

May 15, 2012                      Clarke County Board Of Supervisors  
   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, 2<sup>nd</sup> Floor Berryville Clarke County Joint Government Center, 101 Chalmers Court, 2<sup>nd</sup> Floor, Berryville, Virginia on Tuesday, May 15, 2012.

Board Members Present

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

Board Members Absent

None

Staff Present

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

Others Present

Jim Brinkmeier; Mike Murphy; Robina Rich Bouffault; Doug Whitehouse; Jim and Della Bogaty; Val Van Meter; Ed Leonard; Bryan Kauffman; and other citizens

1) Call to Order

Chairman Hobert called the afternoon session to order at 1:03 p.m.

2) Adoption of Agenda

- Closed session:
  - §2.2-3711-A1 Specific Employees or appointees of the Board;
  - §2.2-3711-A3 Acquisition or Sale of Property;
  - §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.

- Add to Miscellaneous:
  - Discussion of Internet Access - Bev McKay

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.

- Expressed appreciation to those Board members able to attend the new high school ribbon cutting ceremony.
- Art:
  - Participated in Valley Region Forum and displayed three works of art created by Clarke County students entered into the competition.
  - Clarke County received a third place winner for a painting created by Raylee, a student at Boyce Elementary.
- Athletes:
  - Girls soccer team:
    - Playing at George Mason this evening.
    - 15 wins in a row with a 15:0 record.
    - Team will be going to regionals.
- Bully prevention:
  - All of K-8 staff has received initial bully prevention training.
  - A full day of training is scheduled for August. Consultants from the Virginia Department of Health will be working specifically with K-8 staff and the administrative team on issues related to bully prevention.
  - Once staff learns to better identify, prevent, counsel and report, Administration expects to see a spike in bullying behaviors.
  - A division wide K-8 student survey is planned that includes a parent component.
- Targeted Investments- FY11 Operating Funds Turned into to FY 12/13 One-Time Capital Expenditures
  - School Board took action Monday, May 14 regarding FY2011 operating carry over conversion requesting reallocation into one-time capital funds of approximately \$186,000.

- Tom Judge has been asked to pre-request \$50,000 for track resurfacing should the work begin in June. The complete cost to resurface the track is approximately \$107,000.
- Distributed and reviewed the list below.
- School Board considers these important purchases.
- Expenditure of funds can be delayed.
- Any expenditure of funds would come through the SB office and have to be approved by Bobby Levi. Could buy playground equipment that could be moved.

Requested Appropriation (Balance on Hand) \$ 136,000

Proposed Expenditure	Rationale	Site	FY12 Appropriation Cost	FY13 Appropriation Cost
Track Resurfacing (1)	Safety /Infrastructure	CCHS	\$50,000	
Portable Sound System (1)	School Support	Boyce		625
Playground Match for PTO (S0/50) (1)	Safety /Infrastructure	Boyce		15,000
Portable Sound System (1)	School Support	Cooley		625
Playground Match for PTO {50/50} (1)	Safety /Infrastructure	Cooley		15,000
Dupo Dp-M401Digital Duplicator (2)	Productivity /Cost Savings	JWMS		7,400
Transportation Routing Software (1)	Productivity /Cost Savings	Transportation		12,000
Transportation Field Trip Software (1)	Productivity /Cost Recovery	Transportation		1,695
School Bus Chains and Air Tanks (6)	Student and Staff Safety	Transportation		11,550
10 Ton Rotary Lift Installed (1)	Staff Safety / Productivity	Transportation		4,559
Walk behind snow blowers (2)	Facility Support	Division		2,230
Backpack blowers (2)	Facility Support	Division		632
Veritime Electronic Time Card System	Personnel Accountability	Division		3,000
Required By Statue School Signage (10)	Legal Exposure	Division		10,000
Textbook Fund (Needs Based)	Improvement of Instruction	Division		50,000
Total				134,316
Balance To Allocate			\$	1,684

Note- Typically, these funds are requested for appropriation in late December or early January. This year (FY12) the request for expenditure was delayed until May in an effort to ensure "emergency" one-time funds. Given that we are in the middle of the 2nd quarter of FY12, we are now requesting approval and appropriation for expenditure on July 1, 2012 (FY13). The \$50K for track resurfacing has been requested for approval in FY12 to ensure appropriate funds for expenditure given vendor timing issues as per the vendor. Funds unexpended from this list would be moved to additionally enhance the purchase of textbooks (traditional or electronic).

