

CLARKE COUNTY BOARD OF SUPERVISORS
March 20, 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, March 20, 2012.

Board Members Present

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

Board Members Absent

Beverly McKay

Staff Present

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

Others Present

Anthony Roper; Beth Leffel; Mike Murphy; George Archibald; Val Van Meter; Ed Leonard;
and other citizens

1) Call to Order

Chairman Hobert called the afternoon session to order at 1:02 p.m.

2) Adoption of Agenda

Closed Session: For discussion personnel matters.

By consensus, the Board approved the agenda as modified.

3) Clarke County Public Schools Update

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

- Art Month:
 - Have Five Art/Music Teachers.
 - School play this week.
 - Concert last weekend.
 - Sock Art Festival today at D.G. Cooley.
 - Rethinking band organization.
- Policy:
 - School Board has undertaken an ambitious change and will be adopting the VSBA policy manual.
 - VSBA will defend policy and cover legal costs.
 - First readings for the new policies began at the last School Board meeting.
- Curriculum:
 - Math standards have changed, as well as math text books.
 - Teacher evaluations have changed.
 - Purchased one new iPad for each school to perform evaluations.
- Calendar:
 - Approval of FY2013 school calendar has been postponed.
 - Current calendar has been shortened by 5 days for unused budgeted snow days.
 - Extending Spring Break through April 9 and reducing the last 4 days of the school year.
 - Exploring different calendar method for next school year.
- Budget:
 - Anxious to find out what General Assembly and Governor are going to do particularly with VRS.
 - School Board Finance Committee met yesterday and agreed to recommend moving forward with the full 5% increase in VRS and not phasing in the required increase.
- ADM and enrollment:
 - ADM determination is a complicated process.
 - Schools monitor enrollment and ADM throughout the year.
- New High School:
 - Will be conducting community tours of the new facility this week.
 - Will be tracking use of facilities to ensure proper invoicing.
 - Moving crew is lined up.
 - For liability purposes, no students will be used in the move.
 - All classrooms are to be set up by August 1.

Chairman Hobert requested a status update on renovations to other School facilities.

Dr. Murphy provided the following update:

- The Education Department will be providing 10 bound copies of their report. The legislative session caused this report to be delayed; however it is expected by Monday, March 26.
- After receipt, it will be placed on the agenda for School Board will review.
- Jim Brinkmeier is working with citizens to review and develop reports about each facility.
- Mr. Brinkmeier would like to meet during the day and every other week.

Chairman Hobert asked about the Schools plan for continued use of the gymnasium and locker rooms at the current high school.

Dr. Murphy provided the following comments:

- Current High School gymnasium, weight room and two locker rooms will remain as an auxiliary for schools and community use.
- This area of the old high school is believed to be a tremendous community asset.
- The Schools will be establishing a fee structure.
- The Schools have discussed the possibility of facility management by the Parks and Recreation department.
- The rest of the high school will be shut down with all the minimum use of required utilities.
- Tom Judge is investigating the possibility of a well for school use.

Vice Chairman Weiss asked that the Schools review the Education Department report using a common sense approach with area needs in mind. He opined that space was relative and the Schools needed use the space they had with as few modifications as possible.

Dr. Murphy responded that he knew the \$7.2 million limit on renovations and was aware of class size limitations. He said that he hoped the Board of Supervisors would view the renovations as a 20-25 year investment.

Supervisor Byrd commented that in 1986 when the current high school was completed the Schools were ecstatic about the school and its anticipated 30 year use as a high school.

Dr. Murphy stated that the Schools:

- Need to plan for contingencies.
- Need to focus on return on investment.
- Need to focus on current high school and D.G. Cooley

- After renovations completed, need to turn the focus back to education.

Supervisor Staelin asked about the Schools' progress toward their stated goal of zero [0]: trailers by August 2013 and whether they would be able to design and renovate all the schools in time to meet the deadline.

Dr. Murphy responded that if he had a crystal ball and could anticipate approvals by the various entities such as the Planning Commission, Building Department he might be able to answer the question.

