

CLARKE COUNTY BOARD OF SUPERVISORS
December 20, 2011 Regular Meeting 1:00 p.m.
Main Meeting Room

At a regular meeting of the Board of Supervisors of Clarke County, Virginia, held in the Main Meeting Room, 2nd Floor Berryville Clarke County Joint Government Center, 101 Chalmers Court, 2nd Floor, Berryville, Virginia on Tuesday, December 20, 2011.

Board Members Present

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

Board Members Absent

A.R. Dunning, Jr.

Staff Present

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

Tony Roper; Mike McWilliams; Alvin Feltner; Janine Rose; Travis Sumption

Others Present

Robina Rich Bouffault; Wayne Armbrust; David Juday; Val Van Meter; Brian Kaufman; Ed Leonard, and other citizens

1) Call to Order

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

2) Adoption of Agenda

– Add to Miscellaneous – Review of Draft Letter to Legislative Representatives

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

3) Presentation of the Accreditation Certificate to the Clarke County Sheriff's Office

Gary Dillon, program manager for the Virginia Department of Criminal Justice Services, appeared before the Board of Supervisors, to present to the Clarke County Sheriff's Office a certificate of accreditation from the Law Enforcement Professional Standards Commission. He advised that Sheriff Roper and his staff were voluntarily participating in the law enforcement accreditation program that consists of over 180 standards for an efficient and effective agency operation. He informed the Board that the Clarke County Sheriff's Office was one of 85 agencies, 51 other sheriff's offices, in the state to receive accreditation with more than 400 agencies that are eligible. He stated that the participating agencies must demonstrate that they are following established rules, regulations and policies; and while the initial accreditation is for a four-year term, there would be annual compliance reports in the interim.

Sheriff Roper commented that achieving accreditation was a very long process and that his staff had worked diligently toward this goal over the past three years. He commended his entire staff for their efforts. He commented that having an outside entity come in and review and compare it to the industry standards, to the state of the art, makes him feel that his office is providing the services that the citizens of Clarke County deserve and expect.

Chairman Hobert expressed appreciation to Sheriff and his staff commending him on the level of professionalism he has brought to Clarke County.

Supervisor Staelin requested a letter of appreciation be drafted and forwarded to all members of the Sheriff's Office.

4) Public Hearing PH 11-17

Public Hearing With Regard to Sale of Publicly-held Residential Real Estate Located at 2125 Blue Ridge Mountain Road Pursuant to §15.2-1800 of the Code of Virginia. The Clarke County Board of Supervisors proposes to sell residential real estate 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.

Chairman Hobert read the public hearing notice published for PH 11-17. At 1:30 pm, Chairman Hobert opened the public comment period of the public hearing. There being no persons present desiring to address the Supervisors on this matter the public comment portion of the public hearing was closed.

David Ash advised that a formal motion was not required.

Therefore, being no comment or question, by consensus the Board of Supervisors acknowledged that a public hearing was conducted and no objections had been raised.

5) Public Hearing PH 11-18 CC-11-05

Chapter 120 § 120-6. Exempt sounds. Item c) Amendment of 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 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.

Chairman Hobert read the public hearing notice published for PH 11-18. At 1:32 pm, Chairman Hobert opened the public comment period of the public hearing. There being no persons present desiring to address the Supervisors on this matter the public comment portion of the public hearing was closed.

Supervisor Staelin clarified that this amendment was requested to accommodate construction of the high school access road.

Ed Carter, VDOT, provided the following comments:

- VDOT does anticipate evening and night operations – specifically night hours when most residents are home.
- VDOT does not anticipate pounding or blasting rock in the late night/early morning hours.
- Paving on Route 7 may occur during late evening/early morning hours.
- VDOT will be sensitive to the potential disruption.

Chairman Hobert asked that VDOT not abuse the broadness of the policy.

Supervisor Byrd moved to approve amendment CC-11-05 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.	- Absent
John R. Staelin	- Aye

§ 120-6. Exempt sounds.

