersection with Senseny Road (Virginia Route 657),~~
- thence in a westerly direction with Senseny Road to the Frederick County Line,
- thence in a northeasterly direction with the Clarke-Frederick County line to the corner of Frederick, Clarke, and Jefferson Counties, the point of beginning.

White Post
Voting
Election
District

White Post voting *election* district shall comprise the area bounded as follows:

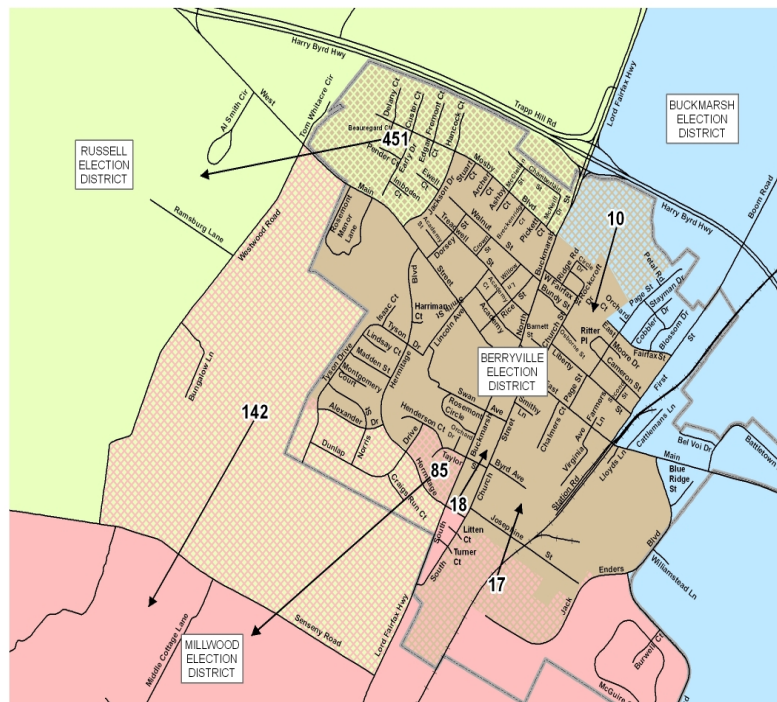
- Beginning at a corner between Frederick, Clarke, and Warren Counties,
- thence in a northerly direction with the Frederick and Clarke County line to Senseny Road (Virginia Route 657),
- thence in an easterly direction with Senseny Road to its intersection with Janeville Road (Virginia Route 652),
- thence with Janeville Road ~~which becomes Summerville Road (both Virginia Route 652)~~ in a southerly direction to its intersection with