Revision Date May 11, 2012

Jim Brinkmier appeared before the Board of Supervisor to provide a PowerPoint presentation titled Construction / Renovation Update Clarke County Public Schools given

last evening to the Clarke County School Board. Highlights of the presentation and discussion include:

- The School Board gave very little guidance to OWPR other than to design in the most efficient way to accomplish all three projects with a total \$7.2MM budget.
- Cooley 33,400 sq ft does not include new gymnasium. Capacity – 248
- 5 rooms for each grade 1 through 5; classroom size 18 to 22 students.
- VDOE has classroom maximums
- Option A gives more option for growth
- Current CCHS
  - Estimated costs include site work
  - Capacity - 456 currently
  - Core built to handle the proposed 456 students
  - Mr. Brinkmeier will verify numbers and whether figures include soft costs.
  - Dr. Murphy advised that it is the division's intent to retain the athletic end of the former high school for community and school division use.
- Numerous questions were raised about school population and projections. Chairman Hobert stressed the importance of using growth projections from demographers.
- In response to questions on continued use of leased space for alternate education, Dr. Murphy advised that the Schools were looking for another space and relocation to the existing Primary school was being considered. Potential future uses of Primary are being explored.
- On the option of converting the Cooley facility to administrative offices,
  - Dr. Murphy advised that the gym would function as an auxiliary for preK through 5.
  - Mr. Brinkmeier added that a walkway between Cooley and the former high school is planned.
  - Supervisor Staelin put forth that conversion of the Cooley facility for administrative office use might not be well received by the community.
  - Dr. Murphy opined that there is a potential \$50,000 savings in utility costs in relocating and combining at the Cooley facility: School Administration, personnel located in the Annex, Joint Administrative Services and Information Technology.
- To highlight future expansion areas, Supervisor Staelin suggested adding shading to the facility plans.
  - Summary of Options
    - Option A

- ✓ Renovate / Expand Cooley – grades PK-1
- ✓ Renovate / Expand CCHS – grades 2- 5
- ✓ Cost: \$7,180,000 (\$6,880,000 with deduct)\*
- Option B
  - ✓ Renovate / Expand CCHS – grades PK-1
  - ✓ Renovate / Expand Cooley – grades 2- 5
  - ✓ Cost: \$7,356,000.00 (\$6,556,000 with deduct; classrooms at Cooley will be smaller)\*
- Option C
  - ✓ Renovate / Expand old CCHS - PK-5 combined school
  - ✓ Cost: \$6,782,000\*
  - ✓ \*If CM utilized for these projects, add 4-6% for fees.
- School Board Focus:
  - Compliant with VDOE recommendations for classroom size
  - Eliminate all learning cottages
  - Stay within budget
  - Provide best learning environment possible
  - Provide safe and secure facilities
  - Maintain pupil / teacher ratios
  - Adequate size facilities for short and long term growth
  - Energy efficient buildings
  - Environmentally friendly facilities
  - ADA compliant
- Chairman Hobert expressed the Board's appreciation for the presentation.
- Mr. Brinkmeier agreed to provide monthly updates to the Supervisors.

#### 4) VDOT

Edwin Carter, VDOT Program Manager, introduced Wade Feller Maintenance Operations, who replaces Stacy Sager. Mr. Monroe was also present for the monthly update.

Maintenance - May:

- Conducted skin patching on routes 604,643 and 679;
- Performed ditching operations and reseeded on routes 608, 610, 611 and 612;
- Applied dust control to non-hard surfaced roads;
- Repaired shoulders along routes 611, 655 and 657;
- Completed sweeping operations;
- Used contractors to pave section route 7 from route 632 to east of business 7 and section of route 50 from river bridge to east of route 602.
- Performed litter pickup on primaries and some secondary's.

Maintenance – June:

- Conduct patching operations along routes 601, 606, 642 and 649;
- Conduct mowing operations, primaries then secondary's;
- Trimming around signs throughout the County;
- Perform pipe replacement route 612 south of one lane bridge. Prior to replacement, informational signs will be set in place.
- Repair soft spot on route 340 between Berryville and Boyce.

Projects

- Rt. 636, Mosby Rd: Contractor has started construction.
  - Rt. 604, Ebenezer Road Rural Rustic:
  - Scheduled for completion this summer.
  - Project should begin after the beginning of the new fiscal year – July 1.
  - Brush cutting operations are under way.
  - Some environmental clearances still required.
- Rt. 1014, Page St., Town of Berryville: Under design, construction planned for summer.
- Rt. 7 crossover project: Contractor has started.

Supervisor Comments:

- Supervisor Byrd:
  - Complemented VDOT on the speedy resolution of shoulder issues brought to their attention at the April meeting.
- Supervisor Staelin:
  - Janesville Road: Frazer Watkins appreciated VDOT's response.

5) Citizens Comment Period

No citizens addressed the Board.

6) Approval of Minutes

**Supervisor Staelin moved to approve the minutes for:**

- **April 11, 2012 FY2013 Budget and FY2013 Tax Rates Public Hearings as presented.**
- **April 17, 2012 Regular Meeting as presented.**
- **April 18, 2012 Budget Work Session as presented.**

**The motion carried by the following vote:**

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

7) Consent Agenda

Conservation Easement Authority Request for a Letter of Support of an Application for a Virginia Outdoors Foundation (VOF) Special Project Area

May 15, 2012

Charles H. Seilheimer, Jr.  
Chairman, Board of Trustees  
Virginia Outdoors Foundation  
Capitol Place Building  
1108 East Main Street, Suite 700  
Richmond, VA 23219

Dear Mr. Seilheimer:

I am writing to express support, on behalf of the Board of Supervisors of Clarke County, for the Clarke County Conservation Easement Authority's application for Special Project Area designation for the County's Groundwater Recharge Area.

