

CLARKE COUNTY BOARD OF SUPERVISORS
February 21, 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, February 21, 2012.

Board Members Present

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

Board Members Absent

None

Staff Present

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

Others Present

Robina Rich Bouffault; Mike Murphy; Rick Catlett; Gem Bingol; Scott Kreider; Wingate McKay; Phyllis Nee; George Ohrstrom II; Daniel Sheetz; Bob Stieg; Jon Turkel; Jim Wink; Val Van Meter; Ed Leonard; Mike Dowling and other citizens

1) Call to Order

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

2) Adoption of Agenda

- Add to Miscellaneous
 - Consideration of Approval for Real Estate Sale Contract
 - Set Special Meeting for Personnel Purposes
- Closed Session is necessary to discuss personnel matters

Supervisor Byrd moved to adopt the agenda as modified. 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) Clarke County Public Schools Update

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

- Supervisor Byrd was thanked for clarifying that the School's budget presentation to the Supervisors had been changed from March 6 to March 7.
- Food Service:
 - o Met with Sodexo to discuss ways to trim cost.
 - o Bringing labor costs done
 - o \$75,000 has been trimmed from the payroll this year.
 - o Anticipate ending this year in the black
 - o An additional \$39,000 has been identified for reduction in the coming fiscal year.
 - o Projected ten cent increase in lunch prices next school year.
 - o Student participation in the school lunch program is up.
 - o Sodexo will not be making the profit they anticipated.
 - o Food Service has changed from a revenue account to a school-subsidized account.
 - o Sodexo and the Schools lost approximately \$100,000 each last year.
 - o Anticipate a \$100,000 reduction in expense in the coming fiscal year.
 - o In response to Chairman Hobert's question as to how the budgeted numbers could be so far off, Dr. Murphy explained that it was a fluid number that was difficult to budget.
 - o To address shortfalls, the Schools are developing creative deals with local partners, as well as changing a la carte options.
- The large increase in VRS has been included in the FY2013 budget.
- State budget is expected by week's end.
- Options will be presented to the School Board tonight.
- Changing the number of school attendance days to reduce cost.
- Fifty students have signed up to take SAT's.

- Supervise Weiss asked Dr. Murphy to communicate to the School Board that in his opinion it would be inappropriate to request a pay increase for school employees when citizens have not received same. Dr. Murphy stated that state increases were the major issue in this budget and he assured that Mr. Weiss that he would communicate his message to the School Board this evening.
- Accepting on-line applications.
- Working with on-line facility scheduling.
- Instituting on-line procurement.
- New High School:
 - Anticipate cost savings due to transition from current to new high school.
 - Flags have been ordered for the new high school. American Legion and Post have provided an \$800 contribution for flags.
 - Already receiving facility use requests.
 - Supervisor Byrd asked about school and parking lot lighting. Dr. Murphy explained:
 - Schools are now responsible for lighting / electrical cost.
 - Lights are on a timer and programmable.
 - Lights are pre-programmed for next school year and he has requested that they be adjusted down.
 - A second walk through with law enforcement was conducted to address security issues including establishing lighting and gate times.

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

- A job site meeting was conducted this morning. Two main items remain:
 - Punch list:
 - Established prior to final completion.
 - Crabtree is working with Shockey to address identified items.
 - 69% complete.
 - Projected completion date is still mid-March.
 - The School Board gives final approval and a final walk-through by the School Board is recommended.
 - Shockey has assured that the building will be in pristine condition when complete.
 - Commissioning:
 - Gannett Fleming continues to test systems and perform review for systems such as HVAC.

- Building temperature was adjusted from 74° to 68° once drywall, paint, etc. were dry and construction workers were out of the building. At 74°, the monthly heating bill ran \$8,000 to \$10,000; and now that construction is complete, a decrease in heating cost is anticipated.
- Lighting motion sensors were installed in rooms for further energy savings.

4) Citizens Comment Period

No citizens appeared to address the Supervisors.

5) VDOT

Edwin Carter, VDOT Program Manager, appeared before the Supervisors to provide the monthly update.

Maintenance – Completed:

- Pipe replacement on Rt. 608 (Supervisor Weiss's concern).
- Pipe replacement on Rt. 621 in vicinity of the Casey farm.
- Performed brush cutting along Rt. 632 and 667.
- Conducted pothole repairs on various routes throughout the County.
- Conducted grading operations on various non-hard surfaced roads and mobilized for some minor weather events.

Maintenance – Planned:

- Continue grading operations on the non-hard surfaced roads.
- Replace additional pipe on Rt. 621 and 622.
- Perform shoulder repairs on primary routes and conduct Boom Axe operations on various secondary routes.

Projects:

- Rt. 636, Mosby Road – On schedule – Project was advertised and the bids are due in on February 22nd.
 - Follow Up from December Meeting: Right turn on red from Mosby coming on to Route 340 southbound. Traffic has reviewed again and two issues were identified 1) Inability to procure right of way across the road, did not allow signals; therefore VDOT had to use short mast arms on the southwest corner of the intersection. A longer mast arm and moving the mast out is a possibility or re-enter negotiations with the property owner across the road. This will not eliminate the number one

problem. 2) Number one issue - over-inverted hill does not meet the required site distance from Mosby or Route 340.

- Rt. 604, Ebenezer Road (2nd phase Rural Rustic) – we will begin cutting brush and replacing pipes from the 1st phase out to Rt. 605 as weather permits.
- Rt. 7, crossovers – project has been awarded and awaiting weather to begin.
- Rt. 723 Bridge replacement – on schedule.
- Rt. 761 Bridge replacement – currently in survey and PE.
- Secondary 6-Year Plan [SSYP] – work has begun and preliminary plan should be received by the County Administrator by week’s end.

Supervisor Comments:

- Supervisor Byrd
 - o Serious shoulder drop offs:
 - Summit Point Road
 - Senseny Road one or two from Salem Church to Triple J
- Supervisor Staelin
 - o Old Chapel Road near the turn where culverts go under the run appears to have been cut short and the shoulder pushed down.

6) Approval of Minutes

Supervisor Staelin moved to approve the minutes:

- **December 20, 2011 Regular Meeting as modified: change Page 861 Miscellaneous change will to and while. The motion carried by the following vote:**

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

- **January 17, 2012 Regular Meeting as presented.**
- **February 6, 2012 Budget Work Session as modified: change Page 896 to read “need to procure.”**

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. Proclamation Of Disability Awareness Week 2012-01 P

**PROCLAMATION OF disABILITY AWARENESS WEEK
2012-01 P**

WHEREAS, the United States Congress enacted the Americans with Disabilities Act in 1990, prohibiting discrimination against people with disabilities in employment, public accommodations, transportation and telecommunications; and

WHEREAS, the Commonwealth of Virginia enacted the Virginians with Disabilities Act in 1985 to assure equal opportunity to persons with disabilities in the Commonwealth, and it is the policy of this Commonwealth to encourage and enable persons with disabilities to participate fully and equally in the social and economic life of the Commonwealth and to engage in remunerative employment; and

WHEREAS, people with disabilities often overcome common misunderstandings about their circumstances and make valuable contributions to their families and communities; and

WHEREAS, disability is a natural part of the human experience, and individuals with disabilities deserve the same rights as their peers to live independently, enjoy self-determination, make choices, contribute to society and participate fully in the American experience; and

WHEREAS, family, friends and neighbors play a central role in enhancing the lives of people with disabilities, and people with disabilities benefit from having a network of supportive friends and family, accommodating employers and community leaders who are aware of the needs and abilities of Virginians with disabilities; and

WHEREAS, millions of people in the United States have disabilities, and with the increasing age of our population, Virginians and Americans must learn more about the special needs and abilities of this growing population; and

WHEREAS, agencies and organizations throughout Virginia participate in disability awareness programs during disAbility Awareness Week to enhance public understanding of and appreciation for the limitations and abilities of people living with disabilities;

NOW, THEREFORE we do hereby proclaim the week of APRIL 14-20, 2012 as disABILITY AWARENESS WEEK, and I (we) call this observance to the attention of all our citizens, and we urge all residents to honor this occasion.

IN WITNESS THEREOF, I have set my hand and caused the seal of Clarke County, Virginia to be affixed this 21st day of February 2012.

