

CLARKE COUNTY BOARD OF SUPERVISORS
November 21 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 Monday, November 21, 2011.

Board Members Present

Barbara Byrd; A.R. Dunning, Jr. [left 4:10 pm]; J. Michael Hobert; John Staelin; David Weiss

Board Members Absent:

None

Staff Present

David Ash; Tom Judge; Jesse Russell; Alison Teetor; Lora B. Walburn

Others Present

Robina Rich Bouffault; Michael Murphy; Lisa Floyd; Keith Dalton; Val Van Meter; Ed Leonard and other citizens

1) Call to Order

Chairman Hobert called the meeting to order at 1:04 p.m.

2) Adoption of Agenda

- Add to Item 13 Board of Supervisors Finance Items No. 7: HVAC & Humidity Control Circuit Court Vault

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

3) Clarke County Public Schools Update

Mike Murphy, Superintendent Clarke County Public Schools, appeared before the Board for the monthly update from the Schools. Highlights include:

- Advised that Barbara Lee, School Board Chair, was unable to attend the regular meeting.
- Masonic Cornerstone setting conducted this weekend at the new high school.

Lisa Floyd, Director Curriculum and Instruction Clarke County Public Schools

- Curriculum Update
 - o Testing
 - Implemented an Algebra Readiness assessment to better prepare teachers in meeting student needs.
 - Training regarding the use of that data is ongoing.
 - SOL assessments are moving online at the elementary level.
 - Student training progresses throughout the year through visits to practice test sites. Teacher training progresses- they are exposed to tools students have access to, how to monitor student time on task, and proper exiting of online assessments.
 - Online writing takes places this February.
 - o Special Education
 - The IEP Plus program is in training phase with implementation expected for the 2012-2013 school year. The program will allow teachers access to IEPs online, improved ability to track student goals, and assist with state reporting.
 - o Math Standards
 - Alignment of New Math Standards K-12- Teachers attended the Virginia Department of Education Math Institutes to learn about the changes in math standards, the impact these standards have on the state assessments, and the focus teachers should have as they deliver instruction. These teachers provided training to their colleagues during our School Improvement Day.
 - o PAL
 - Renewed focus on Phonological Awareness Literacy Screening (PALS) at the elementary level.
 - A PALS representative provided training on Data Analysis of our PALS data.
 - A second training was held to discuss the importance of teaching Concept of Word and strategies to assist that training.

- A third training is scheduled for our next School Improvement Day targeting Progress Monitoring of students.
- Benchmark Assessments
 - Benchmark Assessment Initiative-
 - Interactive Achievement is used division wide to administer benchmark assessments as a means to monitor instruction to students. As benchmarks are linked to pacing guides, this has initiated discussion about consistency of pacing guides across buildings.
 - Training regarding administering benchmarks and use of the reporting tools available is on-going. This looks different in each of the buildings.
 - The elementary level has begun the process of administering benchmark assessments only.
 - The middle school uses the tool for benchmarks and classroom assessments. Use of the reporting tool varies.
 - The high school has principal led discussions regarding use of the reporting tool to make instructional decisions.
- Teacher Evaluation Guidelines
 - A Teacher Evaluation Committee has been created to address the Virginia Department of Education's new guidelines.
 - Divisions across the state are required to implement a teacher evaluation tool that addresses the new guidelines for the 2012-2013 school year.
 - Our committee include 8 teachers and 7 administrators.
 - The committee is well underway in working out templates for the Walk Through, the Formal Observation, the Summative Evaluation, and the Improvement Plan.
 - Our initial goal was to have something we could pilot for second semester, allowing time to tweak it before the official roll out.
- Gifted
 - Clarke County is a member of the Northern Virginia Council for Gifted & Talented Education (NVCGTE)- This group has been working to address the new Virginia Department of Education gifted guidelines that must be implemented for the 2012-2013 school year.
 - We have a committee that is reviewing the original plan, the new guidelines, and is working on creating a new plan that keeps us in compliance with the guidelines, addresses needs of students, and is manageable by staff.
- Textbook
 - Math textbooks K-5, Algebra I and Algebra II textbooks have been reviewed.

- A purchase order has been submitted.
- Training regarding use of the textbooks, CDs, and online features of the materials have been scheduled.
- Chairman Hobert asked about teacher evaluations and curriculum goals. Dr. Floyd's responses included:
 - High School has the walk-thru form that they are using to get feedback.
 - A division-wide improvement plan that identifies weakness has not yet been developed but it should take about a month to develop.
 - Discussion of the division-wide improvement plan is anticipated at the next school committee meeting.
- Supervisor Dunning expressed his support for vocational training and the need for more options noting that these options were not included in the curriculum update. Dr. Floyd remarked that there was a need to look at vocational, arts, band, etc. and noted that vocational offerings were under consideration but not division wide.
- Supervisor Byrd added her support for vocational training. She also queried Dr. Floyd on the use of IQ tests. Dr. Floyd responded that IQ tests were still used however they could not be used as the sole-identifier.
- Vice Chairman Weiss asked how much the teacher is allowed to personalize the atmosphere in the classroom. Dr. Floyd responded that this was a philosophy question. She stated that teachers must teach to the SOL's. Also benchmarks help identify areas of weakness and assistance is available to aid teachers in developing teaching strategies.
- Supervisor Dunning expressed interested in receiving information on the percentage of students that go to college and how well they performed.
- Supervisor Staelin asked about teacher evaluation. Dr. Floyd responded that teachers are either identified as exemplary or "in need" with this group targeted for areas of growth and follow up plan items are identified.

Robina Rich Bouffault, White Post Member - Clarke County School Board New High School:

- Project on budget and on time.
- January 23 is substantial completion date. Final completion is scheduled for March 23 – allowing two months for punch list review and any identified corrections.
- Judy Construction has finished rock removal.
- There have delays in laying of some top soil. Therefore, since it is very late in the season to seed, grass may not come up; however, Shockey will be looking for this in spring and will seed as necessary.
- Terrazzo moving along. It has not yet been polished.

- Wood floor down in the gymnasium and retractable bleachers have been installed.
- Auditorium equipment placement should be complete in two weeks.
- Roof is finished.
- Caulking of windows should be complete by next week.
- Tile is finished.
- Glass doors should be in this week or next.
- Millwork has been finalized.
- Cabinetry is up.
- Greenhouse, including the well, is completely finished with landscaping and fencing. The well is showing a very high yield and no holding tank is necessary. While the water is non-potable, it is being tested.
- Lights are going in – lots of parking lights and building lights. Lights will be turned on December 2.
- All landscaping is close to completion.
- One change order in for stormwater crossing on Main Street. Stormwater design is incorrect because utilities were not in the location indicated.
- Cornerstone was not correctly cut due to a mishap with the dimensions however this will be corrected.

