

CLARKE COUNTY BOARD OF SUPERVISORS  
August 16, 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, 2<sup>nd</sup> Floor Berryville Clarke County Joint Government Center, 101 Chalmers Court, 2<sup>nd</sup> Floor, Berryville, Virginia on Tuesday, August 16, 2011.

Board Members Present

Barbara Byrd; J. Michael Hobert; John Staelin; David Weiss

Board Members Absent

A. R. Dunning, Jr.

Staff Present

David Ash, Chuck Johnston, Alison Teetor, Tom Judge, Lora B. Walburn

Others Present

Martha Shickle; Jill Keihn; Robina Rich Bouffault; Michael Murphy; Rick Catlett; Keith Dalton; Val Van Meter; Ed Leonard and other citizens

1. Call to Order

Chairman Hobert called the meeting to order at 1:02 p.m.

2. Adoption of Agenda

David Ash announced that the Supervisors were invited attend a luncheon sponsored by the Ruritan at noon on Thursday, August 18, 2011 at the Clarke County Fair Grounds.

David Ash advised that there were no reported items for Item 17 Closed Session.

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

### 3. Clarke County Public Schools Update

Dr. Michael Murphy, Superintendent - Clarke County Public Schools, appeared before the Supervisors to provide the monthly update for Clarke County public schools. Highlights include:

#### Students...

- Students are excited (by age group – the younger they are the more excited they seem)

#### Staff...

- New teacher in-service day was Friday.
- All-Staff Breakfast was yesterday with thanks to many generous sponsors.
- Safety training for custodians, transportation staff, and food service staff took place yesterday.
- Building workshops today and for most of the week; for example, the high school is learning how to better use data to make decisions about teaching and learning
- Division-wide convocation tomorrow
- School starts on Tuesday.

#### Operations...

- Temporary chiller in place.
- All schools are now wireless.
- Two portables are leaving the division.
- Roofing repairs at JWMS are almost done.
- Most schools are ready for students – still working on the waxing.
- Community Wellness Night set for September 29; details to follow.
- Almost 500 student and staff computers are being deployed this fall.
- WeatherBug application to get lightening alerts is available for iPhones, iPads, Droids.

#### Curriculum...

- Focus... curriculum alignment in math, English, reading.
- Focus... tailoring professional development to meet instructional needs.
- Focus... reviewing pacing guides to ensure consistency (back to alignment).
- Focus... learning instructional strategies to improve student performance.

- Focus... working on the integration of technology in instruction.
- Focus... data, data, data.
- D.G. Cooley and Boyce Elementary made AYP.

Rick Catlett – Personnel Services

- 53% of returning staff have masters or doctorates.
- New hires to date: 37; 24 licensed staff includes teachers, administrators, speech pathologists, with 60% carrying advanced degree of masters or above; 13 support staff includes custodians and instructional aides.
- Interviews being conducted to fill two additional late vacancies.
- Most teachers are from or trained in Virginia.
- Due to current economy, the Schools have had the benefit of a deep applicant pool including the special education field.
- While the pay scale for a teacher with a bachelor degree lags behind other local jurisdictions, the master degree pay scale is very competitive.

Robina Rich Bouffault - New High School project.

- Shockey portion is 65% complete and on schedule.
- Rough grading and remediation continue due to recent storms.
- Cut across Main Street is on hold until after fair week. Encountered considerable rock and will be slower than originally anticipated.
- Bricking of outside classroom wing is in process and proceeding to other portions.
- Greenhouse foundation is being constructed.
- Colored concrete with water-proof veneer will be used in the art rooms.
- Ceramic tile going into bathrooms
- Final HVAC units on roof should be completed by end of month.
- Door and window installation continues.
- Domestic and sanitary rough in throughout building, as well as electrical
- Sprinkler system to be installed in remainder of building.
- Construction portion of contract – still under global budget for the building.
- VDOT sent construction drawings; and on August 8, the School Board approved following review by Urban Engineering's Jon Erikson. Waiting for confirmation from VDOT regarding reimbursement of costs.
- Supervisor Byrd put forth that comments from her constituents indicated that they were thrilled with the new school.