Supervisor Staelin interjected that if the school foot print was not changed there would be no need for Planning Commission approval.

Dr. Murphy provided the following plan for trailer removal:

- Current High School: all trailers gone by this summer.
- Boyce Elementary: believes portables will always be used at this facility.
- D.G. Cooley Elementary: unknown.
- Primary Elementary: unknown.

Supervisor Byrd opined that once empty there should be no delays in renovating the current high school.

Dr. Murphy remarked that there were many questions and considerations such as how many times the Schools wanted to move the children between facilities.

Supervisor Byrd commented that renovations at Cooley were said to be minimal and the Schools would need to rethink if they planned something more grandiose.

David Ash asked Dr. Murphy for a status update on the proposed gas line.

Dr. Murphy provided the following:

- Need to meet with Washington Gas representative, Mr. Hockman.
- Need to shorten gas line.
- Have expedited the line off of the Cooley campus.
- Washington Gas does not want to extend the line through an area where there is a potential for expansion.
- Looking at moving the line saving 150 feet.
- Need to have conversation with Tom Judge and David Ash.

4) Citizens Comment Period

George Archibald, Berryville resident: distributed the following written statement:

FY 2013 BUDGET - PROPOSED CHANGES
Board of Supervisors Regular Meeting, March 20, 2012

- *Prior to public hearing, in order to obtain public comment, restore \$650,000 for proposed Enterprise Resource Planning (ERP) Software Integration that was removed at Budget Work Session on March 15 and returned to General Fund.*

Michael Bowen, IT director in City of Staunton, Va., reports that ERP system has been successfully integrated in all city departments and that streamlining of financial management there is projected to save the entire cost of the system within three to five years.

In Staunton, accounting mistakes like the \$247,227 situation in the Clarke County Public Schools budget that goes back several years, are minimized by better accountability, management, and transparency.

Bowen and a representative of Tyler Technologies of Texas and other companies that offer ERP systems can come to Berryville soon for a special work session about ERP with the Board of Supervisors and Clarke County account managers.

- *Stipulate in binding legislative language as part of the budget adoption that \$250,000 .from the FY2013 appropriation for Clarke County Public Schools is dedicated to the first phase of projected ERP software integration, or if ERP is not ultimately approved by the Board, to be saved unspent in the General Fund bearing interest until reverted to another purpose or savings at the direction of the Board of Supervisor.*
- *With respect to the Virginia Retirement System, continue studying all options but wait until the end of the General Assembly session in Richmond before proceeding with local legislative action.*
- *Commence a contracted personnel audit of county and public schools systems as was done in Frederick County with the goal streamlining and eliminating redundant and unnecessary personnel positions for possible personnel cost savings of as much as \$500, 000 to \$1-million per year.*

Supervisor John Staelin provided the following comments regarding the \$247,000 and the ERP System.

- \$247,000 was given to the schools a year ago as part of last year's budget.
- Money was to be spent on school operations or capital.
- Huge variation in potential cost of an ERP, anywhere from \$350,000 to \$1.5 million.
- Potential cost savings are unknown.
- The GFOA report indicated that an ERP would improve and reduce duplication without potential staff reductions. Another study indicated that implementation of an ERP could result in avoidance of future hiring in some areas.
- ERP's are relatively new to county government.

- ERP's still require development for use by county government.
- Which vendors in Virginia will be long time players is unknown.
- An ERP will probably be implemented but the timing is not right for this year.

Upon conclusion, Supervisor Staelin offered to meet with Mr. Archibald to provide further explanation, as well as reporting examples.

Mr. Archibald put forth that the Schools should provide a supplemental document showing how of the \$247,000 had been spent.

Tom Judge responded that the \$247,000 was identified as a potential source for ERP funding but it was not tied to any specific project.

Mr. Archibald opined that the Schools had provided an inaccurate document.

Chairman Hobert interjected that he did want to encourage argument over the point during the citizen comment period.

Mr. Archibald continued that an ERP had been implemented by the City of Staunton. He alleged that all departments were using an ERP. He, again, asked that the Schools list all the items upon which the \$247,000 was expended.

