

CLARKE COUNTY BOARD OF SUPERVISORS
May 24, 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, May 24, 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, Susanne Vaughan, Lora B. Walburn

Others Present

Robina Rich Bouffault; Dr. Michael Murphy; Keith Dalton; Kay Gunter; Mark Tate; Gem Bingol; Becky Lane; Ed Leonard and other citizens

Call to Order

Chairman Hobert called the meeting to order at 1:01 p.m.

Adoption of Agenda

Chairman Hobert advised that a closed session to discuss contract negotiation regarding the Senior Center / Active Living Center would be necessary.

Supervisor Staelin moved to adopt the agenda as presented with the inclusion of a closed 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

Clarke County Public Schools Update

Dr. Michael Murphy, Superintendent Clarke County School Board, appeared before the Supervisors to provide the monthly update from the Clarke County public schools. Highlights include:

- Students...
 - o DECA (and others) in the news
 - o Academic Awards Ceremony Sunday – Wonderful event
 - o Student artwork from Valley Regional Forum – 2nd place award
 - o CCHS Robotics – impressive finish in the FIRST robotics competition
 - o After Prom Party – kudos’s to John Werner and Staff – 160 / 100 kids
 - o FFA banquet – David Weiss – Thanks for attending
- Teaching and Learning...
 - o Focus has moved to testing testing, testing and more testing – and using data
 - o Race to the Top (and Virginia’s use of the funds) will require new ways of evaluation. Virginia, and nine other states, has chosen not to fully participate in federal “race to the top” program.
 - o Much discussion regarding ESEA and the future (who’s future) of public education
- Food Service / Wellness...
 - o Working on renewal of contract with Sodexo for next year
 - o Outstanding VDOE pre-audit of food service program and commodities program
 - o Low balance process working well – automated phone calls – fewer cheese sandwiches
 - o Emphasis on “healthy” going slow, but \$25K in capital improvements helping
 - o Next year’s focus will be on more grab and go items and better presentation
 - o Working on a “community night” to showcase our food service program in September – 29th tentative
 - o Division wide wellness committee – would like to keep county employees in the loop
 - o August “Fiscal Fair” to be renamed “Vendor Fair” – would like to make this event available to government employees as well – working with Anthem to see if “wellness points” count toward reduced insurance premiums
- Technology...
 - o BoardDocs is operational.
 - o WeatherBug up and running.

- ITRT positions filled – staff development plans underway to enhance use of technology.
- Web portal review underway for 2011-12 school year; School Fusion is first choice for content management system
- Technology Plan approved by VDOE – working on Internet Safety Plan – “brutally honest”
- Other . . .
 - Students and staff heavily involved with SOL’s.
 - Interviewing candidates for high school principal.
 - Have filled speech language position.
 - Staffing has been eliminated in some areas but have added to technology staff – definitely some ebb and flow.
 - More students enrolled for next year than currently enrolled.
 - ESL staff has been reduced significantly.
 - Will continue to monitor Weldon Cooper projections – will see a period of transition.
 - There has been some discussion regarding the elimination of the Department of Education.
 - No Student Left Behind is in crisis.
- Robina Rich Bouffault New High School...
 - Construction proceeding and making advances on all fronts.
 - Commissioning agents have reviewed the HVAC system and the recommended adjustments were implemented.
 - Rain has slowed down exterior progress.
 - Bus loop has been paved.
 - Work continues on the entrance off Mosby
 - Base asphalt on facility parking lot is complete.
 - Substantial completion is anticipated for January 2012 with final completion in March/April 2012.
 - Shockey has been a pleasure to work with.
 - Greenhouse originally budgeted for 2014 and was moved forward. \$265,000 change order adding greenhouse at north of back entry way; contracted water well at a 400-foot depth. Total budgeted amount of \$500,000 but will most likely be less than \$300,000 if incorporating changes suggested by Bobby Levi, Director Maintenance.
 - 5% set aside on project; contingency is at \$500,000 – started at \$1.5mm – used for FF&E; unused portions will automatically revert to renovations of other capital projects.

- Robina Rich Bouffault will check with the School Board to determine who will be responsible for monitoring installation of technology.
- Following a brief review of renovation projects for the current high school, Cooley and Primary, Supervisor Byrd put forth that she would like to see a master plan for upcoming projects.
- Chairman Hobert thanked Mrs. Bouffault for her work.

People Incorporated Update by Bryan Phipps

Bryan Phipps, Vice President for Development People Incorporated, appeared before the Supervisors to request their consent to reducing funding sought from the CDBG Commonwealth's program from the \$300,000 in the application submitted last September to \$200,000. He stated that our partner, Warren County, was amenable and he recommended that the CDBG be amended and resubmitted. Mr. Phipps assured that the funding would be available up front and People Incorporated. would be providing an additional \$120,000.

Supervisor Staelin moved to accept the resolution 2011-12R and forward with cover letter changing submission to \$200,000. 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

Virginia Department of Housing and Community Development
Project Management Office
600 East Main Street, Suite 300
Richmond, Virginia 23219

Attention: Denise H. Ambrose, Associate Director

RE: Revised Warren and Clarke County Microenterprise Assistance Program

Clarke County is pleased to collaborate with Warren County and People Incorporated Financial Services to carry out the proposed Warren and Clarke County Microenterprise Assistance Program. We understand that minor changes to the original proposal submitted in the fall of 2010 were necessary, and that a revised proposal has been developed which requests \$200,000 in CDBG funds for this program. Clarke County has already carried out the prescribed public hearings to solicit citizen input into the development of the CDBG request, and did not receive any public comments regarding the application.

Small businesses are vital to the development of vibrant and stable local economies. The types of intensive microenterprise development and lending services offered by People Incorporated

Financial Services are largely unavailable in our community. We in Clarke County understand the importance that small businesses play in creating jobs and fostering economic growth, and we look forward to participating in this needed and worthwhile project.

Regards,
David Ash, Clarke County Administrator

2011 Virginia Community Development Block Grant Citizen Participation Plan for Local
Government Applicants
RESOLUTION 2011-12R

BE IT RESOLVED that, with two public hearings having been advertised and held in accordance with the standards set forth in the 2011 *Virginia Community Development Block Grant Citizen Participation Plan for Local Government Applicants*, the County of Clarke, in partnership with the County of Warren and People Incorporated Financial Services, is resubmitting a revised request for \$200,000 in Virginia Community Development Block Grant Local Innovation Program funds to support the *Warren and Clarke County Microenterprise Development Program*.

WHEREAS, additional funding in the amount of \$120,000 will be contributed to the project by People Incorporated Financial Services, and the proposed project will meet the National Objective of providing benefit to low to moderate income persons by creating at least 20 jobs (at least 51% will be low- to moderate income individuals) and by creating or sustaining 15 businesses that are either owned by or which employ or otherwise benefit low-income individuals.

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

ADOPTED this the 24th day of May, 2011.

ATTEST:

David Ash, Clerk

Approval of Minutes

Supervisor Staelin noted on page 609 a correction from Dr. Burl to Dr. Burwell.