The following sounds shall not be prohibited by this article:

- a) **Emergency operations.** Sound generated in the performance of emergency operations including, but not limited to, audible signal devices, which are employed as warning or alarm signals in case of fire, collision or

imminent danger.

- b) **Silvicultural or agricultural activities.** Sounds generated during lawfully permitted bona fide silvicultural or agricultural activities including, but not limited to, logging activities and sounds caused by livestock.
- 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.***
- d) **Transient sounds from transportation.** Transient sounds generated by land or air-based transportation including, but not limited to, public and private airports (except as otherwise regulated), aircraft, railroads and other means of public transit.
- e) **School athletic contests or practices, and other school activities.** Sounds generated from school athletic contests or practices, and other school activities, but only if conditions are imposed which regulate the generation of sound including, but not limited to, conditions regulating the hours of the activity and the amplification of sound.
- f) **Parades, fireworks and similar officially sanctioned events.** Sounds generated from parades, fireworks or other similar events, which are officially sanctioned, if required. This exemption shall not apply to private fireworks displays.
- g) **Yard maintenance activities.** Sounds generated from routine yard maintenance activities including, but not limited to, mowing, trimming, clipping, leaf blowing and snow blowing.
- h) **Public facilities.** Sounds generated from the operation of a public facility or public use, including events at the Clarke County Ruritan Grounds between 7:00 a.m. and 10:00 p.m.
- i) **Warning devices.** Sounds generated by a horn or

warning device of a vehicle when used as a warning device, including back-up alarms for trucks and other equipment.

- j) **Bells or chimes.** Sounds generated by bells or chimes.
- k) **Firearms.** Sounds generated from the lawful discharge of a firearm for the purposes of hunting, protection, local law enforcement exercises and lawfully permitted sport shooting ranges (as defined in Va. Code Section 15.2-917)
- l) **Protected expression.** Any other lawful activity, which constitutes protected expression pursuant to the First Amendment of the United States Constitution, but not amplified expression.

State law reference—Va. Code § 15.2-1200.

6) FY 2011 Financial Report by Robinson Farmer Cox

Tom Judge introduced Matt McLaurin, Robinson Farmer Cox, lead auditor, who presented the audit results. Mr. McLaurin distributed a hard copy of the financial Report. Highlights of this review include:

- Review of Independent Auditor's Report.
- Review if OMB81 Compliance Opinion.
- Audit is compiled at the request and for the use of the Board of Supervisors and management of County of Clarke and the report is to the governing body not to county citizens. While this is standard industry language, Robinson Farmer Cox can investigate changes as suggested by Chairman Hobert.
- Review of total net assets as of June 2011
- Review of changes in net assets that were affected by capitalization of construction costs.
- Review of fund balance and liability
- Review of statement of changes in fund balance
- General fund budgeted and actual variance with final budget less by approx. 1.1 million
- \$3.6MM of the \$5.1MM shown are pay as you go funds designated school construction that will be paid out at the end of the elementary school renovation projects.

- Trend Analysis should be available in January. Chairman Hobert asked that Tom Judge be contacted for a list of communities and requested that they use the same small, rural localities as last year.

Chairman Hobert thanked Mr. McLaurin and Tom Judge for their efforts,

7) Clarke County Public Schools Update

Mike Murphy, Superintendent Clarke County Public Schools, was not present for the monthly update from the Schools; therefore, Robina Rich Bouffault provided a brief update.

- December is bullying prevention month. A program on this issue is available to all teachers.
- Choir won state award and are going to New York in May to represent Virginia
- Last School Board meeting of the year was held on December 19.
- School Board Chair Barbara Lee was able to attend the December 19 meeting and gave a report on the VSB Board meeting.
- 15 firms have applied for construction manager RFP and staff will be reviewing preliminary qualifications of firms and will present three to five of firms to the School Board for follow up.
- VDOE met with Griff Carmichael and Dr. Murphy prior to a two-hour tour through all three facilities [current high school, Cooley and Primary].
- VDOE has not presented findings on Cooley and Primary.
- Supervisor Staelin commented on recent emails regarding school renovations and student populations. He stated that the past school board maintained that the plan to place elementary students in the existing high school subject to facility renovations there and at the Cooley campus was a perfect plan. He opined that in light of these assertions over the years the community would not accept trailers at Cooley due to overcrowding after renovations were complete. Vice Chairman Weiss expressed his support. Robina Rich Bouffault concurred.

