

CLARKE COUNTY BOARD OF SUPERVISORS
April 17, 2012 Regular Meeting 1:00 p.m.
Main Meeting Room

At a regular meeting of the Board of Supervisors of Clarke County, Virginia, held in the Main Meeting Room, 2nd Floor Berryville Clarke County Joint Government Center, 101 Chalmers Court, 2nd Floor, Berryville, Virginia on Tuesday, April 17, 2012.

Board Members Present

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

Board Members Absent

None

Staff Present

David Ash; Tom Judge; Brandon Stidham; Alison Teetor; Lora B. Walburn

Others Present

Beth Leffel; Mike Murphy; Val Van Meter; Ed Leonard; Mike Dowling; and other citizens

1) Call to Order

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

2) Adoption of Agenda

- Add to VDOT: Review of Draft Letter of the Board's Position on the Primary Highway 6-Year Plan
- Add to Miscellaneous:
 - Convenience Center Status Update from David Ash.
 - Budget Update from Tom Judge.

By consensus, the Board approved the agenda as modified.

3) Clarke County Public Schools Update

Mike Murphy, Superintendent Clarke County Public Schools, appeared before the Supervisors to provide the monthly School update.

- The choir has resolved their funding issues for the trip to New York City and is moving rapidly forward with plans to represent Clarke County.
- Regarding ADM: 2041 is still the estimate
 - Dr. Murphy and Tom Judge concurred ADM number is similar to last year.
 - ADM is at budgeted number.
 - Currently, 68 kindergartens registered with more anticipated by August.
 - For school year 2012/2013, expecting close to the same number of children as 2011/2012 school year.
 - Homeschool students that participate in public school classes can be counted in ADM.
 - Will provide Supervisor Byrd the number of homeschooled students in County, approximately 180 to 200, and number counted in ADM.
- Regarding Cooley Remodeling:
 - OWPR and PHR&A are doing pro-bono work on behalf of the School Board.
 - The school board has reached conceptual agreement and consensus on the importance of facilities that meet VDOE recommendations for class size square footage as well as validated our internal student class size guidelines. Gannet Fleming and Crabtree are also interested in assisting.
 - The School Board has chosen to meet once per month but the Superintendent will be asking to increase the meeting frequency. A meeting is scheduled for April 23 at 6 pm.
- Dr. Murphy will provide the Supervisors with the VDOE feasibility report on the appropriate use of the existing school facilities.
- Chairman Hobert requested that Mr. Brinkmeier attend the Supervisors' regular meetings, when possible, to provide construction updates.
- New HS dedication Saturday, 4/28/2012, at 11 am. Parking through Mosby at lower entrance. This student-lead presentation will include a parade and a ribbon-cutting ceremony followed by guided tours of the building.
- Regarding Round-About: Perry Engineering meeting last week and VDOT meeting today- looking good; challenge will be Verizon and Comcast
- Budget – would like a final budget. House and Senate committees have sent something but don't know what final will be.

- Potential \$116K Conference Committee "Bump"
 - 1. Many options exist
 - a. Postpone final FY13 budget adoption until the Commonwealth is finished deliberating and approving their expenditure FY2013 budget.
 - b. Increase local transfer by the conference committee/Commonwealth final amount
 - i. Restore school operating funds for mowing and projected new high school operating expenditures
 - ii. Restore school capital funds, specifically funds for a new school bus as well as specific technology improvements (e.g., Boyce VOIP phone system)
 - iii. Allocate funds for a significant capital improvement that benefits both schools and the community, specifically the resurfacing and refurbishing of the Johnson-Williams Middle School tennis courts and track, including related safety improvements
 - 2. Reduce local transfer by the appropriate amount

4) VDOT

Edwin Carter, VDOT Program Manager, and Cliff Balderson, VDOT Resident Engineer, appeared before the Supervisors to provide the monthly update.

Maintenance - April:

- Used Contractor to perform trash pickup on primaries;
- Graded non-hard surfaced roads;
- Conducted sweeping operations in the Town of Berryville, the Town of Boyce, bridges on Rt.7, and bridges on Rt. 50;
- Performed pipe flushing at various locations;
- Cut brush along Rt.604 Ebenezer Road for Rural Rustic project;
- Replaced pipe on Rt. 649;
- Performed shoulder repair on Rt. 606;
- Assisted with bridge resurfacing on Rt. 621.

Maintenance – May:

- Use contractor to perform spot leveling at various locations;
- Conduct patching operations on various routes;
- Begin ditching and shoulder repair operations along Rt. 611;

- Prepare for mowing operations.

Projects

- Rt. 636, Mosby Road – Project was awarded to Perry Engineering of Winchester. Preconstruction meeting scheduled for April 17, 2012 with planned start date of May 2, 2012. Scheduled to start construction approximately May 2. Working to resolve questions with relocation of utilities. Overall completion is anticipated for spring 2013. High School access to be complete by 8/22/2012. Schedule is dependent upon construction constraints such as rock.
- Rt. 604, Ebenezer Road Rural Rustic – Brush clearing is underway with pipe replacement and grading to follow. Estimated completion mid-summer 2012.
- Rt. 1014, Page Street, Town of Berryville – Sidewalk construction project for east side of street is currently being designed with advertisement planned for later this summer.
- Rt. 7 crossover project – Awaiting contractor start.