Attest:

J. Michael Hobert, Chair

B. VDOT Route 636 Utilities Agreement – Adjustment of Sewer facilities affected by Construction of Mosby Boulevard

AGREEMENT
between
COUNTY OF CLARKE
and
COMMONWEALTH OF VIRGINIA, DEPARTMENT OF TRANSPORTATION
for
ADJUSTMENT OF SEWER FACILITIES

THIS AGREEMENT, made and entered into as of the __ day of _____ 2011, by and between the COUNTY OF CLARKE (hereafter called UTILITY} and the COMMONWEALTH OF VIRGINIA, DEPARTMENT OF TRANSPORTATION (hereinafter called STATE}, acting by its Commissioner.

WITNESSETH

WHEREAS, the STATE is proposing to construct a section of highway designated as Route 636, Project: 0636-021-152, RW-201, (UPC #64052) which will necessitate changes in the UTILITY'S Sewer facilities; and

WHEREAS, the STATE and UTILITY wish to agree upon the terms and conditions under which the necessary changes will be made as hereinafter set forth:

NOW THEREFORE, for and in consideration of the premises and of the mutual covenants herein contained, the parties hereto agree as follows:

SECTION I

- (a) It will be to the best interest of the STATE and the UTILITY to have the adjustment of these facilities included in the highway contract to be adjusted by the highway contractor.
- (b) The STATE through its highway contractor, will relocate and adjust the UTILITY'S sewer facilities in accordance with attached plans and the STATE'S Road and Bridge Specifications; said plans being identified as three (3) one-half size plan sheets numbered 11(1), 11(2) and 11(8) of the STATE'S construction plans for Project: 0636-021-152, RW-201, as attached.

SECTION II

- (a) It has been determined that the Project is responsible for bearing 100% of the cost of the sewer adjustments indicated in SECTION I (b).
- (b) It has been determined that the UTILITY is responsible for bearing 0% of the cost of the sewer adjustments indicated in SECTION I (b).

SECTION III

- (a) The UTILITY agrees that it will relinquish its existing rights of way, which are within the limits of the proposed STATE right of way for this project. The STATE will, upon application by the UTILITY, issue and continue in effect a permit to the UTILITY for the construction, maintenance and operation of the sanitary facilities indicated in SECTION I (b).
- (b) The sewer facilities of the UTILITY erected under such a permit shall be and remain the property of the UTILITY, no charge shall at any time be made for the use of the STATE right of way occupied by the UTILITY, or for the privilege of constructing, maintaining and operating said sewer facilities. Any construction of maintenance operations to be performed by the UTILITY within the STATE right of way must have prior approval of the STATE. When emergency conditions require immediate maintenance operations by the UTILITY, such operations may be performed by the UTILITY without advance notice to the STATE. The Utility will, to the best of its ability, perform all operations within the STATE right of way in a manner which will reduce to a minimum, interference to the flow of traffic and disturbance of the roadway and which will provide a maximum of safety to traffic and to the UTILITY'S forces.
- (c) In the event the STATE should request at any time hereafter that the facilities which were adjusted onto STATE right of way at STATE expense be again adjusted when they are on STATE right of way, the STATE will pay the UTILITY the applicable costs incurred by the UTILITY, including the cost of securing any necessary easements.
- (d) In the event the STATE should request at any time hereafter that the facilities which were not adjusted, hereunder, but for which the UTILITY'S rights of way were relinquished, be adjusted, the STATE will pay UTILITY the applicable costs incurred by the UTILITY, including the cost of securing any necessary easements.

SECTION IV

- (a) The UTILITY will perform certain incidental work in conjunction with the utility work included in the highway contract, such as operation of all valves and will also inspect the utility relocation work with its own forces, reporting through the VDOT Area Construction Engineer, and upon completion will certify to the STATE that the work included in the highway contract was performed in a satisfactory manner.
- (b) The UTILITY agrees that the existing facilities, which are to be abandoned, will become the property of the STATE'S highway contractor with exceptions as noted in the attached

plans. Any salvage value derived therefrom will accrue to the STATE'S highway contractor.

IN WITNESS WHEREOF, each party hereto has caused this Agreement to be executed in duplicate in its name and on its behalf by its duly authorized officer as of the day and year first above written.

C. Utility Easement – Peter Paul Riley Farm

RIGHT OF WAY EASEMENT AGREEMENT
OVERHEAD

Prepared by Rappahannock Electric Cooperative
Tax Map 12-A-17 Work Order #282508

THIS RIGHT OF WAY EASEMENT AGREEMENT, made and entered into this 18th day of January, 2012, by and between FREDERICK COUNTY, CLARKE COUNTY, AND THE CITY OF WINCHESTER, hereinafter called "Owner" ("Owner" wherever used herein being intended to include the grantors whether one or more or masculine or feminine), and RAPPAHANNOCK ELECTRIC COOPERATIVE, a Virginia public service corporation as Grantee, hereinafter called "Cooperative".

WITNESSETH:

The Owner, in consideration of One Dollar and other valuable consideration paid by Cooperative, the receipt and sufficiency whereof is hereby acknowledged, does grant and convey unto Cooperative, its successors and assigns, the perpetual right, privilege, and easement of right of way, to install, construct, operate and maintain pole lines, and conductor cable lines for transmitting and/or distributing electric power to the public, by one or more circuits, including all wires, poles, anchors, guy wires, cables, transformers, connection boxes, meters, ground connections, attachments, equipment, accessories, apparatus, appliances, and appurtenances desirable in connection therewith (hereinafter referred to as "Facilities") over, under, upon, across and through the lands of the Owner situated in White Post Magisterial District, Clarke County, Virginia and further described as parcel bounded by Salem Church Road and Opequon Road, as shown and designated on drawing dated 1/18/2012 being attached to and made a part of this agreement.

The widths of this easement of right of way will be thirty (30) feet, plus additional for guying as needed.

The facilities erected hereunder shall remain the property of Cooperative. Cooperative shall have the right to inspect, upgrade, improve, rebuild, remove, repair, relocate on the right of way above described, and make such changes, alterations, substitutions, additions to or extensions of its facilities as Cooperative may from time to time deem advisable, including the right to increase and/or decrease the number and/or size of wires.

Owner does further grant and convey to Cooperative, for the purpose of Cooperative constructing, reconstructing, inspecting, replacing, upgrading, maintaining and/or operating its facilities, the right of ingress to and egress from the easement over the lands of Owner, such right to be exercised in such manner as shall cause the least practicable damage and inconvenience to Owner.

Cooperative shall at all times have the right to trim, cut, remove, control, and keep clear by machinery or otherwise, all trees, limbs, undergrowth and other obstructions inside and outside the boundaries that may endanger the safe and proper operation of its facilities. All trees cut by the Cooperative at any time shall remain the property of the Owner.

Cooperative shall repair damage to roads, fences, structures, or other improvements and shall pay Owner for other damage done, including damages to crops, in the process of the construction, inspection, or maintenance of Cooperative's facilities, or in the exercise of its right of ingress and egress; provided Owner gives written notice thereof to Cooperative within thirty (30) days after such damage occurs.

Owner covenants that he is seized of and has the right to convey the said easements of right of way, rights and privileges; that the Cooperative shall have quiet and peaceable possession, use and enjoyment of the aforesaid easement of right of way, rights and privileges.

"NOTICE TO LANDOWNER: You are conveying rights to a public service corporation. A public service corporation may have the right to obtain some or all of these rights through exercise of eminent domain. To the extent that any of the rights being conveyed are not subject to eminent domain, you have the right to choose not to convey those rights and you could not be compelled to do so. You have the right to negotiate compensation for any rights that you are voluntarily conveying".

IN WITNESS WHEREOF the following signature(s) of the Owner or his duly authorized agent:

D. Conservation Easement Authority Request for Donation – Georgetown University

MEMORANDUM

TO: Clarke County Board of Supervisors, David Ash
FROM: Alison Teetor
DATE: February 15, 2012
SUBJECT: Request for Donation - Georgetown University

The Easement Authority has preliminarily approved the following easement Donation for acceptance. The Authority requests the Board of Supervisors to authorize the Chairman of the Board of Supervisors to execute deeds, easements, and other documents necessary to the transactions. Georgetown: The applicant wishes to donate a conservation easement on 37.74 acres on the property identified by Tax Map# 26-((A))-112. The applicant had a request for a Special Use Permit denied by the Board of Supervisors and subsequent to the denial Georgetown filed suit in Court to have the denial overturned. The resulting settlement included placing the unimproved portion of the property (37.74 acres) in Conservation Easement and retiring 4 dwelling unit rights.