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

- Substantial completions is still on schedule for January 23.
- Final completion is scheduled for March 2012.
- Shockey has developed its construction punch list and is developing a combined list with Crabtree.
- Terrazzo flooring is almost complete and should last at least 50 years.

- Project contingency was used redig and remodel the concrete box for the utility trench on Main Street at a cost of \$60,729.
- Project contingency is currently \$629,324 contingency available;
- Some small change orders are in process.
- No major construction issues at this juncture.
- Legal fees available funds are \$7,000.
- FFE is budgeted at \$2.5 MM and procurements have begun but will not be finalized until the end of April when installation can begin after Shockey turns over the building.
- FFE includes electronics such as smart boards, security cameras, phone system, alert access to the Sheriff's office, etc.
- \$100,000 in contingency for irrigation and two water cannons for playing fields. The water will come from the Greenhouse well that has a yield of 120 gallons a minute.
- \$60,000 is set aside for the transfer/move from the old school to the new school.

Chairman Hobert thanked outgoing School Board White Post Representative Robina Rich Bouffault for her dedicated service.

8) VDOT

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

- Maintenance:
 - o The new box culvert that was placed on Route 604 has now been paved over.
 - o As weather permits, will begin preparation for extension of the Rural Rustic concept along the same route.
 - o Completed the secondary mowing and approximately 45% of the grading of non-hard surfaced roads.
 - o Grading operations will continue as weather permits.
 - o Still cleaning up of limbs and brush from the October snow storm. About 50% complete and will continue in the upcoming month.
 - o Cutting additional brush with the Boom Ax in the upcoming month.
 - o Repaired a sink hole on Route 50 in the median just prior to the river bridge.
 - o The new salt storage shed at Camp 7 is 95% complete and will be 100% complete shortly.

- Plan to install pipes on Routes 608 and 621 as soon as the environmental permits clear.
- Removing animal carcasses continues to be a chore. Since October 1st, have picked up 182 deer and 3 bear.
- The Route 761 (Old Charlestown Road) bridge has been closed this week for temporary repairs. The bottom underneath one of the piers was washed out. Will be pumping concrete into the void to stabilize until the bridge is replaced. Expect to have it back open in two weeks barring anything unforeseen.
- Projects:
 - Route 636 – Mosby Road – On schedule. Next milestone will be the January 2012 advertisement.
 - Route 723 – Bridge replacement – On schedule
 - Route 7 – Crossovers – On schedule
 - Route 604 – Ebenezer Road – complete except for the surface treatment from Route 707 to the new bow. That will be done in the spring after the fall leaves have cleared the surface.
- Supervisor Comments:
 - Supervisor Byrd –
 - Crims Curve – VDOT did a good job of cleaning out; however, her constituents are requesting that the trees be chopped at fence level. Mr. Monroe stated that the trees in question were on private property requiring a completed right of entry form that he offered to provide to Supervisor Byrd, who stated she would give the form to the land owner.
 - Battlefield Estates – constituents are complaining about speeders that have almost hit people, particularly children. There have also been complaints about speeding construction trucks and they are requesting consideration of a 4-way or 3-way stop at Jackson to slow traffic.
 - Mosby and 340 stop light – timing mechanism going north on 340 needs to be revisited. Mr. Carter stated that he would review the report from a previous study.
 - VDOT performed grading on Route 644.
 - Route 7 crossovers – bid is in, the low bidder has been identified and VDOT is waiting on notice to proceed.
 - Supervisor Weiss –
 - Route 608 turn – Charlie Monroe assured that signs can be placed at the turn during heavy rain events.

- Supervisor Hobert –
 - Mr. Carter assured that the issue regarding responsibility for lights on the new Mosby Boulevard had been resolved.