Supervisor Comments:

- Supervisor Byrd:
 - Expressed appreciation for repairs to Route 611.
 - Deep ditches along Senseny Road toward the Opequon. Mr. Carter offered to check conditions.
 - Drop offs on shoulders on Sulfur Spring Road down to Opequon. Mr. Carter advised that road shoulders could be narrow because of right of way issues and continual maintenance was necessary to keep them in repair.
- Vice Chairman Weiss:
 - Drop off areas on Route 608 south down by the river.
- Supervisor Staelin: Asked that Frazer Watkins be allowed to address his VDOT issue.
 - Mr. Watkins stated that he lives on Janesville Road that has had a high number of road gradings that have produced a great deal of dust resulting from low dust suppression. The dust is causing health issues for his family and pets. The dust has also prevented him from painting his home. He suggested the following solutions for consideration:
 - Tax rebate.
 - Creation of a no-dust zone.
 - Lower the speed limit.
 - Greater police presence and fines for speeders.
 - Less grading.

- Grade and suppress together.
- VDOT provide him dust suppression chemicals that he could apply as needed.

Cliff Balderson responded that VDOT was grading roads now to correct issues and remove potholes. He noted that the dry spring had added to the problem. Dust suppression activity is performed by a contractor for the entire residency. Dust suppression begins May 1 and another application is possible in August depending on funding.

Mr. Watkins stated that his road was well maintained and asked if grading activity could be performed less frequently or ceased.

Mr. Carter stated that VDOT could not stop road grading. He asked Mr. Watkins if the road was only dusty after grading activity.

Mr. Watkins advised that dust suppression was so infrequent that his road was dusty all the time.

Chairman Hobert called for an end of discussion at the meeting and asked that VDOT and Mr. Watkins exchange contact information.

Primary Road Improvements

Chairman Hobert informed the Board that the proposed April 2012 draft letter regarding the Primary Road Improvement Plan was the same as letter submitted in October 2011.

Ed Carter stated that the Commonwealth Transportation Board hears public comment addressing the primary and interstate six-year plan in the spring and was scheduled for April 24, 2012 in Roanoke. He assured that the letter the Board submitted in October 2011 would not be discarded. He confirmed that James Davis was still the CTB representative for Clarke County.

By consensus, the Board agreed to send the proposed draft as written.

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

The Clarke County Board of Supervisors has reviewed its priorities for primary road improvements in the County and requests the Commonwealth Transportation Board to allocate available funds accordingly. The following list of projects has been put before the CTB for many years. We realize that the Commonwealth's transportation improvements

are being made within severe financial limitations; nevertheless, we feel that these projects are of significant benefit to the Commonwealth as well as Clarke County.

Waterloo Intersection (Rts. 17/50 [John Mosby Highway] and Rt. 340 [Lord Fairfax Highway])

This project was first put on our priority list in 1992. Partial funding for engineering design has been approved and we ask for full funding to complete the design phase of this project.

The County's priorities for future projects are:

1. *Rt. 340 (Lord Fairfax Highway) and Rt. 657 (Senseny Road) intersection .5 miles south of Berryville*

This project has been on our list of priorities since 1998. This continues to be a very unsafe intersection.

2. *Rt. 7 (Harry Byrd Highway) and Rt. 612 (Shepherds Mill Road) intersection 3 miles east of Berryville*

This intersection is unsafe due to sight distance and increases volume of traffic

3. *Double Tollgate (Intersection of Rts. 277, 340, and 522)*

This project has been a priority since 1997; traffic volumes on Rt. 522 increased 31% from 2001 to 2008.

4. *Rt. 7 Business on the west side of Berryville (approx. 1.2 miles of Primary Highway)*

This project has been on our list of priorities since 1992.

5. *Rt. 340 Drainage in the Town of Boyce*

This project has been on our list of priorities since 2003.

6. *Rt. 7 Business on east side of Berryville (approximately .94 miles of Primary Highway)*

This project has been on our list of priorities since 1995.

7. *Park and Ride lot VA 7 (Harry Flood Byrd Hwy.) near intersection of Rts 7, Bypass and Business 1 mile west of Berryville.*

Commuter traffic on Rt. 7 increased 53% from 2001 to 2008; alternatives to SOVs must be provided. Park & Ride lots should be located as near as possible to the point of origin of the commuter traffic.

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

Regards,
Michael Hobert, Chairman

Copy: Dr. James A. Davis, Virginia Commonwealth Transportation Board

Solicitation of Interest in Relocating and Assuming Ownership of Route 723 Opequon Creek Bridge In Frederick County, Virginia [VDOT Project #0723-034-708, P101, M501, M510, B625; iPM 86316 and VDHR File #2011-1392]

Mr. Carter informed the Board that it is a federal requirement to offer for salvage any bridge located in an historic district that is scheduled for replacement. He advised that the offer had been extended to three government entities in the district including Clarke County. Mr. Carter stated that he understood the bridge could not be purchased by a private individual.

In response to queries, Mr. Carter explained that federal bridge standards have a formula with a scale of sufficiency between 0 and 100; and when a bridge reaches into the neighborhood of 50 or lower on that scale, then VDOT has a long formula that indicates that it is more cost effective for the dollars spent to replace then it is to repair. This bridge ranked fairly low approximately 16 or 17 meaning that to repair it would essentially be demolished and rebuilt. He stated that consideration whether to fix or replace had already been made and it was found that it was more cost effective to replace. Mr. Carter advised that public hearing on the proposed bridge restructure was planned for 2013.

By consensus, the Board agreed to send letter declining an interest in purchasing the bridge.

5) Citizens Comment Period

With comments specific to VDOT, Frazer Watkins was invited to speak directly to VDOT representatives during that segment of the meeting.

Chairman Hobert welcomed Brandon Stidham, Director of Planning, to Clarke County and thanked him for attending the Board of Supervisors meeting.