Chairman Hobert concluded the citizen comment period and invited Mr. Archibald to speak at the budget public hearing.

5) VDOT

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

Maintenance – Completed:

- Object markers installed on shoulder at box on Route 657;
- Replaced pipe on Route 622 east of Route 625;
- Cut brush on Route 668;
- Picked up Adopt-A-Highway Trash on Routes 632 and 622;
- Repaired sidewalk on Route 340 in Berryville;
- Began scraping non-hard surface roads;
- Cut brush along Route 604;
- Repaired shoulders along Routes 7 and 340 North;

- Tree contractor removed broken/hanging limbs along Routes 638 and 606.

Maintenance – Planned:

- Continue scraping non-hard surface roadways;
- Continue brush cutting along Route 604;
- Continue shoulder work along Routes 7, 50 & 340 then move to secondary roads;
- Replace pipe on Route 612;
- Flush pipes beginning week of April 2nd;
- Begin dust control week of May 1st;
- Ditching Routes 611, 610, 603, and 612.

Projects [Status Unchanged – Moving Forward]:

- Route 636, Mosby Road
- Route 604, Ebenezer Road (2nd phase Rural Rustic)
- Route 7 Crossovers
- Route 723 Bridge Replacement
- Route 761 Bridge Replacement

Supervisor Comments:

- Supervisor Byrd:
 - Chester's Store: thanked VDOT for their work near that area to address safety concerns.
 - Route 611 Summit Point Road: severe drop offs on this highly used commuter road. Mr. Carter stated that this road was included in ditching efforts.

Discussion Secondary Six-Year Plan 2012 / 2013 – 2017/2018 and Set Public Hearing

Ed Carter reviewed the proposed Secondary Six-Year Plan for 2012/2013 – 2017/2018.

There was discussion about the addition of turn lanes on Route 340 and Senseny Road. Supervisor Byrd opined that improvements at this intersection have been second only to Mosby Boulevard.

There was discussion regarding availability of project funding. Mr. Carter advised that if a project is included in the SSYP funds can be applied as they become available.

Supervisor Byrd moved to set public hearing on the Secondary Six-Year Plan 2012 / 2013 – 2017/2018 on April 17, 2012 at 6:30 pm or as soon thereafter as the matter may be heard. The motion carried by the following vote:

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

Route 617 [Old Chapel Road] Speed Limit Study

Cliff Balderson, VDOT Resident Engineer, advised that VDOT had conducted a speed study on Route 617 as requested by the Board. The study recommends a speed limit reduction to 40 MPH to the Boyce Corporate limits. He advised that the concurrence of the Board of Supervisors, as well as the Sheriff and State Police, was necessary to reduce the speed limit.

Supervisor Staelin commented that the reduction would give the Sheriff greater ability to control speeds on this road noting that during his campaigning he had heard from his constituents about the speeding.

Vice Chairman Weiss asked how much speed studies cost and the funding source. Mr. Carter advised that they cost \$5,000 each and came from Clarke County cost center allocation.

Supervisor Staelin moved to support the change in speed from 45MPH to 40MPH on Route 617. The motion carried as follows:

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

Chairman Hobert asked Mr. Carter to let the Board know if there were any problems with obtaining concurrence from the Sheriff and State Police.

6) Approval of Minutes

Supervisor Staelin moved to approve the minutes:

- **February 21, 2012 Regular Meeting as presented.**

- **March 5, 2012 Special Meeting as modified: change Page 944 NVPRA to Civil War Trust 9th bullet from top of page.**
- **March 7, 2012 Budget Work Session as modified: change Page 952 17th bullet from top to read “ FY2013 budget includes \$50,000 in contingency to cover short fall.”**
- **March 9, 2012 Recessed Meeting as presented.**

The motion carried by the following vote:

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

7) Consent Agenda

A. Resolution of Congratulations Boyce Elementary School 2012 Governor’s Award for Educational Excellence 2012-02R

Resolution of Congratulations Boyce Elementary School
2012 Governor’s Award for Educational Excellence
2012-02R

WHEREAS, Boyce Elementary School earned a Board of Education Excellence Award for 2012, for distinguished performance in the Virginia Index of Performance (VIP) program, by meeting all state and federal accountability benchmarks for at least two consecutive years and by making significant progress toward goals for increased student achievement.