9) Adopt Resolution Of The Board Of Supervisors Of Clarke County Concurring With A Financing Undertaken By The Industrial Development Authority Of Clarke County, Virginia, To Benefit Shenandoah University 2011-20R – Draft Included in Packet

Jesse Russell advised that representatives from Shenandoah University were in attendance accompanied by bond counsel. He provided a brief summary of the proposed development, the involvement of the Clarke County Industrial Development Authority and the requested action before the Board.

Chairman Hobert welcomed Dick Shickle, Shenandoah University finance officer, and expressed the Board’s pleasure in supporting the University’s expansion efforts.

Chris Kulp, bond counsel Hunton & Williams, stated that Mr. Russell summed up well the matter with his explanation of the need for the bond and the action required by state and federal tax law. He expressed appreciate on behalf of Shenandoah University for the Board’s consideration of this matter.

David Juday, Chair – Clarke County Industrial Development Authority, informed the Supervisors that bond counsel had advised him this morning that all documents were in order.

Chairman Hobert extended the Board’s appreciation to the members of the Clarke County Industrial Development Authority, as well as Jesse Russell.

Supervisor Staelin moved to approve resolution 2011-20R as requested. 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 Of The Board Of Supervisors Of Clarke County Concurring With A Financing Undertaken By The Industrial Development Authority Of Clarke County, Virginia, To Benefit Shenandoah University
2011-20R**

WHEREAS, the Industrial Development Authority of Clarke County, Virginia (the "Authority"), on December 8, 2011, adopted a resolution (the "Authority Resolution") authorizing the issuance

and sale of its Educational Facilities Revenue Bonds, Series 2011, in a principal amount not to exceed \$8,000,000 (the "Bonds"), for the benefit of Shenandoah University, a not-for-profit Virginia non-stock corporation (the "University"), to finance the costs of:

- (1) acquiring from a University-related entity an existing hotel site known as the Quality Inn Winchester, located within Frederick County, Virginia at 1017 Millwood Pike, Winchester, Virginia 22602 (the "Hotel Property"), and constructing, renovating and equipping improvements to the Hotel Property for student housing and other University purposes,
- (2) acquiring, constructing and equipping one or more capital improvements to the University facilities located on the portion of the University's main campus in the City of Winchester, Virginia, including without limitation,
 - (a) a new residence hall of approximately 10,000 square feet to 150,000 square feet,
 - (b) a new health sciences building of approximately 30,000 square feet to 100,000 square feet,
 - (c) a new parking garage of approximately 100 to 500 parking spaces and
 - (d) perimeter boundary & landscaping, and
- (3) funding certain working capital and issuance expenses incurred in connection with the issuance of such bonds (collectively, the "Project"); and

WHEREAS, Section 147(f) of the Internal Revenue Code of 1986, as amended (the "Internal Revenue Code") and Section 15.2-4906 of the Code of Virginia of 1950, as amended (the "Virginia Code"), require that the governmental unit having jurisdiction over the area in which any facility financed with the proceeds of the Bonds is located approve the issuance of such Bonds;

WHEREAS, Section 147(f) of the Internal Revenue Code requires that any such approval by the applicable governmental unit be given after a public hearing following reasonable public notice, which hearing may be held by the public authority issuing the Bonds;

WHEREAS, on December 8, 2011, in accordance with the requirements of Section 147(f) of the Internal Revenue Code and Section 15.2-4906 of the Virginia Code, the Authority held a public hearing and adopted the Authority Resolution approving the issuance of the Bonds;

WHEREAS, the University has requested the Board of Supervisors of Clarke County, Virginia (the "Board"), to approve the issuance of the Bonds to comply with Section 147(f) of the Internal Revenue Code and to concur in the Authority Resolution to comply with Section 15.2-4906 of the Virginia Code; and

WHEREAS, a copy of the Authority Resolution, a record of the public hearing and a fiscal impact statement with respect to the issuance of the Bonds have been filed with the Board;

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

1. The Board of Supervisors hereby approves the issuance of the Bonds by the Authority for the benefit of the University, as required by Section 147(f) of the Internal Revenue Code,

and concurs with the Authority Resolution adopted by the Authority for the benefit of the University to the extent required by Section 15.2-4906 of the Virginia Code.