4) Approval of Minutes

Supervisor Byrd requested:

- Page 779 – under Crims Curve change from Mr. Watson to Mr. Watkins.

Supervisor Staelin requested:

- Page 783 – Remove Dr. Davis from Copy: Virginia Commonwealth Transportation Board
- Page 791 – Change 2nd bullet under Status of neighboring wells to read Spreading slowly to the north and east.

Supervisor Staelin moved to approve the October 18, 2011 Regular Meeting minutes as corrected. 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

5) Consent Agenda

A. 2011 Abstract of Votes

B. 2011-2012 Lord Fairfax Health District Locality Agreement

Supervisor Staelin asked about the referenced meetings in the agreement. Alison Teetor provided that she meets with the director at least twice per year.

C. Resolution Appreciation of Service on the Conservation Easement Authority Jane Radford

**Resolution in Appreciation of Service
Conservation Easement Authority
Jane Radford
2011-17R**

WHEREAS, Jane Radford was appointed as an original member of the Clarke County Conservation Easement Authority beginning June 18, 2002 and has served continuously through October 18, 2011;

WHEREAS, during her tenure, the Authority actively aided in the protection and preservation of land with significant agricultural, natural, scenic, and historic resources through the acquisition of easements upon 124 properties totaling over 3,600 acres;

WHEREAS, Jane Radford was tireless in seeking qualified parcels of mountain land for acceptance into the Conservation Easement Program;

NOW THEREFORE BE IT RESOLVED, by the Clarke County Board of Supervisors that Jane Radford be recognized and congratulated for her service on the Clarke County Conservation Easement Authority and the impact this service has made on Clarke County;

BE IT FURTHER RESOLVED, that her dedication, loyalty, and service to the citizens of Clarke County be hereby memorialized and that a suitable copy of this resolution be presented to Jane Radford as a token of the respect and high esteem in which she is held by the Clarke County Board of Supervisors and the staff of Clarke County.

APPROVED AND ORDERED ENTERED in the official records by the unanimous vote of the members of the Clarke County Board of Supervisors assembled in regular session on the 21st day of November 2011.

Attest: _____

 J. Michael Hobert, Chairman

D. 2012 Legislative Priorities

Note: 2011 Annual Legislative Luncheon 12 Noon, Wednesday, December 14, at the Battletown Inn, Berryville, VA

- | | |
|---|--|
| Issue:
Chesapeake Bay TMDL | <ul style="list-style-type: none"> • Clarke County believes there must be a way to have clean rivers, a clean Bay and a viable agricultural community. Clarke recognizes that the Commonwealth is still negotiating with EPA on this issue so it is difficult to make specific comments. However, Clarke wants to see a supportable plan with adequate funding and/or regulations that will ultimately protect our rivers and the Bay at a reasonable cost to farmers, towns and citizens. • Clarke County supports continued state funding of programs that will protect our groundwater, rivers and the Bay. |
| Issue: Eminent Domain | <ul style="list-style-type: none"> • Clarke County supports property rights but feels the wording of the currently proposed Constitutional Amendment is too broad and vague. |
| Issue: Voting Districts | <ul style="list-style-type: none"> • Clarke County requests that the boundary line between House Districts 10 and 33 be revised to match the line between the local election Districts. This change would affect about 150 voters and would dramatically ease the burden on local election officials. |
| Issue: State Year-end Surplus Funds | <ul style="list-style-type: none"> • Clarke County understands why the Commonwealth cut \$60 million in local support to localities during the Great Recession; we all had to share the burden as things got bad. However, Clarke feels localities were not treated fairly by the State as the economy improved as virtually none of the State's end-of-year surplus was used to restore lost aid to localities. As it stands now, the Commonwealth is forcing a "back door" tax increase on its citizens; a regressive tax increase based on property values, not income. |
| Issue: Education | <ul style="list-style-type: none"> • Clarke County asks the Commonwealth to take steps to fully fund its share of the true cost of K-12 public education without reducing other parts of the budget affecting local government or shifting costs from the Commonwealth to localities. • Clarke County supports a change to the Composite Index, which would cause it to reflect land use values. Additionally, the income figure used to calculate the Composite Index should be average median income, not total countywide income. |
| Issue: Groundwater | <ul style="list-style-type: none"> • Clarke County is adamantly opposed to HB 2185 which would effectively eliminate onsite review by the Health Department of soil |

Quality

work submitted by licensed onsite soil evaluator (OSE) or a professional engineer. This onsite review is necessary to insure adherence to local ordinance regulations.

- Clarke County supports legislation that would allow counties to exempt areas within their jurisdiction from installing alternative onsite sewage systems due to environmental conditions. Moreover, Clarke believes the inspectors (operators) of alternative systems (AOSS) should be required to both sample the effluent of their AOSS and submit a written report to the Health Department annually. In addition, each local Health Department should be required to make an annual random sample of 10% of the AOSS in their area.
- Clarke County is very concerned about the environmental hazards associated with natural gas drilling in Marcellus Shale. Clarke believes that localities should have some control over natural gas drilling. Moreover, Clarke County believes state regulations with regard to drilling in Marcellus Shale should be strengthened.

Issue: Cost and Revenue Shifting

- Clarke County is opposed to the gradual shifting of costs that has taken place over the past several years, especially the large cost shifting that occurred in the FY 2011-12 biennium budget with the reduction in aid to localities. With each passing year the County has been required to incrementally subsidize a variety of traditionally state funded (or state shared) costs (Compensation Board, Registrar, Cooperative Extension, Line of Duty, Social Services and the court system). This cost shifting places a tremendous burden on a regressive real estate tax system. Cost shifting must stop and/or the tax system must be reformed to reduce the burden on the Real Estate tax.
- Clarke County calls on the Commonwealth to fully fund state mandated retirement and employment benefits, including VRS and Line of Duty costs.
- Clarke County opposes any reduction in aid to localities (or the fees localities are allowed to charge) unless the tax system is reformed to reduce the burden on the Real Estate tax.