6) Approval of Minutes

Supervisor Staelin moved to approve the minutes as follows:

- **March 15, 2012 Budget Work Session Meeting as amended.**
 - **Page 960 Second to last bullet change from application to completion.**

- Page 961 – Correct to read “David Weiss commented that employees earning higher salaries work hard too; and if a raise is given, it should be given equally.”
- March 20, 2012 Regular Meeting as amended.
 - Page 968 second bullet under John Staelin add “or capital”
- March 20, 2012 Budget Work Session as presented.

The motion carried by the following vote:

Barbara J. Byrd	- Aye
J. Michael Hobert	- Aye
Beverly B. McKay	- Aye
John R. Staelin	- Aye
David S. Weiss	- Aye

7) Consent Agenda

A. 2012-03R Resolution in Appreciation of Sarah Burton, Founder Town and Country Garden Club 1951

Resolution in Appreciation of Sarah Burton, Founder
Town and Country Garden Club 1951

*I wandered lonely as a cloud
That floats on high o'er vales and hills,
When all at once I saw a crowd,
A host, of golden daffodils;
Beside the lake, beneath the trees,
Fluttering and dancing in the breeze
Continuous as the stars that shine
And twinkle on the milky way,
They stretched in never-ending line
Along the margin of a bay:
Ten thousand saw I at a glance,
Tossing their heads in sprightly dance.*

~William Wordsworth, "I Wandered Lonely as a Cloud," 1804

And that describes the magnificent show Lady Burton gives us each year and for which we owe her our deepest gratitude, for as the Koran says "Bread may feed the body, but flowers feed the soul".

We join to honor Sarah Burton, a gardener and visionary extraordinaire. Through her love for nature and gardening she created an opportunity and for 60 years stimulated the love and

knowledge of gardens and gardening for seasoned and new gardeners alike. It is for such inspiration we celebrate this rare woman.

We bow to you, Sarah Burton, for all you are, for all that you have given each of us, enriching our lives with beauty and grace. You exemplify that "gardens truly are a form of autobiography," and yours is rich, indeed, and will continue long after we have all left this beautiful Earth. You have made this world a more beautiful place, a place that nourishes our souls, a place to feast our eyes, and a place worthy to be.

J. Michael Hobert, Chairman

B. Special Event Permit: Shenandoah Riverside Festival June 15 & 16, 2012 at Watermelon Park – Medium Event Approval

C. Maral Kalbian Contract Addendum

ADDENDUM NO. 1

This Addendum, dated the day 17th day of April , 2012, is by and between the BOARD OF SUPERVISORS OF CLARKE COUNTY (hereinafter "Board"), and MARAL KALBIAN (hereinafter "Contractor").

WHEREAS, the Board and the Contractor entered into an agreement dated June 21, 2011 ("Agreement") for work to be done by Contractor for Clarke County ("County") which included an Architectural Survey for the proposed Chapel Rural Historic District National Register Nomination ("Architectural Survey"), as set forth in paragraph I.e. of the Agreement; and

WHEREAS, pursuant to paragraph 3 of the Agreement, Contractor was to be paid Thirty Five Thousand Dollars (\$35,000.00) for Contractor's work on the Architectural Survey; and

WHEREAS, the Board had agreed to provide in-kind services to assist Contractor in the Architectural Survey, the in-kind services to be provided by a County employee; and

WHEREAS, the employment by the County of the employee who has been performing the in-kind services has been terminated; and

WHEREAS, Contractor may need to engage an individual, either as an employee or as an independent contractor, to perform services which would have been performed by the County employee; and

WHEREAS, the Board is willing to increase the payment to Contractor to assist Contractor in engaging an individual to assist Contractor in the Architectural Survey.

NOW, THEREFORE, the Board and the Contractor agree as follows:

1. The Board will no longer provide a County employee to perform in-kind services to Contractor in the Architectural Survey.
2. Paragraph 3 of the Agreement is hereby amended to increase the compensation of the Contractor for the Architectural Survey work from \$35,000.00 to \$38,427.00.
3. This Addendum shall not alter Contractor's obligation to perform the Architectural Survey work, and except as specifically amended herein, the Agreement shall remain in full force and effect.

Supervisor Byrd moved to approve the items on the Consent Agenda. The motion carried by the following vote:

Barbara J. Byrd	- Aye
J. Michael Hobert	- Aye
Beverly B. McKay	- Aye
John R. Staelin	- Aye
David S. Weiss	- Aye

8) Board of Supervisors Personnel Committee Items

A. Expiration of Term for appointments expiring through June 2012.

04/09/2012 Summary: The Personnel Committee will also consider appointment of a BOS Liaison to the Clarke County Sanitary Authority. Currently, John Staelin appointed as the BOS Alternate to the CCSA.

04/09/2012 Action: Supervisor Byrd moved to convene into Closed Session pursuant to §2.2-3711-A1 Specific Employees or appointees of the Board to review the list of up-coming vacancies on various boards and commissions. The motion carried as follows:

J. Michael Hobert	- Aye
Barbara J. Byrd	- Aye

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

J. Michael Hobert	- Aye
Barbara J. Byrd	- Aye

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

CERTIFICATION OF CLOSED SESSION

WHEREAS, the Board of Supervisors Personnel Committee 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 Personnel Committee 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 Personnel Committee 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 Personnel Committee of the County of Clarke, Virginia.