~~Pyletown Road (Virginia Route 620)~~ **Annfield Road (Virginia Route 633)**,

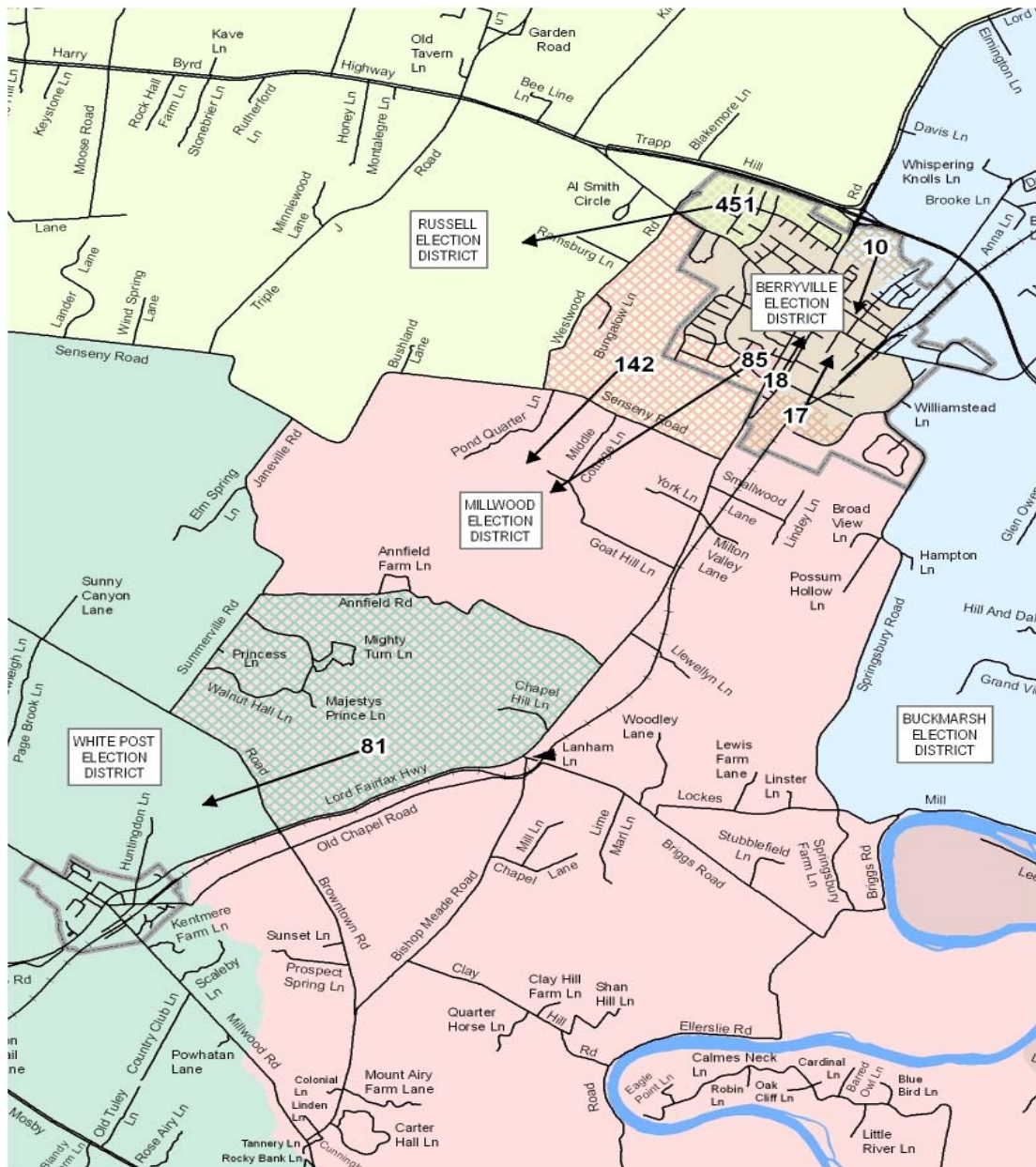
- thence with ~~Pyletown Road~~ **Annfield Road** in a southeasterly direction to its intersection with Lord Fairfax Highway (U.S. Route 340),
- thence in a southerly direction with Lord Fairfax Highway to its intersection with Page Brook Run,
- thence in a southerly direction with Page Brook until it joins Spout Run,
- thence in a southerly direction with Spout Run to a point east of the village of Millwood where Spout Run intersects Millwood Road (Virginia Route 723),
- thence in an easterly direction with ~~Lord Fairfax Highway~~ **Millwood Road** to its intersection with John Mosby Highway (U.S. Route 50),
- thence continuing in an easterly direction with John Mosby Highway to the Loudoun County line,
- thence in a southwesterly direction with the Fauquier County line at its intersection with the Warren County line,
- thence in a westerly direction with the Warren County line to a corner between Frederick, Clarke, and Warren Counties, the point of beginning.

2011 Redistricting Maps

Map 1: Below is a map of changes to County Board of Supervisors election districts in the Berryville area.



Map 2: This map shows the other area of change in election districts, near Boyce.



The effective date of this ordinance shall be 2011 May 16, or as soon thereafter as the U.S. Department of Justice interposes no objection.