WHEREAS Governor Bob McDonnell announced the Boyce Elementary School earned the award for its “unwavering commitment to academic excellence and to the success of their students” noting “They put students first and maintain high expectations for instruction, learning, and student achievement.”

NOW, THEREFORE, BE IT RESOLVED that the Clarke County Board of Supervisors congratulates Boyce Elementary School for its continued excellent performance; and

BE IT FURTHER RESOLVED that the Board of Supervisors of Clarke County acknowledges the dedicated efforts of Principal Susan Catlett, the teachers, support staff, students, and parents of Boyce Elementary School.

Adopted this 20th day of March 2012.

Attest: _____

J. Michael Hobert, Chair
Clarke County Board of Supervisors

B. Request for Easement Purchase Approval – Longwood Farm, L.P.

MEMORANDUM

TO: Board of Supervisors, David Ash
FROM: Alison Teetor
DATE: March 20, 2012
SUBJECT: Request for Easement Purchase Approval – Logwood Farm, L.P.

The Clarke County Easement Authority has approved the following easement for purchase. The Authority requests the Board of Supervisors to authorize the Chairman of the Board of Supervisors to execute deeds, easements, and other documents necessary to the transactions, subject to the property owner signing the Deed prior to the Chair.

Longwood, LP, Cary Embury, agent: The parcel is a 76.9 acre portion of Longwood Farm located on the east side of Browntown Road between Browntown and Bishop Meade Roads approximately 1 mile north of Millwood (Tax Map# 22-((A))-102). It has a property resource score of 72.9. The applicant would like to retain one exemption (existing house) and 1DUR, retiring two (2) DUR's. It meets 3 of the 4 criteria established by the Easement Authority for donation – the parcel is over 40 acres, retiring more than 1 DUR, and scoring above 35. It is not adjacent to an existing easement. The parcel has 6/10s of a mile frontage on scenic byways, nearly 2,000 feet on Browntown Road, and an additional 280 feet on Bishop Meade Road. The parcel contains one structure that greater than 50 years old and is contributing to the proposed Chapel Rural Historic District. The Harrison family has owned the parcel for more than 50 years. Although not a scoring criteria, the farm has more than 75% prime, statewide, and locally important agricultural soils.

Purchase price: \$80,000, \$40,000 from VDACS, \$40,000 County

C. Letter of Support USGS Application For Funds Through The Climate Science Center To Study The Impact Of Climate Change On Aquatic Organisms And Water Supply In The Shenandoah River Watershed

The US Geological Survey is applying for funds through the Climate Science Center to study the impact of climate change on aquatic organisms and water supply in the Shenandoah River watershed. The project is entitled "*Modeling Future Flow Regime Alterations Associated with Climate Change, with Implications for Aquatic Organisms and Water Supply in the Shenandoah River Watershed*".

The Clarke County Board of Supervisors is submitting this letter to indicate its endorsement of the application. Clarke and the other counties in the basin have been working with USGS for two decades to develop minimum instream flows and gain a better understanding of our critical water resources. This study would provide information on

how climate change will affect aquatic habitat quality and water availability and greatly improve our ability to respond to anticipated flow alteration and potential habitat degradation.

The Board is hopeful that you will consider funding this important research.

Please contact me if I made provide any additional information regarding this endorsement.

Sincerely,
J. Michael Hobert
Chairman, Clarke County Board of Supervisors

D. Endorsement Of The Clarke County Easement Authority Application Through The Natural Resource Conservation Service (NRCS) Farm And Ranch Lands Protection Program To Purchase Conservation Easements

Mr. John A. Bricker, State Conservationist
USDA/NRCS
1606 Santa Rosa Road, Suite 209
Richmond, VA 23229

Dear Mr. Bricker:

The Clarke County Easement Authority is applying for funds through the Natural Resource Conservation Service (NRCS) Farm and Ranch Lands Protection Program to purchase conservation easements on a farm with a high percentage of soils of prime and statewide importance. The Clarke County Board of Supervisors is submitting this letter to indicate its endorsement of the application. In addition we have tentatively approved the County funds needed to match the NRCS funds for purchase should the grant be approved.