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

1. Expiration of Term for appointments expiring through April 2012.

02/13/2012 Summary: The following are provided for Committee consideration:

- *Northwestern Community Services recommends the reappointment of Robert Stieg, Jr. to serve a three-year term expiring December 31, 2014.*
- *Town of Boyce recommends the reappointment of Joseph Myer, Town of Boyce Representative, to serve a four-year term expiring December 31, 2015.*

02/13/2012 Action: Personnel Committee recommends:

- *Beverly B. McKay be appointed to serve a 3-year term expiring 3/31/2014 on the Berryville Area Development Authority.*
- *Kathy Smart be appointed to serve an open-end term on the Berryville Area Development Authority Comprehensive Plan Committee replacing Anne Caldwell, who resigned 5/18/2011.*
- *Joe Myer be re-appointed to serve a four-year term expiring January 5, 2016, as the Town of Boyce representative on the Clarke County Sanitary Authority at the request of Boyce Town Council.*
- *Clifford Nelson be re-appointed to serve a one-year term expiring April 30, 2013 as the Planning Commission representative on the Clarke County Historic Preservation Commission upon the recommendation of the Planning Commission.*

02/21/2012 Action: Chairman Hobert asked that action on the following be held pending further review.

- *Appoint Beverly B. McKay to serve on the Berryville Area Development Authority for a term expiring March 31, 2014.*
- *Appoint Kathy Smart to serve an open-end term on the Berryville Area Development Authority Comprehensive Plan Committee replacing Anne Caldwell, who resigned May 18, 2011.*

Supervisor Byrd moved to confirm the following recommendations of the Personnel Committee:

- *Re-appoint Joe Myer, at the request of Boyce Town Council, to serve as the Town of Boyce representative on the Clarke County Sanitary Authority for a term expiring January 5, 2016.*

- Re-appoint Clifford Nelson to serve a one-year term expiring April 30, 2013 as the Planning Commission representative on the Clarke County Historic Preservation Commission upon the recommendation of the Planning Commission.

I further move to:

- Appoint Edwin Ralph Pierce to the Board of Social Services for a term expiring July 15, 2014. Mr. Pierce replaces Alan Melusen, who has served the full two-term limit.
- Appoint William Overbey to the Board of Social Services to serve the remainder of the unexpired term of Richard Davis, who no longer resides in the County. This term expires July 15, 2012.
- Re-appoint Christy Dunkle to the Economic Development Advisory Committee for a term expiring December 31, 2015 on the recommendation of Berryville Town Council.

Vice Chairman Weiss put forth the appointment of Emily Rhodes to serve a four-year term expiring December 31, 2015 on the Parks and Recreation Advisory Board replacing Lawrence White as the Buckmarsh representative.

Supervisor Byrd accepted the addition of Emily Rhodes to her motion.

The motion carried as modified 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

1. Shenandoah Valley Workforce Consortium Agreement

02/13/2012 Summary: Sharon Johnson, Interim Director - Shenandoah Valley Workforce Investment Board, Inc., will be present to provide information and requests the Board's participation in the Shenandoah Valley Workforce Consortium Agreement.

02/13/2012 Acton: Sharon Johnson, Interim Director, made presentation in support of the County's participation in the Shenandoah Valley Workforce Consortium. The Board requested additional information regarding:

- Number of Clarke County residents receiving service,*
- Organization's bylaws,*
- Most recent audit,*
- Current and proposed budget, and*

e) *Any program plans and/or performance reviews.*

Ms. Johnson agreed to provide the requested information. The Workforce Investment Board is seeking to have all localities agreement to participate no later than their March meetings.

02/21/2012 Action: David Ash advised that the requested information had not yet been received.

2. Gas Line Capital Cost Contribution

02/13/2012 Summary: The revised summary of the capital cost contribution for the Senior Center / Active Living Center / Clarke County current High School is included in the packet. An analysis of Option 2 is currently under way.

02/13/2012 Action: The proposed cost of extending natural gas to the Senior Center / Recreation Center / Current High School was discussed. The Board requested an analysis of Option 2 to determine the viability of that option, as well as a response from the Clarke County School Board. An analysis of Option 2 is included in the 2/21/2012 packet for the Board's review. The Board recommended that, should we choose Option 1, we seek assurance from Washington Gas that there would be no need to remove or replace that portion of the line already installed should we later decide to proceed with Option 2 and to insure that any consumption commitments remain the responsibility of the respective parties.

02/21/2012 Action: David Ash advised that Option 2 was included in the Board packet and required Board approval.

Supervisor Byrd informed the Supervisors that the School Board voted to approve Option 1.

Tom Judge added that the School Board did not opt to consider Option 2 until the Supervisors provided direction.

David Ash said that the gas company had advised that the proposed gas line would be sufficient to address future expansion.

Supervisor Byrd advised that the Humane Foundation, lessee of the Animal Shelter, was not interested in participating in this project at this time.

Tom Judge put forth that the Schools would be paying a portion of the gas-line project cost. He told the Supervisors that he anticipated a 5-year pay back on Option 1; and a 7-year pay on Option 2 back extending to the Maintenance facility and Animal Shelter.

Supervisor Staelin moved to authorize Mike Legge to pursue Option 1. 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. IT Governance and Memorandum of Agreement Update

02/13/2012 Summary: The Joint Administrative Services Board recommends approval of the IT Governance and revised Memorandum of Agreement between Clarke County Board of Supervisors and Clarke County School Board.

02/13/2012 Action: Consensus was to approve the update with modifications clarifying that actions by the Joint Administrative Services Board were subject to review and approval of the Board of Supervisors and the School Board, and failing that approval, actions of the Joint Administrative Services Board would not become effective. The revised document incorporating these changes will be included in the 2/21/2012 meeting packet.

02/21/2012 Action: Tom Judge advised that the School Board would be reviewing the proposed changes to the agreement at their next regularly scheduled meeting.

Vice Chair Weiss moved to approve the IT governance and memorandum of agreement as modified and to authorize David Ash and Chairman J. Michael Hobert to sign on behalf of the Board of Supervisors. 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. Clarke County Convenience Center Update

02/13/2012 Summary: Status, discussion and direction.

02/13/2012 Action: The Board discussed the site plan proposed for the Clarke County Convenience Center and asked that the County Administrator to prepare public presentation and operations budget for review at subsequent Board meeting.

02/21/2012 Action: David Ash updated the Board on current activities:

- Ongoing discussions with Frederick County's Public Works Director.
- Developing an operations budget.
- Developing an overlay of the convenience center.
- Suggest seeking approval from the property owner of the overlay before exercising the option.

5. VDOT Route 636 Utilities Agreement – Adjustment of Sewer facilities affected by construction of Mosby Boulevard

02/13/2012 Action: Subsequent to Board review, Supervisor Staelin moved to authorized David Ash, County Administrator, to executive the agreement between County of Clarke and Commonwealth of Virginia, Department of Transportation for Adjustment of Sewer Facilities. The motion carried by the following vote:

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

The document has been added to the Consent Agenda to insure ready access should we need to locate this document in the future.

6. Southeast RCAP Letter of Support Request

02/13/2012 Summary: Lauren Mason, Planning and Development Manager Southeast RCAP, is requesting a letter of support for their HOME application to Northern Shenandoah Valley Regional Commission. This program provides funds housing rehabilitation to low-income individuals, disabled veterans, and individuals transitioning home from long-term care.

02/13/2012 Action: Following discussion, David Ash was instructed to verify that the HOME Fund applications from Southeast RCAP and Phazz One Ministries, Inc. are not competing for the same funds as Help with Housing and People Inc.

02/21/2012: David Ash informed the Supervisors that he had confirmed that the proposed grant application was not competitive with Help With Housing or People Inc. and he would be providing the requested letter of support.