Issue: Tax Reform

- Clarke County supports tax reform as long as:
 - It ends up reducing Clarke's dependence on the real estate tax.
 - Any change that reduces or eliminates an existing local funding source is offset by a new or expanded source.
 - It gives equal taxing authority to cities and counties.
 - It protects the Commonwealth's General Fund. The General Fund should be used for core government functions such as

public education (K-12 and higher education), health and human services, public safety, natural resources and environmental services. Transportation maintenance and improvements should be paid by user fees.

- Clarke County supports reform of the BPOL tax as long as it meets the above criterion.
- Clarke County opposes repeal of the Machinery and Tools tax.
- Clarke County supports passage of the Streamlined Sales Tax Project agreement (SST) by both the Federal and State governments so as to compel all out-of-state vendors to collect and remit sales taxes due by Virginia citizens to the Commonwealth and its localities.
- Clarke County supports the implementation of a local option transfer tax for all property sales.
- Clarke County asks the Commonwealth to find ways to encourage private vendors to provide rural universal access to broadband Internet services in rural communities with hilly terrain.

**Issue:
Broadband
Access**

**Issue:
Transportation**

- Clarke County believes that transportation improvements should be funded by user fees, not the General Fund. General Fund revenues should not be used for transportation as doing so will undoubtedly take away from the funding of education, natural resources, etc.
- Clarke County does not support the devolution or cost shifting of transportation responsibilities to counties, especially smaller counties, like Clarke, that do not have the scale of work to allow for the efficient provision of services.
- Clarke County supports the concept of Urban Development Areas (UDAs) to better control the cost of transportation but believes that the creation of UDAs should be tied to mandatory development restrictions (e.g. downzoning) in areas outside of the UDA.

Issue: Biosolids

- Clarke County supports changes to biosolids regulations that would give localities more control over how and where biosolids are spread within their jurisdiction.

**Issue: Growth
Management**

- Clarke County believes that the authority to plan and regulate land use should remain with local governing bodies and Clarke County opposes any legislation that would weaken that authority. Further the General Assembly should grant localities the tools necessary to adequately meet citizens' increasing, education, public safety and other vital public infrastructure needs that are driven by

development. Such additional tools may include broad impact fee authority for all counties, adequate public facilities provisions in subdivision ordinances, state funds for purchase of development rights and a real estate transfer tax.

- Clarke County supports full funding of the purchase of Development Rights Program as has been suggested by the Virginia Department of Agriculture and the Farm Bureau.
- Clarke County supports increasing the caps on the Commonwealth's tax credit program for the donation of easements as well as increased sanctions and penalties for fraudulent appraisals.

Issue: Water Supply Planning

- Clarke County believes that science, rather than power politics, should govern the approval of the local and regional water supply plans (due 2011). Moreover, it is important that the Commonwealth honor the targets set in the minimum in-stream flow studies of the Shenandoah River so as to protect both the aquatic life in the river and the recreational use of the river.

Issue: County Control and Rights

- Clarke County opposes legislation that exempts agricultural lands from local regulation of non-ag business activities such as restaurants, entertainment, festivals, etc.
- Clarke County believes the Dillon Rule should be abandoned or modified and opposes any legislation that would reduce county rights.

Issue: Waste and Litter Control

- Clarke County asks the Commonwealth to devolve to local governments the power to control the commercial use of throw-away plastic bags. The major economic and environmental costs resulting from the nearly universal use of throwaway plastic bags are numerous. They adversely impact wildlife and livestock, clog storm drains, pollute waterways, and litter roadways, fields and forests. Clarke County joins with other local jurisdictions in requesting the power to manage and control the commercial use of plastic bags in accordance with local needs.
- Clarke County supports a Beverage Container Bill.

Issue: Power Lines

- Clarke County supports legislation that would require all or part of new transmission lines to be placed underground if economic and environmental studies show that undergrounding is a viable alternative to overhead. Moreover, Clarke believes that any such economic analysis consider the cost impact on adjacent property owners and that the environmental studies consider the health hazards from EMF, the impact on wildlife and historic sites, the visual impact, etc.

- Clarke County opposes the construction of power lines that do not benefit the region through which the line will traverse.
- Issue: Affordable Housing**
 - Clarke County supports increased federal and state funding and appropriate incentives to encourage the provision of affordable housing.
- Issue: Energy Efficiency and Conservation**
 - Clarke County supports legislative measures (regulations) to increase the efficient use of energy throughout the Commonwealth, both for governmental operations and for the private sector.
- Issue: Hunting**
 - Clarke County believes the Commonwealth's hunting rules are fine the way they are now and sees no reason why they should be changed.

E. Request for Easement Purchase/Donation approval Boundary Line Adjustment – Chandler

MEMORANDUM

TO: Board of Supervisors, David Ash
 FROM: Alison Teetor
 DATE: November 17, 2011
 SUBJECT: Request for Easement Purchase/Donation approval; Boundary Line Adjustment – Chandler

The Clarke County Easement Authority has approved the following easements for purchase and donation, and approved a Boundary Line Adjustment for Bob and Terry Chandler. 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.

DUR Purchase Option

Play Garden Properties, LLC, Will Robinson, agent: The parcel (Tax Map# 30-((A))-91) is located on the southwest corner of Clay Hill and Tilthammer Mill Roads. Known as the Play Garden, long time home of Richard Plater. Since Mr. Plater's death, the family, consisting of 5 separate heirs has assumed ownership. The property consists 17.93 acres, with 2 existing dwellings, the main house built in 1910 and an 800 sq. ft. cottage. There are 2 remaining DUR's. The applicant has indicated they would like to retire the 2 remaining DUR's. The property resource score 78.82. Principle conservation values include: frontage on the Shenandoah River, frontage on two scenic byways, Tilthammer Mill Road and Clay Hill Road, and a contributing structure in the Greenway Rural Historic District. Based on the owners income and score a purchase offer of \$1,600/DUR or \$3,200 has been approved by the Authority.

Hazel Marsh, agent: The property (Tax Map# 22-((A))-5) is known locally as Walnut Hall Farm. It is located on the east side of Summerville Road (Route 652) approximately 3/10 mile north of the intersection with Pyletown Road (Route 620) at 276 Walnut Hall Lane. The parcel consists of 405 acres, has 11 existing houses and 9 DURs remaining. A 130 acre portion of the property is being subdivided and placed in easement. The eased property will have 5 existing houses, an apartment, and 2 DURs. The applicant wishes to retire the 2 remaining DURs. The Property Resource Score is 72.06 and it is next to an existing easement (Bauhan). The property is being and has been used historically as a horse farm. It primarily open pasture with scattered woodland. It is within the groundwater recharge area. The parcel fronts on Summerville Road a State scenic byway. Mrs Marsh has owned the farm since the mid 1980's. A purchase offer of \$40,000/DUR totaling \$80,000 has been approved by the Authority.