2. The County having not previously issued in calendar year 2011 any tax-exempt obligations (not including "private activity bonds" other than "qualified 501C(c)(3) bonds." As those terms are defined in the Code). which are required to be aggregated with obligations issued by the Authority for purposes of Section 265(b)(3)(B) of the Code. and the County and all its subordinate issuing entities or authorities (including the Authority) not reasonably expecting to issue in calendar year 2011 any other such obligations that when aggregated with the Bonds will be in excess of \$10,000,000. The County hereby concurs with the Authority's intention to designate the Bonds as "qualified tax-exempt obligations" under Section 265(b)(3)(B) of the Code.
3. The approval of the issuance of the Bonds does not constitute an endorsement of the Bonds or the creditworthiness of the University. As required by Section 15.2-4909 of the Virginia Code, the Bonds shall provide that the County will have no obligation to pay the Bonds or the interest thereon or other costs incident thereto.
4. All acts and doings of the officers of the County and the Board of Supervisors that are in conformity with the purposes and intent of this resolution shall be, and the same hereby are, in all respects approved and confirmed.
5. This resolution shall take effect immediately.

Adopted this 20th day of December 2011.

Attest:

J. Michael Hobert, Chair

10) Citizens Comment Period

No citizens appeared to address the Supervisors.

11) Approval of Minutes

Supervisor Byrd requested:

- Page 837 Revise first paragraph to read: 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.

Supervisor Byrd moved to approve the November 20, 2011 Regular Meeting minutes as amended. 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

12) Set Public Hearing TA-11-08B Design Criteria for that portion of the Historic Access Corridor Overlay District outside of the boundaries of the Berryville Area Plan

Jesse Russell appeared before the Supervisors to review the proposed changes in TA-11-08B. Jesse Russell explained that to keep historic continuity the objective was to ensure that additions or modifications looked similar in era to the original dwelling.

Supervisor Byrd asked numerous questions opining that the proposed text amendment was unclear.

Supervisor Staelin and Chairman Hobert also noted that some of the points were unclear and suggested some wording changes.

Following discussion, the Board agreed to the following:

- Further clarification was needed before setting the matter for public hearing.
- Individual Supervisors to provide Jesse Russell with those sections they found unclear.
- Mr. Russell to review sections with Maral Kalbian for clarification.
- Mr. Russell to provide a map showing the historic corridor overlay district
- Mr. Russell to provide a statement indicating whether the text amendment applied to new construction on high way commercial or just villages.

13) Board of Supervisors Work Session Items

1. Clarke County Board of Supervisors Administration of Oath of Office. Action: Oath administered at the 12/12/2011 Work Session by the Honorable Helen Butts, Circuit Court Clerk.
 - 1 (a) Resolution in Appreciation of Service A.R. "Pete" Dunning, Jr. White Post District Supervisor. Action: Adopted and presented during the December 12, 2011 Work Session.
2. Recreation Center Additions Bid Award. Action: Adopted at the December 12, 2011 Work Session the proposed resolution as amended.

3. Status Update IDA Bond Issue. Action: See Agenda Item 9.
4. Posting of Clarke County Code 1997 as amended in PDF Format to Clarke County Website. Action: Adopt Resolution *“Be it resolved that the Clarke County Board of Supervisors authorizes the posting of the Clarke County Code of 1997 as amended in pdf format on the Clarke County website with the inclusion of the following editorial note and further authorizes the County Administrator to make any necessary non-substantive revisions to facilitate this posting.”* Action: Adopted at the December 12, 2011 Work Session the resolution as presented.
5. Closed Session Pursuant to §2.2-3711-A3 Acquisition or Sale of Property. Action: No action taken following Closed Session held at the December 12, 2011 Work Session.