7. Phazz One Ministries, Inc. Letter of Support Request

02/13/2012 Summary: Sandra Webster, Community Services Director - Phazz One Ministries, Inc., is requesting a letter of support for their HOME application to Northern Shenandoah Valley Regional Commission. This program provides funds to individuals fleeing domestic violence situations, those that have a substance abuse or mental health history, disabled

veterans, displaced seniors, chronically homeless families, those exiting temporary shelters, long term care facilities and/or half-way houses, and those who are living “doubled up” with family or friends. Phazz One Ministries can provide assistance with Security Deposit, First Month’s Rent, and Utility Deposits as needed. On a case-by-case basis, limited rental assistance can be provided on a short-term basis.

02/13/2012 Action: See Item 6 above.

02/21/2012: David Ash informed the Supervisors that he had confirmed that the proposed grant application was not competitive with Help With Housing or People Inc. and he would be providing the requested letter of support.

8. Closed Session §2.2-3711-A3 – Disposition of Sale of Property

02/13/2012 Action: Supervisor Staelin moved to convene into Closed Session pursuant §2.2-3711-A3 Disposition of Sale of Property. The motion carried as follows:

Barbara J. Byrd	- Absent
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 Staelin moved to reconvene in open session. The motion carried as follows:

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

Supervisor Staelin 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:

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

No action was taken on matters discussed in Closed Session.

02/21/2012 Action: Information only.

9. Virginia National Golf Course / Regional Park Authority - Cool Springs Battlefield Park Status Update

02/13/2012 Summary: Letter from Paul Gilbert, Executive Director – Northern Virginia Regional Park Authority included in packet.

02/13/2012 Action: Following review of the letter from Paul Gilbert, the Board instructed David Ash to add a presentation from Mr. Gilbert to the February 21, 2012 regular agenda evening session and requested that the meeting be conducted beginning at 7 pm in John H. Enders Social Hall.

10. Status of Legislation Pending in the General Assembly

02/13/2012 Action: The Board briefly discussed the status of legislation pending in the General Assembly. No action was taken.

02/21/2012 Action: Information only.

10) Board of Supervisors Finance Items

1. Commonwealth Attorney Transfer for Part-Time Salaries

02/13/2012 Action: The Committee recommends transfer of funds from the Personnel Contingency to the Office of the Commonwealth's Attorney in the amount of \$6,496.

02/21/2012 Action: Supervisor Staelin moved to approve the Finance Committee recommendation. 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. Minor Capital Contingency Transfers

02/13/2012 Action: The Finance Committee recommends transfer of funds from the Minor Capital Contingency as follows:

- a) To Registrar \$6,800 for purchase of Precinct Ballot Counter.*
- b) To Parks and Recreation \$6,000 for ADA Accessible Pool Lift.*
- c) To Buildings and Grounds \$4,624 for IT room cooling.*

02/21/2012 Action: Supervisor Staelin moved to approve the Finance Committee 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

3. FY 13 Budget Review.

02/13/2012 Action: The documents discussed were those distributed at the February 6 Work Session. The following tentative changes are suggested as work continues:

- a) Move Groundwater Study from Capital Projects to General Fund.*
- b) Reduce Historic Preservation Commission purchased services by \$30,500 due to completion of Chapel Hill Historic District study.*
- c) Add \$1,100 to Communications Maintenance Contracts based on new information from vendor.*
- d) Personnel Request modifications per General Government Personnel Issues List – included in packet.*
- e) Minor Capital modifications per Minor Capital Requests and Actions included in packet.*
- f) Capital Project modifications per FY 13 General Government Capital Budget included in packet.*

02/21/2012 Action: The Supervisors asked Tom Judge to provide the listing of modifications made following FY2013 budget review previously supplied but not included in the 2/21/2012 meeting materials.

4. Acceptance of January Bills and Claims

02/13/2012 Action: The Finance Committee recommends acceptance.

02/21/2012 Action: Supervisor Staelin moved to accept the January 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

5. 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.

11) Financial Trend Analysis [Robinson Farmer Cox] Review

Tom Judge reviewed the Financial Trend Analysis compiled by Robinson Farmer Cox that provides comparisons of Clarke County to other benchmarked, small, rural groups. Follow up items identified include:

- Adjust report to reflect the actual 50/50 split between education and general government for Joint Administrative Service that was included at 100% under general government administration.
- Ask for explanation as to why there is no computation on assets to liabilities ratio.
- Ask about treatment of conservation easements.

12) Joint Administrative Services Update

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

- The largest issued before the Joint Administrative Services Board has been the Memorandum of Agreement that was approved by the Supervisors earlier in the meeting.

- Board approved conducting an audit of employee dependents.
- Board approved requiring new vendors to accept electronic payments with the understanding that there could be hardships necessitating processing of checks.
- Board requested Tom Judge to seek health insurance quotes.

13) Government Projects Update

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

- Berryville Clarke County Government Center:
 - Meeting with counsel on HVAC issues.
- Senior Center / Active Living Center :
 - Construction has begun.
 - More top soil than anticipated at the site.
 - No progress meetings or invoices to date.
- Convenience Center:
 - Pursuing with Director of the Regional Landfill budgets and facility layout.
- Former Commonwealth Attorney Office:
 - Nothing further to report. Facility could be alternate as required by potential occupants.
- Former Library Building:
 - Have attempted to get information but have not gotten responses re access and rights of way.

14) Miscellaneous Items

Contract of Sale

David Ash advised the Supervisors that a sale was pending on the Urban property and distributed the contract document.

- Prospective buyer is requesting repair or replacement of a defective attic exhaust fan identified during a home inspection. An additional addendum requesting repair or replacement two days prior to settlement was received this morning.
- Robert Mitchell has been instructed to prepare the deed.
- Sale price is \$4,000 less than budgeted.

Supervisor Byrd moved to confirm the contract and to authorize David Ash to execute the required documents on behalf of the 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

Special Board of Supervisors Meetings to Discuss Personnel Issues

David Ash distributed a meeting schedule and recommended the Supervisors set meetings for March 5 beginning 11 am and March 9 beginning 9 am. He further advised that the Supervisors would immediately enter closed session pursuant to 2.23711-A1 to conduct Planning Director interviews.

By consensus, the Supervisors agreed to meet at the requested dates and times.

Mr. Ash asked the Supervisors to provide him any comments and questions on confidential material provided.

15) Summary Of Required Action

<u>Item</u>	<u>Description</u>	<u>Responsibility</u>
1.	Modify and process approved minutes.	Lora B. Walburn
2.	Process and forward 12-01P.	Lora B. Walburn
3.	Execute and forward VDOT Route 636 Utilities Agreement – Adjustment of Sewer facilities affected by Construction of Mosby Boulevard	David Ash
4.	Execute and forward Utility Easement – Peter Paul Riley Farm.	David Ash
5.	Process Conservation Easement Authority Request for Donation – Georgetown University.	Alison Teetor
6.	Provide letters of continuing interest for expiring members IDA and BSWA.	David Ash
7.	Update database and provide letters of appointment.	Lora B. Walburn
8.	Process Joint Administrative Services IT governance and memorandum of agreement.	Tom Judge

<u>Item</u>	<u>Description</u>	<u>Responsibility</u>
9.	Provide letters of support to Southeast RCAP and Phazz One Ministries.	David Ash
10.	Provide the listing of modifications made following FY2013 budget review previously supplied but not included in the 2/21/2012 meeting materials.	Tom Judge
11.	Follow up with Financial Trend Analysis questions.	Tom Judge
12.	Process meeting request for March 5 and March 9.	David Ash, Susanne Vaughan
13.	Execute Urban property sales contract and all necessary documentation.	David Ash
14.	Set up special meeting for Monday, March 5 at 9 am to discuss the Cool Spring Battlefield Park.	David Ash

16) Board Member Committee Status Reports

Supervisor Barbara Byrd

- Humane Foundation:
 - Shed is complete.
 - Broy and Son donated installation of outside water.
- Barns of Rose Hill have hired a new director.
- Library Advisory Council:
 - 3% increase in library patrons.
 - Book Club meets 1st Wednesday of the month at the Barns of Rose Hill.
 - Work continues on mission statement and bylaws.

Supervisor John Staelin

- Litter Committee met to discuss goals.
- EDAC tourism brochure is progressing.
- Planning Commission went up on mountain to look at the proposed area to which the tower is to be moved.
- Double Tollgate solar site plan to be submitted in May/June.

