

CLARKE COUNTY BOARD OF SUPERVISORS
January 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, January 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; Jesse Russell; Alison Teetor; Lora B. Walburn

Others Present

Robina Rich Bouffault; Val Van Meter; Brian Kaufman; Ed Leonard, and other citizens

1) Call to Order

Chairman Hobert called the meeting to order at 1:00 p.m.

2) Adoption of Agenda

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

3) Clarke County Public Schools Update

Mike Murphy, Superintendent Clarke County Public Schools, did not appear before the Supervisors to provide the monthly School update.

Robina Rich Bouffault, Authorized Owner's Representative Clarke County School Board New High School Construction, provided the monthly update. Highlights include:

- Distributed a report titled New High School Construction Report Robina Rich Bouffault January 17th, 2012.

NEW HIGH SCHOOL CONSTRUCTION REPORT

Robina Rich Bouffault- January 17th, 2012

Completion of the interior equipment installation continues on schedule, and the construction schedule is currently estimated at 97% complete. I have attached to this report the items currently in progress as prepared by our project managers Gannett-Fleming.

1. Substantial Completion

- Substantial Completion is still scheduled for January 23d. Certification of substantial completion is dependent upon a number of steps:
- The contractor Shockey communicates with our project managers Gannett-Fleming to provide a comprehensive list of items to be completed or corrected prior to final payment.
- This list is communicated to our architects Crabtree, Rohrbaugh, who must make and inspection and confirm that all items necessary to issue a certificate of substantial completion have been done, or if not, will establish in agreement with our project managers, a list of items to be attached to the certificate.
- All of the above steps are currently in progress, and the list of outstanding items to be attached to the certificate of substantial completion is being finalized this week.

2. Certificate of Occupancy

I have spoken at length with the Building Inspector Gary Pope, and a TEMPORARY Certificate of Occupancy will be issued at the same time as the Certificate of Substantial Completion. This temporary certificate will be conditional upon a number of items being satisfactorily completed and approved by the building inspector, as well as our architects and project managers, prior to issuance of the final certificate of occupancy, including:

- All testing and balancing certificates required by law,
- The completion of all commissioning inspections to the satisfaction of our commissioning agents and project managers.

3. Final Completion and Final Payment

- Final Completion is still scheduled for March 23d, 2012.
- There will be one exception to this, which is the lack of suitable grass coverage of the entire site, given that wet weather delayed the seeding schedule in certain areas.

Shockey has already advised that they will be provided a bond to cover this lack, and recognize that they are responsible for any re-seeding necessary in the spring.

- Shockey will give our project managers notice that the work has been completed (including the list attached to the certificate of substantial completion) and that a number of steps specified have also been completed.
- After inspection, and when all items outlined above have been finalized to the satisfaction of the building inspector, our project managers and our architects, a Certificate of Final Completion shall be issued together with a final Certificate of Occupancy.
- Final Payment and release of the 5% retention are to be made within 30 days of that date.

4. The Budget

You will find attached [*Note: see January 17, 2012 packet material*] the status of the project budget as of end-December, 2011.

As you can see, there is almost \$630,000 remaining in the contingency, and the outstanding estimates, especially for the water cannon, irrigation and moving expenses, are more than adequate, and should have something left over to add to the amount that can be rolled over into the renovations.

One of the teachers has been given a stipend to work on the move from the current to the new high school, and this will also hopefully result in a decrease in moving expenses.

All going well, this project should be finalized by June-July, and continue to be under budget.

5. Ribbon-Cutting Ceremony

The official ribbon-cutting ceremony is to be held at the new high school on:

SATURDAY, APRIL 28th, 2012 at 11 A.M.

A guided tour will be done after the ceremony.

All are invited.

- No problems at this point. Of note, there is a mechanic's lien against toilet partitions that were outside specification. These partitions were ordered from another supplier.
- \$629,324 still remains in contingency funds.
- \$7,000 remains in legal fees that may be used for further legal work on Mosby Boulevard project.

- \$2.5MM budgeted for FFE – purchasing has just started for this line item.
- Supervisor Byrd, Board of Supervisors liaison to the Clarke County School Board, asked questions regarding the \$7.2MM budgeted for school renovations. Mrs. Bouffault provided the following responses to her queries:
 - Actual budgeted renovation funds are \$6,569,626 – the \$7.2MM includes high school construction contingency.
 - The AOR is to be selected by the School Board at their meeting this evening.
 - The AOR will work with the remaining money for school renovations that will include the contingency funds.
 - Last month, Dr. Murphy advised that VDOE had promised a space report that should be available at the School Board meeting this evening.

4) VDOT

Due to a scheduling conflict, representatives for Virginia Department of Transportation were unable to attend. Via telephone, Edwin Carter, VDOT Program Manager, expressed his regret and extended an offer to respond to Supervisors' questions in the interim.