Attest:

J. Michael Hobert, Chair

Attest:
CC-11-03

David L. Ash, Clerk

PH 11-07: VDOT Secondary Six-Year Plan 2011 – 2017 and Construction Budget 2011-2012

Ed Carter, VDOT, Six-Year Plan Programs and Enhancement, appeared before the Supervisors to review the Secondary Six-Year Plan for 2011-2017 and the Construction Budget for 2011-2012. Highlights include:

- Westwood Road: while close, full funding is not yet available.
- Ebenezer Road: box culvert ordered and will set in place as soon as weather permits.
- Old Charles Town Road: federally funded.
- Town of Boyce Main Street: this revenue sharing project is on hold pending additional instructions from the Town of Boyce
- Old Winchester Road: federally funded and is included on Frederick County's budget
- New hard surface projects: Ebenezer Road: remainder of the road is to be paved. – remainder of Ebenezer Road.
- Unprioritized and Unfunded Unpaved Roads: Allen Road: only road on list

At 6:56 pm Chairman Hobert opened the public comment portion of the public hearing. There being no persons present desiring to address VDOT or the Supervisors the public comment portion of the public hearing was closed.

Supervisor Byrd queried Mr. Carter about the Allen Road project. Mr. Carter advised that Allen Road was not on the six-year plan explaining that it was shown on the unprioritized and unfunded listing to serve as remainder.

Supervisor Dunning requested to go on record again in opposition to the replacement of the bridge on Old Charlestown Road voicing his preference for structure repair. Ed Carter responded that VDOT was keeping its options open.

Vice Chairman Weiss moved to approve VDOT Secondary Six-Year Plan 2011 – 2017 and Construction Budget 2011-2012 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

Virginia Department of Transportation Secondary Six-Year Plan 2011 – 2017 and Construction Budget 2011-2012

Resolution 2011-10R

At a regular meeting of the Board of Supervisors of the County of Clarke, Virginia, held at the Main Meeting Room, Second Floor, of the Berryville Clarke County Government Center, on Tuesday, April 19, 2011 at 6:30 p.m.

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

On motion by Vice Chairman David Weiss and carried unanimously:

WHEREAS, Section 33.1-23 and 33.1-23.4 of the 1950 Code of Virginia, as amended, provides the opportunity for each county to work with the Virginia Department of Transportation in developing a Secondary Six-Year Road Plan;

WHEREAS, this Board has previously agreed to assist in the preparation of this Plan, in accordance with the Virginia Department of Transportation policies and procedures, and participated in a public hearing on the proposed Plan (2011/12 through 2017/17), as well as the Construction Priority List (2011/12) on Tuesday, April 19, 2011 at 6:30 p.m. after duly advertised so that all citizens of the County had the opportunity to participate in said hearing and to make comments and recommendations concerning the proposed Plan and Priority List;

WHEREAS, Mr. Ed Carter, Six-Year Plan Programs and Enhancement, Virginia Department of Transportation, appeared before the board and recommended approval of the Six-Year Plan for Secondary Roads (2011/12 through 2016/17) and the Construction Priority List (2011/12) for Clarke County;

NOW, THEREFORE BE IT RESOLVED that since said Plan appears to be in the best interests of the Secondary Road System in Clarke County and of the citizens residing on the Secondary System, said Secondary Six-Year Plan (2011/12 through 2016/17) and Construction Priority List (2011/12) are hereby approved as presented at the public hearing.

CLARKE COUNTY
SECONDARY SYSTEM IMPROVEMENT PLAN
MAJOR PROJECTS
2011/2012 through 2016/2017

ROUTE	ROAD NAME	FROM	TO	AVERAGE	DESCRIPTION OF WORK	VICINITY	ESTIMATED COST	TENTATIVE AD/START DATE	COMMENTS
636	Westwood Rd./ Mosby Blvd.	0.16 miles S Rt. 7 Bus	0.39 miles N Rt. 7 Bus	560	Reconstruction	Town of Berryville	\$3,620,070	1/2012	Approx. \$250K=300K Short on funding
604	Ebenezer Road	S Rt. 607	.4 miles S Rt. 607	100	Reconstruction	Bluemont	\$815,559	10/2010	Fully funded under rural rustic concept