Vice Chair Weiss

- Easement Authority is looking at lots of properties.

- Alison Teetor is finding good properties.
- State increased grant funds.

Supervisor Beverley B. McKay

- NSVRC:
 - o Representative from Norfolk Southern advised that installation of dual tracks north of Berryville was complete.
 - o Increase in speed allows increase in train length.
 - o Supervisor Staelin interjected that the average train speed in Virginia is 25 mph.
 - o This area of Virginia is considered part of the golden crescent and there is a great desire to expand.

17) Closed Session

Supervisor Byrd moved to convene into Closed Session pursuant §2.2-3711-1 to discuss specific employees or appointees of the Board. 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, Vice Chair Weiss 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

Vice Chair Weiss 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.

At 3:30 pm Chairman Hobert recessed the meeting until 6:30 pm.

At 6:30 pm Chairman Hobert reconvened the meeting.

18) Citizens Comment Period

No citizens present desired to address the Supervisors.

19) PH 12-01 TA-11-08B

The Board of Supervisors will consider the recommendation of the Clarke County Planning Commission to amend the County Zoning Ordinance 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, so as to: encourage the retention of the architectural character of existing commercial structures in the overlay district; and more clearly re-state some of the Criteria.

Jesse Russell, Zoning Administrator, reviewed the proposed amendment advising he had incorporated comments provided by the Supervisors at earlier meetings.

At 6:34 pm Chairman Hobert opened the public comment portion of the public hearing. There being no persons present desiring to address the Board on this matter the public comment portion of the public hearing was closed.

Supervisor Staelin moved to approve the amendment to County Zoning Ordinance 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, so as to: encourage the retention of the architectural character of existing commercial structures in the overlay district; and more clearly re-state some of the Criteria. 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-E SCHEDULE OF OVERLAY DISTRICT REGULATIONS

3-E-4 Historic Access Corridor Overlay District - (HC)

3-E-4-e *Design Criteria for that portion of the Historic Access Corridor Overlay District*
(11/22/94) *outside of the boundaries of the Berryville Area Plan.*

1. Administration

a. Purpose and Intent

The purpose of these Design Criteria is to insure that new or remodeled commercial buildings along arterial highways that are routes of access to designated historic areas in Clarke County are compatible with the character of these historic areas. The purpose is also to establish a coherent commercial identity among these new or remodeled buildings through shared design principles as a common denominator. It is the intent of these Criteria to:

1. accommodate economic growth that will both maximize direct county revenues and minimize the indirect costs of eroding the distinctive rural character of Clarke County;
2. protect private property values and related public investment from the detrimental impacts of indiscriminate and insensitive new construction;
3. anticipate and guard against commonplace and uniform trademark architecture that ~~if built in Clarke County~~ would create anonymous strip developments indistinguishable from those in other parts of the country;
4. maintain the image of Clarke County as seen from its most traveled highways to benefit residents, attract tourists, and interest potential employers;
5. encourage new commercial ventures to produce ~~contemporary~~ **new** architecture compatible with the traditional building forms of Clarke County by recognizing that design principles from the past can both inspire and discipline change for today;
6. provide for an appropriate and attractive yet diverse mix of new buildings that relate to one another in a coherent way by guiding them toward shared design principles without imposing any specific

architectural style.

b. Compliance

1. These criteria identify the ~~building~~ **design** elements found in ~~buildings~~ in Clarke County **buildings** that are at least 50 years old and have retained their architectural integrity. This standard is used by the Virginia Department of Historic Resources and the U.S. Department of the Interior to determine whether or not a structure is considered to be "contributing" to the historic character of a community. The term "contributing buildings," as used here, refers to those buildings that have been identified in The Clarke County Rural Reconnaissance Survey, 1989 & 1993, White Post National Register Nomination, 1986, and Berryville/Boyce/ Millwood Historic Districts Survey, 1985, all surveys prepared according to the standards established by the Virginia Department of Historic Resources.
2. These criteria shall be followed to the greatest extent possible, as determined by the review board, given the physical nature of a specific site and its intended use. Although achieving compliance with all these criteria is desired, the review board may use its discretion in determining an application's degree of compliance, as long as a proposed design is consistent with the purpose and intent of these criteria.

2. Architectural Style and Form

- a. ~~Historic design elements of contributing buildings found in Clarke County should be the basis for proposed designs. Designers of new commercial buildings may draw inspiration from any number of Clarke County's contributing buildings with respect to material and scale but should look to the County's contributing commercial buildings for specific commercial design elements, like configuration of windows and doors.~~
- b. ***The architectural style and form of existing commercial buildings should be retained.*** New commercial construction, ***including additions to existing buildings***, should represent the era in which it is built, ***while including design elements found on the County's contributing historical commercial buildings*** and be designed a manner that complements the existing character of commercial buildings that contribute to the county's historic context. ~~New commercial construction should not recreate history or imitate specific historic styles.~~
- c. ~~Introduction of~~ ***Design*** concepts foreign in time and place to Clarke County is ***are*** inconsistent with the county's architectural character ***and should not be used***. For example, a building that imitates a Bavarian cottage, Spanish mission, Asian pagoda, Polynesian village, Tudor mansion, or New England sea shanty bears no relationship to the history or architecture of Clarke County. A building that exhibits many design elements present in Clarke County but nonetheless gives the overall appearance of caricature or exaggeration is ***also*** not acceptable, ~~either.~~
- d. Form should reflect function. New commercial buildings should not be disguised as residential buildings. Traditional commercial design features should be employed to reflect the new building's function.
- f. The facades of large retail structures should be broken into smaller

elements that are similar in scale to contributing commercial buildings.

3. Height

Most contributing buildings in Clarke County have no more than two stories **with a few structures in Berryville with three stories**. New construction should be consistent with this pattern **and not exceed three stories**.

4. Roofs

- a. Contributing **commercial** buildings in Clarke County have roofs with the following characteristics: ~~roof shape is predominantly gabled, with some hipped. Roof pitches generally range from 8 in 12 to 12 in 12. To a lesser extent, roof shape for some contributing commercial buildings includes a parapet on the front and occasionally on the sides.~~ **flat or shed pitches with front and side parapets or steep pitches (slopes between 8/12 and 12/12) with front or side gables**. Roof materials ~~are~~ **is** primarily standing-seam metal. To a lesser extent, slate and wooden shingles were used. Roofs are one color, **usually** ~~d~~ **Dark green** and **or** ~~black~~ **black** are the most common roof colors, with dark red and silver also found **to a lesser extent**.
- b. **Existing commercial buildings should retain their roof configuration and elements**. New commercial construction should use the most common of these characteristics **of contributing commercial buildings**: ~~gable roofs with a pitch between 8 in 12 and 12 in 12~~ **flat or shed roofs with parapets or steeply pitched front or side gable roofs**, clad in standing-seam metal of one dark color. ~~Flat-roofed buildings with attached pitched roofs may also be used. The attached elements should have a pitch between. They should be clad in standing seam metal of one dark color to suggest the appearance of a gabled or hipped roof. They~~ **Parapets** should shield, on all sides, any roof-mounted mechanical equipment.
- c. Gambrel roofs, true mansard roofs (which conceal an additional story) or other double-pitched roofs should not be used. These roof types are not common in Clarke County. They exist on a few agricultural buildings in the case of gambrel, on a few urban buildings in terms of true mansard, or are a late-20th century phenomenon in the case of other types of double-pitched roofs. **Fake roof fronts should not be used**.

5. Exterior walls

- a. Exterior walls of contributing **commercial** buildings in Clarke County are most commonly clad in horizontal wood siding **or stucco**. To a lesser extent, red clay brick (**painted or unpainted**), native limestone, and ~~stucco~~ **cinder blocks** were used. The same cladding material was typically applied to all sides and all stories of a building. Exposed foundations were usually of native limestone or ~~red clay brick~~ **formed concrete**.
- b. **Existing commercial structures should retain their architectural character by maintaining their exterior wall and foundation materials**. For cladding, new construction should use **painted** horizontal wood siding, **stucco**, red clay brick (**painted or if unpainted**: solid red, not variegated), **or** limestone, ~~or stucco~~. Although use of authentic materials is encouraged, some modern alternative materials like ~~hardy~~ **hardi-plank for siding**, split-

face block for stone, or synthetic stucco for true stucco, ~~will~~ **can** be considered **used**. Use of lesser quality materials like vinyl or aluminum siding is discouraged **should not be used**.