- Supervisor Comments:
 - Supervisor Weiss –
 - He will contact Mr. Carter regarding road issues in his district.
 - Supervisor McKay
 - He will contact Mr. Carter regarding trash on Route 522.

5) Citizens Comment Period

No citizens appeared to address the Supervisors.

6) Consent Agenda

- A. Virginia Airborne Search & Rescue Squad Virginia OEMS License No. 1298 and the County of Clarke, Virginia Memorandum of Understanding

Virginia Airborne Search & Rescue Squad
Virginia OEMS License No. 1298
And the County of Clarke, Virginia
Memorandum of Understanding

This Memorandum of Understanding dated December 7, 2011 between Virginia Airborne Search & Rescue Squad, Inc, a 501c3 non-profit state licensed rescue squad-OEMS Lie. 1298 hereinafter referred to as VASARS and Clarke County hereinafter referred to as "County"

VASARS agrees to provide on call 24/7 airborne helicopter support and/or airborne command vehicle(s), as available, free of charge. County will provide radio communications to VASARS. VASARS is a 501c3 non-profit rescue squad licensed by the Commonwealth of Virginia, Office of EMS as a non-transport BLS emergency response rescue squad. VASARS services are primarily airborne search & rescue support, aerial observation, aerial command, team insertion, disaster/storm response-evaluation, aircraft SAR, law enforcement airborne support and fire/EMS airborne support and homeland security airborne support. Other non-emergency use is available upon request.

It is agreed by VASARS and the County that VASARS will have access to airspace [per FAA Regulations] and that the County will endeavor to obtain landing areas / property for VASARS, as necessary, while responding to County requests.

VASARS shall be responsible for all airborne operations costs when called upon or dispatched by the County. Although VASARS is a non-profit and offers free services, we encourage grants by users to support our program, as it is 100% funded with grants/donations. There are no obligations.

VASARS does not guarantee service with this agreement and both parties understand that airborne support is available "as available" and weather / conditions permitting. Any VASARS pilot or crewmember can scrub or cancel a response for safety concerns without risk of any liability for non-response or assistance. All agree that safety is our number one priority. All VASARS operations shall be in with FAA regulations and OEMS regulations as they are applicable.

The County will use VASAR's 24/7 dispatch center [866-246-9552] when emergency response is needed for airborne support and shall advise its dispatch centers / supervisors of such.

In providing any services in Clarke County, VASARS is not acting as an employee, contractor, or agent of the County, and VASARS will have sole control of the manner in which it conducts any requested operations in Clarke County. VASARS hereby agrees to indemnify and hold harmless the County from any liability for injuries, death, or damages resulting from any VASARS operations in Clarke County.

This MOU will continue in effect until changed or cancelled by either party at any time with written notice. There is no contractual agreement by this MOU and this MOU is a written understanding outlining the free airborne services of VASARS and neither party has any obligation for contractual services of any type, except as may be otherwise provided in the preceding paragraph.

VASARS is a licensed EMS rescue squad/public service agency. Agreed by:

Virginia Airborne Search & Rescue Squad
By: _____
Kevin C. Rychlik, Chief

Date: _____

The County of Clarke, Virginia

By: _____
David Ash, County Administrator

Date: _____

B. 2012 Board of Supervisor Appointments

Northwestern Regional Jail Authority	David L.	Ash	County Administrator
Regional Airport Authority	David L.	Ash	County Administrator
Joint Committee of the Joint Government Center	David	Ash	BOS - Appointed Member
Joint Administrative Services Board	David L.	Ash	County Administrator
Clarke County Planning Commission	Barbara J.	Byrd	BOS- Alternate
Clarke County School Board	Barbara J.	Byrd	BOS - Liaison
Board of Supervisors Personnel Committee	Barbara J.	Byrd	BOS - Appointed Member
Clarke County Library Advisory Board	Barbara J.	Byrd	BOS - Liaison
The Barn Projects	Barbara J.	Byrd	BOS - Liaison
Board of Social Services	Barbara J.	Byrd	BOS - Appointed Member
Northwestern Regional Juvenile Detention Center Commission	Barbara J.	Byrd	BOS - Liaison
Northwestern Regional Jail Authority	Barbara J.	Byrd	BOS Liaison - Alternate
Clarke County Humane Foundation	Barbara J.	Byrd	BOS - Liaison
Board of Supervisors Finance Committee	Barbara J.	Byrd	BOS - Alternate
Towns and Villages: Berryville	Barbara J.	Byrd	BOS - Liaison
Board of Supervisors Personnel Committee	J. Michael	Hobert	BOS - Appointed Member
Parks & Recreation Advisory Board	J. Michael	Hobert	BOS - Liaison