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

J. Michael Hobert	- Aye
Barbara J. Byrd	- Aye

Following Closed Session, the Personnel Committee made the following recommendations:

- Appointment of Joseph Blatz to the Board of Septic and Well Appeals for a four-year term expiring 2/15/2016.*
- Appointment of Susan Wolk to the Clarke County Library Advisory Council for a four-year term expiring 4/15/2016.*
- Appointment of Nancy Foster to the Clarke County Library Advisory Council for a four-year term expiring 4/15/2012.*

04/17/2012 Action: Supervisor Byrd moved to confirm the recommendations of the Personnel Committee. The motion carried by the following vote:

Barbara J. Byrd	- Aye
J. Michael Hobert	- Aye
Beverly B. McKay	- Aye
John R. Staelin	- Aye
David S. Weiss	- Aye

9) Board of Supervisors Work Session Items

A. Special Event Permit: Shenandoah Riverside Festival June 15 & 16, 2012

04/09/2012 Summary: Mike Capanelli, Watermelon Park, originally applied and was approved on March 20, 2012 for a small special event [150 to 499 attendees]. "Due to the

outstanding support of our community and surrounding communities, Watermelon Park and Earth Korps requests that our previously approved small special event to be considered and approved to be increased to a medium special event."

04/09/2012 Action: The Board reviewed the application for the Shenandoah Riverside Festival and recommended the event be placed on the Consent Agenda for approval on April 17, 2012.

B. Special Event Permit: Pasture Palooza Music and Arts Festival July 13-15, 2012

04/09/2012 Summary: Trevor Creany is requesting for 2012 approval of medium special event permit [500 to 999 attendees] to conduct a three-day event at 339 Minniewood Lane, Berryville. The initial event conducted in 2010 did not rise to the permit level [150+ attendees]. For 2011, a small event permit [150 to 499 attendees] was applied for and approved July 14, 2011.

04/09/2012 Action: The Board discussed this proposal noting that it is the first medium-sized event to be proposed at this location by this promoter. The Board recommended this event be added on the April 17, 2012 agenda for the purpose of setting public hearing in May.

04/17/2012 Action: Supervisor Byrd moved to set public hearing on the special event permit application on May 15, 2012 at 6:30 pm or as soon thereafter as the matter may be heard. The motion carried by the following vote:

Barbara J. Byrd	- Aye
J. Michael Hobert	- Aye
Beverly B. McKay	- Aye
John R. Staelin	- Aye
David S. Weiss	- Aye

C. Shenandoah Farms Refuse Collection Site Agreement

04/09/2012 Summary: At the 3/12/2012 Work Session, the Supervisors requested that review of the revised agreement be added to the April 9, 2012 Work Session.

04/09/2012 Action: The proposed agreement is still under review by Warren County.

04/17/2012 Action: David Ash provided an overview of the use of the refuse collection site located in Warren County.

- After several years of shared use, Warren County requested a formal agreement with Clarke County.

- The agreement was reviewed by Blair Mitchell, Warren County, and Archana McLoughlin, Clarke County.
- The annual base rate is \$1,498.69 approximately, \$18,000 per year.
- Agreement begins when executed.
- Currently Clarke County owes Warren County for approximately 24 months use, that Clarke is expected to pay.
- Payment of this location is included in the line item budget for refuse collection.
- All county residents may use this collection center.

Supervisor McKay moved to adopt the agreement as presented and further moved to authorize the Board of Supervisors Chair to execute the agreement on behalf of Clarke County. The motion carried by the following vote:

Barbara J. Byrd	- Aye
J. Michael Hobert	- Aye
Beverly B. McKay	- Aye
John R. Staelin	- Aye
David S. Weiss	- Aye

AGREEMENT BETWEEN
THE COUNTY OF CLARKE, VIRGINIA AND
THE COUNTY OF WARREN, VIRGINIA
REGARDING THE SHENANDOAH FARMS REFUSE COLLECTION SITE

THIS AGREEMENT made this ____ day of ____ 2012, by and between the Board of Supervisors of Clarke County, Virginia (hereinafter "Clarke County") and the Board of Supervisors of Warren County, Virginia (hereinafter "Warren County"), establishes the method and billing of Clarke County's use of the Shenandoah Farms Refuse Collection Site owned and operated by Warren County.

RECITALS

Warren County owns and operates the Shenandoah Farms Refuse Collection Site. The location of the site is a convenient place for Clarke County residents to dispose of their household waste. Warren County will allow Clarke County residents to use the facility, and Clarke County will fund the share of the cost of operating the refuse collection site attributable to its use by Clarke County residents.

AGREEMENT

NOW, THEREFORE, for and in consideration of the mutual covenants, conditions, and promises contained herein, and for good and valuable consideration, Clarke County and Warren County mutually covenant and agree as follows:

1. Use of Refuse Collection Site: Warren County will allow Clarke County residents to use the Shenandoah Farms Refuse Collection Site for the disposal of solid waste. Access to the site will be allowed pursuant to the resident displaying a valid Clarke County vehicle decal upon entrance to the site.
2. Base Rate: Clarke County will pay a Base Rate of \$1498.69 per month for the ability to use the facility. This Base Rate has been calculated as the average monthly cost for the use of the facility to Clarke County from November 2004 through November 2009.
3. Invoicing Schedule: Warren County will provide quarterly invoices to Clarke County based on a July 1 to June 30 fiscal year.
4. Payment: Unless notice of a delay in payment is given or an objection to the amount is raised, Clarke County will pay Warren County within 30 days of receipt of each invoice.
5. Consumer Price Index (CPI) Adjustment: Warren County reserves the right to adjust the "Base Rate" as described in paragraph 2, above, each year to account for the previous year's CPI rates. In the event that Warren County exercises its right to adjust the Base Rate pursuant to this paragraph, it shall so notify Clarke County in writing not later than March 1 of each year. The adjustment shall be calculated in accordance with the Urban Consumer Price Index (CPI-U) as published by the United States Department of Labor most nearly to and following January 1 of the relevant year. Such adjusted base rate shall become effective on the July 1 following the written notice.
6. Use Surveys: Clarke County reserves the right to conduct surveys of its residents' use of the facility to determine the appropriateness of the "Base Rate." Clarke County will be responsible for the reasonable expenses of any such survey.
7. Term and Effective Period: This Agreement shall be in effect from the date of its execution and will remain in effect for a period of 5 fiscal years until June 30, 2017. This Agreement shall be automatically renewed and extended for additional 5-year terms unless it is terminated by written notice or agreement as described in Paragraph 8, below.
8. Termination of Agreement:
 - a. This Agreement may be terminated at any time by agreement in writing by both parties.
 - b. This Agreement may be terminated unilaterally at the end of a July 1 to June 30 fiscal year by a party upon written notice to the other by March 1 of that fiscal year.
9. Amendments: Amendments to this Agreement, excluding any adjustment to the "Base Rate" as described in paragraph 2, above, must be in writing and approved by both Clarke County and Warren County.
10. Assignability: Except as otherwise expressly provided for herein, neither party will assign any of its obligations or rights hereunder without written permission of the other.
11. Entire Agreement: This Agreement expresses the entire understanding and all agreements between the parties in regard to the use by Clarke County residents of the Shenandoah Farms Refuse Collection Site owned and operated by Warren County and supersedes any prior writing or oral agreements inconsistent herewith. Notwithstanding anything to the

contrary, it is the intent of both Clarke County and Warren County that this Agreement be construed liberally in order for the parties to realize the specified intent of this Agreement.

12. Notices: Any notices required to be given pursuant to this Agreement, and any invoices, payments, or communications associated with the performance of this Agreement will be deemed made, if mailed or hand-delivered to the parties hereto at the addresses of each, as follows:

To Clarke County: Clarke County, Virginia
Attention: David Ash, County Administrator
101 Chalmers Court
Berryville, Virginia 22611

To Warren County: Warren County, Virginia
Attention: Douglas Stanley, County Administrator
Warren County Government Center
220 North Commerce Avenue, Suite 100
Front Royal, Virginia 22630

IN WITNESS WHEREOF, the parties have caused the Agreement to be executed by their duly authorized representatives as to the date first written above.

Michael Hobert, Chairman
Board of Supervisors of Clarke County, Virginia

Archie Fox, Chairman
Board of Supervisors of Warren County, Virginia

D. Shenandoah Valley Workforce Consortium Agreement

04/09/2012 Summary: At the February 13, 2012 Work Session, Sharon Johnson, Interim Director- Shenandoah Valley Workforce Investment Board, Inc., made a presentation in support of the County's participation in the Shenandoah Valley Workforce Consortium. The Workforce Investment Board was seeking to have all localities agree to participate no later than their March meetings; however, the Board requested additional information from Ms. Johnson that was provided April 3. The Workforce Investment Board is requesting that the Board of Supervisors execute the agreement.

Additional Information Requested & Provided:

- 1) Number of Clarke County residents receiving service,*
- 2) Organization's bylaws,*
- 3) Most recent audit,*
- 4) Current and proposed budget, and*
- 5) Any program plans and/or performance reviews.*

04/09/2012 Action: The Board recommended this agreement be placed on the April 17 agenda for consideration and adoption.

04/17/2012 Action: David Ash provided the following update on the proposed Consortium agreement:

- It is two-part agreement.
- All but five counties have signed the agreement.
- The chief local elected official either attends or appoints someone to attend the Work Force Investment Board.

Vice Chairman Weiss moved to approve both parts of the Consortium agreement and to authorize the Chair to act on behalf of the County. The motion carried as follows:

Barbara J. Byrd	- Aye
J. Michael Hobert	- Aye
Beverly B. McKay	- Aye
John R. Staelin	- Aye
David S. Weiss	- Aye

E. Review Regional Reassessment Request for Proposals

04/09/2012 Summary: Update on status participation in interview process.

04/09/2012 Action: The Board recommended this be placed on the April 17 agenda for further discussion and potential designation of a Board member to participate in the RFP process.

04/17/2012 Action: David Ash reviewed the regional reassessment progress. Following are highlights of the discussion:

- Board authorized participation.
- RFP's have been sent out.
- Interviews scheduled for May 10 with the three respondents.
- It was believed that the price and service would be better if combined.
- Shenandoah County is contemplating postponing reassessment.
- Estimated savings of \$2 to \$3 per parcel if participating with the group.
- There is a perceived improvement in product received with the combined effort.
- Localities are entitled to separate from the group.
- David Ash and Donna Peake are Clarke County's representatives.

- It has been suggested that a member of the Board of Supervisors from each county be included on the interview panel. The Board agreed on an informal approach allowing Board members to attend at will.
- The Board requested that they be provided notice of discussions on key issues.

Discussion of Reassessment Schedule Change

The Board discussed the possibility of changing the reassessment schedule. Highlights of the discussion include:

- Code of Virginia sets general reassessment every 4 years; however, for jurisdictions of 50,000 or less, the Board of Supervisors may elect to conduct at 5- or 6-year intervals.
- The Code also establishes a locality may revert to every four years.
- Adjusting the reassessment schedule would result in a \$190,000 cost savings in FY2013.
- Further discussion was deferred to the FY2013 budget segment.

F. Maral Kalbian Contract Addendum

04/09/2012 Summary: Transfer the required in-kind contribution on the current year Chapel Historic District Grant to the contractor.

04/09/2012 Action: The Board recommended placement of this item on the April 17 Consent Agenda for approval.