Supervisor Staelin moved to approve the April 19, 2011 Regular Meeting minutes as corrected from Dr. Burl to Dr. Burwell. 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

VACo Group Self-Insurance Risk Pool Line of Duty Coverage Member Agreement

LINE OF DUTY
ADDENDUM TO THE MEMBER AGREEMENT FOR
VIRGINIA ASSOCIATION OF COUNTIES
GROUP SELF INSURANCE RISK POOL
THIS ADDENDUM IS EFFECTIVE IF THE APPROPRIATE CONTRIBUTION IS
PAID FOR LINE OF DUTY COVERAGE.

THIS AGREEMENT, in addition to the general conditions and agreements contained in the Member Agreement for Virginia Association of Counties Group Self Insurance Risk Pool, which are incorporated herein and made a part hereof, the following provisions apply exclusively to Line of Duty coverage, pursuant to the Line of Duty Act, Chapter 4 of Title 9.1 of the Code of Virginia, between all the parties who are now or may hereafter become Members of the Line of Duty coverage of the Virginia Association of Counties Group Self Insurance Risk Pool (VACoRP), a Group of political subdivisions;

WHEREAS, the Members of the Group have agreed to provide for joint and cooperative action to self-insure and to pool their separate liabilities arising pursuant to the terms of the Line of Duty Act ("LODA");

WHEREAS, the Members intend this Addendum as a mutual covenant of assumption of joint and several liability and shall not be deemed to form or to be a partnership;

NOW, THEREFORE, for and in consideration of the mutual covenants, promises and obligations contained herein, which are given by the Group and each Member to each other Member and so accepted by each Member and the Group, the parties hereto covenant and agree as follows:

1. Membership

Each Member hereby agrees that the Group may admit as Members of the Pool only acceptable political subdivisions in the Commonwealth of Virginia or agencies thereof as defined in Chapter 27 of Title 15.2 of the Code of Virginia. Subject to the provisions of Chapter 27 of Title 15.2 of the Code of Virginia, and rules adopted thereunder relating to the approval of Members and the Group's bylaws, the Board shall be sole judge as to whether or not an applicant shall be admitted to membership. Each Member agrees that a Member may, at the sole discretion of the Board, be terminated from membership in the Pool at any time after ninety (90) days notice in writing has been given to such Member, except that a Member may be terminated at any date after thirty (30) days written notice to such Member for non-payment of contributions or assessments. Except as otherwise expressly provided, no liability shall accrue to the Pool or to the remaining Members for any

liability of any terminated Member arising subsequent to the date of termination specified in said notice and such terminated Member shall be separately and solely responsible for any liability arising thereafter.

2. Limit of Liability

Each and all of the Members jointly and severally agree to assume , pay and discharge any liability under LODA of any and all Member employers; and each Member agrees to pay such assessments as may be required pursuant to paragraph IS of the Member Agreement.

Liability of VACoRP to the employees of any Member is specifically limited to such obligations as are imposed by law against the employer Member under LODA to the extent applied for and approved by the Group . Upon approval by the Board, liability of VACoRP extends to certain volunteer employees of a Member as specified in LODA upon the Member's compliance with the requirements of LODA.

3. Inspection of Member's Facilities and Records

The Board, the Administrator, the Service Agent, and any of their agents , servants, employees or attorneys, shall be permitted at all reasonable times to inspect the Member's work places, plants, works, machinery, and appliances covered by this Addendum, and shall be permitted at all reasonable times within two (2) years after the final termination of the membership to examine Member's books , vouchers, contracts, documents, and records of any and every kind which show or tend to show or verify the contribution which is payable under the terms hereof.

4. Risk Management

In the event of an accident or a reported claim, each Member agrees to make immediate provision for the care of his employee, and to give immediate notification of the accident to the Service Agent on the prescribed forms . Costs of such care shall be paid by the Group to the extent required by LODA.

5. Punitive or Exemplary Damages

The coverage of the Group shall not apply to punitive or exemplary damages asserted or awarded by or to any employee of any Member under LODA whether because of bodily injury to an employee employed in violation of law, or otherwise.

6. Disbursements

The Members jointly and severally covenant and agree that there shall be no disbursements to Members or former Members of the Group out of funds of the Group by way of dividends or distribution of claim reserves until after provision has been made for all obligations of the Group under LODA and except at the discretion of the Board upon application to and approval by the State Corporation Commission, Bureau of Insurance.

7. Miscellaneous

a. The Group, the Member which is a party hereto, and each other Member, whether now or to become a Member, agree to be bound by all the terms and conditions of this Agreement

- b. If any provision of this Agreement is held invalid, such invalidity shall not affect other provisions of this Agreement, which can be given effect without the invalid provision, and to that end the provisions of this Agreement are severable.
- c. The Association and each Member agree with each other Member, whether now or to become a Member, to be bound by all the terms and conditions to this Agreement.

IN WITNESS WHEREOF, this Addendum is executed on behalf of the Member named herein and by the Group on behalf of the Members collectively, each by a duly authorized representative.

By: Authorized Representative
Name: Member Organization Name

VIRGINIA ASSOCIATION OF COUNTIES
GROUP SELF INSURANCE RISK POOL (VACoRP)
By : Authorized Representative

VRS Opt-Out Resolution

RESOLUTION TO SELF-FUND LINE OF DUTY ACT CLAIMS
2011-11R

WHEREAS, the Commonwealth of Virginia has created the Line of Duty Act Fund for the payment of liabilities prescribed by and administered under the Line of Duty Act, § 9.1-400 et seq. of the Code of Virginia; and

WHEREAS, the Commonwealth of Virginia has shifted the cost of paying past and present liabilities under the Line of Duty Act, from the State to local government entities through Item 258 of the 2011 Budget Bill; and,

WHEREAS, the Clarke County Board of Supervisors is automatically included in the Line of Duty Act Fund unless it opts out by June 30, 2012, and chooses to self fund its obligations under the Line of Duty Act; and,

WHEREAS, the Clarke County Board of Supervisors desires to opt out of the Line of Duty Act Fund and self fund all liabilities related to its past and present covered employees under the Line of Duty Act;

NOW, THEREFORE BE IT RESOLVED that the governing body of the County of Clarke Virginia hereby agrees to opt out of the Line of Duty Act Fund effective June 30, 2011, and self fund all liabilities related to its past and present covered employees under the Line of Duty Act effective July 1, 2011

Adopted this 24th Day of May, 2011

J. Michael Hobert, Chair
Clarke County Board of Supervisors

ATTEST:

David L. Ash, Clerk
Clarke County Board of Supervisors

Town of Boyce VDOT Revenue Sharing Withdrawal – Letter of Notification

Ed Carter, Program Manager
Edinburg Residency
Virginia Department of Transportation
1403 1 Old Valley Pike
Edinburg, VA 22824

Re: Project 0723-02 1-154, N501 (UPC 00074044), Boyce Main Street Drainage Improvements

At a regular meeting of the Clarke County Board of Supervisors on Tuesday, May 24, 2011, the Board voted unanimously to abandon the above referenced Revenue Sharing project.