In 2002, as a result of a prolonged and serious drought, the County initiated a 6-year groundwater study with the United States Geological Survey (USGS). The primary objective of the study was to enhance the County's understanding of the quantity and sustainability of our

groundwater resources. A report entitled "Hydrogeology and Groundwater Availability in Clarke County, Virginia" details the results of the 6-year study. The report describes the methodology used to describe the groundwater flow patterns that ultimately determine how groundwater is recharged.

One important finding of the study was the identification of the "Limestone Ridge", or "Groundwater Recharge Area", an area that encompasses the drainage divide between the Opequon and the Shenandoah basins occurs along an area above the 630' contour line. This area has been identified as being important for groundwater recharge. Preventing large amounts of impervious surface in this area will help to insure the maximum amount of recharge is available in any given year.

We believe that designation of the Groundwater Recharge Area in Clarke County as a VOF Special Project Area will play a critical role in helping to prevent excessive impervious surface is the placement of voluntary conservation easements that will protect this sensitive area in perpetuity. We fully support this proposal. Please feel free to contact our Natural Resource Planner, Alison Teetor, (540) 955-5134, should you have any questions regarding this application.

Sincerely,

J. Michael Hobert  
Chair, Clarke County Board of Supervisors

Alison Teetor responded to various questions posed by the Board.

Lord Fairfax Emergency Medical Services Council Memorandum of Agreement Regarding Use of Medical Radios

MEMORANDUM OF AGREEMENT (MOA)  
Between  
Lord Fairfax Emergency Medical Services Council (LFEMS), Inc.  
and  
the County of Clarke  
*(on behalf of all Clarke County Fire & Rescue agencies)*

I. PURPOSE & SCOPE

The purpose of this Memorandum of Agreement between EMS Agencies, hospitals, and/or local governing bodies (County Administrators/City Managers) is to establish an agreement regarding the use of medical (med) radios licensed to the Lord Fairfax Emergency Medical Services Council, Inc. (LFEMS) by the Federal Communication Commission (FCC). The med radio frequencies are used for radio communications transmitted from ambulance to ambulance and ambulance to hospital for the purpose of pre-hospital patient care.



## II. BACKGROUND

The LFEMS is responsible for the maintenance; repair, replacement, and license of all med radio frequencies within the LFEMS region since granted licenses by the FCC. The call signs for each license are KA91372, KNCS606, KNCS607, WGN601, WGN602, WGN603, WGN604, WNUG786, and WPGU207.

The frequencies are licensed to the LFEMS for use by pre-hospital providers in Clarke County, Frederick County, Page County, Shenandoah County, Warren County, and the City of Winchester per the FCC regulations.

## III. RESPONSIBILITIES UNDER THIS MOA

The LFEMS is responsible for maintenance, repair, replacement, and license for all fixed and mobile med radio communications equipment.

## IV. RESPONSIBILITIES UNDER THIS MOA

The local EMS Agencies, hospitals, and/or local governing body's responsibility is to comply with the FCC regulations.

## V. IT IS MUTUALLY UNDERSTOOD AND AGREED BY AND BETWEEN THE PARTIES THAT:

The LFEMS grants permission for all pre-hospital providers to use the med radio frequencies to transmit patient care communication from ambulance to ambulance and ambulance to hospital for the purpose of pre-hospital patient care according to FCC regulations.

## VI. FUNDING

The funding to maintain, repair, replace, and license for all fixed and mobile med radio communications equipment is paid for from the LFEMS's Communication Fund. The fund is supported by the local hospitals and LFEMS general fund.

## VII. EFFECTIVE DATE AND SIGNATURE

This MOA shall be effective upon the signature of parties listed below. It shall be in force from the date of original signature of both parties and shall not expire unless there is a change or loss of frequencies granted by the FCC. Both parties indicate agreement with this MOA by their signatures.

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

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

8) Board of Supervisors Personnel Committee Items

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

05/12/2012 Summary: Additional information for consideration:

- 1) *LFCC Notice Re Barbara Pickeral Lee – ineligible for reappointment to Lord Fairfax Community College Board*
- 2) *Shenandoah Valley Chief Local Elected Officials Consortium – Identify representative for Chief Local Elected Official. “The voting members of the Consortium shall be the Chief Local Elected Official of each jurisdiction that is a party to this agreement, or than official’s duly appointed designee.”*

05/07/2012 Action: Supervisor Byrd moved to convene into Closed Session pursuant to §2.2-3711-A1 Specific Employees or appointees of the Board to review the list of up-coming vacancies on various boards and commissions. The motion carried as follows:

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

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

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

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

**CERTIFICATION OF CLOSED SESSION**

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

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

*NOW, THEREFORE BE IT RESOLVED, that the Board of Supervisors Personnel Committee of the County of Clarke, Virginia, hereby certifies that, to the best of each*

members knowledge, (i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which the certification resolution applies, and (ii) only such public business matters as were identified in the motion convening the closed meeting were heard, discussed or considered by the Board of Supervisors Personnel Committee of the County of Clarke, Virginia.