- Supervisor Byrd asked about a landscaping master plan. Ms. Bouffault stated that Urban had proposed developing a master plan but the School Board voted it down. She further advised that a landscaping master plan was needed even if it became a community project.
- Supervisor Staelin asked about progress on renovation plans for other schools. Ms. Bouffault stated that she had not heard anything further about the other schools. She did confirm that chiller replacement at the current high school was part of planned renovations.
- Dr. Murphy informed the Supervisors that a staff tour of the current high school had been conducted last week. The group is reviewing floor plans and needs for elementary students and tasked with developing and presenting their ideas for best use to the School Board in September.
- Dr. Murphy provided an update on the temporary replacement chiller installed at the current high school. He advised that this was a 3-month rental at an approximate cost of \$30,000 down from the originally reported \$51,000. He stated that the chiller issue needed further analysis.

#### 4. Approval of Minutes

Supervisor Staelin moved to approve the July 14, 2011 Regular Meeting minutes subject to correction of typographical errors. 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.	- Absent
John R. Staelin	- Aye

#### Verification of July 14, 2011 Closed Session Supervisor Dunning

Due to the absence of Supervisor Dunning, this matter was carried forward to the September 27, 2011 regular meeting.

Chairman Hobert instructed staff to brief Supervisor Dunning of the required verification in advance of the September regular meeting.

#### 5. Consent Agenda

##### A. Northwestern Community Services FY2012 Performance Contract

In accordance with State requirements, each locality is asked to review and endorse their area Community Service Board's Performance Contract. Pertinent information from the document submitted to the Virginia Department of Behavioral Health and Developmental Services was submitted for review. The document provided reflects allocated Federal, State and local funds, and other reimbursements to be received in order to carry out the work of our Board of Directors for FY 2012. Millard F. Hall, Jr., Chief Executive Officer Northwestern Community Services, is requesting that the performance contract be presented to the respective Board/Council for endorsement.

#### B. LODA Eligibility for Volunteer Fire and Rescue Companies

Notwithstanding the resolution adopted by the Board of Supervisors on June 21, 2011, specifically naming the Volunteer Fire and Rescue Companies providing service within Clarke County, the VRS has opined that members of those volunteer organizations may not be eligible for benefits offered under the program because Clarke County has not adopted a resolution specifically establishing that the Volunteer Fire and Rescue Companies within Clarke County are "integral" parts of the provision of the official safety program of the County.

Although there are agreements in place with the Fire Companies, they predate the eligibility of the members of the volunteer fire and rescue companies in the LODA program and do not contain the magic language desired by VRS.

I have discussed this matter with Mr. Mitchell and recommend that the Board of Supervisors adopt the following:

*"Be it resolved that Blue Ridge Volunteer Fire Company, Inc., Boyce Volunteer Fire Company, Inc., John H. Enders Fire Company, Inc. and Rescue Squad and Shenandoah Farms Volunteer Fire Department, Inc. be hereby recognized by the Clarke County Board of Supervisors as volunteer fire, rescue and emergency medical services organizations providing services within Clarke County as an integral part of the official safety program of Clarke County for the purpose of ensuring that members of said organizations be eligible for benefits provided by the Line of Duty Act set forth in §9.1-400 of the Virginia Code, as amended"*

**Supervisor Staelin moved to approve Items A and B on the Consent Agenda. 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

## 6. Citizens Comment Period

Randy Collins, President Top of Virginia Regional Chamber of Commerce: appeared before the Board as a matter of courtesy and to extend an invitation to the Hob Nob in the Valley held in September, as well as to invite the Supervisors to attend local meetings in the County and Berryville, a group of approximately 20 business persons. He stated that the Chambers' mission was to engage in business community and to be a resource for struggling business. He said that the economy had been devastating to some business while others have thrived. Mr. Collins commented that Clarke County businesses have been very supportive of the Chamber.

Chairman Hobert thanked Mr. Collins for the community outreach.

## 7. VDOT

Edwin Carter, Program Manager, with Cliff Balderson, Residency Maintenance Administrator, and Charlie Monroe, appeared before the Supervisors to provide the monthly update.