On November 1, 2004 the County entered into an agreement with the Virginia Department of Transportation on the behalf of the Town of Boyce for a project on East Main Street (Virginia Route 723) to "construct sidewalk, curb, gutter, and stormwater from the Northern Southern Railroad to Route 340". Subsequently, the west end of the project was shortened by .12 miles (634 feet) on the west end. This work was to be accomplished with \$72,234 in County funds , to be reimbursed from the Town, and \$72,234 in state funds.

An initial engineering survey identified a series of issues regarding grade and minimal storm water facilities for this segment of East Main Street. It was determined that addressing all the issues would likely mean the entire budget would be spent on engineering costs, with no actual improvement work being done. So, the project scope was narrowed to the area between the Railroad tracks and the Town Hall. Then, a VDOT maintenance crew investigated the condition of the stormwater pipe under the Norfolk Southern Railroad and flushed debris from this pipe. This maintenance work had the affect of allowing stormwater to pass more quickly resulting in less ponding on East Main Street. Further, the Town has recently taken on additional fiscal obligations with a renovation of the Town Hall, in part to repair a failure in the building's ceiling.

These circumstances have led the Town Council and the Board of Supervisors to conclude that potential impacts on the health, welfare, or safety of Town residents did not warrant pursuing this project at this time nor would it be fiscally prudent.

Regards,
Michael Hobert, Chair

Copy: Franklin Roberts, Mayor

Brenkle/Crocker/Osborne Easement Donation Authorization

MEMORANDUM

TO: Board of Supervisors, David Ash

FROM: Alison Teetor

RE: Brengle/Crocker/Osborne Easement donation

DATE: May 18, 2011

The Clarke County Easement Authority has approved the following easement for donation. 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, subject to the property owners and lenders signing the Deed prior to the Chair where appropriate.

Agnes Brengle, Constance Crocker, and Isabelle Osborne are requesting the Easement Authority to consider acceptance of their property (Tax Map# 29-A-17) for easement donation. The parcel is 74.08 acres, 48.84 acres would be placed in easement retiring 2 DURs. The parcel is located behind Powhatan School, with access to Millwood Road (Rt. 723) just west of Millwood (see attached map). The parcel is not in land use.

In reviewing the parcel, all 4 criteria have been met. The Property Resource Score is 51.34, two of the four remaining DUR's are being extinguished, and the parcel is adjacent to an existing easement, and is larger than 40 acres in size. All of the acreage is wooded. The property has 1,600 feet of stream frontage on Roseville and Spout Run. It is visible from a Scenic Byway, Millwood Road, and adjacent to an existing scenic easement, Millwood Country Club. The property is currently vacant.

The applicant intends to gift the eased property to Powhatan School such that the end result of the reconfiguration is as follows:

- 1) 46.8384 acres vacant land, with 2 DURs, to be placed in conservation easement retiring the 2 DURs.
- 2) A boundary line adjustment (BLA) with Powhatan School Tax Map# 29-((A))-16 to gift the school the 46.8384 acres with no DURs
- 3) The residual of the BLA is 27.2456 acres (from the original 74.0840 acre tract) has 2 DURs
- 4) The property owners would like to have language in the Deed that would limit the use of the eased property to primitive outdoor recreation, allowing for trails, and perhaps a small shelter.

Recommendation: Approval of easement donation of Agnes Brengle, Constance Crocker, and Isabelle Osborne.

Letter of Support for Small Watershed Grant Application

Amanda Bassow
National Fish and Wildlife Foundation
1133 Fifteenth Street, N. W.
Washington, DC 20005

RE: Support of Center for Watershed Protection Chesapeake Bay Small Watershed Grants application

Dear Ms. Bassow:

The Center for Watershed Protection (CPW) is submitting a grant application for a Chesapeake Bay Small Watershed grant. The Clarke County Board of Supervisors is offering this letter to indicate its endorsement of the application. The proposed project is timely and innovative and could be extremely helpful to the County and region at achieving the priorities in the 2010 Executive Order Strategy for Protecting and Restoring the Chesapeake Bay. Specifically the efforts to 1) Restore riparian forest buffers 2) Restore forests in priority areas.

As a partner in the project Clarke County will provide to the Center for Watershed Protection (CWP) all available GIS data for the analysis, input on potential sites for reforestation and the ultimate site selection, engage landowners of the top ranked projects to help secure the other two sites, and meet with CWP to discuss how the County might incorporate these strategies into the WIP and/or local ordinances.

Clarke County is primarily a rural farming community with several small urban areas. The County has long been thought of as a progressive and effective environmental steward, protecting groundwater, agricultural and forestal land, and its many natural and historic resources. The proposed project will dovetail nicely with the existing goals and policies outlined in our Comprehensive Plan.

The Clarke County Board of Supervisors strongly endorses this application and hopes that it will receive funding so that we can do our part to improve water quality in the Chesapeake Bay. Please contact me if I may provide any additional information regarding this endorsement.

Sincerely,
Michael Hobert, Chair Clarke County Board of Supervisors

**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

VDOT

Edwin Carter, Program Manager, with Stacey Sager, Area Maintenance Program Coordinator, appeared before the Supervisors to provide the monthly update.

- Maintenance work completed in April/May:
 - Conducted grading and dust control operations on non hard surfaced roads throughout the County;
 - Conducted pipe replacement operations on Routes 605 and 606, and cleaned out additional pipes on Route 605;
 - Performed spot leveling on Routes 657 and 723, and paved Route 7 East bound lanes from Frederick County line to Route 632;
 - Performed patching on Route 604 and completed surface treatment process on Routes 603, 608, 610, 612 and 641;
 - Performed brush removal with contractors;
 - Conducted flood repair operations on various routes and began mowing operations on primaries.

- Maintenance work planned for May/June:
 - Continue flood repair work and mowing operations on primary highways;
 - Continue pipe replacements along Route 606 and patching operations along Routes 606, 643 and 679;
 - Continue brush removal operations with contractors and conduct litter pick up on primaries.

- Other Projects:
 - Route 636, Mosby Road: Received confirmation of full funding including street lights for an additional \$176,000.
 - Route 604 – The box is scheduled for delivery around the 1st of June. As soon as the weather allows, the utilities will be relocated. We are in current negotiations for the additional drainage easement needed on the East side.
 - Route 723 – The Town of Boyce has notified VDOT that they do not wish to continue with this project.
 - Maintenance Transition – Berryville: The Town of Berryville and VDOT have met to begin the Maintenance Transition process for the secondary routes in the Town limits. Current schedule is for Town to assume responsibility for maintenance on July 1, 2012.
 - Result of discussion following citizen comment on crossovers – VDOT is looking for additional funding. Putting signage up for school buses. Looking at elevating shoulder.

- Supervisor Comments and Requests:
 - o Supervisor Byrd requested guardrails on the curve on Route 7 right near the crossover scheduled for closure, crossover 2-MP 6.89. Mr. Carter advised this had been requested and he was waiting for response.
 - o Vice Chairman Weiss requested investigation of a culvert on Route 608 North near an S-turn about 1.5 miles off Route 7. He advised that culvert appears to be blocked creating huge puddles during the recent heavy rains.
 - o Supervisor Dunning, noting high plant growth, requested mowing at intersections on primary highways.