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

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

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

- William "Bill" Daniel - appoint to a four-year term on the Lord Fairfax Community College Board beginning July 1, 2012 and expiring June 30, 2016.
- David Ash - appoint the designee to the Shenandoah Valley Chief Local Elected Officials Consortium until such time as a replacement is named.
- Paul Jones - re-appoint to the Clarke County Industrial Development Authority for a four-year term expiring October 30, 2015.
- Betsy Fields - re-appoint to the Clarke County Historic Preservation Commission for a four-year term expiring May 31, 2016.
- Paige Carter - re-appoint to the Clarke County Historic Preservation Commission for a four-year term expiring May 31, 2016.
- Supervisors from the White Post, Buckmarsh and Berryville Districts recommend appointment of representatives from their respective districts to the Clarke County Planning Commission to serve four-year terms expiring on April 30, 2016.

05/15/2012 Action: **Supervisor Byrd moved to confirm the recommendations of the Personnel Committee. The motion carried by the following vote:**

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

Chairman Hobert called for nominations from the Supervisors for Planning Commissioners to represent their respective districts.

**Supervisor McKay moved to nominate Robina Rich Bouffault to continue serving on the Clarke County Planning Commission as a representative for the White Post District serving a full four-year term expiring April 30, 2016.**

**The motion carried by the following vote:**

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

**Vice Chairman Weiss moved to nominate Scott Krieder to continue serving as a representative for the Buckmarsh District on the Clarke County Planning Commission serving a full four-year term expiring April 30, 2016. The motion carried by the following vote:**

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

**Chairman Hobert moved to nominate William “Chip” Steinmetz, II to continue serving as a representative for the Berryville District on the Clarke County Planning commission serving a second four-year term expiring April 30, 2016. 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

David Ash advised that he had contacted Lord Fairfax Emergency Medical Services Council and the Regional Airport Authority and confirmed that members currently appointed are active and their reappointment was supported.

Chairman Hobert stated that the Personnel Committee would contact the currently appointed members to determine their willingness to continue serving.

**B. Personnel Policy Joint Administrative Services Board Recommendation**

5/7/2012 Summary: At their April 23, 2012 meeting, The Joint Administrative Services Board reviewed and unanimously approved forwarding the following proposed changes to the Personnel Committees of respective governing bodies for consideration.

4. Health Insurance: Retiree Group membership.

- a. Government Personnel Policy Definition of Eligibility: "A regular full-time employee that has served Clarke County for a minimum of 10 years, and who is eligible to draw retirement payments from the Virginia Retirement System, may be a part of the health insurance retiree group, if the employee elects to join this group within thirty-one days subsequent to the termination date. The premium for the retiree group membership shall be borne by the member and, if membership is discontinued, there is no eligibility for reinstatement. Dependents covered on the termination date can continue to be covered, but dependents cannot be added subsequent to the termination date."
- b. School Personnel Policy Definition of Eligibility: "A regular full-time employee, or Food Service worker eligible for health group membership, that has served Clarke County Public Schools for a minimum of 10 years, and who is eligible to draw retirement payments from the Virginia Retirement System, may be a part of the health insurance retiree group, if the employee elects to join this group within thirty-one days subsequent to the termination date. The premium for the retiree group membership shall be borne by the member and, if membership is discontinued, there is no eligibility for reinstatement. Dependents covered on the termination date can continue to be covered, but dependents cannot be added subsequent to the termination date."

05/07/2012 Action: *Following review, the Personnel Committee recommended approval of paragraph a. as presented.*

05/15/2012 Action: **Supervisor Byrd moved to confirm the recommendation of the Personnel Committee to approve paragraph a. as presented. The motion carried by the following vote:**

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

9) Board of Supervisors Work Session Items

A. Energy Management Update – Planet Footprint

05/07/2012 Summary: Alison Teetor will provide an update on the energy management program including next steps.

At the Work Session, Alison Teetor presented an initial report from the energy management tracking contractor providing samples of the charts, graphs, comparisons and reports available from the system. The report summarized energy usage from 57 electric meters, 4 natural gas

meters, and 2 LP gas accounts. Water and sewer usage is not tracked at this time. Alison will be working with the contractor to correct reporting and identification errors, ensure that missed accounts are captured and requesting that historical data be entered in order to make trend analysis possible. No action by the Board required.

**B. Update Spout Run TMDL**

05/07/2012 Summary: Alison Teetor will provide an update on the Spout Run TMDL, along with a draft grant proposal and letter of support. There is no financial commitment beyond in-kind assistance for this project.