- Maintenance work completed in July/August:
  - Used contractors to pave west bound Rte. 723;
  - Completed bridge replacement on Rte. 723 at Powhatan School;
  - Cut brush along Rte. 675 and around signs at various locations;
  - Conducted shoulder work on primaries;
  - Mowed for sight distance issues at various locations and began mowing behind guardrails;
  - Performed patching operations on Rtes. 606, 655, 672 and 761;
  - Repaired drainage issues at various locations;
  - Began grading operations on non-hard surfaced roads.
  
- Maintenance work planned for August/September:
  - Continue mowing behind the guardrails and begin mowing on the primaries and move on to the secondary's when primaries complete;
  - Continue grading non-hard surfaced roads;
  - Replace bridge deck on Rte. 603, road will be closed starting 8/22/11;
  - Conduct pipe-cleaning operations on Rtes. 7, 340 and 601;
  - Bring in contractor for hazardous tree removal on Rte. 50.

– Other Projects:

- Mosby Road - The Right of Way Department is proceeding with acquisition and the environmental re-evaluation has been completed. Still waiting on final plan approval but expect any day.
- Route 604 - Working on easements still needed for box placement. The deadline for response from the letters to the property owners on the second phase has expired. Nineteen letters were sent out and we have received 11 responses, all were in favor of the project.
- Route 7 Crossovers - The project has been submitted for authorization to bid.
- Route 723 Bridge - The project is proceeding on schedule however traffic engineering is requesting a change in the detour route. The reasoning is one of geometric concerns on the original proposed route. We would like the County's input on the proposed change.

In general, detours are provided for non-locals as local residents tend to pick the route most convenient to their destination. A major consideration is the type of traffic currently using the route, i.e. cars, vans, trucks, etc. Our traffic engineers rode both routes and determined that the green route provided a safer alternative because of geometrics. This includes road width, turns and curves and travel surface. This is reason for the change.

- Route 761 - Scoping and design is in progress.
- Route 340 Safety Issues Near Tobacco Store - In preliminary review, curb warning signs are probably in wrong spot but will need to re-measure and replace with Watch for Turning Vehicles signs. A traffic count is also necessary. Further, VDOT will research the continued appropriateness of the existing School Bus Stop Ahead sign.

Chuck Johnston put forth that the Planning Department had received a redevelopment proposal for this area that would change the topography and physical characteristics that would significantly impact sight.

- Route 603 Closure from Route 7 to Bridge – Closure could extend to three or more weeks and will be closed from both ends. He noted that vehicles could access the monastery but could not go straight through.

– Supervisor Comments:

- Supervisor Byrd – Comments from Constituents.
  - Compliment cleaning of Garden Road.

- Summit Point Road needs shoulder work in several places.
  - Westwood Road by the walnut tree where school buses park requires vegetation removal. Charlie Monroe responded that he had gotten permission from the landowner to trim the trees.
  - Drainage area by Headleys on Senseny Road is deluged with water when it rains.
  - Senseny Road, at Crim's curve, land was given by a homeowner to smooth out this curve and VDOT put in the fencing that they are supposed to clean and maintain. Mr. Watkins will give VDOT permission to clean this area if his fencing is put back in place.
  - Route 340 by Labasbas property right beyond Clifton Road south bound has a big drop off by the mailbox and constituents have asked if gravel can be placed in this area. Charlie Monroe offered to look at the area.
  - Supervisor Staelin –
    - Route 604: Ed Carter will provide an outline of the issues.
    - Route 601 Toward Route 7: the side of the road is cracking and appears to have no real support. Charlie Monroe responded that VDOT has patched with asphalt material several times but a better fix needs to be identified.
8. Additional Discussion and to Consider Setting the Regional Water Supply Plan and Ordinance Implementing the Drought Response and Contingency Plan CC-11-04 for Public Hearing at the September 27, 2011 Regular Meeting at 2:00 pm or as Soon Thereafter as the Matter May Be Heard.

Alison Teetor, Natural Resource Planner, with Jill Keihn and Martha Shickle of the Northern Shenandoah Valley Regional Commission and Chuck Johnston, made a presentation to the Board of Supervisors specific to the Regional Water Supply Plan with an emphasis on population figures gleaned from the Virginia Employment Commission.

Chuck Johnston explained that the proposed adjustments were derived from projected population figures using the most recent 2010 census and focusing on rural areas, as well as adjusting projections for the Towns of Berryville and Boyce. Supervisor Staelin expressed his support for the method used to project town populations. He said that he was satisfied with the adjusted projection of 6% growth in rural areas of the County. He requested that these projections replace those in the draft plan.