Easement Donation

Prudy Squier, David Mohler, agent: The parcel (Tax Map# 29-((A))19) is 78.1 acres and located on the north side of Route 50 and accesses off of Millwood Rd. (Route 723) in Millwood. The Property Resource Score is 61.3, the owner would like to retire two of the three remaining DURs, it is larger than 40 acres, the parcel is not adjacent to an existing easement but Thomas Dunning has a parcel in VOF easement across Route 50. The owner would retain the existing house and one DUR and no further subdivision. The property is in landuse, and is has forest and pastureland. The existing house was built in 1915. It is within the Greenway Historic District and the house is a contributing structure. There are several outbuildings, a pool, mother-in-laws cottage, tennis courts, and stable. Spout Run runs through the north end of the property for about 600'. The parcel fronts on Route 50 for 1/10 mile.

Harry Benham: The parcel (Tax Map# 21-((A))-1) known locally as The Briars, consists of 240 acres and is located on the south side of Pyletown Road approximately 3 miles west of Route 340. The property resource score was 123, the owner would like to retire 7 of the 9 remaining DURs. There are two existing houses, both are considered contributing to the proposed Chapel Rural Historic District. The Benham family has owned the property for more than 50 years. The property is in landuse and surrounded on 3 sides by existing conservation easements.

Ken Bell: Mr. Bell would like to donate 3 parcels consisting of just under 46 acres. The properties are located in Wildcat Hollow at the end of Greenstone Lane (Carefree Acres).

Tax Map#	Acres	Score	#DURs retired	# Houses	#DURs remaining
38-((A))-44	14.5	42.18	1	1	0
38-((A))-45	25.0	47.01	2	0	0
38-((A))-47	6.36	37.27	0	1	0

The parcels are not currently in landuse, but are eligible as the combined acreage exceeds 21 acres. There is a small pond and intermittent stream on the property. The applicant would like to place all 3 parcels in easement, merge the 6 acre with the 25 acre piece, maintaining the 14.5 acre parcel with one DUR. In all 3 of the 4 remaining DURs will be retired.

Boundary Line Adjustment

Bob and Terry Chandler have requested approval of a BLA between his eased property (CEA-05-20) tax map# 11-((A))-6B, 54.09 acres, and his other property tax map# 11-((A))-3. The amount of adjustment would be 1.24 acres to allow for a new house to be constructed in a wooded area. The Authority has approved the adjustment and has signed the plat and Deed of Boundary Line Adjustment.

F. Resolution Requesting Disaster Designation And Federal Assistance For Clarke County 2011-18R

**RESOLUTION REQUESTING DISASTER DESIGNATION AND FEDERAL ASSISTANCE FOR CLARKE COUNTY
Resolution 2011-18R**

WHEREAS, the extreme heat and dry weather over the summer has caused damage that exceeds the threshold established for an Agricultural Disaster; and

WHEREAS, major forage crops sustained some damage during July and there were many other crops damaged by the hot/dry weather for example apples, blueberry, green bean, and some ornamental corps will have lower than normal yields due to the hot/dry weather; and

WHEREAS, the Virginia Cooperative Extension officially issued a loss assessment report for Clarke County on October 6, outlining current losses of 50% for corn and corn silage; and

WHEREAS, Clarke County farmers need federal assistance in responding to their losses.

NOW, THEREFORE BE IT RESOLVED, by the Clarke County Board of Supervisors on this 21st day of November, 2011, that the Board hereby instructs the County Administrator to submit to the Governor of Virginia the Board's request for assistance in obtaining federal disaster designation for Clarke County and federal assistance for Clarke County farmers who have experienced crop damages/losses because of the on-going drought and weather conditions.

ADOPTED:

J. Michael Hobert, Chairman
Clarke County Board of Supervisors

Vice Chairman Weiss moved to approve the items on the Consent Agenda as presented. 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

6) Citizens Comment Period

No citizens appeared to address the Supervisors.

7) VDOT

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

- Maintenance work completed and planned for October/November/December:
 - Continued mowing operations on primaries and secondary's as conditions permitted.
 - Primaries are being mowed fence to fence.
 - Secondary's are 90% complete and we expect to complete all mowing operations this month.
 - Conducted grading operations on various non-hard surfaced roads and will continue this month.
 - Performing ditching operations on various routes on the North end of the County East of Rt. 340.
 - Performed partial tree clean up from snow storm and plan on completing this month;
 - Animal carcass pick up has increased. (This time of year is especially bad for deer.) In the last month and a half, we have picked up in excess of 90 deer carcasses, 20 this Monday alone.

- Projects:
 - Route 636 – Mosby Road – Continuing on schedule.
 - Route 723 Bridge – The PFI was held and design is continuing on schedule.
 - Route 7 Crossovers – The project was advertised and bids received. We are awaiting the notice to proceed which should come in January. Construction will start as weather permits.
 - Route 604 Ebenezer Road – The box has been placed. State forces are building up the grade and will have it ready for the holiday. It is planned to hard surface the area immediately following the holiday, weather permitting.
 - Board member concerns:
 - Route 608 – Crushed culvert end – Currently awaiting environmental clearance to replace inlet end of culvert and extend for protection.

- Route 612/7 – Pooling water – Planning to grade ditches to assist with water runoff.
 - Route 744 – Road needs Grading – Currently working in that direction with the grader.
 - Route 617 – Request for speed limit reduction – Traffic Engineering is currently evaluating.
- Supervisor Comments:
- Supervisor Byrd –
 - Early Drive constituent concerns: Mr. Carter advised that no plan has been made at this time but VDOT has reviewed and discussed with the Town Manager.
 - Crims Curve: Mr. Watkins has given his permission for VDOT to clear.

8) Update on Public Meeting Held November 16, 2011 by DEQ Re Gas Leak at J&J Corner Store by Alison Teetor

Alison Teetor distributed and reviewed the following memorandum.

MEMORANDUM

TO: Board of Supervisors, David Ash

FROM: Alison Teetor

SUBJECT: J&J Comer Store petroleum leak- summary of Public Information Mtg

DATE: November 21, 2011

Representatives from Virginia's Department of Environmental Quality (DEQ) held a public information meeting Wednesday November 16th from 7-10pm in the main meeting room of the Government Center to discuss the gasoline leak at the J&J Comer Store. DEQ initiated the meeting after a series of water samples showed petroleum contamination in 4 wells near the store.