G. Closed Session

§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.

04/09/2012 Action: Supervisor Byrd moved to convene into Closed Session pursuant to §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:

Barbara J. Byrd	- Aye
J. Michael Hobert	- Aye
Beverly B. McKay	- Aye
John R. Staelin	- Absent
David S. Weiss	- Aye

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

Barbara J. Byrd	- Aye
J. Michael Hobert	- Aye
Beverly B. McKay	- Aye
John R. Staelin	- Absent
David S. Weiss	- Aye

Supervisor McKay further moved to execute the following Certification of Closed Session:

CERTIFICATION OF CLOSED SESSION

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

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

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

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

Barbara J. Byrd	- Aye
J. Michael Hobert	- Aye
Beverly B. McKay	- Aye
John R. Staelin	- Absent
David S. Weiss	- Aye

No action was taken on matters discussed in Closed Session.

H. Finance Committee Items

4/9/2012 Summary: NOTICE – Due to the cancelation of the Finance Committee meeting on April 5, the following Finance items were added to the Work Session agenda for Board review.

1. *Acceptance of March Bills and Claims*

04/09/2012 Action: The Board recommended that the acceptance of the March bills and claims be added to the April 17 agenda.

04/17/2012 Action: Supervisor Staelin moved to accept the March 2012 General Government Bills and Claims. The motion carried by the following vote:

Barbara J. Byrd	-	Aye
J. Michael Hobert	-	Aye
Beverly B. McKay	-	Aye
John R. Staelin	-	Aye
David S. Weiss	-	Aye

2. *Standing Reports*

04/09/2012 Summary: The following are included: Reconciliation of Appropriations. General Fund Balance. General Fund Expenditure Summary. General Government Capital Projects.

04/09/2012 Action: Information only - no action required.

I. Update from Sheriff

04/09/2012 Action: The Sheriff briefly appeared before the Board of Supervisors to provide an update on the General Assembly's efforts to divert fine money to state coffers.

10) 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.

– Both boards have approved the Memorandum of Agreement.

- At the next meeting, the JAS Board will be undertaking first-phase review of technology plans and future development.
- Looking at language for definition of VRS retiree.
- Developing notice to employees claiming dependents.

11) Government Projects Update

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

- Berryville Clarke County Government Center:
 - Unspent RDA project funds will be applied to renovations at the Sheriff's Office.
 - Redesign of HVAC is still on track and should have by the first part of May.
- Senior Center / Active Living Center :
 - Second progress meeting conducted.
 - Walls are going up.
 - Plumbing in floors completed.
 - Much of brickwork to correct joint issues has been cut out and scheduled.
 - Approval on steel for roof trusses was not received.
 - Project is moving forward quickly.
- Convenience Center:
 - Have estimates on cost of operation.
 - Have gotten design drawings from Ed Strawsnyder, Regional Landfill Director.
 - Owner has a right of approval and waiting for his agreement.
 - Owner and Mr. Mitchell need to meet to discuss owner's issues.
 - Presentation is set for the May 15 regular meeting.
- Former Library Building:
 - Response to title search on the Library.
 - More detailed discussion must be held in closed session.
 - The trailer has been sold for the third time; and it is hoped that, this time, the purchaser will remove the trailer.

12) Miscellaneous Items

Convenience Center Status Update:

David Ash stated that he continues to work with Bob Mitchell; however, neither of them has been able to make contact with Mr. Perry. He advised that a public meeting would be necessary after the lease was executed.

FY2013 Budget Update by Tom Judge.

Highlights of the FY2013 Budget update and discussion include:

- Recommend postponing adoption of the budget until additional state information is known.
- Recommend that the Board meet and make decisions and give direction to staff to develop a budget that could be adopted at a later date.
- Board needs to decide if they want to implement the full 5% VRS contribution increase in the first year or 1% phase in over the next 5 years. VRS has sent a package that requests the Counties to declare which option.
- Contingencies for School and general government included increased tax rates have not been placed in individual department budgets.
- Additional Commonwealth funding for schools is an estimated \$116,140.
- Need discussion on direction on tax rate 1 cent or advertised 2 cent.
- Need to provide direction to the Office of the Treasurer.
- Waiting on clarification from Bob Mitchell on whether the tax rate and the budget must be adopted at the same time.
- Salary increase budgeted at 2% to cover shortfall created by increase VRS payment.
- By consensus, the Board agreed to show in the proposed budget the full 5% VRS contribution for anything less would create an unfunded liability on the local level.
- By consensus, the Board agreed to show in the proposed budget a deferral of the reassessment for two years and to show the resulting cost reduction, lowering the tax increase proposed for consideration from 2 cents to 1 cent.
- In the event of the adoption of the budget as modified above, the Board would be required to address the matter of assessment deferral after further evaluation and by Resolution.
- By consensus, the Board agreed that local School funding would be offset by the same amount as the additional state funding of an estimated \$116,000 and used to lower the budget deficit.
- Pay increases for constitutional offices shall be calculated the same as other employees.

- Constitutional officers and voter registration have no offsetting amount at this time, so those persons will receive a cut in pay. 2% pay increase will not be calculated on the constitutional officers
- Chairman Hobert reminded that the County has never subsidized the pay of constitutional officers.
- Discussion was continued until the April 18 Budget Work Session when direction shall be given to the Treasurer and instruction given to the School Board.
- A budget work session shall be scheduled for Monday, April 30, 2012 at 6:30 pm for adoption.