- c. No more than two cladding materials should be used on any building. No more than one cladding material should be used on any story of a building. Cladding materials should be uniform on all sides of a building. Stone should be natural local limestone, ~~chosen for general uniformity of size and laid horizontally with minimal joint size.~~
 - d. Aside from buildings ~~in~~ **of unpainted** red clay brick or native limestone, exterior wall colors of contributing buildings are characteristically painted white or off-white, and occasionally light gray or light yellow. Exterior wall color is different from and contrasts with roof color. Trim is usually painted white or matches the accompanying dark roof color. Typically, only two or three colors, including roof color, are used on a building. In new construction, such colors and patterns should be used. **Naturally stained wood siding should not be used.**
 - e. ~~All building elevations facing other public rights of way~~ **All building elevations facing other public rights of way** should include the principal design features and materials used on the front of the building, so not to look like the ~~back~~ **rear** of the building.
6. Windows and Doors
- a. Windows and doors of contributing buildings in Clarke County are most commonly arranged in symmetrical and orderly relationships. Windows and doors at entrance levels of such buildings are square or rectangular.
 - b. **The pattern and character of windows and doors on existing commercial buildings should be retained. Windows on new commercial buildings should include** Such storefronts include ~~with~~ large expanses of glass, ~~and~~ raised panels below the display windows, ~~and doors primarily of glass.~~ Small windowpanes **Windows with multiplesmall panes** are found primarily in residential buildings, not in commercial buildings, ~~and should not be used.~~ New commercial construction should follow commercial patterns. **Doors on new commercial buildings should be primarily of glass. A structure's primary entrance should be off the front sidewalk, with additional entrances from parking lots to the side or rear of the structure as needed.**
7. Structural Details
- Building elements of contributing **commercial** buildings in Clarke County were generally functional. **Structural details should be retained on existing buildings.** ~~Shutters were sized and hung to cover the associated windows. Shutters were not used for commercial storefront display windows.~~ Building elements in new construction should **also** appear to be functional. **Porches or awnings were typically added to many contributing commercial buildings and are encouraged. Shutters were not used for commercial storefront display windows and should not be used. Lighting was typically installed to serve the function of illuminating building entrances, walkways, driveways and/or parking. Light fixtures should be placed for a functional purpose and not installed for purely decorative reasons, such as above or within awnings.** When used, shutters on smaller windows should ~~e sized to fit the windows,~~ brackets should appear to support roof elements,

porches and awnings should shelter doors and windows, etc. When used on more than one side, building details should not vary and should be applied consistently.

At 6:36 pm Chairman Hobert recessed the meeting until 7:00 pm.

At 7:06 pm Chairman Hobert reconvened the meeting in the Social Hall of John H. Enders, 9 South Buckmarsh Street, Berryville, Virginia.

20) Cool Spring Battlefield Park Presentation by Paul Gilbert Northern Virginia Regional Park Authority

Chairman Hobert greeted the citizens and representatives from Northern Virginia Regional Park Authority. He advised that Tom Gilmore, Civil War Trust, was unable to attend. Mr. Hobert extended appreciation to Ender's Fire Department for allowing use of their facility.

Alison Teetor provided an overview of the proposal using a PowerPoint presentation.

Paul Gilbert, Executive Director, Northern Virginia Regional Park Authority:

- The Civil War Trust is NVRPA's primary partner in the proposed purchase of the Cool Spring Battlefield.
- The Civil War Trust approached MVRPA to partner with them.
- Property fits their mission for most of the property they have acquired has been near or on waterways.
- Annual membership fee of \$65,000 is a per capita rate.

Mr. Gilbert introduced Chris Pauley, who addressed the proposed operating plan.

- Expressed thanks for the input and interest.
- Primary concerns identified at previous meetings and addressed with the proposed operating plan:
 - Security – desire to have night staffing
 - Staffing is proposed.
 - Will be an alcohol-free site.
 - Parker Lane / Retreat Roads
 - Will pay annual road assessments.
 - Committed to contract all the existing repairs

- Fire Safety
 - No brush fires permitted.
 - Controlled burns will be done in conjunction with fire officials.
 - No regular camping.
- Rest Rooms
 - Portable toilets will be available, as well as facilities within the club house when open.
- Retreat Residents river access
 - Retreat river access will continue.
- Have been managing civil war parks for 50 years and intend to manage Cool Spring effectively.
- Want to improve the natural vegetative buffer of the river.
- Create new habitat areas for wildlife.
- Create Civil War tours and exhibits.
- Reuse club house for community events or exhibits, as well as park office space.

At 7:30 pm Chairman Hobert opened the public comment portion of the public meeting.

Bill Lukens, Shenandoah Retreat resident: put forth that he had concerns that had not been addressed including law enforcement services, restoration to 1864 conditions.

Wayne Brown, Chairman of Blue Ridge Wildlife Association: put forth that he had questions that had not been addressed including responsibility for river cleanup, location of actual battlefield, number of existing battlefield parks with river access.

Mr. Gilbert responded that there are currently five parks with river access that allow kayak launch.

David Morris, Retreat Road resident: put forth that he had questions that had not been addressed including who would pay for the extra police protection, who will prevent litter, and who will prevent unauthorized access.

Lisa Adams, Shepherds Mill Road resident: spoke in support of the proposed battlefield park advocating the preservation.

Scott Kreider, President Shenandoah Retreat Land Corporation and resident: spoke against approval noting false accusations; cost of participation in perpetuity; Clarke County would be the smallest member of the NVRPA; increase demand on Blue Ridge

Fire Department and local law enforcement; more time is needed to research the matter.

George Ohrstrom, II, Planning Commission Chair: read the following prepared statement:

Battlefield Park

I'd like to thank the Board for the opportunity to speak tonight. I'm sure most of you know me, but in case you don't, my name is George Ohrstrom and I live in Northwestern Clarke County.

I think this proposal to join the Northern Virginia Regional Park Authority is a good idea. I realize that it is a serious decision that requires careful examination. There were many issues raised last month at the Public Meeting up at The Retreat, and I believe the Park Authority has answered them adequately.

The access issue has been addressed and I think those solutions work. The Authority will not allow any overnight camping, except for special supervised events. The only campfires allowed will be during these events, and the fires will be in metal rings at least 250 feet away from any wooded area. The park will only be open for daylight hours. While they will allow canoe and kayak rentals and boat launching, they specify that the Retreat Residents will keep their existing launching privileges. The Authority also states that they will provide consistent coverage of the property year round during both daylight and evening/overnight hours. These solutions are functional and enforceable.

The other worry about this whole proposal is the "membership" fee required by the Park Authority. Sixty five Thousand Dollars a year is a serious amount of money. I think, however, that we all need to look at this from a different perspective. Instead of focusing on this fee as a yearly obligation, maybe we need to look at it as a down-payment for our future. Thirty years from now "open space" for use as either an interpretive historical park, or a riverfront environmental education platform, will be a real asset for us. I also know that this proposal will cost significantly more then, than it does now.

The "preservation" of this parcel and the restoration of a true riparian buffer along most of the river is a real investment in our future as well. I know most people's eyes glaze over when the "Water quality types" start talking about the Chesapeake Bay TMDL, but there could be a real economic benefit in the restoration of these buffers. This one area will provide some of the needed buffer for our county TMDL requirements. If, in the future, the county has to supplement livestock exclusion fencing funds to local farmers because State and Federal money has dried up, that money might seem like money well spent.

Both the Clarke County Piedmont Environmental Council Advisory Board and the Civil War Trust have resolutions in front of their respective governing Boards to actually pay the fee for the first year. I also know that other county organizations, like the Easement Authority and the Parks and Recreation Department are willing to offset some of their annual funding over time to help meet this fee.

Overall, I see this proposal as consistent with Clarke County and "what we really are." We made our decisions about residential and commercial growth thirty years ago, and while we're not perfect, I think most of us would agree that we like our "It oasis" of green in the ongoing

desert of urban sprawl around us. Our future economic development will benefit from heritage tourism, environmental education, and agro-tourism. I think this proposal will help preserve those opportunities, and be consistent with the forward thinking decisions that have defined us. I hope the Supervisors will agree with me.