Protection of important farmland has been and remains a primary goal of the Counties Comprehensive Plan. Receipt of these types of grant funds enables the limited County resources to go farther to protect agricultural lands in our County.

Please contact me if I made provide any additional information regarding this endorsement.

Sincerely,
J. Michael Hobert
Chairman, Clarke County Board of Supervisors

E. Extend The Lease Agreement, Dated January 17, 2002, Between The County Of Clarke And The Clarke County Historical Association, In Accordance With Paragraph 11.RENEWAL.

Mr. Howard Means, President
Clarke County Historical Association
P. O. Box 306
Berryville, Virginia 22611

Dear Mr. Means:

This will confirm that the Clarke County Board of Supervisors has agreed to extend the Lease Agreement, dated January 17, 2002, between The County of Clarke and the Clarke County Historical Association, in accordance with paragraph 11.RENEWAL.

The result of this action is to extend the expiration date of the current lease to January 17, 2017 at the current rate of One Thousand Dollars per year.

The Board has had a contractor examine the building footer, foundation, and basement walls to determine if there is a solution to the problem of water infiltration in the basement. At the time of the inspection, it appeared that the source of the water was subsurface, not surface water runoff from the parking lot.

The contractor recommended that a drainage system and upgraded sump pump be installed, and the outlet location be relocated. This will facilitate the removal of the inflow when it occurs, but will not eliminate the leakage during storm events or periods of high ground water levels. The County will have this work done at County expense.

I also noted that the basement ceiling had been penetrated and/or removed, apparently during the installation of the current HVAC and sprinkler system. The County maintenance department has been directed to replace the insulation and restore the ceiling integrity to the extent reasonably possible.

While these actions will reduce the chance that water accumulation will damage the building or the HVAC equipment located in the basement, the area remains suitable only for mechanical equipment location and operation and I recommend against using this area for any type of storage.

Please let me know if you have questions or if problems arise in the future.

Sincerely,
David Ash
County Administrator

**Vice Chairman Weiss 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	- Absent
John R. Staelin	- Aye

David S. Weiss - Aye

Supervisor Staelin offered to make the presentation of the resolution to the Boyce Elementary School staff. Chairman Hobert suggested including Supervisor McKay.

8) Special Event Permit Shenandoah Valley Hot Air Balloon and Wine Festival 2012 at Historic Long Branch – Scope Review

David Ash informed the Supervisors that Historic Long Branch was presenting a formal change notice to the Board of Supervisors for review and determination as to whether it constituted a scope change.

Angela Anderson, Interim Executive Director – Historic Long Branch, citing continued weather-related issues, advised the Board that there would be no hot air balloons at the October festival. She told the Supervisors about plans for a “Pumpkin Chunking” competition. She provided a brief explanation of this event. She advised that launching devices for the first year would be catapult or trebuchet types with no pneumatic or cannon type launchers, pumpkins would remain on Long Branch property; and since pumpkins are bio-degradable, they required no clean up.

Following a brief discussion, Supervisor Staelin moved that the proposed change was not deemed to be a change in scope and no change in fee would be required. The motion carried by the following vote:

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

Chairman Hobert extended the Board’s wishes for a successful event.

Supervisor Byrd suggested student involvement for future events to which Ms. Anderson responded that this was their goal.

9) Board of Supervisors Personnel Committee Items

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

03/12/2012 Summary: The Personnel Committee recommends the following appointments:

— *Kathy Smart to the BADA for a term expiring 3/31/2014.*

— *Bev McKay to the BADA Comprehensive Plan Committee for an unspecified term.*

— Robert Stieg to the Northwestern Community Services Board for a term expiring 12/31/2014.