Vice Chairman Weiss contributed that these population projections appeared more realistic.

Following discussion, Chuck Johnston requested that public hearing be set using the revised population projections with the revised table.

**Supervisor Staelin moved to set moved to set the matter, with modifications to population assumptions as discussed, for public hearing on September 27, 2011 at**



1:00 pm or as soon thereafter as the matter might be heard. 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

Chuck Johnston introduced Martha Shickle, Director Northern Shenandoah Regional Commission.

Martha Shickle informed the Board that VDOT had incorporated their recommendations into the long-range transportation plan and that they would be invited to attend the presentation of the revised plan. She invited the Supervisors to attend the open house for their new offices at 400 Kendrick Lane scheduled for 12 Noon, Thursday, September 29.

#### 9. Additional Discussion Chesapeake Bay TMDL Local Responsibility

Alison Teetor, with Jill Keihn and Martha Shickle, provided a status report.

- The Commission sponsored a meeting on the matter that received strong support. Five persons from Clarke County were in attendance.
- The Commission is there to help navigate dates and deadlines during is very confusing legislative time.
- Multiple suits regarding this legislation may have some impact.
- The Commonwealth is asking localities to present to the EPA what they want and need.
- The DCR is to submit plan to the EPA.
- A group of citizens is interested in helping with the review process and could be helpful checking the numbers and aid the County in developing a plan by the deadline. There is much to be done and cooperation will be needed.
- It was suggested that the plan state what the County believes it can accomplish.
- Need to identify problematic issues.
- Proposed BMPs are not considered realistic and developing a response that challenges the BMPs was suggested.
- The Farm Bureau is willing to help to solidify what the farming community has already done to protect the watershed. They have expressed a desire to be included in the development of the plan and also their desire to comply.

- While federal funding is available, Supervisor Byrd opined that some farmers are opposed to accepting federal money and will need to be persuaded to make the necessary changes to comply with the new regulations.
- Supervisor Staelin said that many feel that the list of choices provided by the EPA to localities is not long enough and given the current rules; and current funding, the County was not going to be able to meet the goals.
- Vice Chairman Weiss noted that agreeing to a flawed system from the beginning was a set up for failure.
- Chuck Johnston advised that Larry Johnston of Chester Engineering previously informed him that their analysis concluded that even if everything were done Chesapeake Bay standards would still be exceeded. In their analysis, they determined that the most significant source of pollution was stormwater run off from commercial and urban development.
- Following discussion, Chairman Hobert provided the following direction to Alison Teetor:
  - o Work individually with each Supervisor during the development phase.
  - o Determine how to address issues and develop an approach.
  - o Continue to coordinate with the planning district.
  - o Survey of other of rural counties was suggested.
- The Commission agreed to provide updates.

#### 10. Board of Supervisors Personnel Committee

##### Expiration of Term for appointments expiring through October 2011

<i>Committee/Board</i>	<i>Appointee</i>	<i>Expiration Date</i>
Clarke County Planning Commission <i>John Turkel is appointed to the remainder of a four-year term, currently held by Robert Wade, effective 9/15/2011.</i>	John Turkel	4/30/2015
Economic Development Advisory Committee <i>John Milleson is appointed as an additional member for term ending 12/31/2014 thereafter being a four-year term.</i>	John Milleson	12/31/2014
Economic Development Advisory Committee <i>Ms. Dunkle's, Town of Berryville representative, term be adjusted from 8/31/2011 to 12/31/2011 in order to coincide with the expiration dates of all other members.</i>	Christie Dunkle	12/31/2011

Supervisor Byrd moved to approve the appointments. 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.	- Absent
John R. Staelin	- Aye

#### Appointee Information Feedback Update

The Personnel Committee instructed staff to clarify a number of apparent omissions and/or inconsistencies in the document. The Personnel committee will be provided with the requested changes and/or explanations at the September 19, 2011 Committee meeting.

David Ash reminded the Supervisor that FOIA council training was scheduled for September 14.