DEQ sent letters to approximately 30 households in the vicinity of the store inviting them to the meeting. The residents we selected based on the identified flow pattern of the groundwater and potential spread of the petroleum plume.

DEQ representatives included, Mac Sterrett, Petroleum Storage Tank Manager, and David Forrer, DEQ's Petroleum Remediation Team Leader both from the Valley Regional Office, Betty Lamp, Spill Response and Remediation Director and John Giese, DEQ's petroleum programs remediation manager from the Central Office in Richmond. State Health Department personnel including Dr. Charles Devine III, director of the Lord Fairfax District Health Department, Scott Fincham, Environmental Health Manager Lord Fairfax Health

District, and representatives from the consulting firm Triad Engineering, who are conducting the remediation and well sampling, Jeffrey Mitchell, and Nicholas Wolfe.

A powerpoint presentation prepared by DEQ was presented by Mr. Sterrett and Mr. Forrer. The presentation described the history of the spill and the current remediation efforts - the presentation is available online at <http://www.deq.virginia.gov/tanks/curcast.html>. Dr. Devine and Scott Fincham also presented information regarding potential health risks from the spill. Dr. Devine stated that an independent epidemiologist with his agency had reviewed all the data that DEQ has gathered about the contaminated wells. Based on that review, Devine said that he would not expect to see any health issues from the water once it had been filtered.

Residents were then given an opportunity to ask questions about all aspects of the case which all panel experts participated in. A summary of the incident as reported on the DEQ website is as follows:

Case Summary: A suspected release was reported to DEQ in October 2010 due to a failed tank tightness test on the premium tank. The tank was emptied immediately. DEQ required the tank owner to perform a release investigation which included 2 monitoring wells next to the tank basin. Gasoline was found in the monitoring wells on 11/4/10 ... confirming a release. The store's water supply well and nearest neighboring well to the NE were found to have trace levels of gasoline compounds in late November and early December 2010. DEQ installed carbon filters to treat water from those two wells. A product removal system was installed and began pumping gasoline (free product) from recovery wells on 12/10/10. Over 300 gallons of gasoline were removed during the first week of pumping; then product (gasoline) recovery dropped off steeply. The tanks were removed on 2/13/11, revealing a small corrosion hole in the premium tank. No significant volume of gasoline was present in the tank basin, indicating that the product removal operation had been successful. However, significant concentrations of gasoline compounds had already dissolved into the groundwater ... including the highest concentrations of ethanol (ethyl alcohol) that DEQ had experienced to date. A Site Characterization Report was submitted to DEQ on 1/13/11 demonstrating that groundwater beneath the site flows NE. The investigation also helped to delineate the contaminant plume. In June and September, two more water supply wells (adjacent to the previously impacted wells) were found to have trace concentrations of gasoline additives. (One of those wells has tested clean twice since the initial detection.) DEQ requested a Corrective Action Plan to address contaminants dissolved in the groundwater. A pilot study, performed in April 2011, indicated that traditional treatment equipment would not remove all of the ethanol from the pumped groundwater. The system was modified and fine-tuned during summer 2011, and is now operating. The pump and treat system is removing the most highly contaminated water from the leak area and is creating a slight cone-of-depression in the water table in that area. This should help to prevent the migration of contaminants off of the property. Monthly testing of the treatment system's discharge water has indicated that the water meets DEQ's permit requirements. Due to rising contaminant levels in the two wells closest to the store, DEQ sent letters to 32 homeowners in the area, and held a public meeting on 11/16/11. Health Dept. officials were also present to answer questions.

Case Status: The treatment system continues to operate. DEQ and the consulting firm conducting the cleanup are planning to install additional monitoring wells to get a more

complete picture of the contaminant plume migration direction. (12 monitoring wells have been installed to date.) Other plans include researching locations for a replacement well for the store and the residence two doors north of the store. We are considering running an underground pipe from the treatment system rather than discharging to the ground surface along the shoulder of Harry Byrd Hwy.

Reporters from the Winchester Star and Clarke Daily News were also present and had articles describing the meeting the following day.

Supervisor Staelin asked for an update on the TMDL. Alison Teetor advised that she had reviewed the recent State correspondence and had met with Jeff Kelble, who may be making a presentation at the December Supervisors' meeting.

Chairman Hobert recognized Alison Teetor for her efforts on green initiatives and presented a Green Virginia Challenge award presented to Clarke County at the VACo conference. He thanked Ms. Teetor for applying for this award, as well as all the work done to make the County a recipient.

Alison Teetor thanked the Board of Supervisors for approving the energy plan.

9) Active Living Center [aka Senior Center] Status Update Set Public Hearing With Regard to Residential Real Estate Located at 2125 Blue Ridge Mountain Road Pursuant to §15.2-1800 of the Code of Virginia

David Ash advised that the sale of the now-publicly held Urban property conveyed to the Board by the Shenandoah Area Agency on Aging, the proceeds of which are to be used for the exclusive benefit and use of the Clarke County Senior Center, required public hearing.

Supervisor Byrd moved to set the matter for public hearing at the December 20, 2011 regular meeting at 1:30 pm or as soon thereafter as the matter may 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.	- Aye
John R. Staelin	- Aye

10) Set Public Hearing CC-11-05 Chapter 120 Noise 120-6 Exempt sounds c)

The Clarke County Board of Supervisors shall consider amending the Clarke County Code to recognize that as work is sometimes done on public roads during the night and/or weekends in order to do the work when there is less traffic, to minimize the disruption to

the public, to expedite the work, and/or for other reasons of public convenience and/or safety therefore amend the Chapter 120 Noise as follows:

§ 120-6. Exempt sounds. c) Construction, demolition and/or maintenance activities. Sounds generated from construction, demolition and/or maintenance activities between 7:00 a.m. and 10:00 p.m., **except that the aforesaid time limitations shall not apply to the construction or maintenance of public roads.**

David Ash advised that this was a follow up with VDOT on their plans to complete Mosby and Business Route 7 – all done in county and subject to noise ordinance. VDOT made it known at the September Board meeting that they would be adding an incentive to contractors to complete before school start. Bob Mitchell was consulted and suggested the addition of the proposed language.

Supervisor Byrd brought up concerns about target shooting in the county. In response, Sheriff Roper stated, while some within the county practiced private target shooting, there were no public ranges permitted in the County. He advised that his office handles complaints of this type.