Proposed 2035 VDOT Rural Long Range Transportation Plan

Chuck Johnston summarized the comments provided by the Board of Supervisors on the proposed 2035 VDOT Rural Long-Range Transportation Plan.

Supervisor Dunning moved authorize the County Administrator to sign and forward the 2035 VDOT Rural Long-Range Transportation Plan 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

Martha Shickle, Executive Director
Northern Shenandoah Valley Regional Commission
103 East Sixth Street
Front Royal, VA 22630

RE: Proposed 2035 VDOT Rural Long Range Transportation Plan

Thank you for the opportunity to comment on the revision of VDOT's 2035 draft plan for this region, which includes Clarke County. The Board appreciates the changes that were made to the draft plan for Clarke in response to the Board's January 13th letter. However, the revised plan still contains several recommendations that the Board believes are not in the best interests of the residents of Clarke County.

The Board is particularly opposed to:

1. Recommendations 11 & 13. Widen US 340 to four lanes from east of the US 522 / VA 277 intersection to south of the US 50 / US 17 intersection and north of the US 50 / US 17 intersection to Route 668 (mislabelled in draft plan as Route 688). This segment of Route 340 has the lowest volume of traffic as any segment of Route 340 in Clarke County and

connects to Route 50, which has had no growth in traffic volume for 10 years due to permanent traffic calming measures on Route 50 in Loudoun and Fauquier Counties to the east.

Please delete these recommendations.

2. Recommendations 14, 15, 16, and 43. Reconstruct US 340 from VA 620 to VA 7 Business to "rural two-lane standards". As this road currently has two 12-foot lanes that are in good condition in the County and a three lane urban section in the Town, this recommendation is a waste of public funds. Adding turn lanes at key intersections, as suggested, would be appropriate but rebuilding the whole road is not necessary.

Please delete this portion of these recommendations.

3. Recommendations 17, 18, 9, 20, and 21. Monitor VA 7 from the Frederick County line to the Loudoun County line for safety improvements and "perform regional travel pattern study to identify locations of potential Park & Ride lots." The primary users of a Park & Ride facility in the Route 7 corridor would be traffic originating in Frederick County and that is where a P&R facility should be located.

Please delete this portion of these recommendations.

4. Recommendations 30 and 31. Monitor VA 657 (Senseny Road) for safety improvements. Improvements to this country road are only made necessary by commuter traffic originating in Frederick County. Any potential problems should be addressed by diverting Frederick County traffic away from Senseny Road.

Please delete these recommendations.

5. Recommendation 10. Widening US 522 to six lanes. While the Board does not generally support widening roads, it does understand that widening US 522 in Frederick and Warren Counties is advocated by those jurisdictions. The Board will not be opposed to similar efforts in Clarke.

As previously indicated, the Board supports the intersection improvements for VA 7 & 657, US 340 & VA 612, US 340 & 50, and US 340 & 522. In addition, the Board strongly supports improvements to VA 7 Business (West Main Street), VA 636 (Westwood Road), and Mosby Blvd, adjacent to the new Clarke County High School on the west side of Berryville. In the Town of Berryville, the Board continues to support the VA 616 (North Church Street) improvements if they connect to Fairfax Street (Rt 1016) instead of Bundy Street. The Board also supported an additional project: the extension of Jack Enders Blvd (Rt 613), for .25 miles from the Norfolk Southern Railroad to Rt 340, which has been added to this version of the Plan. This connection will complete one of a network of streets designed to relieve congestion of the VA 7 Business (Main Street) and US 340 (Buckmarsh Street) intersection.

In short, the reconstruction of US 340 as four lanes south of Boyce and two lanes north of Boyce is simplistic, short sighted, and financially unrealistic. A Park & Ride facility in the VA 7 corridor should be placed in the jurisdiction from which the traffic originates. Finally, the

Senseny Road improvements are only necessary because of traffic originating outside of this jurisdiction, which in our view, is where they should be addressed.

Again thank you for this opportunity. The Board looks forward to working with VDOT on this issue.

Regards,
David L. Ash, County Administrator

Copy: Joseph Springer, Principal Transportation Planner
Parsons; 100 M Street, SE, Suite 1200, Washington, DC 20003

Chairman Hobert requested that Mr. Carter be provided a copy of the approved letter.

Citizens Comment Period

Chris Bates, White Post: appeared before the Board to request that additional money and time not be spent studying the Double Tollgate area. He opined that to spend additional money on a study that would only come up with the same conclusions that had been previously identified would be a mistake. He suggested tasking the Economic Development group to develop answers to these questions and to seek a candidate and property for development. Mr. Bates, who lives a short distance from this location, provided an historical overview of a feasibility study to develop this area conducted ten years ago. He advised that at that time it was determined by the group and the two consultants that there were a number of factors that were not going to work for immediate development including:

- The intersection at Route 522 and Route 340:
 - o The last plan for this intersection shows six lanes proposed to be run through this intersection;
 - o Route 277 is scheduled to come at least as far as White Oak Lane as four-lanes;
 - o No definitive remedies have been produced for the intersection and funds are limited.
- Lack of water and sewer:
 - o Negatively impacts the ability to attract businesses.
 - o Ten-years ago the number one option was to connect with the Lake Frederick sewage treatment plant; however, the cost of connection was prohibitive.
 - o Without a development opportunity, it is impossible to determine the necessary level of water and sewer.

Barbara Seldon, owner Dinosaur Land at the intersection of Route 522 and Route 340: appeared before the Board to request that they consider ways to solve the lack of water and sewer in the Double Tollgate area. She put forth that 18 acres of commercial property in this area held by 3 owners could not be developed without water and sewer. Mrs. Seldon stated that she had a lease option to place a Sheetz at

this intersection that could not be signed because they could not furnish water and sewer. She stated that Frederick County turned down their request for connection and connection with Lake Frederick was not possible.

Dave Stegmyer, Director of Constituent Outreach for the Western District of Congressman Frank Wolf. He stated that it is their intent to come to meetings of the local governing bodies and facilitate communication between the entities.

Chairman Hobert put forth that Delegate Joe May had expressed interest in establishing an office in Clarke County and suggested that they might wish to explore the possibility of having a physical presence as well.

Supervisor Dunning requested that Congressman Wolf do something to limit excessive federal spending.

Chairman Hobert thanked those who made comments.

Double Tollgate Planning Project Revised RFP

Chuck Johnston reviewed the proposed planning project that is being developed to determine how to bring water and sewer to this area. He stated that preliminary engineering water and sewer reports completed in March 2011 indicated that development of a central water system would cost over \$2 million; to build a collection system to collect sewer including pump stations, would be an additional \$2 million; to build a new sewage treatment plant, depending on size and technology, would be from \$1.8 to \$4.5 million. Based on the current approximately 50 acres of commercial property in the Double Tollgate area, the approximate \$8 million to develop water and sewer would be at a cost of \$160,000 per acre.