At the Work Session, Alison Teetor presented an update on the process for Spout Run TMDL providing the anticipated sources of bacteria and sediment, as well as potential mitigation activities such as stream fencing, stream bank restoration projects and failing septic system repair. She advised the Board that a coalition of local environmentally oriented groups are working together to implement a plan to clean up the Spout Run watershed and requested the Board support the coalition's efforts by endorsing a request for a Chesapeake Bay Small Watershed Grant.

**Supervisor Staelin moved to endorse a request for a Chesapeake Bay Small Watershed Grant. 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

May 7, 2012

Amanda Bassow  
National Fish and Wildlife Foundation  
1133 Fifteenth Street, N. W.  
Washington, DC 20005

**Re: Chesapeake Bay Small Watershed Grant: C-Spout Run**

Dear Ms. Bassow,

I am writing to express support for Clarke County's Chesapeake Bay Small Watershed Grant to foster enhanced landowner stewardship and the restoration of riparian and aquatic habitat in the Spout Run watershed. There is a critical need for projects that target restoration activities to maximize pollutant reductions while restoring habitat of significant ecological value in the Chesapeake Bay watershed today. If we are to meet the aggressive nutrient and sediment reductions established through the Chesapeake Bay TMDL, local governments will not only need to encourage the targeted implementation of practices that address the greatest sources of nutrients and sediment, but also those that restore natural resources of local significance. In order to truly improve water quality in our

local streams and the Chesapeake Bay, a comprehensive and inclusive approach that considers agricultural, residential and urban pollutant loads is necessary. The holistic nature of the C-Spout Run project and the partnership that is behind it make it an excellent opportunity to improve a unique and ecologically valuable local stream and the Chesapeake Bay.

Spout Run is one of several spring creeks in the Shenandoah Valley that shows great promise for the reintroduction of brook trout. The local watershed community is both aware of, and enthusiastic about the streams potential to support a cold-water fishery. However, Spout Run and its tributaries are currently listed on Virginia's 303(d) list for a biological impairment due to excess sediment, and an *E.coli* impairment. A TMDL was developed for Spout Run in 2010, and an implementation plan is currently under development. Consequently, the local community has been actively engaged in the process of identifying measures that can be taken to restore the stream. Based on the findings of the TMDL study, much of the sediment in Spout Run is coming from the stream banks (approximately 60% of the total load). This means that in order to address the biological impairment, considerable stream bank stabilization will be needed. Based on local knowledge of the watershed and preliminary stream surveys, it is clear that there are several sections of stream bank that are contributing a large portion of the overall sediment load. This project will strategically target these stream segments.

The C-Spout Run project has engaged a diverse group of local stakeholders including non profits, local government and state agencies. The partnership that is in place in the watershed today will facilitate a comprehensive approach to watershed restoration that effectively addresses residential, urban and agricultural sources of bacteria and sediment in Spout Run. This holistic approach to improving water quality is critical to fostering broad based community stewardship, which was called for in the President's Executive Order for the Chesapeake Bay and associated action plan. Engaging the local community to do their part to reduce runoff from their roofs, lawns, pastures and parking lots will play an important role in cleaning up the Chesapeake Bay as well as our local rivers and streams.

Clarke County will be responsible for coordinating and developing the private landowner stewardship in the residential and urban areas of the watershed. This will include:

- Coordinating with the Interstate Commission on the Potomac River Basin (ICPRB) to conduct rain barrel workshops.
- Developing "attractive" riparian buffer program to begin vegetating setbacks in residential areas
- Working with the Center for Watershed Protection to identify 1-2 high priority stormwater projects in the watershed for targeting reforestation

We believe that this project will place a critical role in improving water quality and the overall health of Spout Run. We fully support this proposal. Please feel free to contact our Natural Resource Planner, Alison Teetor, (540) 955-5134, should you have any questions about Clarke County's role in this project.

Sincerely,

J. Michael Hobert  
Chair, Clarke County Board of Supervisors

C. Convenience Center Update

05/07/2012 Summary: David Ash will preview Clarke County Convenience Center site construction and operation estimates.

At the Work Session, David Ash presented an overview of the location, construction estimates and operation costs of the proposed Convenience Center. Additional discussion was requested upon receipt of the lease agreement; and if available, discussion shall continue at the May 15 regular meeting.

5/15/2012 Action: David Ash advised that while the agreement was not yet available he did not anticipate any problems finalizing the agreement. He confirmed that he planned a formal presentation during the evening session.

Supervisor Staelin informed the Board that it was his understanding that interested citizens would be attending the evening session to hear the Convenience Center presentation.

D. VPA Grant Letter

05/07/2012 Summary: Request for Support of the Port Of Virginia Economic and infrastructure Development Zone Grant Program from Sean T. Connaughton, Secretary of Transportation.