Thank You

Anna Birch, Blue Ridge Mountain Road resident: spoke in support of the proposed park. She stated that a friend ran a NVRPA park and they do support education of youth, treatment of land, and preservation.

Jean Hess – resident and Secretary to Board of Directors Shenandoah Retreat Land Corporation: read into the record the letter from the Shenandoah Retreat Land Corporation dated February 10, 2012.

*Clerk of the Clarke County Board of Supervisors
101 Chalmers Court
Berryville, VA 22611*

Dear Members of the Board of Supervisors,

Re: Proposed Cool Spring Battlefield Park

After much consideration, the Shenandoah Retreat Land Corporation (SRLC) Board of Directors has decided to oppose the proposed Cool Spring Battlefield Park that would be managed by the Northern Virginia Regional Park Authority (NVRP A).

The SRLC as a tax paying entity within the confines of the County of Clarke, responsible for the road and water systems within the Retreat and for maintaining the quality of life for its residents, respectfully submits the follow reasons for its opposition;

- 1. Surrender of unspecified decision making authority regarding important Retreat issues to an external entity, the NVRP A, with no mechanism as to how disputes might be settled.*
- 2. Potential increase in county taxes to offset loss of golf course revenue and property taxes, together with the increase county expense due to the on-going membership fee required by NVRP A, currently proposed at \$65,000 annually.*
- 3. Diminished property values due to loss of restricted river access and loss of golf course in exchange for an unsupervised public park.*
- 4. Restricted river access used and maintained solely by the SRLC since 1984 being opened to the public.*
- 5. Endangerment of our septic fields on golf course property.*
- 6. Additional traffic necessitating increase in road maintenance costs.*

7. *Lack of resources for the enforcement of speed laws on SRLC roadways by park visitors.*
8. *Heightened threat of fire from legal and illegal fires in the park.*
9. *Increased risk of crime to our residents due to illegal activities in an unsupervised park.*
10. *Increased risk of trespassing on SRLC's private property.*
11. *Slower fire and police response due to increased service demands.*

Furthermore, please be advised that the SRLC is considering the following actions should the proposed park become a reality.

- Gating the roads to control through traffic*
- Removing park access to SRLC water supply*

We appreciate the opportunity to express and reiterate our major concerns.

Sincerely,

*Scott R. Kreider, President
Shenandoah Retreat Land Corporation*

Mrs. Hess, speaking for herself as a resident of Shenandoah Retreat: expressed concern regarding river access; impact on the Shenandoah River; boat traffic; park ranger services; Retreat well; and security particularly for homes adjacent to the property. She expressed appreciation for the proffered help with Parker Lane from NVRPA. She further commented that she was not against the idea just that there were many unanswered questions and concerns; and if the park were approved, she asked NVRPA to be considerate of their neighborhoods for whatever was done would have an impact on the residents of the Retreat.

Pru Anderson, Boyce resident: stated that while she agreed with the statement made by Mr. Ohrstrom she could appreciate the concerns expressed by Retreat residents. Using her own experience as a guide, she offered suggestions on ways volunteers could monitor the river. She concluded by opining that the Park could bring needed economic development to the county.

Doug Kruhen, Bell Lane resident: stated that his question had been asked by a previous speaker and opted to pass.

Alicia Leitn, Beechwood Lane resident: asked if the park were approved would there be battle re-enactments with different firing agents; if yes, how often and how long.

Cindy Perry, Cedar Lane resident: opted not to comment.

Mike Campenelli General Manager - Watermelon Park: spoke to the expense incurred at Watermelon Park on river maintenance, trash removal, portable toilets, etc., as well as the considerable man hours necessary to maintain, clean and secure the park. He expressed concern that the NVRPA was contemplating kayak and canoe rental that would be in direct competition with Watermelon Park.

Wingate McKay-Smith, White Post resident and Chair, Clarke County Easement Authority: stated that this was a very fragile piece of land with two-miles of river front and that it was a good idea to have the land managed by NVRPA, an entity that would protect the land in perpetuity with a conservation easement. She expressed empathy for those who were concerned and her hope that details would be satisfactorily worked out between the stakeholders.

Daniel Sheetz, Chair Clarke County Parks and Recreation Advisory Board: spoke in support of the proposal. He stated that the Clarke County Parks and Recreation Advisory Board had recently voted to contribute from their budget up to \$20,000 annually. He stated that the CCPRAB believed that this was an ideal way to provide a needed park facility with needed services without the expense of maintenance and staffing

Bob Stieg – Chair.150th Committee; CEO, Clermont Foundation: read for the record the following statement:

***Comments at BOS Public Meeting Concerning the Cool Spring Battlefield, Feb. 21, 2012
by Bob Stieg***

Chairman, Clarke County Committee on the Sesquicentennial of the Civil War and Emancipation, and, CEO, The Clermont Foundation (manager for the Commonwealth of the Clermont Farm Historic Site)

Mr. Chairman, and Members of the Board,

I am speaking tonight under two hats, one as Chairman of your appointed Committee on the 150th Anniversary of the Civil War and Emancipation, and the other as CEO of The Clermont Foundation, which is the manager of the 361 acre Clermont Farm of 1750, owned by the Commonwealth and which is in the process of developing it as a state historic site for the Virginia Department of Historic Resources.

From the standpoint of the Clarke County Civil War Sesquicentennial Committee, we have been working developing activities that educate and commemorate during the four year period of the 150th Anniversary of the War, in which Clarke Countians both white and black fought, and on both sides of the conflict which claimed the lives of over 2% of the entire national population, and permanently changed the lives of all Americans, then and now.

However, our charge as a Committee also includes developing "legacy" projects, about which citizens of this County will speak with pride and gratitude on the 200th anniversary of this defining event in our local and national history. One of those will include permanent contributions to the written history of our County, including information about the "home front"

as well as the military history, and bringing into the public record new information about the participation of all of the County's citizens in that great conflict.

But no legacy could be more enduring than protecting and providing public interpretation of the ground in this County on which hundreds of men from both sides lost their lives.

Once in a lifetime comes the opportunity to protect such a site and save it from development, after which it is irretrievably lost as a living classroom and as a memorial to the men and their families from both sides who made the ultimate sacrifice. We ask that the Board of Supervisors, to mark this 150th Anniversary, take the steps necessary to secure the permanent protection of this nationally significant battlefield.

As the Director of The Clermont Foundation, we are planning for the future use and interpretation of Clermont Farm as a state historic site, and it is a key principle that it will be interpreted in its context, namely Clarke County and its other historic sites, and in the Shenandoah Valley and its history, including its violent and key role in the Civil War. I therefore want to address the issues raised by those who say, "Well, I agree with the sentiments just expressed, but is it a practical project, is it worth the cost?" I strongly believe the answer is YES, based on the following points:

- 1. This project is in agreement with, and helps move forward, Clarke County's most basic vision of itself, the Comprehensive Plan, which encourages the permanent protection of open and agricultural land, the discouragement of residential development, and the encouragement of heritage tourism as a source of business development and tax revenue. And, permanently protecting some land increases the value of adjacent land.*
- 2. This project places ownership and management in professional parks authority, the Northern Virginia Parks Authority (NVPA), which has offered a draft management plan that addresses the legitimate concerns of residential neighbors and provides evidence of their experience and management skills in administering a wide range of public parks, including passive Civil War battlefield parks.*
- 3. This project uses a multi-jurisdictional service authority to leverage for our small County the maximum in returns, a strategy the County has already used to efficiently obtain services and capital funding at the lowest cost to its taxpayers. Given its size, our County has adopted the strategy of joining multi-jurisdiction service organizations for many services, including jails, mental health and mental retardation, aging, certain sewage services, etc. This project offers the professional development of a heritage site of national significance in Clarke, as well as admission to recreational services in adjacent localities, from a multi-jurisdictional authority, using a proportionate funding plan like those of the other such authorities Clarke belongs to. The battlefield site will in fact receive capital funding for its restoration in excess of Clarke's dues to the Park Authority.*
- 4. This project, and particularly the use of the multi-jurisdictional strategy, will greatly enhance the value and attractiveness of Clarke County's heritage tourism portfolio. For people to want to come for a day or a weekend to a destination, there must be as large as possible a portfolio of interesting choices, with accompanying itineraries and information on shopping and hospitality services. We currently have two museums in Berryville, Long Branch Historic House, and the State Arboretum at Blandy, plus the developing state site*

at Clermont Farm. Having an interpreted Civil War site of national significance open to the public in Clarke in a beautiful setting, run by professionals, and part of a regional system in the National Capital Area, will substantially enhance Clarke as a short-distance heritage destination.