Mr. Johnston said that the proposal before the Supervisor was designed to determine just whether a larger-scale development would create an economy of scale that would be economically beneficial to the county. He put forth that while there are benefits to Economic Development it must still be determined whether the revenues generated will pay for the cost of the facilities, as well as whether it will make a real contribution to broaden the county tax base. He said that the primary focus of the RFP was to determine whether such development would make fiscal sense.

Supervisor Dunning put forth that the approximate \$10 million cost to develop water and sewer was virtually impossible. He expressed his opposition to further spending on consultants. Mr. Dunning reminded that Frederick County was the larger factor in development of this area. He opined that Mrs. Seldon was a developer and that the owners of the 18 acres should be allowed to put in a drainfield. He reminded that the Sheetz in the Waterloo area was allowed to proceed for defined period until an alternate

solution could be found. He urged that the Board be just as creative in this situation as they were in development of the Waterloo Sheetz store.

Chuck Johnston offered that if the Board wanted to adopt a policy to provide for commercial development on drainfields it was something that could be explored.

Supervisor Byrd contributed that to develop the area it would need to be rezoned and then a large developer identified who could put in the water and sewer. She stated that Clarke County could not afford upwards of \$10mm; and while the County could not afford to be the developer, they could make it possible to develop through rezoning. She expressed her opposition to spending more money on studies.

Supervisor Dunning interjected that the development would be done in a series that take years. He stated that he wanted to help move forward the potential development of the Sheetz store on this corner.

Vice Chairman Weiss commented that the discussion before the Supervisors was not the development of a specific property but the entire area. He noted that consensus had not been reached, staff had not been given direction, and rezoning had not been created. He expressed support of the RFP opining that it would help the Supervisors develop a plan that might just be smaller development based on wells and septic systems.

Supervisor Dunning interjected that four consultants had already provided that information. He further noted that Frederick County, a much larger county, had not developed the Double Tollgate area either.

Supervisor Byrd reminded that David Ash and Chuck Johnston had worked for a period of years trying to secure a connection to water and sewer with Frederick County but were turned down.

Supervisor Staelin interjected that at one point Frederick County had accepted. He added that the area had been included in the sewer service plans for Lake Frederick; however, the Chesapeake Bay regulations changed leaving insufficient capacity thus removing the option to hook into Lake Frederick. He noted that since the situation had changed the Supervisors needed to decide where they would go from here. He noted that the Comprehensive Plan listed this as an area targeted for development thus requiring water and sewer; however, when reviewing the economics, the data shows that development of only 50 acres will not be economical. Mr. Staelin speculated that creation of a larger area could be considered but development would not occur for 15 to 20 years unless a developer might be found to put up the money to build the needed infrastructure. He stated that the Comprehensive Plan sets forth one thing while the facts say another and the two needed to be in sync. He put forth possible options including amending the Comprehensive Plan. Mr. Staelin stated that sewer and water should not be expected for a very long time.

Supervisor Byrd put forth that the neighboring counties of Warren and Frederick have decreed what will be done and that the road will be developed. She opined that it would take a big developer to provide the needed infrastructure.

Supervisor Dunning put forth various issues for consideration including: comparison to Waterloo that was piecemealed and shares were sold to various developers to put in water and sewer. He opined that he did not see any "daylight" for this situation. He stated that he would like to accommodate development of the corner reminding that the owner had stated that Sheetz was interested in the corner and that they would work toward resolution of water and sewer issues. He restated his objection to spending additional taxpayer money on consultants.

Supervisor Dunning moved that the matter be tabled indefinitely.

Supervisor Staelin suggested that the Supervisors ask the Planning Commission to put the matter on their agenda in order for them to study the current plan for commercial development and revise it based on the knowledge that water and sewer will not be there for an extended period of time. He further suggested the matter be returned to the Supervisors with recommendations to further commercial development, recognizing that water and sewer will not be economically viable for an extended period of time.

Supervisor Dunning with drew his motion to table the matter.

Supervisor Staelin moved to refer to the Planning Commission to take into account the information developed and to make a recommendation with respect to the development of the Double Tollgate area understanding that water and sewer will likely be unavailable for an extended period of time and to suggest modifications, as necessary, to the Double Tollgate Area Plan.

Vice Chairman Weiss opined that to encourage pump and haul was to give up on the efforts to protect groundwater and it was very disappointing to think that the County would encourage a massive drain field in order to develop an area.

Supervisor Byrd commented that very competent studies had been conducted and the Planning Commission could work with those studies to develop an approach.

Chairman Hobert expressed his opinion that what was proposed in the motion was a step backwards. He stated that the studies were sequential studies that were necessary to bring us to this point to inform the County as to how best to proceed to develop the entire area. He put forth that the points made earlier by Mr. Bates were significant - the amount of water and sewer needed must be identified for a particular type of development, as well as his suggestion to identify development opportunities – both of these things the proposed study was designed to do. Mr. Hobert stated that this study would help the County know how to take the next step and make it clear that Clarke County is open for business the right kind of business.

Supervisor Staelin noted that Waterloo had not been fully built out and water and sewer were available. He suggested that the County put its emphasis on areas where there was more short-term return. He added that Supervisor Dunning had fought for Double Tollgate for years.

The motion was approved by the following vote:

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

Supervisor Dunning moved to direct staff and the Planning Commission to evaluate small businesses in the area and what can be done with the presently zoned 50 acres.

Vice Chairman Weiss interjected that he had nothing against the proposed development put forth by Mrs. Seldon; his issue was that Supervisor Dunning would be sending down to the Planning Commission a specific direction for one property owner in one zoning area thus creating a zoning niche.

Supervisor Staelin commented that this area is zoned commercial and ways to ease development needed to be identified.

Chuck Johnston asked if Supervisor Dunning would consider modifying his motion opining that this was not a zoning but an engineering issue regarding onsite sewage.

Supervisor Dunning reminded that Triple J Grocery was on a drainfield.

Chairman Hobert put forth that the motion does contemplate the issue put forth by Chuck Johnston and that the minutes would so indicate.

Supervisor Dunning called for question.

The motion was approved by the following vote:

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

Discussion Staggered Terms for Board of Supervisors and School Board

David Ash advised that the Clarke County School Board had requested that the Board of Supervisors consider changing the terms of office for the Board of Supervisors and the School Board so as to stagger the terms of members to provide for continuity of leadership that would span the terms of individual members. He stated that such a decision impacts both boards because terms must be synchronized. He reviewed the options concluding that during a period leading up to a general election was not the time to make such a change.

Chairman Hobert noted that the community could request a referendum or a committee could be formed to review staggered terms could be appointed.

Supervisor Staelin suggested a communication to the School Board describing the timing issues and the Board of Supervisors' desire to hold the matter over until it could be reviewed by the next Board. By consensus, staff was directed to send this communication.

Request to Consider Rescheduling July Board of Supervisors Regular Meeting to July 13, 14 or 15 from Tuesday, July 19, 2011

Supervisor Dunning stated that he would not be available for the Board of Supervisors regular meeting in July and asked them to consider changing the meeting from July 19 to either July 13, 14 or 15.

Supervisor Staelin suggested elimination of the committee meetings scheduled for July 11.