13) Summary of Required Action

<u>Item</u>	<u>Description</u>	<u>Responsibility</u>
1.	Request from Supervisor Byrd for the number of homeschooled students in County and number counted in ADM.	Dr. Murphy
2.	Request from Supervisors for the VDOE feasibility report on the appropriate use of the existing school facilities.	Dr. Murphy
3.	Execute and forward the Primary Highway Improvements statement.	David Ash
4.	Solicitation of Interest in Relocating and Assuming Ownership of Route 723 Opequon Creek Bridge In Frederick County, Virginia - Send a letter expressing no interest.	David Ash
5.	Amended and process approved minutes.	Lora B. Walburn
6.	Process Resolution 2012-03R	Lora B. Walburn
7.	Present Resolution 2012-03R.	Michael Hobert
8.	Provide notice of approval Special Event Permit: Shenandoah Riverside Festival June 15 & 16, 2012 at Watermelon Park.	Lora B. Walburn
9.	Execute and forward Maral Kalbian Contract Addendum.	David Ash
10.	Process appointments and update database.	Lora B. Walburn
11.	Advertise special event for public hearing.	Lora B. Walburn
12.	Execute and forward Shenandoah Farms Refuse Collection Site Agreement.	David Ash
13.	Execute and forward Shenandoah Valley Workforce Consortium Agreement. Add item for appointment -- Chair	David Ash

<u>Item</u>	<u>Description</u>	<u>Responsibility</u>
14.	Convenience Center presentation at May 15 meeting.	David Ash
15.	Update FY2013 budget documents for 4/18 meeting.	Tom Judge
16.	Schedule budget work session for April 30.	Susanne Vaughan
17.	Provide resolution for acceptance of SSYP FY2013 through FY2018.	VDOT

14) Board Member Committee Status Reports

Supervisor Barbara Byrd

- Board of Social Services: have meeting tomorrow. New board members are very interested in the proceedings
- Humane Foundation: had meeting today. Daniel Judge presented his Eagle Scout project creating a dog park with a chain link fence that should be complete sometime in June.
- Library Advisory Committee: meets tomorrow.
- School Board: having two meeting per month – one is a work session. The Schools are working on renovation of the remaining schools. New board members anxious to get projects going
- Regional Juvenile Jail Board: meeting next week.
- Barns: meeting tomorrow
- Town and Village: meeting was only half an hour

Supervisor John Staelin

- Sanitary Authority: Water tower on hold for property negotiations.
- Double Tollgate Committee: Researching the issues. Health department came in to address what could be done.
- EDAC:
 - Meets tomorrow.
 - At last meeting, discussed equine industry; and following that discussion, changes were made to the website to include reference to trial riding.
 - A draft of the most recent revision of the tourism brochure was distributed.
 - Discussion of a pharmacy in Berryville is scheduled for the next meeting.

Vice Chair David Weiss

- Conservation Easement Authority: moves on as usual

- Building and Grounds: David Ash covered earlier in the meeting.

Supervisor McKay

- NSVRC: unable attend due to a scheduling conflict.
- Spout Run meeting – divided between agriculture and urban groups.
 - A lot that needs to be done there. Before clean up can begin, must identify where the pollution is coming from.
 - Don't know who is funding – believes it is DEQ.
 - Left with more questions than answers.
 - Highest forms are fecal chloroform and sediment.
 - Some changes already put in place have resulted in improvements.

Chairman J. Michael Hobert

- Joint Administrative Services Board continues to work on various projects including technology.

15) Closed Session

No closed session was conducted during the April 17, 2012 regular meeting.

Chairman Hobert recessed the meeting at 3:45 pm.

Chairman Hobert reconvened the meeting at 6:34 p.m.

16) Citizen Comment Period

No citizens addressed the Board.

17) PH 12-04 Public Hearing Six-Year Plan 2012 / 2013 – 2017/2018

Chairman Hobert read the public hearing notice for PH 12-04.

Mr. Balderson provided a PowerPoint presentation titled Clarke County Secondary System Improvement Plan 2012/13 - 2017/18. Highlights include:

- Route 636 – bid came in under estimate. The carry over funding can be moved to cover other County projects.

- Route 604 Ebenezer Road - both phases of this project are in progress.
- Planning estimates were compiled from 2011 data.
- Unprioritized / Unfunded: Supervisor Staelin requested consideration of the addition of the intersection near Doodle's store on Shepherds Mill Road. Vice Chairman Weiss agreed that it was a good idea to add this project, already on the primary highway list, to the secondary plan as well.
- Citizens attending the meeting put forth that heavy trucks, in excess of posted weight limits, were using the bridge on Old Charlestown Road. Supervisor Byrd noted the 1,200 cars per day traffic count on this road.

Major Projects

ROUTE	ROAD NAME	FROM	TO	AVERAGE DAILY TRAFFIC COUNT	DESCRIPTION OF WORK	VICINITY	ESTIMATED COST	TENTATIVE AD/START DATE	COMMENTS
636	Westwood Rd./ Mosby Blvd.	0.16 miles S Rt. 7 Bus	0.39 miles N Rt. 7 Bus	560	Reconstruction	Town of Berryville	\$3,481,132	1/2012	Advertised & Favorable Bids Received
604	Ebenezer Road	S Rt. 607	.4 miles S Rt. 607	100	Rural Rustic	Bluemont	\$815,559	10/2010	Fully funded under rural rustic concept
761	Old Charlestown Road	At Frederick/Clarke Co line		1200	Replace bridge structure		\$1,366,492	6/2017	Federal Funds
657	Senseny Road	Int. Rt. 340		8600	Improve Intersection	Town of Berryville	\$450,000	2013	Partially Funded
T-1014	Page Street	T-1005	T-1026	N/A	Construct Sidewalks	Town of Berryville	\$75,701	2012	Revenue Sharing
* 723	Old Winchester Road	.05 miles E County line	.05 miles W County line	880	Replace bridge structure		\$1,258,038	10/2014	Federal Funds

Hard Surface Projects

ROUTE	ROAD NAME	FROM	TO	AVERAGE DAILY TRAFFIC COUNT	DESCRIPTION OF WORK	VICINITY	ESTIMATED COST	TENTATIVE AD/START DATE	COMMENTS
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Un-prioritized / Unfunded Projects

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

At 6:47 pm Chairman Hobert opened the public comment portion of the public hearing.