Board of Supervisors	J. Michael	Hobert	Chair
Legislative Liaison and High Growth Coalition	J. Michael	Hobert	BOS - Liaison
Joint Administrative Services Board	J. Michael	Hobert	BOS - Appointed Member
Towns and Villages: Berryville	J. Michael	Hobert	BOS - Liaison - Alternate
Board of Supervisors Finance Committee	J. Michael	Hobert	BOS - Appointed Member
Emergency Services	J. Michael	Hobert	BOS - Liaison
Board of Supervisors Personnel Committee	Beverly	McKay	BOS - Alternate
Towns and Villages: Boyce	Beverly	McKay	BOS - Liaison
Board of Supervisors Finance Committee	Beverly	McKay	BOS - Alternate
Northern Shenandoah Valley Regional Commission	Beverly	McKay	BOS - Appointed Member
Water Resources Policy Committee	Beverly	McKay	BOS - Alternate
Housing and Community Services Board	Beverly	McKay	BOS - Appointed Member
Building and Grounds	Beverly	McKay	BOS - Alternate
Northern Shenandoah Valley Regional Commission	County	Planning Director	Citizen Representative
Northern Shenandoah Valley Regional Commission	John	Staelin	BOS - Alternate
Towns and Villages: Millwood	John	Staelin	BOS - Liaison
Board of Supervisors Finance Committee	John	Staelin	BOS - Appointed Member
Clarke County Planning Commission	John	Staelin	BOS – Appointed Member
Towns and Villages: Pine Grove	John	Staelin	BOS - Liaison
Economic Development Advisory Committee	John	Staelin	BOS - Appointed Member
Towns and Villages: Boyce	John	Staelin	BOS - Alternate
Clarke County Litter Committee	John	Staelin	BOS - Liaison

Clarke County Industrial Development Authority	John	Staelin	BOS - Liaison
Water Resources Policy Committee	John	Staelin	BOS - Appointed Member
Board of Well & Septic Appeals	John	Staelin	BOS - Appointed Member
Conservation Easement Authority	David	Weiss	BOS - Appointed Member
Board of Supervisors Personnel Committee	David	Weiss	BOS - Alternate
Towns and Villages: Pine Grove	David	Weiss	BOS - Liaison
Clarke County Agricultural Advisory Committee	David	Weiss	BOS - Appointed Member
Regional Airport Authority	David	Weiss	BOS - Liaison
Joint Administrative Services Board	David	Weiss	BOS - Alternate
Joint Committee of the Joint Government Center	David	Weiss	BOS - Appointed Member
Building and Grounds	David	Weiss	BOS - Appointed Member
Clarke County School Board	David	Weiss	BOS - Alternate
Board of Supervisors Finance Committee	David	Weiss	BOS - Alternate
Board of Well & Septic Appeals	David	Weiss	BOS - Alternate
Board of Supervisors	David	Weiss	Vice Chair

C. 2012 Projects / Priorities and Assignments

Project

Responsibility

Fee for Services: make recommendations for implementation of fee-for-service or “revenue recovery” from individuals who require public medical support and rescue squad transportation to a hospital

Staelin and Ash

Double Toll Gate

Planning Commission Study - liaison and monitoring

Staelin and Russell

<u>Project</u>	<u>Responsibility</u>
2012 Economic Development Plan update	Staelin and Russell
Mosby Road Extension and Roundabout - monitoring and liaison	McKay and Ash
TMDL local responsibility - monitoring and liaison	McKay and Teetor
School Capital Improvement Projects - monitoring and liaison	Byrd and Ash
Comprehensive Personnel Policy Update	Byrd, Ash and Judge
Volunteer Fire and Rescue offer of support. Assist with planning to address issues confronting local organizations (governance, legal requirements, best practices, funding, recruiting and retaining volunteers, etc.)	Hobert, Ash and Conrad
Enterprise Resource Planning (Data and Technology integration) Evaluate and recommend plan to Integrate IT Governance into decision-making structure and implement first phase of ERP system (Finance/Treasury); consider grant options; liaison.	Hobert, Ash, and Judge
Regional Park Proposal from Civil War Trust and Northern Virginia Park Authority. Evaluate proposal for review with community and Board.	Hobert, Teetor, Russell and Cooke
BCCGC Building - resolution of HVAC issues	Weiss and Ash
Adopt Operating Agreement for County/ Town /Library	Weiss, Ash, and Judge
Active Living and Rec Center Addition - monitoring and liaison	Weiss, Ash and Levi
Sheriff's Office renovation - monitoring and liaison	Weiss, Ash and Levi
Citizens Convenience Center - monitoring and liaison	Weiss, Ash and Levi
Plans for reuse/recycling of County buildings (old Library, Commonwealth Attorney office, and Park Offices)	Weiss, Ash and Levi