By consensus, the date of the regular meeting of the Board of Supervisors was tentatively set for Thursday, July 14 pending review of individual calendars for potential conflicts.

Committee Action

Personnel Committee

Expiration of Term for appointments expiring through February 2011

5/9/2011 Summary: No recommendations were made at the time of the meeting.

5/24/2011 Summary: No recommendations were made at the time of the meeting.

Appointee Information Feedback Update

5/9/2011 Summary: Administration is coordinating training dates with FOIA Council. The Personnel Committee:

- √ Recommended providing notice to all appointees and employees of the September 14, 2011 training date.
- √ Requested staff to verify those entities that require representation from specific election districts.
- √ Requested staff to check status of bylaws / mission statements requested of each entity on March 21, 2011.

5/24/2011 Summary: David Ash summarized the recommendations and requests of the Personnel Committee.

Recommendation to Require Annual Audit or 990 filing

5/9/2011 Summary: Item added to the May 9, 2011 Finance Committee agenda.

5/24/2011 Summary: David Ash advised that the Finance Committee had reviewed the matter.

Work Session

Historic Long Branch Rock N River Special Event Permit Application Request for Waiver

5/9/2011 Summary: The Chairman has asked that this matter be placed before the Board members to seek agreement of the members to review a complete application and act to approve or deny the same at the next Regular Meeting scheduled for May 24, 2011, foregoing the option to call for a public hearing on the matter and to allow continued advertisement of the event in the interim. Normally, a medium event application is reviewed by the Board of Supervisors during a regular meeting at which time the Board may approve, disapprove, or at the Board's discretion, set the matter for public hearing at the next regular Board of Supervisors meeting. As the proposed event is scheduled for June 4, 2011, this application has not been submitted in time to allow the Board of Supervisors to follow the review and approval process. If the Board agrees to modify its process, a complete, consistent, and accurate application from Long Branch, with all required forms, notices, and responses, must be submitted to the County Administrator's office no later than the close of business on Monday May 16, 2011. Staff will review the application and include it on the Board agenda along with notation of any omission, error, concern or question. The Board will then make its decision upon the application and comments

submitted. Note: an application for a medium size event for 999 attendees was received May 2, 2011; however just a quick review revealed that the application was incomplete and it was returned to Historic Long Branch. Following discussion at the Work Session, the Board of Supervisors agreed to place the application on the May 24, 2011 agenda for discussion and potential approval. The Supervisors requested that they be provided with a technical review of the application.

05/24/2011 Summary: David Ash advised that on Monday, May 16, 2011, the applicant withdrew its request for permit.

Double Tollgate Planning Project

5/09/2011 Summary: Chuck Johnston provided an update. The Supervisors requested that a revised RFP be included on the May 24, 2011 agenda for continued discussion.

05/24/2011 Summary: David Ash advised that this matter had been reviewed separately earlier in the meeting.

Additional Funds Mosby Project

5/09/2011 Summary: In support of the Mosby project, the Board is being asked to consider preparing a letter of support to aid local VDOT in securing the remaining funds [approximately \$266K] from Richmond. Supervisor Staelin moved to approve the draft letter and authorize that it be sent immediately on behalf of the Board of Supervisors. 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.	-	Absent
John R. Staelin	-	Aye

05/24/2011 Summary: No further action was taken at the regular meeting.

Request for Technical Adjustment to the boundary line dividing the 10th and 33rd House of Delegate districts in Clarke County to eliminate the split House district in the Millwood voting precinct

5/09/2011 Summary: The Board is being asked to ratify the request letter sent to Governor McDonnell on May 2. Vice Chairman Weiss moved to ratify the

letter mailed to Governor McDonnell on May 2 requesting a technical adjustment to the boundary line dividing the 10th and 33rd House of Delegate districts in Clarke County to eliminate the split House district in the Millwood voting precinct. 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

05/24/2011 Summary: No further action was taken at the regular meeting.

Line of Duty

5/09/2011 Summary: David Ash is reviewing the proposal from VACo and is still waiting on response from VRS. The Supervisors directed that the member agreement from VACo Group Self-Insurance Risk Pool providing line of duty coverage and the VRS opt out resolution be placed on the Consent Agenda for the May 24, 2011 meeting.

05/24/2011 Summary: David Ash advised that this matter had added to and approved on the Consent Agenda earlier in the meeting.

Closed Session:

A. Senior Center Status Update

5/09/2011 Summary: 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

5/09/2011 Summary: The Board anticipates convening in closed session pursuant to §2.2.3711-(A)(1) to consult with staff regarding specific employees.

Supervisor Byrd 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:

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 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

5/09/2011 Summary: No action was taken on matters discussed in Closed Session.

5/24/2011 Summary: No action further action was taken during the regular meeting.

Proposed 2035 VDOT Rural Long Range Transportation Plan.

5/09/2011 Summary: This item was added at the time of the work session and was a follow up to previous Board comments. Chuck Johnston reminded the Board of the public information meeting regarding the 2035 plan on Wednesday, May 11. Mr. Hobert asked Mr. Dunning to attend the meeting with Mr. Johnston and to share their comments. Mr. Hobert asked Mr. Johnston to prepare updated comments on the revised plan for Board action at the regular meeting.

05/24/2011 Summary: David Ash advised that this matter had been reviewed during the VDOT update earlier in the meeting.

Fee for Service

5/09/2011 Summary: Response from billing company under review. The County Administrator updated the Supervisors on the results advising that it would be necessary to speak with a representative from Winchester City in order to develop an estimate of the in-house cost of administration.

05/24/2011 Summary: No action was taken on this matter during the regular meeting.

Finance Committee

Tom Judge appeared before the Supervisors to review the Finance Committee recommendations from the May 9, 2011 committee meeting.

The Finance Committee recommends approval of items 1, 2, 3, and 7 below:

1. Supplemental Appropriations. The following transfers are recommended:

"Be it resolved that Animal Control budgeted expenditures be increased \$3,443, and the same appropriated, for the purpose of purchasing supplies for the care of cats, and be it further resolved that the same amount be transferred from the Animal Care Trust Fund to the General Fund. "

"Be it resolved that the Joint Administrative Services Budget be increased \$5,000, and the same appropriated, for the purpose of covering an annual payout for the resignation of the Payroll and Benefits Coordinator; and be it further resolved that the fund balance designation for government savings be reduced in the same amount."

2. Submission of Federal Form 990 with Annual Budget Submission.

Clarke County government currently requires that outside organizations seeking funding submit their most recent audited financial report, In addition, the Finance Committee recommends that such organizations submit federal form 990 with their budget request if they are required by the federal government to file this form.

3. Animal Adoption Fee Increase.

The Humane Foundation recommends that the fee for adoption of animals be increased from \$10 to \$25 dollars per animal. This fee will better reflect the actual costs of preparing an animal for adoption. The Finance Committee recommends adoption of this fee increase.

Supervisor Byrd briefly explained reasons for the increase.