03/20/2012 Action: **Supervisor Byrd moved to confirm the recommendations of the Personnel Committee. The motion carried as modified by the following vote:**

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

10) Board of Supervisors Work Session

A. Our Health Update

03/12/2012 Summary: Sharon Gromling, Executive Director – Our Health and Diane Shipe, Clarke County Representative – Clarke County Representative on Our Health Board of Directors, provided a short video presentation and update on recent activities.

B. VDOT: Secondary Six-Year Plan 2012 / 2013 – 2017/2018

03/12/2012 Summary: Ed Carter, VDOT, made the preliminary presentation of the SSYP 2012/2013 – 2017/2018 at the Work Session. Mr. Carter asked the Board of Supervisors to place this item on the March Regular Meeting Agenda for further discussion in hopes that the Board could reach a consensus and set a public hearing for the April meeting.

C. Shenandoah Farms Refuse Collection Site Agreement

03/12/2012 Summary: David Ash reviewed with Board the agreement with Warren County regarding the site use of Shenandoah Farms Convenience Center. The Board recommended the agreement provided Item 7 Term and Effective Period be modified to include automatic renewal in five [5] year increments.

NOTE: Agreement under modification by Warren County and review of the revised agreement shall be added to the April 9, 2012 Work Session.

D. Nomination for Chapel Historic District Designation and Preliminary Information Josephine City Community

03/12/2012 Summary: The deadline for application for these projects is April 2, 2012 and The Supervisors authorized application for these projects and budgets for same.

E. Temporary Recreational Use and Storage of Parcels Adjacent to River and/or Developed Residential Parcels

03/12/2012 Summary: In the past year, Planning Administration has received complaints that current ordinances do not adequately address the issue of temporary recreational use and storage of parcels adjacent to river and/or developed residential parcels. Supervisor Weiss asks the Boards' consent to have these matters reviewed by the Planning Commission.

The Board asked the County Administrator to draft a request to the Planning Commission asking for a review of this matter.

03/20/2012 Action: David Ash presented the draft letter for Board approval.

Clarke County Planning Commission
101 Chalmers Court, Suite B
Berryville, VA 22611

Attention: George Ohrstrom, II – Chair

Re: Temporary Recreational Use and Storage of Parcels Adjacent to River and/or Developed Residential Parcels

Over the course of last summer, members of the Board of Supervisors received a small number of complaints regarding long term camping activities and use of temporary decks or other structures along the Shenandoah River within the flood plain. Other questions about long term camping without discernible sanitary facilities also arose in this same time frame.

A quick review of the Zoning Ordinance indicates that our ordinances apply only when three or more campsites are created or occupied on a given parcel, and then only by special use permit.

The County has a noise ordinance, but has received suggestions that the ordinance be reviewed and that consideration be given to additional restrictions on noise created by these activities along the river.

The Board is willing to review these suggestions but wants to insure that any changes are reasonable and that unintended consequences are minimized.

The Board asks your assistance in reviewing the applicable zoning ordinances as well as a review of applicable local and state code, in order to assure that the codes and ordinances are effective and properly interpreted, are not individually deficient and do not collectively conflict or fail to adequately guide temporary, but long term, residency in other than permanent dwellings.

The Board is not suggesting specific changes in either the Zoning or Local Code at this time. Should a review indicate a need to revise either, the expectation is that the usual and customary process would be initiated.

Should you determine that this matter could best be handled by a sub or ad hoc committee, the Board has authorized Supervisor Weiss and me to participate.

Please let me know if you have any questions.