At the Work Session, **Supervisor Staelin moved to adopt the resolution as presented and further moved to transmit the resolution with cover letter to local state representatives. 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

May 8, 2012

Honorable Jill Vogel  
117 E. Piccadilly St, Ste 100B  
Winchester VA 22601

Honorable Joe May  
PO Box 4104  
Leesburg, VA 20176-3014

Honorable J. Randall Minchew  
1 E Market Street 3<sup>rd</sup> Floor  
Leesburg, VA 20176-3014



Re: Resolution In Support of the Port Of Virginia Economic and Infrastructure Development Zone Grant Program 2012-08R

Enclosed, please find the executed resolution referenced above. The Clarke County Board of Supervisors unanimously approved this resolution at a work session held Monday, May 7, 2012.

Regards,

J. Michael Hobert  
Chair, Clarke County Board of Supervisors

Enclosure

pc: Sean T. Connaughton, Secretary of Transportation

**Resolution In Support of the Port Of Virginia Economic and Infrastructure Development Zone Grant Program 2012-08R**

**WHEREAS**, the Port of Virginia - sustaining 343,000 jobs and generating over \$41 billion in revenues, \$13 billion in payroll, and \$1.2 billion in tax revenue - is one of the Commonwealth's greatest economic assets; and

**WHEREAS**, the Port of Virginia, despite its recent challenges brought on by the economic recession, is projected to undergo significant growth in the coming years with the completion of the Panama Canal Extension Project; and

**WHEREAS**, the Port of Virginia cannot achieve this growth without the development of the distribution, intermodal, manufacturing, warehousing, and other supply chain facilities necessary to support port operations; and

**WHEREAS**, driving the development of these facilities to specific areas can help reduce congestion in the Hampton Roads region; and

**WHEREAS**, Governor McDonnell is proposing to create the Port of Virginia Economic and Infrastructure Development Lone Grant Program, which will incentive companies involved in maritime commerce and that import and export goods through the Port of Virginia to locate in Virginia; and

**WHEREAS**, creation of this grant program is estimated to have an economic impact of \$7.3 billion, sustaining 14,120 jobs in the Route 460 Corridor and \$5.7 billion, sustaining 11,255 in the Hampton Roads area; and

**WHEREAS**, creation of this grant program will bring much needed jobs and economic development to our community; and

**NOW, THEREFORE BE IT RESOLVED** by the that we support the establishment of the Port of Virginia Economic and Infrastructure Development Zone Grant Program and

respectfully request the House of Delegates and the Senate of Virginia to approve Governor McDonnell's proposed amendments to the 2013 - 2014 Appropriations Act establishing this zone.

Adopted this 7th day of May 2012

Attest:

\_\_\_\_\_  
J. Michael Hobert, Chair

**E. Closed Session**

- §2.2-3711-A7 Consultation with legal counsel and briefings by staff members or consultants pertaining to actual or probable litigation, where such consultation or briefing in open meeting would adversely affect the negotiating or litigating posture of the public body; and consultation with legal counsel employed or retained by a public body regarding specific legal matters requiring the provision of legal advice by such counsel.
- §2.2-3711-A3 Acquisition or disposition of publicly-held property.

**At the Work Session: Supervisor Byrd moved to convene into Closed Session pursuant to §2.2-3711-A7 Consultation with legal counsel and briefings by staff members or consultants pertaining to actual or probable litigation, where such consultation or briefing in open meeting would adversely affect the negotiating or litigating posture of the public body; and consultation with legal counsel employed or retained by a public body regarding specific legal matters requiring the provision of legal advice by such counsel and §2.2-3711-A3 Acquisition or disposition of publicly-held property. 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

**and 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

*05/07/2012: No action was taken on matters discussed in Closed Session.*

10) Finance Committee:

1. Supplemental Appropriations.

The School Board has requested, and the Finance Committee recommends, the following:

"Be it resolved that FY 12 School Operating expenditures be increased \$60,097, and the same be appropriated, and that revenue from the Commonwealth be recognized in the same amount, all for the purposes of covering transportation fuel costs, as well as the Schools share of a water well to water the athletic field. "

"Be it resolved that FY 12 School Capital expenditures be increased \$50,000, and the Schools Operating Carryover fund balance designation decreased in the same amount, all for the purpose of resurfacing the track at the existing high school. "

**05/15/2012 Action: Supervisor Staelin moved to adopt the recommendations of the Finance Committee. The motion carried by the following vote:**

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

2. Court Fines and Forfeitures.

The process for the distribution of these funds is still being worked out, and we have not found a way to derive a future estimate for FY 13. It appears that all these fines will be remitted to the state, then a portion remitted back to the locality. The timing of the remittances and the precise rules for determining the amount of the local remittance have not been established. However, the adopted FY 13 estimate for this revenue showed a modest decrease, which may make it a safer estimate.

3. Acceptance of April Bills and Claims.

The Finance Committee recommends that the Board should consider accepting this report at their next regular meeting.

**05/15/2012 Action: Supervisor Staelin moved to accept the April 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

4. Standing Reports.

The following are included in the 5/7/2012 Committee Packet: Reconciliation of Appropriations. General Fund Balance. General Fund Expenditure Summary. General Government Capital Projects.