4. School Board Supplemental for One-Time Employee Compensation.

The School Board voted unanimously on May 4 to request a supplemental appropriation of \$246,486, the source for which would be unspent funds from FY 09, to be used to provide a one-time payment to employees, preferably in the current fiscal year, in the following manner:

- a. Salary less than \$25K: \$425.*
- b. Salary greater than or equal to \$25K but less than or equal to \$60K: 1.7% of salary.*
- c. Salary greater than \$60K: \$1,020.*

05/09/2011 Summary: The Finance Committee deferred discussion of this matter to the full Board of Supervisors. Supporting documents were distributed showing the options the School Board considered, a survey of other jurisdictions conducted by School staff, and the estimated cost of providing a 1% increase to the Government, Social Services, and JAS.

05/24/2011 Summary: Tom Judge reviewed the School Board's request advising that the funds would be used for a one-time salary increase for employees.

Supervisor Byrd clarified that this was not a salary increase but a one-time payment that does not add to the base salary. Mr. Judge confirmed.

Chairman Hobert stated that everyone was supportive and appreciative of the great job being done by all County employees.

Supervisor Dunning stated that he was opposed to the raise opining that the economic difficulties do not dictate the increase. He noted:

- Average teacher salaries of \$43,600, not including perks, were well in excess of the 2007 figure of \$23,500 per capita income;
- Schools budget and revenue has been lost due to reduced enrollment;
- VRS is a disaster funded at 70%;
- When faced with the tremendous number of costs, giving a token raise sends the wrong signal in times of want;
- Property values down 25 to 30%;
- School enrollment is decreasing with a loss of 212 students over the last few years;
- Board has done a good job of running this County and the composite Index might hurt the County;
- New property owners continue to bail out on large equity loans and on high water and sewer rates;
- Land value down – may have to raise taxes;
- Town of Berryville is having a difficult time economically;
- Everyone is suffering and no one should be favored.

In conclusion, Supervisor Dunning suggested waiting until next year.

Supervisor Byrd commented on an email received from one of her constituents that opposed the one-time payment to school employees that suggested that the money be spent instead on materials and books or set aside for a salary increase.

Tom Judge, responding to Supervisor Byrd's query about availability of funds for textbooks, assured that funding was available this year and next.

Supervisor Staelin moved the following:

Whereas, the last several years have been very difficult financial times for our nation, the Commonwealth, the County and our County's citizens; and

Whereas, one result of these difficult times is that the employees of Clarke County (General Government and School) have not received a salary increase in 3 years and will not receive a raise in FY2012, and

Whereas, FY13 is expected to be an even more difficult financial year because the Clarke County School system will lose \$360,000 in Federal Stimulus funds; and

Whereas, County employees have been dedicated and performed their jobs well despite the pay freeze; and

Whereas, the School Board voted to give its employees a one-time bonus in FY11 and requested that the Board of Supervisors appropriate all of the remaining funds (\$246,486) in the School Operating Carryover Fund to pay such bonus; and

Whereas, the Board of Supervisors also wants to give a one-time bonus to school employees but is concerned that if the School Board uses all of its remaining "saved" funds for a bonus in FY11 it will not have any funds to fall back on in FY12 or FY13, when it loses \$360,000 in Federal Stimulus funds; and

Whereas, the Board of Supervisors also wants to give General Government employees a bonus similar in size to any bonus given school employees.

Now therefore, be it resolved that the Clarke County Board of Supervisors increases budgeted expenditure and appropriates \$150,000 to the FY11 School Operating Fund from School Carryover Funds contingent upon receipt of a letter from the School Board stating:

1. The School Board has no better uses for these funds (textbooks, technology, etc) in FY11 or FY12.
2. The School Board understands that FY13 will be a very tough year financially because \$360,000 in Federal Stimulus dollars will no longer be available after FY12.
3. The School Board would rather use \$150,000 from its carryover fund balance for bonuses in FY11 than have that money available in FY13 to avoid the laying off of over 2 FTEs.

Further be it resolved that the Clarke County Board of Supervisors increases budgeted expenditure and appropriates \$37,867 to the FY11 General Fund to be apportioned to departments so as to provide equitable compensation, \$4,444 to the Joint Services Fund

and \$7,689 to the Social Services Fund for the payment of a one-time bonus to employees of these agencies, such money to be taken from the General Government Savings Designated Fund Balance.

Supervisor Staelin noted that the Supervisors would have final approval and that David Ash, County Administrator, had indicated that he would hold spending for one-time payout until FY2012.

Supervisor Dunning noted that the funds requested were from FY2009 and that surplus had been limited in subsequent years.

Tom Judge confirmed that the FY2010 money had been dispersed and spent.

Chairman Hobert stated that he was opposed to Mr. Staelin's motion and even more opposed to Mr. Dunning's proposal. He expressed appreciation for Mr. Staelin's attempt to address the matter in a fair and balanced way and stated that, if required, he would vote in favor of his motion. He opined that fundamentally he believed it was an error to go down this road because of the long-standing policy of the Supervisors to return carry over funds to the Schools for one-time expenditures determined to be necessary and desirable by the School Board. Mr. Hobert put forth that the School Board had managed their appropriations and that it was important to honor our colleagues on the School Board, who have made difficult management decisions in tough economic times. He reminded the Supervisors that the School Board had unanimously approved this request. Chairman Hobert acknowledged that this expenditure could have consequences in FY2013 as pointed out in Supervisor Staelin's motion that might very well cause the School Board to deal in a much harsher way with their employees a year from now. He expressed his disappointment reminding that the Boards had worked together fairly well over the past three years. He opined that he believed this was the wrong signal to be sending and asked that the School Board be given the benefit of the doubt. Chairman Hobert concluded his statement by suggesting a friendly amendment to Supervisor Staelin's motion increasing the funding to the full amount requested in recognition of the long-standing policy.

Supervisor Staelin declined to accept the proposed amendment.

Supervisor Dunning stated that in his 30 years these carry over funds have never been used for salaries. He offered a motion that the bottom half of salaried employees benefit from the amount given in Mr. Staelin's and the other half not benefit. He stated that he was against the raise; but if it were to be given, it should be given to those on the lower rungs.

Chairman Hobert put forth that the reason the policy was put in place to encourage well-thought out spending plans.

Supervisor Byrd commented that next year would be difficult noting that this year it was unlikely that the Schools would have any carry over. She supported Supervisor Dunning in his suggestion to fund the lower paid employees. As School Board liaison, she informed the Supervisors that the original request from school employee advocate, Andrew Kiser, was a flat bonus for all employees. Supervisor Byrd opined that she was all for giving everyone a pat on the back and letting them know that their work was appreciated but there was also the responsibility to ensure that finances were healthy for next year. She expressed concern about depleting funds that would not be replenished.

Vice Chairman Weiss agreed with Chairman Hobert that the policy of returning the School's carry over funds was a reasonable policy for reasonable expenditures. He stated that he did value school and general government employees but that it seemed odd that in today's world for those employees paid by the citizens to receive bonuses of whatever size. He expressed support for Supervisor Staelin's motion because it does save some money for the future.

Supervisor Dunning opined that the request was in poor taste in hard times.

Supervisor Staelin noted that the fiscal policy does state that there is a bias to approve requests but it also requires that the Supervisors consider future spending and the fiscal condition of the county. He opined that his motion addressed both current and future needs. He added that the School Board was requesting the funds for FY2011.