Project

Responsibility

Energy Conservation and Efficiency - monitoring and liaison building automation status; quarterly reports

Weiss and Teetor

D. Resolution In Opposition To Devolution And Cost Shifting 2012-01R

**Resolution In Opposition To Devolution And Cost Shifting
2012-01R**

WHEREAS, the Clarke County Board of Supervisors joins the efforts of the Commonwealth's counties in encouraging the 2012 General Assembly to continue the state and local partnership funding of core government services, and

WHEREAS, the transfer of funding for core services from the state to local governments is devolution. Devolution will continue to be used throughout the 2012 General Assembly, as we work to develop a state budget for Fiscal Years 2011-2013, and

WHEREAS, the Clarke County Board of Supervisors understands that program devolution is the shifting of state responsibilities to local governments. Counties have experienced first-hand the shift in funding for local programs and are already saddled with additional responsibilities in providing services for foster care children, police, line of duty costs and maintenance of local libraries, and

WHEREAS, core local services that include public education, police, fire and social services are services that must be funded through the state and local partnership. "Passing the buck" to localities only perpetuates increases in real estate and business taxes, and

WHEREAS, for several years, localities have been mandated to give back to the Commonwealth funding that was designed to support these local programs. Last year, local governments had to write checks or receive reduced reimbursements from the state for \$60 million under a program known as "Aid to Localities." Governor McDonnell has chosen to "chip" away at this annual local contribution by reducing the yearly required payment by \$10 million in his introduced budget, and

WHEREAS, the state originally introduced this reduction to balance the state budget, but as the economy improves and state revenue increases, our state leaders must promptly eliminate this funding reduction and sustain local services.

NOW THEREFORE BE IT RESOLVED, that localities and the Commonwealth continue their partnership and provide core government functions without shifting or shirking responsibilities.

BE IT FURTHER RESOLVED, in order to address the mandates and financial responsibilities which have been shifted to localities, that our state elected officials act to ensure localities have the tools to fund our core services, provide county governments with the equal

taxing authority of cities and towns and immediately begin a process to initiate tax reform for state and local government.

Adopted this 17th day of January 2012

Attest:

J. Michael Hobert, Chair

Supervisor Staelin 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

7) TMDL Update by Alison Teetor

Using a PowerPoint presentation, Alison Teetor provided a status update on the Chesapeake Bay TMDL. Comments included:

- Adequate staff and funding are absolutely required to implement the plan.
- Alison Teetor estimates that she is spending 40% of her time on plan development.
- Plan is a "best guess."
- Agricultural experts have provided considerable input.
- Waterways include the Shenandoah River, Opequon Creek and a total of 26 perennial streams.
- The County is reviewing and correcting, where applicable, certain assumptions presented in the draft plan.
- Plan identified 14 operations with cattle on feed farms. Bobby Clarke felt comfortable using the 2007 Agricultural Census figures.
- All five dairies in Clarke have waste management plans and credit is giving for developing nutrient management plans.
- Robina Rich Bouffault, President Equine Alliance, facilitated review of horse farms for which credit may be given.
- David Weiss stated that there were many anomalies in the model and the data used to develop the model was no longer available. He opined that it appeared that localities were being force fit into a model that was inaccurate using a flawed science.

- Alison Teetor agreed that the model was not perfect but noted that the Bay needed to be cleaned and protected.
- Ms. Teetor will continue to work on plan development with Supervisor McKay, new liaison on the NSVRC.
- Chairman Hobert asked that the Board be kept informed.
- A NSVRC meeting is scheduled for Thursday night.

8) Virginia National Golf Course / Regional Park Authority Update

Using a PowerPoint presentation, Alison Teetor provided an update on the potential for the creation of the Cool Spring Battlefield Park. Highlights included:

- Some areas of the property were rezoned to FOC in the 1990's with zero (0) DUR's in those areas.
- Some areas are in the flood plain.
- Two miles of river frontage, as well as perennial streams.
- River could benefit from riparian buffers.
- Manor house received a special use permit to allow use as a restaurant and other related hospitality activities in connection with the Golf Course. An amended permit would be required for use in connection with any Park. It is located on a separate parcel. Further discussion with the Park Authority on use of the parking area would be recommended.
- The Park Authority is a state entity and public meetings would follow that process.
- The Board of Supervisors would review the site plan and be asked to state if it is within their comprehensive plan.
- It is not anticipated that the park will operate at a profit.
- Will rely on local fire departments for fire suppression
- A burn area will be established.
- The Park Authority will clear brush and maintain.
- Will work with law enforcement to notify of hours of operation and events for security.
- Resident staff [caretaker] in the club house is being considered.
- As a public park, Retreat residents would have access. In addition it is understood residents also have rights of access independently under a deeded easement which would not be terminated.
- Further research and discussion is needed to address road maintenance issues