James Thorne, Old Charlestown Road: spoke of issues on his road that runs beside the creek advising that when flooded there can be three to four feet of water on the road. He asked VDOT if they could find funds to address the flooding issues during the proposed Route 761 bridge replacement that is scheduled to be bid in 2015.

Cliff Balderson responded that VDOT is trying to push this repair ahead.

Mr. Thorne suggested consideration of a traffic count in the Snowden bridge area where there are plans for a 2,600-home development on the Frederick County side.

Bill Cumberland, Old Charlestown Road: advised that he had met with VDOT officials several times about securing more funding to speed up the Route 761 bridge project noting that the area was split between Frederick and Clarke. He concurred with Mr. Thorne on flooding issues.

Supervisor Staelin responded that there was no local funding for these projects all funding came from the state funded with some federal money. He continued that funding was allocated by formula with VDOT telling localities annually how much funding they would receive with localities prioritizing how funds are spent. Supervisor Staelin added that Clarke and Frederick do coordinate with each other.

Cliff Balderson responded to Mr. Cumberland that the project was not fully funded at this time.

Supervisor Staelin recapped project funding as follows:

- Westwood/Mosby and Ebenezer Road are fully funded;
- Old Charlestown Road is partially funded with mostly federal funds;
- Senseny Road has some funding exact amount is unknown at this time;
- Page Street will be funded through the Town of Berryville.

Being no other citizens desiring to comment, at 6:57 pm, Chairman Hobert closed the public comment portion of the public hearing.

Vice Chairman Weiss asked Mr. Balderson if there were plans to address the flooding during replacement on Route 761.

Cliff Balderson opined that good points had been raised because the bridge would not do a great deal of good if the roadway leading to the bridge was not accessible during a flood.

Barbara Byrd recalled a previous study by VDOT, done in 2000, to address this problem that did not fix the existing road but created a new "super highway" that was astronomical in pricing. Mr. Thorne concurred with both noting that the plan just disappeared.

Vice Chairman Weiss restated his desire to add to Unprioritized / Unfunded Projects the intersection of Route 612 and Route 7.

Supervisor Byrd asked for available funding for the intersection of Senseny Road and Route 340 currently estimated at \$450,000.

Mr. Balderson advised that funding left over, approximately \$150,000 to \$200,000, from the Westwood / Mosby project with funding left over from the Ebenezer Road project, approximately \$100,000, there could be enough funding to begin the project next plan year.

Supervisor Staelin moved to approve the Secondary Six-Year Plan 2012 / 2013 – 2017/2018 as modified with the addition to Unprioritized / Unfunded the improvements to the intersection of Route 612 and Route 7. The motion carried by the following vote:

Barbara J. Byrd	- Aye
J. Michael Hobert	- Aye
Beverly B. McKay	- Aye
John R. Staelin	- Aye
David S. Weiss	- Aye

**Virginia Department of Transportation Secondary Six-Year Plan 2012 – 2018 and
Construction Budget 2012-2013
Resolution 2012-04R**

At a regular meeting of the Board of Supervisors of the County of Clarke, Virginia, held at the Main Meeting Room, Second Floor, of the Berryville / Clarke County Government Center, on Tuesday, April 17, 2012 at 6:30 p.m.

Present: Barbara Byrd; J. Michael Hobert; Beverly B. McKay; John Staelin; David Weiss

On motion by Supervisor John Staelin and carried unanimously:

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

WHEREAS, this Board has previously agreed to assist in the preparation of this Plan, in accordance with the Virginia Department of Transportation policies and procedures, and participated in a public hearing on the proposed Plan (2012/13 through 2017/18), as well as the Construction Priority List (2012/13) on Tuesday, April 17, 2012 at 6:30 p.m. after duly advertised so that all citizens of the County had the opportunity to participate in said hearing and to make comments and recommendations concerning the proposed Plan and Priority List;

WHEREAS, Mr. Ed Carter, Six-Year Plan Programs and Enhancement, Virginia Department of Transportation, appeared before the board and recommended approval of the Six-Year Plan

for Secondary Roads (2012/13 through 2017/18) and the Construction Priority List (2012/13) for Clarke County;

NOW, THEREFORE BE IT RESOLVED that since said Plan appears to be in the best interests of the Secondary Road System in Clarke County and of the citizens residing on the Secondary System, said Secondary Six-Year Plan (2012/13 through 2017/18) and Construction Priority List (2012/13) are hereby approved as presented at the public hearing.

ATTEST:

David L. Ash, Clerk
Clarke County Board of Supervisors

18) Adjournment

There being no further business to be brought before the Board at 7:03 pm Chairman Hobert adjourned the Board of Supervisors meeting.

Next Regular Meeting Date

The next regular meeting of the Board of Supervisors is set for Tuesday, May 15, 2012 at 1:00 p.m. in the Main Meeting Room, 101 Chalmers Court, 2nd Floor, Berryville, Virginia.

ATTEST: April 17, 2012

J. Michael Hobert, Chair

David L. Ash, County Administrator

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