Vice Chairman Weiss moved to set the matter as proposed for public hearing at the December 20, 2011 regular meeting at 1:30 pm or as soon thereafter as the matter may 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.	- Aye
John R. Staelin	- Aye

11) Memorandum of Understanding Regarding Financial Management of Shenandoah Farms Volunteer Fire Company Review and Discussion. Recommended Action: Adoption.

David Ash explained the proposed memorandum of understanding advising that the Warren County Board of Supervisors had approved the matter at their November 3 meeting. He stated that this document only covers those funds made available through Clarke and Warren Counties. He advised that Warren County would perform review and he would provide the monthly report to the County Administrators to the Board for review.

Supervisor Staelin moved to approve the memorandum and authorize the Chair, County Administrator and the County Attorney to execute in the proper place. The motion carried by the following vote:

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

MEMORANDUM OF UNDERSTANDING REGARDING FINANCIAL MANAGEMENT OF
SHENANDOAH FARMS VOLUNTEER FIRE COMPANY

THIS MEMORANDUM OF UNDERSTANDING regarding financial management of Shenandoah Farms Volunteer Fire Company dated this 3rd day of November 2011, by and between the Board of Supervisors of Clarke County, Virginia (hereinafter referred to as Clarke), the Board of Supervisors of Warren County, Virginia (hereinafter referred to as Warren), and the Board of Directors of the Shenandoah Farms Volunteer Fire Department, Incorporated (hereinafter referred to as SFVFD);

Witnesseth:

As a follow-up to complaints, Clarke and Warren have received an audit of SFVFD's financial operations which have caused some concern about the way SFVFD's funds have been administered and controlled.

As a result, in July 2011 Clarke and Warren began an unwritten procedure of withholding direct payments to SFVFD of appropriated contributions and instead have been receiving invoices from SFVFD's vendors forwarded to Warren by SFVFD with Warren then paying directly to the vendors, and Clarke agreeing to repay to Warren Clarke's share of the costs of the operation of SFVFD.

The parties now desire to enter a written memorandum of understanding outlining this procedure and the manner in which funding between Clarke and Warren shall be accounted. To that end, and for and in consideration of the mutual covenants contained herein, it is agreed by the parties that:

1. Until further notice and written agreement neither Clarke nor Warren shall make any direct monetary contributions or appropriations to SFVFD.
2. SFVFD shall continue to prepare and present to Warren, through the office of Warren's Fire Chief, not later than December 1 annually an annual fiscal year budget request for SFVFD's operations, including capital acquisitions and maintenance. Warren's Fire Chief shall review the budget request and forward it to the Warren County Administrator in the same manner as has been the practice in the past.
3. Warren shall forward the budget request to Clarke. Warren and Clarke shall continue to include in each *county's* annual budgets appropriate allocations of funds as determined and approved by Clarke and Warren for the operations of SFVFD. These funding allocations shall include any 4-For-life funds and Aid to Locality funds that each jurisdiction approves for disbursement in their budget processes.
4. Warren, through its Department of Fire and Rescue Services (hereinafter referred to as the Department), shall be responsible for the receipt and management of funds allocated from Clarke as well as funds allocated from Warren for SFVFD.

5. SFVFD's Treasurer shall meet with Warren's Fire Chief as needed to produce a list of all bills and invoices to be paid, supplies and equipment to be purchased, and the reasons why the bills and invoices are incurred. SFVFD's Treasurer shall forward all such bills and Invoices and all requests for operating funds, with appropriate backup materials and documentation, to Warren's Fire Chief, as attachments to Shenandoah Farms Volunteer Fire Department Payment Request form, a copy of which is attached hereto, signed by the Treasurer or other authorized officer of SFVFD. If approved by the Department, the Department shall pay vendors directly through Warren's payment procedures.
6. SFVFD shall continue to manage and conduct its own fund raising events and activities including, but not limited to, turkey shoots, boot drives, fund drive letters, breakfasts, approved charitable gaming, and other activities, and shall transmit a report of all funds received therefrom to the Department for accounting purposes, together with a signed and completed Shenandoah Farms Volunteer Fire Department Fund Raiser Information form, a copy of which is attached hereto. SFVFD, at its own costs, shall have an annual audit made of all receipts and expenditures related to such fund raising events and activities, by an accounting firm that has been approved by both Clarke and Warren, and shall forward a copy of the audit report to both Clarke and Warren upon completion.
7. Warren's Fire Chief shall produce for review to Warren and Clarke (through their respective county administrators) and to SFVFD a monthly budget report detailing all receipts received and expenditures approved each month.
8. At the end of the fiscal year Warren's Fire Chief shall submit to Warren and Clarke (through their respective county administrators) and to SFVFD a final financial report summarizing the year's receipts and expenses.
9. Any questions about the monthly reports and/or final financial report shall be forwarded to Warren's Fire Chief.
10. Quarterly, Clarke shall transfer to Warren for proper disbursement those allocated funds that otherwise it would pay to SFVFD.
11. Any surplus/unused funds remaining at the end of each fiscal year received on behalf of SFVFD shall be set aside in a Special Projects line Item for the exclusive benefit of SFVFD.
12. SFVFD shall be issued two (2) Warren County credit cards for use in official SFVFD purchasing. These cards shall be issued to and be the responsibility of the SFVFD District Chief and the SFVFD Treasurer. The SFVFD District Chief and the SFVFD Treasurer shall be accountable for the use of the cards for official SFVFD business only, and for obtaining and remitting to Warren's Fire Chief proper receipts and backup documents for all purchases and charges made on the cards. These receipts and backup documents shall be forwarded to the Department as attachments to properly signed Shenandoah Farms Volunteer Fire Department Payment Request forms within 15 days after use of such credit cards by SFVFD.
13. The said credit cards shall not at any time be used for cash advances or ATM withdrawals.
14. These procedures shall become effective immediately upon execution of this Memorandum of Understanding by all parties, shall remain in effect until Clarke and Warren agree to release

SFVFD from these procedures, upon adequate assurances to Clarke and Warren, acceptable to Clarke and Warren, that the concerns leading to these procedures have been fully addressed and corrected by SFVFD, and shall be reviewed annually by the parties hereto.

15. In the event that SFVFD fails to comply with the provisions of this Memorandum of Understanding or breaches its terms in any material way, the distribution of previously approved, but not yet paid, funding by Warren and Clarke may be withheld and/or future funding may be denied, at Warren's and/or Clarke's sole discretion.