### 11. Board of Supervisors Work Session

#### Regional Water Supply Plan

At the August 8, 2011 Work Session, On behalf of the Northern Shenandoah Valley Regional Commission, Jill Keihn and Alison Teetor made a presentation on the regional water supply plan. The Board instructed staff to add this matter on the August 16, 2011 regular meeting agenda for the purpose of additional discussion and to consider setting the regional water supply plan matter proposal for public hearing at the September 27, 2011 regular meeting at 2:00 pm or as soon thereafter as the matter may be heard.

#### Chesapeake Bay TMDL Local Responsibility. Action

At the August 8, 2011 Work Session, Alison Teetor provided a presentation on the background and status of the implementation of the Chesapeake Bay Total Maximum Daily Load limitations. The Board instructed staff to place this matter on the August 16, 2011 regular meeting agenda for additional discussion.

#### Building Automation Status

At the August 8, 2011 Work Session, the Board referred the matter to the Finance Committee at its August 11, 2011 meeting for additional discussion and recommendation at the August 16, 2011 regular Board meeting.

### Project Updates

At the August 8, 2011 Work Session, on a motion by Vice Chairman Weiss the Board entered Closed Session pursuant to 2.2-3711-(A)(7) regarding negotiations / litigation pertaining to the Berryville Clarke County Government Center HVAC System. On a motion by Vice Chairman Weiss the Board reconvened in open session and executed Certification of Closed Session. No action was taken on matters discussed in Closed Session.

## 12. Board of Supervisors Finance

### Discussion Building Automation

This matter was referred to Finance Committee at 08/08/2011 Work Session.

At the regular meeting, Chairman Hobert provided an update advising that preparation of an agreement that would provide the Board with the ability to review the proposed installation at the Johnson Williams Middle School prior to identifying a County-facility was in process and was to include a provision that provides the Board the opportunity to opt out of additional installation should the building automation systems not prove beneficial.

### FY2012 One-time Payment to General Government Employees

The Finance Committee recommends that the County Administrator's recommendation be accepted provided that payout does not exceed more than \$450 per person.

**Supervisor Staelin moved to approve the recommendation of the County Administration with the changed amount from \$500 to \$450 per person for the FY2012 one-time payment to general government employees. 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

Supplemental Appropriations

The Finance Committee recommends Board adopt the following resolution: "Be it resolved that FY 11 budgeted expenditures and appropriations be reduced \$37,867 in the General Fund and \$7,689 in the Social Services Fund, and be it further resolved that FY 12 budgeted expenditures and appropriations be increased \$37,867 in the General Fund and \$7,689 in the Social Services Fund. "

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

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

Funeral Expenses for Indigent Persons

The Finance Committee discussed the matter with the Sheriff and recommends the Board charge these expenses to the Medical Examiner account as recommended by the Finance Director.

By consensus, the Supervisors accepted the Finance Committee recommendation.

VRS Deferred Compensation Program

"Be it resolved that Nationwide Retirement System Deferred Compensation Program be administered after October 1, 2011 as follows:

1. Balances can remain in the program, or be transferred to the VRS Deferred Compensation Plan.
2. Employees currently contributing on October 1 can continue to contribute to the Nationwide Plan.
3. The Nationwide Plan will be closed to new participation as of October 1.
4. If an employee contributing to the Nationwide Plan as of October 1 begins contributing to the VRS Plan, they can maintain their Nationwide balances, but cannot continue contributions to the Nationwide Plan. "

Subject to provision of information confirming the ease with which employees can transfer balances within the VRS program, the Finance Committee recommends that the Board adopt the Joint Administrative Services Board recommendation to implement the VRS program for future use.

**Supervisor Staelin moved to adopt the resolution as shown:**

"Be it resolved that Nationwide Retirement System Deferred Compensation Program be administered after October 1, 2011 as follows:

1. Balances can remain in the program, or be transferred to the VRS Deferred Compensation Plan.
2. Employees currently contributing on October 1 can continue to contribute to the Nationwide Plan.
3. The Nationwide Plan will be closed to new participation as of October 1.
4. If an employee contributing to the Nationwide Plan as of October 1 begins contributing to the VRS Plan, they can maintain their Nationwide balances, but cannot continue contributions to the Nationwide Plan. "

He further moved that active employees shall pay the \$7 fee and the County shall pay the \$7 fee for retirees. 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

Cooperative Extension Request for Supplemental Appropriation of \$3,000 to Fund a Proportionate Share of a Horticultural Agent Position

The Finance Committee recommends that the Board approve the funding request.