*05/15/2012 Action: Information only - no action required.*

11) Joint Administrative Services Update

In the absence of Tom Judge, Director Joint Administrative Services, Chairman Hobert provided the monthly update on activities of the Joint Administrative Services Board.

- Reviewed and forwarded to representative bodies with recommendation for approval the personnel policy for: Health Insurance: Retiree Group membership.
- Continued technology discussion.

12) Government Projects Update

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

- Berryville Clarke County Government Center 101 Chalmers Court:
  - Drawing and specifications for HVAC in the BCCGC were completed as of this morning and the Town and County are waiting for delivery.
- Senior Center / Active Living Center Al Smith Circle:
  - Masonry walls erected.
  - Steel for roof being welded.
  - American Woodmark donated \$5,000 for kitchen cabinets.
  - Natural gas load determination has been prepared and approximate cost is an estimated \$22,532. Gas line should be available no later than September 1.
- Sheriff's Office Building 100 North Church Street:
  - Professional opinion asserts that proposed renovations require structural engineering not design.
  - Have renewed request for permission from RDA to move the project forward without the procured architect. No response has been received at this time.
  - At the suggestion of Vice Chairman Weiss, it was agreed that the Board will provide a formal request if RDA has not responded by next week.
- Former Library Building 36 East Main Street:
  - Trailer: for the fourth time, an interested buyer did not opt to take trailer; therefore, it remains on site. Mike Legge will investigate other options.
  - Met with surveyor to better depict what county will need. The surveyor is also believes that there is an alley way beside the building.
- Regional Reassessment
  - Procurement meeting held in Warren County.
  - While a vendor has been selected, the selection was not unanimous; the vendor name is not public; negotiations with the vendor will be required.
  - A formal resolution from the Board stating that reassessment has been delayed by two years is required. By consensus, Chairman Hobert was requested to instruct staff to prepare the appropriate report and resolution for the June meeting.
- Coiner House
  - Storm water issues have been addressed. Remedy includes additional channeling in the courthouse parking lot.
  - Drainage system replaced.
  - Insulation replaced.

13) Miscellaneous Items

Internet Access

Supervisor McKay advised that he had raised the issue with State Senator Vogel and State Delegate Minchew of the lack of internet access, as well as reliable, low-cost options prevalent throughout the county. Highlights of the Board’s discussion include:

- Senator Vogel and Delegate Minchew are both involved with the Accelerate Virginia effort.
- Delegate May is on the state advisory council.
- The Board is giving consideration to inviting all three state legislators to meet with constituents.
- Clarke is participating in efforts to identify dead spots.
- Verizon is experimenting with extended DSL.
- Supervisor McKay agreed to coordinate this investigation and will seek input from Gordon Russell and Richard Thuss before reporting back to the Board.
- Supervisor Byrd will provide names of constituents that have offered assistance.

14) Summary of Required Action

<u>Item</u>	<u>Description</u>	<u>Responsibility</u>
1.	Add to June Finance Committee agenda Targeted Investments- FY11 Operating Funds Turned into to FY 12/13 One-Time Capital Expenditures.	Tom Judge
2.	Follow up on whether School option estimates include soft costs.	Jim Brinkmeier
3.	Process approved minutes.	Lora B. Walburn
4.	Prepare and forward Conservation Easement Authority Request Letter of Support of Application for a Virginia Outdoors Foundation (VOF) Special Project Area	Alison Teetor
5.	Execute and forward Lord Fairfax Emergency Medical Services Council Memorandum of Agreement Regarding Use of Medical Radios	David Ash
6.	Process committee appointments.	Lora B. Walburn
7.	Execute notice of appointment.	J. Michael Hobert

<u>Item</u>	<u>Description</u>	<u>Responsibility</u>
8.	Prepare formal resolution postponing the reassessment for two years.	David Ash
9.	Draft a letter to the IDA asking them to consider subsidizing water and sewer hookup for commercial businesses	Brandon Stidham
10.	Provide written notice of approval for Pasture Palooza.	David Ash
11.	Add Convenience Center lease agreement review to the June Work Session.	David Ash

15) Board Member Committee Status Reports

Supervisor Barbara Byrd

- Board of Social Services: Meeting this week,
- Humane Foundation: Meeting next week. Daniel Judge and Lisa Cooke will be present to further discuss the dog park.
- Library Advisory Committee:
  - Reorganization, refocus is under consideration.
  - Review of by-laws continues.
  - Considering a change of meetings from monthly to quarterly.
  - A stuffed animal sleep over held at the library was a success.
  - Handley Regional Library Board will be meeting at the Barns today.
  - Beginning in June, summer children’s program will be held in the Barns.
  - Hope to have WI-FI [wireless local internet access] in July.
  - A book sale is scheduled for June 2 and the sale will be held in the BCCGC lower Atrium.
- School Board: meeting is next Monday evening.
  - 2<sup>nd</sup> renovation presentation to the School Board by Crabtree Rohrbaugh.
  - Supervisor Byrd will be unable the scheduled presentation. Chairman Hobert asked that a meeting reminder be sent to other Board members that might be able to attend.
- Regional Juvenile Jail Board:
  - Superintendent Bruce Conover will be leaving this year.
  - Fund balance has been used to cover medical expenses of the jail population.
  - Only one health insurance company provides coverage for inmates.