14) Joint Administrative Services Update

Tom Judge, Director Joint Administrative Services, appeared before the Supervisors to update them on activities of the Joint Administrative Services Board. Highlights include:

- The Joint Administrative Services Board bylaws call for a formal update to representative board to keep them apprised of JAS discussions.
- Over last 12 months, the main focus of the JAS Board has been on exploration of an enterprise-wide computer system generated by the need of the Treasurers’ Office for a new system.
- County-wide IT governance:
 - Cooperative IT projects include: building security system; IT infrastructure – fiber optic and switches; common telephone standard; been cooperative efforts.
 - IT governance includes formal recognition of IT purchases and coordination to maximize pricing, compatibility and system efficiency.
 - The Joint Administrative Services Memorandum of Agreement between the School Board and the County originally established the responsibility of IT governance with Joint Administrative Services since most of the systems automation was in the Finance department and did not foresee the county-wide impact. Included in the Board packet is a proposed update to the MOA that clarifies the IT governance role that is needed prior to implementation of an ERP.
 - Written statements from constitutional office accepting the governance structure are deemed necessary.
 - Advice on ERP implementation is to go slow.
- Preliminary findings indicate inconsistent processes and duplicate data between departments.
- Determining business practices in the analysis stage could lead to greater efficiencies in business procedures and operations.

- Governor's budget:
 - Received today.
 - Funding for constitutional offices is very flat.
 - The budget calls for a 3% bonus to state employees if it can be demonstrated that certain savings goals have been achieved.
 - Quadrupling cost of life insurance benefit and requiring employee to pay a portion.
 - A 10% increase in health insurance is the figure being used for budgeting purposes until the actual increase is established.
 - School budget is in process of development.
 - Supervisor Byrd noted that the Houck / Staelin Financial Report does not reflect a \$2MM cut in school funding as reported at the previous evening's School Board meeting. It was noted that while funding is down it is not a cut but an adjustment reflecting the decline in student enrollment.

15) Government Projects Update

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

- Circuit Courthouse:
 - RDA project is complete.
 - Installation and acceptance of sound continuation panel is complete – recut, reassembled and reupholstered inside of the court room; and the Circuit Court judge has accepted the fix.
 - Mike Legge is working to wrap up the project.
- Berryville Clarke County Government Center:
 - Continue to monitor temperatures and variations.
 - Have not received reimbursement for upfront monies from architect.
 - Continue to log temperatures and humidity and provide to contractor.
- Senior Center / Active Living Center :
 - Completing contract work with architectural firm.
 - Gas company has not yet solidified its position on the gas line location.
- Planning Director Position:
 - Sent a letter of acknowledgement to all applicants informing them of our hope to schedule interviews in January.
- Convenience Center:

- Preparing erosion and sediment control plan.
- Siting on 8-acre parcel.
- Option was for a smaller site located within the larger parcel – attempting to take advance of the terrain.
- Confirming measurements are consistent with newer equipment requirements.
- Need a cost estimate for budget consideration by January 2012 Board meeting.

16) Miscellaneous Items

Chairman Hobert informed the members of a letter that David Ash, John Staelin and he had drafted as a follow up to items discussed during the December 14 Legislative Luncheon. He advised that without objection from the Board the letter would be forwarded to the County's legislative representatives.

Supervisor Byrd expressed disappointment that the only members of the press attending the Legislative Luncheon had been from the local television station.

Supervisor Weiss noted that the Governor's preliminary budget that provides a salary increase for state employees; and while he did not object to the increase, he wished to raise the issue as a reference point.

With no objections expressed, by consensus the Board approved the following letter:

Senator Vogel/Delegate May/Delegate Minchew:

Attached is the document we referenced during our December 14, 2011 gathering when discussing our concern about the General Assembly's reluctance to consider tax rate increases needed to fund your programs and priorities.

The last line of the attached report summarizes the reductions Clarke County has seen in State funding. It adjusts for changes in school enrollment so it is truly an "apples to apples" comparison that accurately portrays the impact of reduced funding from the Commonwealth. The report shows that State support has fallen by up to as much as \$1,000,000 a year. Given that Clarke County's Real Estate tax rate brings in \$225,000 in additional revenue with each penny added to the rate, those losses equal a 6.5% increase in local taxes here in Clarke.