Supervisor Byrd moved to approve the request for supplemental appropriation of \$3,000 to fund a proportionate share of a horticultural agent position. 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

Resolution In Support of Restoration of State Funding for Aid to Localities

Chairman Hobert provided a brief review of the proposed resolution.

The Finance Committee recommends that the Board approve adoption of the proposed resolution.

Vice Chairman Weiss moved for approval of the proposed resolution subject to completion by Mr. Judge and signing by appropriate County representative. 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

**Resolution In Support of Restoration of State Funding for Aid to Localities  
2011-15R**

**WHEREAS**, state financial assistance for mandated and high priority programs, including public education, health and human services, public safety and constitutional officers, is \$800 million less in FY2012 than in FY2009; and

**WHEREAS**, cities and counties must balance their budgets during a time in which future state assistance is unreliable, federal stimulus dollars are dwindling, and real estate assessments are declining; and

**WHEREAS**, the Appropriation Act contains \$60 million in across-the-board cuts to cities and counties for both FY2011 and FY2012, under which localities are required to either elect to take reductions in particular state aid programs, or to send the State a check for the amounts determined by the Department of Planning and Budget ("Local Aid to the State"); and

**WHEREAS**, the reductions are applied to essential services, including law enforcement, jail administration, foster care and child protection services, election administration and social services; and

**WHEREAS**, the County of Clarke does not have the authority to unilaterally decide to discontinue providing services such as election administration or to refuse to house and care for State prisoners in local and regional jails; and

**WHEREAS**, the state budget cuts are not accompanied by any reductions in state-imposed mandates, standards and service requirements, nor do they provide any administrative flexibility for local agencies; and

**WHEREAS**, the County of Clarke remitted \$78,432 in FY2011 and will be required to remit another \$79,271 in FY2012; and

**WHEREAS**, cities and counties will have provided the State with \$220 million by the close of FY2012 for this "Local Aid to the State" program; and

**WHEREAS**, these reductions shift State costs to local taxpayers and artificially increases the amount of state surplus revenue; and

**WHEREAS**, State revenues have begun to recover and the State is expecting to have a revenue surplus for the second year in a row; and

**WHEREAS**, revenue collections for the County of Clarke continue to reflect the struggling housing market; and

**WHEREAS**, the State should not shift its share of the costs for mandates and responsibilities to local governments.

**NOW, THEREFORE, BE IT RESOLVED**, that the Board of Supervisors of the County of Clarke asks Governor McDonnell to submit a budget amendment to the 2012 session of the General Assembly to reverse the \$60 million-a-year reduction for the current year, FY2012, and to eliminate the aid to localities reduction in the budget submitted for FY2013 and FY2014; and

**FURTHER, BE IT RESOLVED**, that the members of the General Assembly support a budget amendment to the 2012 session of the General Assembly to reverse the \$60 million-a-year reduction for the current year, FY2012, and to eliminate the aid to localities reduction in the budget submitted for FY2013 and FY2014.

Attest:

\_\_\_\_\_  
J. Michael Hobert, Chairman

#### Update from Sharon Keeler, Treasurer

At the August 11 Finance Committee Meeting, the members were made aware that the Treasurer had revised the calculation of the distribution of sales tax for Fiscal Years 2009, 2010 and 2011 to reflect school-age population as estimated by the Weldon Cooper Center resulting in the distribution of an additional \$70,000 distribution of sales tax to the Towns of Boyce and Berryville.

Tom Judge summarized the matter at the regular meeting.

Supervisor Staelin provided clarification as to the disparity between the old triennial census and the Weldon Cooper figures. He further noted that the sales tax revenues were over a three-year period. Tom Judge added that it was approximately \$2,000 per month that should have been going to the Towns.

This item required no action by the Board.

#### Acceptance of July Bills and Claims.

**Supervisor Staelin moved to accept the June General Government Bills and Claims 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.	- Absent
John R. Staelin	- Aye

### Standing Reports

This item required no action by the Board.