Thank you for considering this request

Sincerely,
Dave Ash
County Administrator

Supervisor Byrd moved to authorize David Ash to forward the letter to the Planning Commission Chair. The motion carried by the following vote:

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

F. Closed Session

03/12/2012 Summary: Supervisor Byrd moved to convene into Closed Session pursuant §to. §2.2-3711-A3 Acquisition or Sale of Property; §2.2-3711-A4 Privacy of individuals in personal matters; §2.2-3711-A7 Consultation with legal counsel and briefings by staff members or consultants pertaining to actual or probable litigation, where such consultation or briefing in open meeting would adversely affect the negotiating or litigating posture of the public body; and consultation with legal counsel employed or retained by a public body regarding specific legal matters requiring the provision of legal advice by such counsel. The motion carried as follows:

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

10) Board of Supervisors Finance Items

A. Acceptance of February Bills and Claims

03/12/2012 Summary: The Finance Committee recommends acceptance.

03/20/2012 Action: Supervisor Staelin moved to accept the February 2012 General Government Bills and Claims. The motion carried by the following vote:

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

B. Standing Reports

03/12/2012 Summary: The following are included: Reconciliation of Appropriations. General Fund Balance. General Fund Expenditure Summaries. General Government Capital Projects. Action: Information only.

C. FY213 Budget Discussion.

03/12/2012 Summary: FY2013 Budget Work Session scheduled for 6:30 pm 3/20/2012.

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. He advised that the Joint Administrative Board recommended adoption of the FY2013 Health Insurance Rates.

Supervisor Staelin moved to adopt the recommendation of the Joint Administrative Services Board to adopt the FY2013 health insurance rates. The motion carried by the following vote:

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

13) Government Projects Update

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

- Berryville Clarke County Government Center:
 - o Final response from RDA is believed to be in the mail.
 - o Hope to soon have a final certificate of occupancy.
- Senior Center / Active Living Center :
 - o Construction moving fairly quickly.
 - o The first progress meeting has been conducted.
 - o Office slab is complete.
 - o Cracked blocks on corners have been cut out.
 - o Footers have been dug; however, due to rain, they may need to be redone.
- Convenience Center:

- Have reviewed cost estimates with Frederick County Operations Director.
 - Recommend moving forward and obtaining owner approval on site location.
 - Aerial photos are available.
 - If project postponed, continued review is recommended.
 - Chairman Hobert stated that an agreement with property owner was important and the County should move forward to finalize the lease option decision.
 - Supervisor Staelin suggested adding this item to the April 17 agenda.
 - Option deadline is June 2012.
- Former Library Building:
- Acceptance of the modular facility has been declined by all three bidders.
 - The modular has no plumbing or interior partitions. It does have individual heat units. It could be used for storage.
 - Unsuccessful in the verification of the access to the alleyway. Chairman Hobert suggested that if Bob Mitchell could not get Mr. Graham, staff should check to see if Mr. Friant could verify.

14) Miscellaneous Items

No items were identified for the March 20, 2012 regular meeting.

15) Summary Of Required Action

<u>Item</u>	<u>Description</u>	<u>Responsibility</u>
1.	Coordinate public hearing notice with VDOT.	David Ash
2.	Modify and process approved minutes.	Lora B. Walburn
3.	Process approved Resolution 2012-02R.	Lora B. Walburn
4.	Coordinate with Susan Catlett the presentation date for Resolution 2012-02R to Boyce Elementary School staff.	John Staelin
5.	Forward Endorsement Of The Clarke County Easement Authority Application Through The Natural Resource Conservation Service (NRCS) Farm And Ranch Lands Protection Program To Purchase Conservation Easements	Alison Teetor
6.	Forward Letter of Support USGS Application For Funds Through The Climate Science Center To Study The Impact Of Climate Change On Aquatic Organisms And Water Supply In The Shenandoah River Watershed.	Alison Teetor