5. *This project will gain us a business development partner. Paying pro-rata dues to the NVP A will not only protect land and create a professionally-run battlefield park, it will buy us as a business partner a multi-jurisdictional authority covering the Northern Virginia portion of the National Capital Area. Having such a business partner should be considered as part of our business development budget, as it will help provide communication about Clarke's assets through-out a demographically rich region, and will help the County and the local heritage organizations to do the business planning to bring together the sites Clarke already has, but which don't have the access or communication networks necessary to register in the region. And funding for the first three years of this "business development" project is already secured. For all these reasons, this is a practical project, and worth paying \$65,000 a year for as a member of a multi-jurisdictional authority which will bring great value to Clarke. I strongly encourage you to support this project and this membership. Thank you.*

Betsy Fields, member of the Clarke County Historic Preservation Commission and current president of Northern Shenandoah Valley Branch of Preservation Virginia, a state-wide historic advocacy group: expressed the support of both organizations for the proposed battlefield preservation. She further expressed support for the statements made by Mr. Ohrstrom and Mr. Stieg. She asked the NVRPA to expound on the experiences of the Ball's Bluff neighbors. She also encouraged the Supervisors to take the long view on preserving this property.

Randy Anderson, Retreat resident: expressed concern for economic growth in the County and that closing the golf course would result in a loss of revenue, as was the loss of approximately 50 jobs.

Cindy Perry, Retreat resident: expressed appreciation for NVRPA's response to concerns expressed at the first meeting. She asked for more information regarding security, response time, legal authority, parking, and trail expansion. She also expressed concern about the possibility of kayak and boat rentals and expansion of other water activities. She asked for consideration of other options.

Anne Caldwell, Planning Commissioner and Chair Board of Zoning Appeals: stated that she lived on property just south of the Route 7 bridge along the river. She opined that this was a unique, remarkable, and once-in-a-lifetime opportunity for the County and encouraged the Supervisors to "take the long view" as stated by an earlier speaker. She stated that the Retreat residents had brought up good and important issues and expressed her belief in the capability of the Park Authority to address the issues raised.

Don Looch, Piedmont Environmental Council: voiced support for the proposed park. He informed the Supervisors that the PEC had voted and was willing to contribute half the

first year's dues toward joining the NVRPA. He noted that he spent the first 18 years of his life living adjacent to a state park; and from his experience and review of the proposed management, NVRPA had proposed a good plan. He opined that a no-alcohol policy could prevent many potential problems. He asked the County to consider this a long-term investment into providing access to education of some incredible resources - historic, cultural, scenic, agricultural, and natural. Mr. Looock commented that Clarke County was punctuated by many great decisions and by protecting its resources the County had separated itself from other localities. He concluded by pointing out that there would be no new battlefields or Shenandoah River.

Celie Harris, Millwood: stated that historically significant land lost was lost forever. She opined that the Park seemed a responsible way to maintain and preserve a piece of our heritage and an opportunity not to be missed.

Howard Means – President Clarke County Historical Association: stated that the CCHA stood ready to help in any way they could to interpret this site, make it accessible to the public, and enrich the educational experience visiting this valuable part of the rich history scape.

Gem Bingo – Piedmont Environmental Council: told the Board that she lived in Edward's Landing a subdivision that neighbors Ball's Bluff, Edward's Landing Park, as well as Red Rocks Park. She stated that her experience as an "across-the-street" neighbor from Red Rocks Park was very positive and has had no problems. She stated that it was very important to take care of a park that is such an asset to the community. She further stated that the Shenandoah River was a fantastic asset and many residents do not have the opportunity to see and enjoy the river.

Glenn Masters, Berryville resident: advised that his questions and concerns had already been raised and answered.

Harry Jaffe, Castlemen Road resident: spoke in support of the park commenting that open space and land preservation were good. He did question the need for river access for boating activities at the proposed park since it is so close to the Route 7 launching area. He opined that entrance to the park might be dangerous due to vehicle speeds on Route 7 and the small entrance.

Brian Clemens, Berryville business owner: spoke in support of the park stating that he was looking forward to having tourism.

Bill Hagen Retreat resident: expressed appreciation to the NVRPA for addressing the questions raised at the last meeting. He asked if water outfitters would be allowed access the river in the park noting that this could generate considerable traffic and damage.

Scott Kreider, President, Shenandoah Retreat Land Corporation: responded to various points made with the following statements:

- Ball's Bluff does not have the amenities proposed for Cool Spring and cannot be used for comparison.
- The land would remain open space even if left as a golf course.

Paul Gilbert, thanked the speakers for their questions and input. He provided the following

1) Security / Law Enforcement / Staffing:

- Management plan has 24/7 park staff on site.
- Enjoy a good working relationship with law enforcement in the current jurisdictions with parks.
- Park will be staffed with full and part time NVRPA employees as outlined in the management plan.
- Operation of park will cost considerably more than Clarke County's contribution.
- NVRPA will be hiring Park staff.

2) Return Park to 1864 Condition:

- Park land would be returned to some type of agricultural use.
- West side of river was a wheat field.
- Will partner with local agencies to research the matter.

3) Actual Site of Battleground:

- The Battle of Cool Spring was fought on both sides of the river with the cannons set up on the east side with most of the battle occurring on the west side – the monastery side.
- The proposed park is on a portion of the battlefield and will be interpreted from east side looking west;
- While the park will not encompass the whole battlefield, there is still a wonderful vista that will tell the story.

4) Re-enactments/ Programs / Type of Park:

- Considering for 2014, the 150th anniversary, a re-enactment or living history camp event.
- Cool Spring is intended to be a passive park that will complement the current active park.
- Will partner with local historic groups to develop a variety of activities.
- Local historic groups can help promote programs and educate the public.

5) River Access / Watercraft:

- NVRPA has many sites with river access including Bull Run Marina.

- NVRPA is experienced in managing river access and believes that this could be an advantage for the proposed park.
 - Use of boats and rental boats is not fully decided.
 - In other parks when renting watercraft, patrons are typically told to paddle up stream.
 - Outfitters – would be reviewed on a case-by-case basis.
- 6) Virginia National Golf Course:
- Pursuant to conversation with corporate owner, they have been trying to market this property since 2009; and as a golf course, it has lost money each year in operation.
 - If golf course closes, it becomes worst case with no one monitoring.
- 7) Roads / Parking / Access:
- Will use existing parking that should be more than adequate for on-going use.
 - For large events, shuttles could be used.
 - Trails will remain trails and will not be converted to roads.
 - On a regular basis, it is not anticipated that the park would generate any more traffic than what is currently entering the golf course.
 - It is recognized that Parker Lane is a short turn. NVRPA is cognizant of the safety issue and will work with VDOT to see if the turn off can be expanded.

Robina Bouffault asked about returning the park to Civil War condition. Mr. Gilbert responded that they were not yet sure what that would entail but NVRPA would be researching this further with the assistance of local historic groups.

A woman in the audience urged NVRPA to be careful of the canopy protecting the wild flowers growing in the flood plain. Mr. Gilbert assured that NVRPA would be judicious.

Chairman Hobert concluded the discussion stating that it had been a long and productive meeting. He advised that the next step in the process would be discussion by the Supervisors.

Vice Chairman Weiss concurred commenting that the matter had not yet been discussed by Supervisors.

To further discuss the matter, by consensus, the Supervisors set a special meeting for March 5 at 9 am to 11 am just prior to the planned closed session.

21) Adjournment

There being no further business to be brought before the Board at 8:57 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, March 20, 2012 at 1:00 p.m. in the Main Meeting Room, 101 Chalmers Court, 2nd Floor, Berryville, Virginia.

ATTEST: February 21, 2012

J. Michael Hobert, Chair

David L. Ash, County Administrator

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