### 13. Government Projects Update

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

- o Circuit Courthouse: Nearly complete. There remains the resolution of the sound continuation panel that was manufactured to fit in the dome of the courtroom but too large pass through the doors; the contractor shall bear all costs to resolve this problem.
- o 106 North Church Street [Former Commonwealth Attorney's Office]: Pursuing minor renovations including paint and floor refinishing. Before work can proceed, the Commonwealth Attorney will need to remove all remaining items.
- o Schools: Maintenance Director Bobby Levi and his staff are busy preparing for school start.
- o Active Living Center: Draft plans were expected today; however, Mike Legge has not heard from the architect.
- o Active Living Center – Urban Property: No further information on this property is available. Bobby Levi has suggested ways to improve curb appeal.
- o Berryville Clarke County Government Center: Parties have reached agreement to agree. The Town and County will front a portion of the funds needed to perform system repair while reserving the right to recover expenditure from the architect and engineer. Repairs should begin within the next two weeks. While this system repair is not a total correction, the work to be performed is necessary to begin the process.
- o General District Court HVAC: In July, Bobby Levi advised the JDR Court Clerk that the repair to ductwork in the JDR office would be scheduled in conjunction with JDR/GDC courtroom repairs and would be subject to the court schedule. Also in July, Maintenance requested that the affected parties provide their respective schedules.

### 14. Miscellaneous Items

No miscellaneous items were identified or advanced that were not included in the August 16, 2011 Clarke County Board of Supervisors Regular Meeting Agenda.

#### 15. Summary Of Required Action

<u>Item</u>	<u>Description</u>	<u>Responsibility</u>
1.	Correct and process approved minutes.	Lora B. Walburn
2.	Carry forward Verification of Closed Session July 14, 2011 Regular Meeting.	Lora B. Walburn
3.	Brief Supervisor Dunning regarding verification in advance of the meeting.	David Ash
4.	Brief Supervisor Dunning on VDOT consideration of detour route in connection with repair of Route 723 bridge.	David Ash
5.	Execute and forward Northwestern Community Services FY2012 Performance Contract.	David Ash
6.	Provide notice of Board adoption of resolution pertaining to LODA Eligibility for Volunteer Fire and Rescue Companies.	David Ash
7.	Process public hearing notice.	Lora B. Walburn
8.	Modify regional water supply population projections as discussed.	Chuck Johnston
9.	Continue to develop Chesapeake Bay TMDL local response.	Alison Teetor
10.	Process committee appointments.	Lora B. Walburn
11.	Provide payroll with employee listing for one-time payout for general government employees.	David Ash
12.	Execute Deferred Compensation documents.	J. Michael Hobert / David Ash
13.	Process executed Deferred Compensation documents.	Tom Judge
14.	Notify VCE of Board approval the supplemental appropriation of \$3,000 to fund a proportionate share of a horticultural agent position as requested by VCE.	David Ash
15.	Provide FY2011 and FY2012 figures for 2011-15R.	Tom Judge
16.	Process Resolution in Support of Restoration of State Funding for Aid to Localities 2011-15R.	Lora B. Walburn

#### 16. Board Member Committee Status Reports

Supervisor Barbara Byrd

- o Clarke County Humane Foundation: George Ohrstrom is working on a fundraiser for the Shelter.
- o Barns of Rose Hill: Grand opening is scheduled for the first week of September.

Supervisor John Staelin

- o Attended VACO meetings last week in Richmond.
- o Discussions occurring around proposed amendments to eminent domain.

Vice Chairman David Weiss

- o Conservation Easement Authority: Did not meet last month.
- o Joint Building Committee: Proceeding on photograph selection.

Chairman J. Michael Hobert:

- o VACo meetings:
  - Projections for income will be greater but all are earmarked including replenishing the rainy-day fund.
  - VRS plan is severely short on the liability that it has with respect to pensions. A study is underway by JLAC on how to address this problem. Further liability associated with this plan is scheduled to be transferred to appear in locality audit.

17. Closed Session

No items were identified for Closed Session.

18. Adjournment

There being no further business to be brought before the Board at 3:45 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, September 27, 2011 at 1:00 p.m. in the Main Meeting Room, 101 Chalmers Court, 2<sup>nd</sup> Floor, Berryville, Virginia.

ATTEST: August 16, 2011

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J. Michael Hobert, Chair

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David L. Ash, County Administrator

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