Certainly, every member of the Clarke County Board of Supervisors understands the need to spend money wisely. However, my Board gets irritated when the General Assembly goes around bragging that it has not raised taxes when in fact, it is simply shifting the increases to the localities.

In addition, it must be recognized that as localities cannot tax income we are forced to rely on the regressive real estate tax system. Retired seniors and those who have seen their jobs disappear in this economy are struggling to keep the homes that it has taken them a lifetime to acquire. A

higher real estate tax rate just adds to the pressure these people face to sell their homes. Burdening those with limited ability to pay drags down housing values and decreases the spending ability of those who can least afford it. That is not just unfair; it is also counter-productive to the State's efforts to stabilize home values and increase income and jobs.

Clarke's citizens have not yet experienced the entire impact of this state caused tax increase, but they will soon. County employees have gone without a pay increase for four years. Funding for local and regional organizations has been frozen and new programs and capital projects have been deferred, all because the revenues that once funded those items are now being used to offset the reductions in revenue that once came in from the Commonwealth.

All of this must change if local governments are to remain effective and responsive to local needs. We cannot continue to fill in the funding holes created by the Commonwealth's cost shifting, additional unfunded mandates and diversion of local revenue streams. We ask that you restore past cuts and give localities more flexibility in our taxing authority.

*Sincerely,
J. Michael Hobert, Chair*

17) Summary Of Required Action

<u>Item</u>	<u>Description</u>	<u>Responsibility</u>
1.	Draft letter of appreciation and forward to all members of the Sheriff's Office.	David Ash
2.	Update Code of Clarke County with CC-11-05.	Lora B. Walburn
3.	Process Resolution 2011-20R.	Lora B. Walburn
4.	Amend and process November 2011 minutes.	Lora B. Walburn
5.	Provide Jesse Russell with questions on TA-11-08B.	Supervisors
6.	Review questions provided on TA-11-08B with Maral Kalbian.	Jesse Russell
7.	Provide historic district overlay map.	Jesse Russell
8.	Clarify areas affected by TA-11-08B.	Jesse Russell
9.	Solicit and provide a cost estimate for the convenience center for review at the January Board meeting.	David Ash
10.	Complete and forward letter to legislative representatives.	David Ash

18) Board Member Committee Status Reports

Supervisor Barbara Byrd

- Interviews are being conducted for the position of executive director for The Barns at Rose Hill.
- The Barns has a tremendous programs committee that working diligently on scheduling events.
- Juvenile Detention Board will be sending back money to localities.

Supervisor John Staelin

- Mr. Staelin thanked all the members of the Industrial Development Authority for their efforts on the Shenandoah University bond issue.
- The Economic Development Advisory Committee has scheduled final review of the new tourism brochure in January.
- The tourism section of the County website has been updated and modified.

Vice Chairman David Weiss

- The Conservation Easement Authority continues to have more applications than money.

Chairman J. Michael Hobert

- Lisa Cooke, Parks and Recreation Director, and members of the Parks & Recreation Board met at the Kohn property with neighboring property owners to garner ideas on park use of the property.
- The Kohn property was formerly owned by Daniel Morgan, renowned American pioneer, soldier, and United States Representative from Virginia.

19) Closed Session

The Supervisors did not convene to Closed Session during the December 20, 2011 regular meeting.

20) Adjournment

There being no further business to be brought before the Board at 3:02 pm Chairman Hobert adjourned the Board of Supervisors meeting.

Next Regular Meeting Date

The organizational meeting shall be conducted in conjunction with the Work Session scheduled for Monday, January 9, 2012.

The next regular meeting of the Board of Supervisors is set for Tuesday, January 17, 2012 at 1:00 p.m. in the Main Meeting Room, 101 Chalmers Court, 2nd Floor, Berryville, Virginia.

ATTEST: December 20, 2011

J. Michael Hobert, Chair

David L. Ash, County Administrator

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