ROUTE	ROAD NAME	FROM	TO	AVERAGE	DESCRIPTION OF WORK	VICINITY	ESTIMATED COST	TENTATIVE AD/START DATE	COMMENTS
761	Old Charlestown Road	At Frederick/Clarke Co line		1200	Replace bridge structure		\$1,366,492	6/2017	Federal Funds
723	Main Street	0.13 miles E Rt. 340	0.16 miles E Rt. 340	1000	Reconstruction SW & gurb/gutter	Town of Boyce	\$144,468	9/2011	Revenue Sharing
* 723	Old Winchester Road	.05 miles E County line	.05 miles W County line	880	Replace bridge structure		\$1,258,038	10/2014	Federal Funds

UN/SH-unscheduled

*Listed in Frederick County's Secondary Plan

CLARKE COUNTY
SECONDARY SYSTEM IMPROVEMENT PLAN
NEW HARDSURFACE PROJECTS
2011/2012 through 2016/2017

PRIORITY	ROUTE	ROAD NAME	FROM	TO	LENGTH	AVERAGE	VICINITY	ESTIMATED COST	TENTATIVE AD	COMMENTS
1)	604	Ebenezer Road	0.4 mi S Rt. 607	Int. Rt. 605	1.4 miles	100		Est. Cost \$280,000	5/2012	Potential Rural Rustic

UN/SH-unscheduled

CLARKE COUNTY
SIX YEAR PLAN
UNPRIORITIZED/UNFUNDED PROJECTS
FOR UNPAVED ROADS

ROUTE	ROAD NAME	FROM	TO	AVERAGE DAILY TRAFFIC COUNT	LENGTH (miles)	REQUEST	COMMENTS
639	Allen Road	Rt. 611	0.9 mi W Rt. 611	170	0.9 Miles	Potential Rural Rustic	Est. Cost \$180,000
639	Allen Road	0.90 mi W Rt. 611	Int. Rt. 632	170	1.67 Miles	Potential Rural Rustic	Est. Cost \$334,000

CLARKE COUNTY
SIX YEAR PLAN
UNPRIORITIZED/UNFUNDED PROJECTS

ROUTE	ROAD NAME	FROM	TO	AVERAGE	LENGTH (miles)	REQUEST	COMMENTS

ATTEST:

David L. Ash, Clerk
Clarke County Board of Supervisors

VDOT

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

- Maintenance work completed in March:
 - o Conducted pipe cleaning operations along Route 601;

- Performed grading operations on non-hard surfaced Routes 603, 604, 605, 621, 639, 644 and 652;
- Performed street sweeping in the Town of Berryville;
- Conducted Boom Axe operations on Routes 612 and 658 and brush cutting along Route 612 with state forces;
- Performed brush cutting along Route. 761 with contractors;
- Repaired potholes at various locations throughout the County;
- Performed litter pick up on Routes 7, 50 and 340;
- Continued county-wide sign repair and replacement and made shoulder repairs along Route 7.
- Repaired potholes on various routes;
- Maintenance work planned for April:
 - Continue with litter pick up and brush cutting along various routes utilizing contractors;
 - Continue pipe cleaning operations along Route 601;
 - Perform pipe replacement on Route 606;
 - Conduct patching operations on various routes and use contractors to pave on primary routes;
 - Perform street sweeping in the Town of Boyce;
 - Perform dust control on non-hard surfaced roads;
 - Continue with Boom Axe operations and sign repair/replacement at various locations throughout the County.
 - Use Contractor forces for brush removal on other various routes;
- Other Projects:
 - Route 636, Mosby Road:
 - Held FI meeting on April 14, 2011.
 - Project is continuing to move forward on schedule.
 - Updated estimate indicates that project is fully funded excluding additional lighting on Mosby Road extended.
 - Mr. Carter advised that at the FI meeting he had been advised that the project was not fully funded, roughly \$150,000 short.
 - Route 604 – Still on schedule weather permitting.
 - Route 723 – While no official decision on the curb and gutter replacement has been made, the Town of Boyce has signaled its intention to abandon the project.