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.	- Nay
John R. Staelin	- Aye

Supervisor Byrd asked where the funding would come for general government employees. Tom Judge responded that it would come from government savings.

5. Line of Duty Act (LODA).

Costs to fund this program for FY 12 have been requested from the Virginia Retirement System, and from VACorp, based on data submitted to these organizations concerning employees and volunteer fire members. It is hoped that

such data will be available at the meeting. The Board of Supervisors needs to declare to the Virginia Retirement System by June 30 that it is opting out of the VRS LODA plan, or it will be automatically, and irrevocably, enrolled in that plan. It should be noted that the LODA program may require funding of an actuarial study to determine liabilities under the "Other Post Employment Benefit (OPEB)" financial reporting requirement. See the Work Session report for the resolution of this issue.

5/24/2011 Summary: Added to the Consent Agenda.

6. *VRS Deferred Compensation Plan versus Nationwide Deferred Compensation Plan (FYI).*

The Joint Administrative Services Board discussed the benefits of offering the VRS deferred compensation program instead of the Nationwide program. These include lower fees, coordination with the Virginia Retirement System defined benefit program in terms of customer access, and simpler investment options. There is no exit fee for leaving Nationwide. However, there may be a market adjustment for those with funds in the fixed account (see attached). JAS is considering this change so that the new plan could also be available to school employees. If JAS recommends a change, the following actions would be requested:

- a. Termination of Nationwide Plan by BOS.
- b. Adoption of VRS plan by BOS.
- c. Adoption of VRS plan by SB.

5/24/2011 Summary: Item still under discussion.

7. *Acceptance of April Bills and Claims.*

The acceptance of this report is proposed.

5/24/2011 Summary: Item was approved.

8. *Standing Reports*

The following are included: Reconciliation of Appropriations. General Fund Balance. General Fund Expenditure Summary, Capital Projects.

5/24/2011 Summary: No action required.

9. Maintenance Purchasing Card Limit.

Requested Action: Be it resolved that the credit limit on the Maintenance Department purchasing card be increased to \$5,000.

5/24/2011 Summary: Item was approved.

Supervisor Byrd moved to approve the recommendations of the Finance Committee for Items 1 - Supplemental Appropriations, 2 - Submission of Federal Form 990 with Annual Budget Submission., 3 - Animal Adoption Fee Increase, 7 - Acceptance of April Bills and Claims and 9 - Maintenance Purchasing Card Limit. 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

Contract with Planet Footprint – Sole Source. Natural Resource Planner Recommendation: Approve contract for 1 year at \$1,500 with Planet Footprint. The expense will be paid out of the energy management budget.

Chairman Hobert reviewed the Natural Resources Planner's request. David Ash provided additional detail on data tracking.

Supervisor Staelin moved to approve the recommendation of the Natural Resources Planner. 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

Government Projects Update

Highlights of the monthly project update provided by David Ash included:

Circuit Courthouse:

- Nearing completion down to installing electrical plugs, painting and cleaning up walls

- Construction includes additional hold cell.
- Construction is expected to be complete finished within the next few weeks.
- David Ash will notify Supervisors when complete and arrange a tour.

Convenience Center:

- Resolving questions on scope.
- Responses to RFP's expected by mid June.

Commonwealth Attorney Building:

- The courts have requested use of this building for file storage; and if not granted, the issue of file storage will require resolution. It was suggested that this request be considered in conjunction with the file storage needs of other agencies.
- It was suggested that this building be left empty until a suitable use is identified.
- It was noted that Delegate Joe May had expressed interest in using the building as his local office.

Former Library Building:

- This building remains unused and there were no forthcoming recommendation from the Building Committee to dispose of the building.
- Suggest bringing back into use or renting/leasing.
- Use of the modular unit is limited to the library only and must be removed. The Supervisors requested that David Ash speak with the Town Manager or Mayor regarding their willingness to continue the special use permit; and if it must be removed, to seek a cost estimate for removal.
- Major rework of the stucco is required and a cost estimate for repairs must be developed.
- Supervisors concurred in the exploring lease options but urged discretion in selection.
- Potential tenets must have the ability to subsidize facility upkeep and repairs.

Summary Of Required Action

<u>Item</u>	<u>Description</u>	<u>Responsibility</u>
1.	Process 2011 Virginia Community Development Block Grant Citizen Participation Plan for Local Government Applicants 2011-12R with cover letter to Denise Ambrose re Revised Warren and Clarke County Microenterprise Assistance Program.	Lora B. Walburn

<u>Item</u>	<u>Description</u>	<u>Responsibility</u>
2.	Correct and process approved minutes.	Lora B. Walburn
3.	Process VACo Group Self-Insurance Risk Pool Line of Duty Member Coverage Agreement.	David Ash
4.	Process VACO Opt-Out Resolution 2011-11R	David Ash
5.	Process Town of Boyce VDOT Revenue Sharing withdrawal notice.	Lora B. Walburn
6.	Process letter of support for small watersheds grant.	Lora B. Walburn
7.	Provide status of guard rail request.	VDOT
8.	Process proposed 2035 VDOT Rural Long Range Transportation Plan and provide a copy to Ed Carter – VDOT.	Lora B. Walburn
9.	Refer Double Tollgate matter to the Planning Commission for consideration, evaluation and recommendation.	Chuck Johnston
10.	Communicate Board consideration of staggered terms to the Clarke County School Board.	David Ash
11.	Schedule meeting room and update meeting calendars to reflect date of regular meeting change from July 19 to July 14.	Susanne Vaughan
12.	Notify Animal Shelter of approval of increased adoption fees.	Lora B. Walburn
13.	Notify School Board of Supervisors action re supplemental appropriation for one-time employee bonus.	David Ash
14.	Notify Alison Teetor of Supervisors action re contract with Planet Footprint.	Lora B. Walburn
15.	Speak with the Town Manager or Mayor regarding their willingness to continue the special use permit for the modular unit connected to the old Library; and if it must be removed, to seek a cost estimate for removal.	David Ash
16.	Develop cost estimate for repairs to the old library.	David Ash
17.	Add verification of Closed Session for Supervisor Dunning to June 21 regular meeting.	Lora B. Walburn

Board Member Committee Status Reports

Regional Water Resource Policy Committee by John Staelin

- o Alison Teetor has been asked to provide a report outlining Clarke County's responsibilities to fulfill the Chesapeake Bay 25% reduction in nutrients.

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 specific to Shenandoah Area Agency on Aging.

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 left the meeting at 4:20 pm.

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, Vice Chairman Weiss 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.	- Absent
John R. Staelin	- Aye

Supervisor Weiss 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.	-	Absent
John R. Staelin	-	Aye

No action was taken on matters discussed in closed session.

Adjournment

There being no further business to be brought before the Board at 4:45 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, June 21, 2011 at 1:00 p.m. in the Main Meeting Room, 101 Chalmers Court, 2nd Floor, Berryville, Virginia.

ATTEST: May 24, 2011

J. Michael Hobert, Chair

David L. Ash, County Administrator

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