- The terms and consequences of discontinued participation by the County are still being evaluated.
- Informing the Parks and Recreation Advisory Board, Economic Development Advisory Committee and Conservation Easement Authority about this potential project and seeking their comments.
- Funding:
 - Economic Development does not have funding for this endeavor.
 - Grants or private funds are sporadic.
 - The annual fee for participation would come from the County budget.
- Recommendations from Alison Teetor:
 - Hold two Public Information Meetings
 - Thursday January 26th
 - Blue Ridge Fire Hall – 7-9pm
 - Monday January 30th
 - Government Center – 7-9 pm
 - Invited to attend:
 - Tom Gilmore – Civil War Preservation Trust
 - Paul Gilbert – Northern Virginia Regional Park Authority

Vice Chairman Weiss and Chairman Hobert stated that they would like answers to the Board's questions prior to conducting public meetings.

Vice Chairman Weiss put forth that a meeting with the Retreat board was necessary. He opined that this was a serious issue for people living on the mountain and on that side of the County. He also questioned the need for a decision in March.

Vice Chairman Weiss offered to facilitate a meeting with representatives from the Retreat, the Monastery, the Civil War group and the Park Authority. He raised concerns about security, as well as use of Shenandoah Retreat's boat ramp that is maintained and monitored by the Retreat and not open to the public.

Jesse Russell said the Park and the Retreat would need to work out these issues and the County could not answer for either entity.

Vice Chairman Weiss concurred. He added that the Retreat and the Golf Course had been unable to resolve differences over easements.

Supervisor Byrd spoke in support of public access to the river in the park.

Supervisor Staelin commented that the property owner, regardless of who it might be, would have river access.

By consensus, the Board agreed to have staff solicit public comment at the recommended public meeting for January 26 at Blue Ridge Fire Hall. They further agreed that further information and discussion was needed prior to conducting the second public meeting.

Chairman Hobert expressed the Board's appreciation for the cooperation of the Retreat Board by providing notification to their membership.

9) Set Public Hearing TA-11-08B Section 3-E-4-e, Design Criteria for that portion of the Historic Access Corridor Overlay District outside of the boundaries of the Berryville Area Plan

Jesse Russell reviewed the proposed text amendment with revisions and corrections identified during the December regular meeting. He recommended that the matter be set for public hearing.

Supervisor Staelin moved to set the matter as proposed for public hearing at the February 21, 2012 regular meeting 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

10) Board of Supervisors Personnel Committee Items

1) Personnel Policy Review

01/09/2012 Update: Personnel Policy Revision 14 is provided in the Committee Meeting Packet, as well as various Fair Labor Standards fact sheets and explanations. *[Note: not included in 1/17/2012 Regular meeting packet.]*

- A. Develop a leave pay out policy for current employees that have exceeded caps/limits for annual leave and/or compensation hours.
- B. Review of leave liability reduction request from the Clarke County Sheriff's Office and recommendation to the Board. Note: A similar request from the Department of Social Services to reduce compensation balances was referred to the Finance Committee by the Supervisors at their October 18 regular meeting. At this time, no recommendation has been made.

01/09/2012 Summary: Items A & B were discussed and the Committee directed the Administrator to work with the Administrative Services Director to develop a draft personnel policy intended to serve as a single policy for all general government departments, offices and agencies and to prepare a plan to pay down leave and comp

time balances, minimize additional accumulations and transition employees from current policies and balances to the ultimately approved plan.

01/17/2012 Action: David Ash summarized the Personnel Committee discussion for the full Board.

2) Expiration of Term for appointments expiring through March 2012.

01/09/2012 Update: For review and recommendation:

- A. The Appointments by Expiration Thru March 2012
- B. 2011 BOS Assignments by Supervisor / Staff Representative

01/09/2012 Summary: **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:

Item A. Recommended the re-appointment of Jerry Boyles to the Berryville Area Development Authority to serve a full three-year term expiring 3/31/2015.

Item B. Asked the County Administrator to confirm the intention of individual Board members to nominate representatives to various positions and to notify other agencies of up-coming appointments in which those agencies may have an interest or responsibility in the appointment.

Subsequent to the Personnel Committee meeting, County Administration was notified of the following appointments:

1. Keith Dalton, Manager - Town of Berryville, provided notice of the reappointment of Ronnie Huff to the Parks and Recreation Advisory Board effective 1/1/2012.
2. Mike Murphy, Superintendent - Clarke County Public Schools, provided notice of the appointment of Charles [Chip] Schutte as the School Board representative serving on the Joint Administrative Services Board effective 1/8/2012.
3. Lisa Cooke, Director – Clarke County Parks and Recreation, provided notice from Mike Murphy, Superintendent – Clarke County Public Schools, of the appointment of Randy Trenary, Director of Operations, as the School Superintendents representative serving on the Clarke County Parks and Recreation Advisory Board effective 1/5/2012.