12) Recreation Center Additions Bid Award

Tom Judge distributed the bid documents.

David Ash informed the Supervisors that Minghini's General Contractors, Inc. of Martinsburg, WV had been awarded the contract with a bid at \$1,329,000 for a total estimated project cost of \$1,487,220. He advised that Minghini's reference checks were highly favorable. He answered various question posed by the Board regarding additions to base bid, use of propane for cooking, hot water, routine heating, and cooking in the new facility, and the construction of a secure facility in which propane tanks could be stored in sufficient quantity to sustain operations for a period of up to three days in an emergency situation.

Supervisor Staelin requested further evaluation of long-term costs.

Chairman Hobert recapped the primary questions:

- Research natural gas versus LP.
- Generator permanent or rented:
 - o Generator can be hooked up as needed.
 - o Would smaller generator be acceptable.
 - o Follow up on size of generator to be used. Look at deductions for the Generator and the Concrete Slab.
- Investigate cabinet donation.
- Confirmation of the necessity for the inclusion of a kitchen and potential users.
- Kitchen equipment is requested but further evaluation is needed to determine whether a walk-in freezer/cooler is needed at this time or long-term.

Tom Judge reviewed the currently budgeted and projected revenue streams. He indicated that the SAAA had transferred close to \$200,000 in the last few weeks.

David Ash recommended that the Board hold decision on this matter until the Building Committee could conduct further evaluation.

Supervisor Byrd opined that it was very important that every Board member have the right information so they could arrive at the right answer without speculation. She requested that the information be reviewed by the Building Committee and findings brought before the Board.

By consensus, this matter was moved forward to the December 12, 2011 Work Session agenda.

13) Board of Supervisors Finance Items

Tom Judge advised that the Finance Committee did not meet in November therefore the Finance items were being brought before the entire Board without Finance Committee recommendation.

1. School Appropriation.

The School Board has requested approval of the following: *"Be it resolved that the School Capital Projects expenditure budget be increased \$52,510, that the same be appropriated, and that revenue in the same amount from the Commonwealth of Virginia be recognized, all for the purpose of tracking the educational arrangements for special education students."*

Tom Judge reviewed the School Board's request advising that this would be a recurring cost.

Supervisor Staelin moved to approve the supplemental appropriation. 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.	- Nay
John R. Staelin	- Aye

2. Supplemental Appropriations.

Emergency Notification System Replacement Options: *"Be it resolved that the Communications expenditure budget be increased \$6,538, and the same be appropriated, and be it further resolved that the fund balance designation for Government Savings be decreased in the same amount."*

Tom Judge reviewed the Sheriff's Department request for the emergency notification system.

Sheriff Roper advised that the current system expires in December. He explained that the proposed system allows county-wide, as well as geographic, telephonic notification. He stated that the current system was utilized four times. He told the Board that this system would address citizen concerns on raised regarding voice quality and system capabilities.

Chairman Hobert added that the previous system allowed emergency response to identify a specific area but did not include weather events. He further noted that the system charged per unit allowing 30 to 60 second slots. He opined that the proposed was all inclusive including weather service and did not penalize for message size or numbers called.

Supervisor Byrd put forth citizen concerns about timing of some calls. Sheriff Roper responded that all citizens were given the opportunity to opt out of the system.

Sheriff Roper informed the Board that the cost was \$13,000 per year for as long as the system is in place whether it is used or not. In response to other concerns raised, he advised that "emergency" would be displayed on caller id's. Sheriff Roper also explained how cell phones can be registered in the system using a web-based product. He assured the Supervisors that he would drop the system should it prove inadequate.

Supervisor Byrd moved to approve the supplemental appropriation. "Be it resolved that the Communications expenditure budget be increased \$6,538, and the same be appropriated, and be it further resolved that the fund balance designation for Government Savings be decreased in the same amount." 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.	- Nay
John R. Staelin	- Aye

On behalf of the Board of Supervisors, Chairman Hobert extended congratulations to the Clarke County Sheriff's Department for receiving certification.

Sheriff Roper expressed his appreciation and notified the Chair that it was anticipated that the award would be presented at a Board of Supervisors meeting.

3. 1st Quarter Revenue Estimate

Tom Judge informed that Board of Supervisors that the Finance Committee would be reviewing the report in depth at the December Committee meeting.

4. SAAA Third Quarter Early Payment.

An early payment of an \$8,750 quarterly payment to the Shenandoah Area Agency on Aging has been requested by a representative of that agency to assist with its cash flow. The second quarter was paid early already. This request is for early payment of the third quarter that would normally be due in January.

Supervisor Staelin moved to approve the early payment. 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.	- Nay
John R. Staelin	- Aye

5. Acceptance of October 2011 Bills and Claims.

Supervisor Staelin moved to accept the October Bills and Claims. 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

6. Standing Reports:

- Reconciliation of Appropriations (FY2011)
- General Fund Balance (FY2011)
- General Government Capital Projects
- General Fund Expenditure Summary

7. HVAC & Humidity Control Circuit Court Vault

David Ash distributed and reviewed the memorandum prepared by Bobby Levi regarding the HVAC and humidity control in the Circuit Court office and vault. He advised that it proposed to remove from the current HVAC system the Circuit Court Clerk's office and vault. The Circuit Court room, holding cells, judges chambers, and jury room would remain on the current system.

Tom Judge contributed that this replacement was not included in the project. Mr. Ash added that it was anticipated that the current system would continue working. Vice Chairman Weiss put forth that the proposed removal from the current system was a "stop gap" measure to address Mrs. Butts' needs. He added that in the initial needs assessment Mrs. Butts indicated that she had no needs but now is indicating that while her space needs have been met the conditions have not.

Vice Chairman Weiss asked about fiscal impact. Tom Judge contended that this could come from appropriated money.

MEMO

To: Dave Ash and Tom Judge
From: Robert M Levi
Subject: HVAC & Humidity Control Circuit Court Vault
Date: November 17, 2011

Maintenance in [is] requesting supplemental appropriation to replace aging Heating, Cooling and adding Humidity Control to the south wing of 102 N. Church St Circuit Court vault and office. This was not included in the original scope of work performed with the renovation. System has had trouble with heating due to the aging electric coils in duct work; no replacements are available now do to age and replacements must be fabricated. Mrs. Butts has complained that vault area is not keeping up with heat to satisfaction; there has intermittent humidity issue, and unsatisfactory cooling.

Project Proposals where received on Tuesday November 8, 2011with Riddleberger Bros. Inc chosen.