Chuck Johnston advised that Boyce Town Council, considering other more pressing priorities, believes that the commitment of funds may be too great to pursue the project at this time. This matter is set for further review at the next regularly scheduled meeting of the Boyce Town Council.

- Supervisor Comments and Requests:
 - o Vice Chairman Weiss: Route 608 south [Parshall Road] past Hill and Dale Farm on the turn across from Mr. Lawson's house there is a washout problem and the edge of the road is getting deep and jagged.
 - o Supervisor Byrd noted that Old Charlestown Road is also washout in areas.
 - o Ed Carter urged Supervisors to call Charlie Monroe or he with any problems relating to public roadways.

Continued Discussion Route 7 Crossover Recommendations

Ed Carter stated that at the last Board Work Session he had reviewed VDOT's federally funded program H7 Highway Safety Improvement Program. He advised that a safety audit was conducted on Route 7 between the intersections of Route 635 and Route 660 and it was hoped that available funds, approximately \$225,000, could be used to address safety issues. After that audit, VDOT's traffic engineers conducted a study; and they are recommending:

- Closing the center crossover;
- Placement of additional turning lanes both east and west on the other two crossovers
- Extending the left turn lanes and the right turn lanes at the two intersections at 635 and 660;
- Adding additional striping and pavement markings;
- Adding additional signage.

Mr. Carter stated that the total cost of all their recommendations is approximately \$500,000. He said that VDOT would be applying for additional funds over and above the \$225,000; but, for the \$225,000, it was believed that VDOT could make interim improvements that coincide with the recommendations of closing the center cross over and placing a west bound left turn lane at the crossover closest to Route 635 and an east bound left turn lane at the crossover closet to Route 660. He advised that once the additional funding was received they would complete the remainder of the recommended improvements.

Chairman Hobert clarified that the center crossover is already closed to left turns heading west.

Supervisor Dunning opined that this was the most dangerous of the crossovers in that particular area on Route 7.

Ed Carter concurred adding that it has the least amount of sight distance of the other two noting that there have been several accidents in and around that entire stretch.

Supervisor Dunning clarified that it was the recommendation of VDOT that this crossover be the first one closed in the area.

Vice Chairman Weiss expressed some hesitation opining that the turn lanes would almost touch each other.

Ed Carter concurred adding that the turn lanes would be fairly close noting that they must be built to specific standards.

Supervisor Byrd clarified that VDOT would be placing exit ramps on the straight stretch, Minnie Wood Flats, before Pierce Road and Moose Road and they would improve the next exit to the east at the top of the hill.

Vice Chairman Weiss opined that while he understood that residents wanted the other crossover, it was illogical to put in turn lanes when they would almost run into each other. He opined that from a practical standpoint of spending money it did not make sense.

Ed Carter said that turn lanes cost between \$65,000 to \$80,000 each. He added that VDOT was bound to construct to specific standards when using federal funds.

Supervisor Byrd commented that there was already a great deal of traffic in this area.

Supervisor Staelin moved to approve VDOT's recommendations to improve safety and traffic flow providing that the short-term improvements identified for Route 7, Route 635 intersection, Moose Road, Pierce Road, Crossover 1-MP 6.52 and Crossover 3-MP 7.40 and VA7 and Route 660 intersection to be completed prior to or at the same time as the proposed closure of Crossover 2-MP 6.89 with a longer turn lane extension being completed as soon as possible. Also, let the record show that the sight limitations make it impossible to improve Crossover 2-MP 6.89 to meeting current standards and provide sufficient sight distance to and from Crossover 1-MP 6.52 and to provide sufficient sight distance to perform evasive maneuvers when traffic is slowed or stopped at the location.

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

FY2012-2017 Six-Year Improvement Program Discussion

Supervisor Staelin provided an overview of the process specific to the Boards input on the six-year primary highway plan. He reviewed the proposed priorities. Chuck Johnston provided background information.

Keith Dalton, Manager - Town of Berryville, stated that the Town was still interested in the project for Route 7 Business on the east side of Berryville (approximately .94 miles of Primary Highway). He advised that the east side was Councils' priority; however the west side is still part of Business Route 7 and important.