01/17/2012 Action:

Supervisor Byrd moved to reappoint Jerry Boyles to serve a three-year term on the Berryville Area Development Authority with appointment beginning 4/1/2012 and expiring 3/31/2015 – current term expires 3/31/2012. 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

Supervisor Byrd moved to appoint Tracy Smith to the Parks and Recreation Advisory Board to serve the remainder of the unexpired term of Janelle Alison ending 12/31/2013. 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

Supervisor Byrd moved to reappoint James Wyatt to the Northwestern Regional Jail Authority to serve a four-year term ending 12/31/2015 – current term expired 12/31/2011. 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

Supervisor McKay moved to appoint Robina Rich Bouffault as his replacement on the Clarke County Planning Commission serving the remainder of his unexpired term ending 4/30/2012. 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

Chairman Hobert called for a motion of acceptance for the following notices of appointment.

1. Keith Dalton, Manager - Town of Berryville, provided notice of the reappointment of Ronnie Huff to the Parks and Recreation Advisory Board effective 1/1/2012.
2. Mike Murphy, Superintendent - Clarke County Public Schools, provided notice of the appointment of Charles [Chip] Schutte as the School Board representative serving on the Joint Administrative Services Board effective 1/8/2012.
3. Lisa Cooke, Director – Clarke County Parks and Recreation, provided notice from Mike Murphy, Superintendent – Clarke County Public Schools, of the appointment of Randy Trenary, Director of Operations, as the School Superintendents representative serving on the Clarke County Parks and Recreation Advisory Board effective 1/5/2012.

Supervisor Byrd moved to accept the recommendations. 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

11) Board of Supervisors Organizational Meeting and Work Session

01/17/2012 Action: David Ash summarized the actions taken by the Supervisors at the January 9, 2012 Organizational Meeting and Work Session. No additional action was necessary at the regular meeting.

1) Organizational Meeting

01/09/2012 Summary: At 10:00 am, Chairman Hobert called the 2012 Board of Supervisors Organization Meeting to order and asked the County Administrator to poll the Board on the selection of Chair.

A. Election of Chair

David Ash, Clerk to the Board of Supervisors, called for nominations for Board of Supervisors Chair.

Supervisor Byrd moved to nominate J. Michael Hobert to continue as chair for 2012.

Being no additional nominations, **Supervisor Byrd moved to close the nominations. 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

The motion to nominate J. Michael Hobert to serve as Chair for the ensuing calendar year 2012 carried as follows:

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

Immediately following the vote, David Ash turned the meeting over to Chairman Hobert.

B. Election of Vice-Chair

Chairman Hobert called for nominations for Vice Chair.

Supervisor Byrd moved to nominate David Weiss to continue as Vice Chair.

Being no additional nominations, **Supervisor Staelin moved to close the nominations. 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

The motion to nominate David S. Weiss to serve as Vice Chair for the ensuing calendar year 2012 carried as follows:

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

C. Set Date, Place and Time of Regular Meeting

Supervisor Byrd moved to approve the current schedule for date, place and time of regular meeting as the 3rd Tuesday of each month beginning at 1 pm in the Main Meeting Room, Berryville Clarke County Government Center, 101 Chalmers Court, Berryville, VA and fixing the following Thursday as the day on which a regular meeting shall be continued should the Chair later declare that weather or other conditions make it hazardous for members to attend. 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

D. Adopt Rules of Procedure

Proposed modifications to Rules of Procedure Revision 8: *Proposed Changes Section 4-1 Order of Business: Add Item j) Joint Administrative Services Board Monthly Update; move Board of Supervisors Committee Status Reports before Closed Session; move f) Citizen Comment Period and g) Department of Transportation Matters and re-letter; add to first sentence "normally"*

Supervisor Staelin moved to approve the Rules of Procedure Revision 8 with the proposed modifications. 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

2. Help With Housing, Inc. Letter of Endorsement Request

01/09/2012 Update: Paula Costello, Executive Director Help With Housing, Inc., is requesting a letter of endorsement in support of their application for HUD HOME funding through the Northern Shenandoah Valley Regional Commission. This program provides funds for more extensive repairs than their emergency home repair program.