- All Labor and Material supplied to install new HVAC
- All duct work will be replaced to accommodate new units.
- Electrical exhaust installed in basement area
- Install 2 new fan coil units with electric heat and dehumidification controls in vault area
- Install fire dampers in ductwork between floors and walls
- Install new thermostatic controls

Proposal costs \$35,119.00

Contingency \$ 5,268.00

Total Requested \$40,387.00

Supervisor Dunning moved to recommend funding the HVAC in basement and Circuit Court Clerk's office. 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

14) Government Projects Update

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

- Circuit Courthouse:
 - o Still reportedly coming to a close.
 - o The sound continuation panel is the only ongoing issue with agreement being reached with the manufacturer to cover the seam that is aesthetically acceptable.
- Berryville Clarke County Government Center:
 - o Units restored back to the original configuration.
 - o Reversed valves have been corrected.
 - o Cannot determine if dehumidification will sufficient in the building until such a time as conditions present.
 - o Temperatures are being logged in strategic places throughout the building.
 - o Funds were released to the contractor, who was determined not to be at fault.
 - o The problem has been determined to be a design flaw, now a subject of dispute between the architect and his sub-contractor, the engineer.
- Commonwealth Attorney's Office:
 - o Floors have been finished.
 - o With installation cost for toilet facilities approaching \$50,000, further efforts to determine cost were abandoned.
 - o Recommendation is that it be considered for County organization or quasi-County organization where such accommodations would not be perceived as such a severe detriment. Try to find a tenant that is associated with the County. County could solicit proposals.
- Former Library Building:
 - o Maintenance Director has indicated that the building maybe more deteriorated than he originally thought.
 - o Efforts to replace stucco have ceased due to deterioration of the porch.

- Removal of the trailer is a priority.
- There are drainage access issues.
- Research:
 - Right of way issues. No access other than on the street and what is allowed at the rear.
 - Space rental, estimated at \$10 per foot.
 - Historic district issues.
- Supervisor Dunning urged the Supervisors to keep this building opening that it was a valuable piece of property.

- Convenience Center:
 - Don't believe it will take a great deal of time to review project.
 - Confirm June 16, 2012 as the option expiration date.

15) Miscellaneous Items

Technical Adjustments to Senate and House Redistricting Plans

Barbara Bosserman came before the Board seeking approval of submission for the letter she proposed sending to the Division of Legislative Services requesting a technical adjustment to the boundary line dividing the 10th and 33th House of Delegates districts.

Ms. Mary Spain
Division of Legislative Services
2nd Floor General Assembly Building
910 Capitol Street
Richmond, VA 23219
Dear Ms. Spain,

Clarke County would like to request a Technical Adjustment to the boundary line dividing the 10th and 33rd House of Delegate districts in Clarke County. Our goal is to eliminate the split House district in the Millwood voting precinct.

The Clarke County Board of Supervisors adopted changes in the county's election districts on April 19, 2011. The boundary line dividing the two house districts, signed by Governor McDonnell on April 29, splits the re-delineated Millwood (301) voting precinct. Adjusting the House district boundary line to follow Springsbury Road to its intersection with Jack Enders Blvd and then along the boundary line between the Berryville (201) and Millwood (301) election districts and the boundary line between the Millwood (301) and Russell (1 01) precincts (to the west) would eliminate the split.

The adjustment would move 288 people from the 33rd District into the 10th District. It would remove the confusion at the election site along with the chance of error that comes with a split precinct.

Attached is Clarke County's adopted ordinance outlining the re-apportionment. A map detailing the proposed technical adjustment is also attached. Please contact our office if further details are required.

Sincerely,

Barbara B. Bosserman, VREO
General Registrar of Voters

By consensus, the Board approved the submission.

16) Summary Of Required Action

<u>Item</u>	<u>Description</u>	<u>Responsibility</u>
1.	Correct and process approved October minutes.	Lora B. Walburn
2.	Process 2011-2012 Lord Fairfax Health District Locality Agreement.	Lora B. Walburn
3.	Process Resolution 2011-17R.	Lora B. Walburn
4.	Process Resolution 2011-18R.	Lora B. Walburn
5.	Update approved draft of 2012 Legislative Priorities and copy for 12/14/2011 Legislative Luncheon.	Lora B. Walburn
6.	Advertise public hearings for Urban Property and CC-11-05.	Lora B. Walburn
7.	Process Shenandoah Farms MOU.	Lora B. Walburn
8.	Add Active Living Center discussion to December Work Session agenda.	David Ash
9.	Research Active Living Center questions posed by the Board and present at Work Session.	David Ash, David Weiss
10.	Coordinate Sheriff's Department Certification presentation for the December or January meeting.	Lora B. Walburn

17) Board Member Committee Status Reports

Supervisor Barbara Byrd

- Fall Fling for Furry Friends
 - o Excellent turnout.

- Approximately 90 to 100 rabies shots given.
- Mr. B's Barbeque served.
- Leslie Mclean provided agility demonstrations.

Supervisor John Staelin

- The Industrial Development Authority meets in December on the Shenandoah University bond issue.

Vice Chairman David Weiss

- Northern Shenandoah Valley Regional Commission
 - Staff is reviewing current rates to determine locality payments.
 - NSVRC is discussing a rate change.

18) Closed Session

Supervisor Byrd moved to convene into Closed Session pursuit to:

- **§2.2-3711-A1 Specific Employees or appointees of the Board,**
- **§2.2-3711-A3 §2.2-3711-A3 Disposition of Publicly-held Real Property Received From The Shenandoah Area Agency on Aging where discussion in an open session would adversely affect the bargaining position or negotiating strategy of the public body**
- **§2.2-3711-A7 Consultation with legal counsel and briefings by staff members or consultants pertaining to actual or probable litigation, where such consultation or briefing in open meeting would adversely affect the negotiating or litigating posture of the public body; and consultation with legal counsel employed or retained by a public body regarding specific legal matters requiring the provision of legal advice by such counsel.**

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 left the meeting at 4:10 pm without attending the Closed Session.

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

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

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

CERTIFICATION OF CLOSED SESSION

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

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

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

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

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

No action was taken on matters discussed in Closed Session.

19) Adjournment

There being no further business to be brought before the Board at 5:08 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, December 20, 2011 at 1:00 p.m. in the Main Meeting Room, 101 Chalmers Court, 2nd Floor, Berryville, Virginia.

ATTEST: November 21, 2011

J. Michael Hobert, Chair

David L. Ash, County Administrator

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