Supervisor Staelin asked the Board to consider removing the projects for drainage in Town of Boyce and Route 7 west.

Vice Chairman Weiss put forth that Route 7 east would require purchase of right of ways. Keith Dalton, while acknowledging difficulty going to three lane in this section, stated that improvement of this area is warranted and desirable. He added that constituents have requested sidewalks and entrance controls.

By consensus, the Supervisors eliminated Item No. 4. Rt. 340 Drainage in the Town of Boyce from the list of priorities.

Chairman Hobert noted that Item 7 Rt. 7 Business on the west side of Berryville (approx. 1.2 miles of Primary Highway) had been on the list of priorities since 1992, longer than any of the other projects. By consensus, the Supervisors agreed to leave this project on the list of priorities.

Vice Chairman Weiss approve sending the FY2012-2017 Six-Year Improvement Program letter to the Virginia Department of Transportation with the elimination of Item 4 as shown in the presented material.

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

Programming Director

Virginia Department of Transportation
1401 East Broad Street
Richmond, VA 22207

The Clarke County Board of Supervisors has reviewed its priorities for primary road improvements in the County and requests the Commonwealth Transportation Board to allocate available funds accordingly. The following list of projects has been put before the CTB for many years. We realize that the Commonwealth's transportation improvements are being made within severe financial limitations; nevertheless, we feel that these projects are of significant benefit to the Commonwealth as well as Clarke County.

Currently, two projects are underway that the County would like to be completed:

1. *Rt. 7 Business (West Main Street)/ Rt. 636 (Westwood Rd) intersection and Rt. T-1035 (Mosby Boulevard) extension on west side of Berryville*
This project is the County's top priority, as it will serve the new county high school that is under construction as well as two existing schools.
2. *Waterloo Intersection (Rts. 17/50 [John Mosby Highway] and Rt. 340 [Lord Fairfax Highway])*
This project was first put on our priority list in 1992. Partial funding for engineering design has been approved and we ask for full funding to complete the design phase of this project.

The County's priorities for future projects are:

1. *Rt. 340 (Lord Fairfax Highway) and Rt. 657 (Senseny Road) intersection .5 miles south of Berryville*
This project has been on our list of priorities since 1998. This continues to be a very unsafe intersection.
2. *Rt. 7 (Harry Byrd Highway) and Rt. 612 (Shepherds Mill Road) intersection 3 miles east of Berryville*
This intersection is unsafe due to sight distance and increases volume of traffic
3. *Double Tollgate (Intersection of Rts. 277, 340, and 522)*
This project has been a priority since 1997; traffic volumes on Rt. 522 increased 34% from 2001 to 2009.
4. *Rt. 7 Business on east side of Berryville (approximately .94 miles of Primary Highway)*
This project has been on our list of priorities since 1995.
5. *Park and Ride lot on Rt 7, preferably located in Frederick County, origin of most commuter traffic*
Commuter traffic on Rt. 7 increased 55% from 2001 to 2009; alternatives to SOVs must be provided.
6. *Rt. 7 Business on the west side of Berryville (approx. 1.2 miles of Primary Highway)*
This project has been on our list of priorities since 1992.

Attached is the Transportation Component of the County Comprehensive Plan, containing a more detailed description of each project. Again, we appreciate any assistance you can provide.

Regards,
Michael Hobert, Chairman
Copy: Dr. James A. Davis, Virginia Commonwealth Transportation Board
[Note: Attachment not provided in body of minutes.]

Resolution Opposing Designation of a Northern Virginia North-South Corridor of Statewide Significance by the Commonwealth Transportation Board

When queried by the Board regarding this matter, Ed Carter stated that he was not qualified to comment on the particulars. He offered to obtain information from the planning group and have them address the Supervisors.

Chairman Hobert explained that he had received a number of calls from citizens expressing concern; and in response, he had drafted a resolution that had been distributed to the Supervisors at the afternoon session.