01/09/2012 Summary: Following discussion, **Supervisor Staelin moved to authorize the County Administrator to send the letter of endorsement on behalf of Help With Housing, Inc. 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

3. Blue Ridge Housing Network, Inc. Support Request

01/09/2012 Update: Lorie E. Noakes, Executive Director Blue Ridge Housing Network, Inc., is requesting that the David Ash, Chief Administrative Office of a jurisdiction where BRHNI proposed to provide assistance, sign in the provided location their application for HOME funds through the Northern Shenandoah Valley Regional Commission to assist with closing cost and down payment assistance agreeing that the project is consistent with existing land use regulations and the goals of the community and, if funded, the project as presented in this application would be supported to the best of the Counties abilities.

01/09/2012 Summary: Following discussion, **Vice Chairman Weiss moved to authorize the County Administrator to sign the appropriate section of the HOME funds application for Blue Ridge Housing Network, Inc. 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

4. Virginia National Golf Course / Regional Park Authority

01/09/2012 Update: A memorandum providing information for Board discussion is provided with the packet.

01/09/2012 Summary: Following discussion, the Board announced its intention to further consider this matter at the Regular meeting.

5. Closed Session Pursuant to §2.2-3711-A6. Discussion or consideration of the investment of public funds where competition or bargaining is involved, where, if made public initially, the financial interest of the governmental unit would be adversely affected.

01/09/2012 Summary: **Supervisor Byrd moved to convene into Closed Session pursuant §2.2-3711-A6. Discussion or consideration of the investment of public funds where competition or bargaining is involved, where, if made public initially, the financial interest of the governmental unit would be adversely affected: 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

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 Byrd 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 - Aye
- David S. Weiss - Aye

Supervisor Byrd 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	- Aye
David S. Weiss	- Aye

No action was taken on matters discussed in Closed Session.

6. Annual Distribution of Statutorily Required Information

01/09/2012 Update: To document distribution of the Code of Virginia cites, the following are provided with the Work Session material in pdf/electronic format only. Hard copies shall be provided upon request.

- 2.2-3100 – State and Local Government Conflict of Interests Act
- 2.2-3700 – The Virginia Freedom of Information Act and 2011 Update by the FOIA Council
- 42.1 – Public Records Act

01/09/2012 Summary: Information Only. *[Note: due to volume, not included in the 01/17/2012 Regular meeting packet.]*

12) Board of Supervisors Finance Items

1. FY2013 Budget Calendar

Action: Approve budget calendar proposed by the Finance Committee.

Tom Judge advised that the Finance Committee had reviewed the FY2013 budget calendar at their January 9 meeting and that the proposed meeting dates had been coordinated with the existing meeting calendar.

Supervisor Byrd moved to adopt the FY2013 Budget Calendar as presented. 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

Date	Time	Location	Event
Wednesday, January 18, 2012	2:00 PM	BCCGC	Staff Revenue Review
Tuesday, January 24, 2012	5:00 PM	BCCGC	Finance Committee: Revenue Review
Tuesday, January 31, 2012	5:00 PM	BCCGC	Finance Committee: Agency presentations
Monday, February 06, 2012	10:00 AM	BCCGC	BOS Worksession: presentation by County Administrator
Monday, February 13, 2012	10:00 AM	BCCGC	BOS Direction to County Administrator
Thursday, February 16, 2012	5:00 PM	BCCGC	Finance Committee
Thursday, February 23, 2012	5:00 PM	BCCGC	Finance Committee
Tuesday, March 06, 2012	7:00 PM	BCCGC	BOS Worksession: SB presentation
Thursday, March 08, 2012	5:00 PM	BCCGC	Finance Committee
Monday, March 12, 2012	10:00 AM	BCCGC	BOS Worksession
Thursday, March 15, 2012	5:00 PM	BCCGC	Finance Committee
Tuesday, March 20, 2012	6:30 PM	BCCGC	BOS Worksession until final number
Tuesday, March 27, 2012	N/A	N/A	Winchester Star Advertise in newspaper, and develop link at Clarke Daily News
Tuesday, April 03, 2012	N/A	N/A	Winchester Star Advertise in newspaper, and develop link at Clarke Daily News
Wednesday, April 11, 2012	7:30 PM	BCCGC	Public Hearing
Wednesday, April 18, 2012	6:30 PM	BCCGC	BOS Work Session until final numbers; recess, then adopt budget and Appropriations Resolutions.

2. Budget Transfer

The original FY 12 budget included a position split 50% Cooperative Extension Secretary and 50% Joint Government Center Receptionist. However, the structure of

both Cooperative Extension and the JGC Receptionist function have since been modified resulting in actual charging of 100% Joint Government Center Receptionist. The following action was recommended by the Finance Committee to remedy this situation: *"Be it resolved that budgeted expenditure and appropriations of \$22,433 be transferred from the Cooperative Extension Office to the County Administrator's Office."*

Action: Approve Finance Committee recommendation to transfer funds.