<u>Item</u>	<u>Description</u>	<u>Responsibility</u>
7.	Forward to CCHA Chair notice of extension of the Lease Agreement, Dated January 17, 2002, Between The County Of Clarke And The Clarke County Historical Association, In Accordance With Paragraph 11.RENEWAL.	David Ash
8.	Provide Long Branch formal notice of Board decision regarding the Special Event Permit Shenandoah Valley Hot Air Balloon and Wine Festival 2012 at Historic Long Branch – Scope Review.	Lora B. Walburn
9.	Provide notice of appointment and update database.	Lora B. Walburn
10.	Coordinate Shenandoah Farms Convenience Center agreement with Warren County and add review of revised agreement to the April 9, 2012 Work Session.	David Ash
11.	Forward to Planning Commission Chair the letter regarding Planning Commission review of Temporary Recreational Use and Storage of Parcels Adjacent to River and/or Developed Residential Parcels.	David Ash
12.	Add finalization of Convenience Center Lease Agreement to the April 17 regular meeting agenda.	David Ash
13.	Prepare a letter of appreciation to the Humane Foundation for their continued funding of Shelter activities.	Lora B. Walburn
14.	Add appointment of a BOS liaison to the CCSA to the April 9 Personnel Committee agenda.	David Ash

16) Board Member Committee Status Reports

Supervisor Barbara Byrd

- Board of Social Services: Tomorrow will be the first meeting with the newly appointed members.
- Humane Foundation:
 - Chairman Hobert requested that a letter of appreciation be prepared for their continued annual funding of the Animal Shelter.
 - Construction of a run-in shed at the Shelter is finished and an open house is planned once the painting is complete.
 - Due to adoptions, the number of dogs in house is down.
- Northwestern Regional Jail Authority: Major Conover, Director of the Regional Jail, is resigning but will be staying until fall while a replacement is being sought.

- Town and Village: meeting was very short meeting. The Town of Berryville plans to raise machinery and tools tax.

Supervisor John Staelin

- Planning Commission: Controversy over the tower on the mountain continues and Jesse Russell is working to resolve the various issues.
- Sanitary Authority:
 - It appears that the slave graveyard is off the property and should not be a problem with water tower replacement in Millwood.
 - Chairman Hobert stated that the CCSA had requested a Board of Supervisors liaison. Add to April 9 Personnel Committee agenda.
- Double Tollgate Committee: Has had one meeting that was mostly organizational and review of questions.
- EDAC:
 - Meets tomorrow and will be talking about the pharmacy and the brochure.
 - Supervisor Byrd put forth that one of her constituents had asked if Valley Health Systems could be asked to participate in providing a service on Main Street.
- IDA: Meets quarterly.

Vice Chair David Weiss

- Conservation Easement Authority: coming along, receiving applications and Alison Teetor working hard to find grants.
- Building and Grounds: David Ash provided the update earlier in the meeting.

Chairman J. Michael Hobert

- Parks and Recreation Advisory Board:
 - Working on dog walking park.
 - Daniel Judge, son of Tom Judge, is the prospective Eagle Scout that researched and presented to the Committee.
 - Carry-over Master Plan funds will be used to make the dog walking park larger than originally anticipated.
 - Director of Maintenance Bobby Levi is assisting.
 - Placing in an area that is under wires and unusable for play fields.
- Constituent wrote seeking support in connection with legislation passed by the General Assembly relating to transportation and land use planning. Currently, the County provides our comprehensive plan to VDOT; however, new legislation, if signed by the governor, would give the state extensive powers to force transportation projects

into community plans and penalize local governments that do not support those plans. VDOT would notify the local government of any inconsistencies and give the local government an opportunity to conform their plans if there interpretation. Failing to conform could result in the Transportation Board reallocating funds previously allocated to projects. Citizen requested that the Board of Supervisors communicate their displeasure with this legislation. Chairman Hobert offered to write the letter. Supervisor Staelin indicated that it was consistent with the 2012 Legislative Priorities. Vice Chairman expressed support as long as the information provided by the constituent was accurate.

17) Closed Session

Supervisor Byrd moved to convene into Closed Session pursuant §2.2-3711-A1 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	- Absent
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	- Aye
J. Michael Hobert	- Aye
Beverly B. McKay	- Absent
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:

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

No action was taken on matters discussed in Closed Session.

21) Adjournment

There being no further business to be brought before the Board at 3:04 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, April 17, 2012 at 1:00 p.m. in the Main Meeting Room, 101 Chalmers Court, 2nd Floor, Berryville, Virginia.

ATTEST: March 20, 2012

J. Michael Hobert, Chair

David L. Ash, County Administrator

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