Gem Bingol stated that Loudoun County Board of Supervisors was the only known entity that had acted on the proposed corridor however she noted that the proposed corridor runs through their district.

Supervisor Staelin put forth that Clarke and Loudoun have a mutual concern and he stressed the importance of supporting local involvement, local control, as well as due process. He offered several suggestions for inclusion in the proposed resolution.

Supervisor Dunning suggested the addition of a note of support.

Vice Chairman Weiss expressed concern for an apparent lack of foresight and planning on the part of the Commonwealth transportation Board.

Supervisor Staelin moved to adopt the resolution as modified. 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

Chairman Hobert instructed staff to forward the executed resolution to the Commonwealth Transportation Board, Loudoun County Board of Supervisors, Clarke County Board of Supervisors, Governor McDonnell, Senator Vogel, and Delegate May.

RESOLUTION OPPOSING DESIGNATION OF A NORTHERN VIRGINIA NORTH-SOUTH
CORRIDOR OF STATEWIDE SIGNIFICANCE BY THE COMMONWEALTH TRANSPORTATION
BOARD 2011-09R

WHEREAS, members of the Commonwealth Transportation Board have initiated action to designate a Northern Virginia North-South Corridor of Statewide Significance running from Route 95 to new bridge crossings across the Potomac River between Route 28 and Route 15; and

WHEREAS, this is believed to be the same route and land area proposed in the past as the Outer Beltway and Western Transportation Corridor; and

WHEREAS, designation of an area as a Corridor of Statewide Significance requires a locality to include the Corridor of Statewide Significance in its Countywide Transportation Plan and the Loudoun County Board of Supervisors has voted down the project; and

WHEREAS, such a designation without the approval of the locality diminishes local control over land use decisions and opportunities for public input, and could lead to a situation where the Clarke County Board of Supervisors and Clarke County residents will no longer control the location, timing, or size of roads or other transportation infrastructure within Clarke County and the Corridor of Statewide Significance; and

WHEREAS, studies and anecdotal evidence have consistently indicated that the major traffic congestion and obstructions in Clarke County and adjacent communities are in their East-West corridors; and

WHEREAS, past studies indicate that additional North-South Corridors in the area proposed would add additional traffic to Route 7 and Route 50, thereby likely increasing Clarke and neighboring county traffic congestion and the hours residents spend on the road; and

WHEREAS, during a decade of data analysis and planning efforts from 2000 through 2011, including the 2009 selection and approval of 11 Corridors of Statewide Significance, neither State transportation staff nor the Commonwealth Transportation Board offered sufficient justification to designate a Northern Virginia North-South Corridor of Statewide Significance; and

WHEREAS, two of the current Corridors of Statewide Significance include Dulles Airport as a primary linkage point and three of the current Corridors of Statewide Significance address transportation issues in Northern Virginia; and

WHEREAS, past studies have estimated that design and construction of an Outer Beltway would cost \$500 million or more; and

WHEREAS, none of the current eleven Corridors of Statewide Significance are fully funded; and

WHEREAS, the Governor's priority list for transportation improvements did not include a north-south corridor within the land area proposed for a Northern Virginia North-South Corridor of Statewide Significance; and

WHEREAS, the selection of the first eleven Corridors of Statewide Significance involved extensive study, analysis, and public input; and

WHEREAS, the Commonwealth Transportation Board has neither undertaken such studies for this proposal nor sought comment from local governments and their residents on this matter.

NOW, THEREFORE BE IT RESOLVED, that the Clarke County Board of Supervisors supports Loudoun County in its opposition to the creation by the Commonwealth Transportation Board of a Northern Virginia North-South Corridor of Statewide Significance.

Adopted this 19th day of April 2011

Attest:

J. Michael Hobert, Chair

David L. Ash, County
Administrator

Adjournment

There being no further business to be brought before the Board at 7:35 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, May 24, 2011 at 1:00 p.m. in the Main Meeting Room, 101 Chalmers Court, 2nd Floor, Berryville, Virginia.

ATTEST: April 19, 2011

J. Michael Hobert, Chair

David L. Ash, County Administrator

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