Supervisor Byrd moved to approve the resolution as presented *"Be it resolved that budgeted expenditure and appropriations of \$22,433 be transferred from the Cooperative Extension Office to the County Administrator's Office."* 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

3. Acceptance of November and December Bills and Claims

Action: The Finance Committee recommends acceptance.

Supervisor Staelin moved to accept the November and December 2011 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

4. Standing Reports

The following reports were included with the Finance Committee meeting material: Reconciliation of Appropriations. General Fund Balance. General Government Capital Projects. General Fund Expenditure Summaries. Action: Information only.

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:

- Since the JAS Board did not meet in December, there were no new updates.
- The JAS Board Organizational Meeting is scheduled for January 23 and includes an ambitious agenda covering IT governance and the JAS FY2013 Budget.

15) Government Projects Update

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

- Circuit Courthouse:
 - Construction complete.
 - Waiting on accounting of remaining funds for this three-project renovation. Once known, renovations will move on to the Sheriff's Office.
 - No major structural or architectural work necessary for the Sheriff's Office renovation project.
 - HVAC – Circuit Court Clerk's Office - System availability has been limited due to the time of year but project will progress as weather permits.
- Berryville Clarke County Government Center:
 - Robert Mitchell notified that the architect has not sent payment for the agreed upon HVAC repairs.
 - HVAC issues continue –no heat in portions of the BCCGC Friday, January 13.
- Senior Center / Active Living Center :
 - Contract signed.
 - Notice to proceed issued today.
 - Substantial Completion is scheduled for October 13.
 - Small groundbreaking ceremony is being planned by Parks and Recreation.
 - Maintenance Director will be meeting with Washington Gas representatives to work out details on how to best serve the Senior Center, as well as the schools. It is hoped that an alternate route can be identified.
- Convenience Center:
 - Preliminary drawings received yesterday.
 - David Ash and David Weiss will review.
 - Decisions are needed regarding special use permit, as well as the use option.
- Coiner Property / Clarke County Historic Association Lease:
 - CCHA has requested a 5-year extension of their lease. Extension is included in the current lease agreement.

- Archana McLoughlin is reviewing the current lease agreement.
- Bobby Levi, Maintenance Director, is looking at building issues
- No public hearing is required to grant the 5-year extension.
- After this 5-year extension should they opt to remain, a new lease will be necessary.
- Former Commonwealth Attorney Office:
 - Building has been cleaned, painted and repairs complete.
 - Checked with a local realtor who suggested renting at \$10 / square foot, as well as notifying potential renters of the lack of toilet facilities.

16) Miscellaneous Items

None identified at the January 17, 2012 meeting.

17) Summary Of Required Action

<u>Item</u>	<u>Description</u>	<u>Responsibility</u>
1.	Execute and forward Virginia Airborne Search & Rescue Squad Virginia OEMS License No. 1298 and the County of Clarke, Virginia Memorandum of Understanding.	David Ash
2.	Update Appointment database with 2012 Board of Supervisors Chair Appointments.	Lora B. Walburn
3.	Process and forward Resolution in Opposition of Devolution and Cost Shifting 2012-01R.	Lora B. Walburn
4.	Coordinate informational meetings on Cool Springs / Regional Park Authority.	Alison Teetor
5.	Advertise public hearing TA-11-08B.	Lora B. Walburn
6.	Process letters of appointment for Jerry Boyles, Tracey Smith, James Wyatt, Robina Rich Bouffault, and update database.	Lora B. Walburn
7.	Update BCCGC meeting room schedule to include Board of Supervisors 2012 meeting schedule and post where applicable.	Susanne Vaughan
8.	Update Rules of Procedure.	Lora B. Walburn
9.	Execute and forward letter of support Help With Housing, Inc.	David Ash
10.	Execute and forward Blue Ridge Housing Network, Inc.	David Ash

<u>Item</u>	<u>Description</u>	<u>Responsibility</u>
11.	Update BCCGC meeting room schedule to include FY2013 Budget Calendar and post where applicable.	Susanne Vaughan

18) Board Member Committee Status Reports

Supervisor Barbara Byrd

- An adjusted payment from the Northwestern Regional Juvenile Detention Center is anticipated.
- The Barns of Rose Hill will be meeting tomorrow and will be interviewing candidates for director.

19) Closed Session

The Supervisors did not convene into Closed Session during the January 17, 2012 regular meeting.

20) Adjournment

There being no further business to be brought before the Board at 2:51 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, February 21, 2012 at 1:00 p.m. in the Main Meeting Room, 101 Chalmers Court, 2nd Floor, Berryville, Virginia.

ATTEST: January 17, 2012

J. Michael Hobert, Chair

David L. Ash, County Administrator

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