- Due to the dramatic, unexplained rise in jail population, additional staff has been hired.
- Juvenile Jail:
  - To address staff retention issues, selected staff members were given supplements.
  - Jail population includes Clarke residents.

Supervisor John Staelin

- Planning Commission Double Tollgate Committee: meeting this Thursday.
  - Zoning changes may be needed to create a business park.
  - Discussing various types of waste disposal systems including costs.
  - Exploring possibility of working with the prison on sewer service.
  - Hiring a consultant with expertise in commercial development is under consideration.
  - Supervisor McKay noted that Waterloo, a commercial area that has water and sewer, has not been fully developed.
  - Chair Hobert suggested drafting a letter to the IDA asking them to consider subsidizing commercial water and sewer hookups. By consensus, Chairman Hobert was asked to prepare a draft letter for consideration at the work session.

Vice Chair David Weiss

- Conservation Easement Authority:
  - Interest in donations is increasing.
  - Continue to work with grants.
- Building and Grounds: David Ash covered under Government Projects Update.

Supervisor McKay

- NSVRC:
  - Last meeting was very brief.
  - Building was sold several months ago.
  - Alison Teetor, Brandon Stidham and he will attend the annual dinner this Thursday.

Chairman J. Michael Hobert

- Updates given on various committees and activities throughout the meeting.



16) Closed Session

At 3:36 pm, **Supervisor Byrd** moved to convene into Closed Session pursuant to **§2.2-3711-A1 Specific Employees or appointees of the Board; §2.2-3711-A3 Acquisition or Sale of Property; §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, at 4:31 pm, **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.

Chairman Hobert recessed the meeting at 4:32 pm.

Chairman Hobert reconvened the meeting at 6:30 p.m.

#### 17) Citizen Comment Period

No citizens addressed the Board.

#### 18) PH 12-05 Special Event Permit: Pasture Palooza Music and Arts Festival July 13-15, 2012

Bradley Graham and Greg Finnift, representing the Pasture Palooza management team, appeared before the Board. Highlights of the overview provided by Mr. Graham include:

- Conducted as a small event [150 to 499] for the last three years and has been a complete success.
- Local artists perform a variety of music from blue grass to acoustic.
- Event was developed as a means to give back to the community
- Approximately 750 people are expected this year.
- Working on security with Gary Lichliter, Deputy Sheriff.
- Working with local EMT's to provide medical services.
- Tickets are available on the internet.

David Ash confirmed that the application was complete.

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

**Supervisor McKay moved to approve the special event permit application for Pasture Palooza Music and Arts Festival in accordance with the application. 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

19) Convenience Center Update.

David Ash provided a graphic presentation pertaining to the Clarke County Citizen Convenience Center planned for location on Quarry Road.

Supervisor Staelin pressed the importance of landscaping to shield from the road.

Chairman Hobert invited the public to comment.

Jim Bogaty, Veramar Vineyards 911 Quarry Road: asked how the increased traffic load would be handled, safety addressed and traffic slowed to allow vehicles to cross the road.

David Ash and Vice Chairman Weiss advised that after thoroughly reviewing the proposed plan VDOT determined that no changes to Route 7 were required.

Supervisor Byrd suggested that hours of operation could be adjusted to alleviate potential traffic issues.

Mr. Bogaty put forth, and the Supervisors concurred, the route was one of the busiest secondary roads in the county.

Supervisor Staelin explained that a lease had been made available and the County must accept the option by June 16. As part of the process, a cost estimate was developed to determine the feasibility of locating a collection station at this site. Mr. Staelin said that Planning Commission would be part of the site development process. He opined that signalization might be a potential solution to traffic issues.

Doug Whitehouse, President of Blue Ridge Mountain Association 51 Stonecrest Lane, stated that he agreed with Mr. Bogaty on traffic safety concerns. He said that he supported locating the facility in that area of the county opining that this facility would save tremendous amounts of gasoline and time for mountain residents. He stated that the majority of mountain residents were supportive.

Both Jim and Della Bogaty upheld that traffic on Route 7 needs to be slowed.

Della Bogaty, Veramar Vineyards 911 Quarry Road: asked how 200 trips per day into the convenience center had been determined.

David Ash responded that Ed Strawsnyder, Frederick County Public Works Director, had supplied the estimate.

Vice Chairman Weiss put forward that placement of a convenience center on this site would impact approximately 25% of the County's population located in the vicinity of the proposed facility.

David Ash concurred adding that this facility would be closer to a greater portion of the County and would cover more County residents than any other site.

Della Bogaty expressed her desire to use the proposed facility and her hope that traffic on Route 7 could be slowed. She urged safety consideration at the crossover.

Vice Chairman Weiss commented that VDOT had indicated that a traffic light was not warranted at this point.

Supervisor Staelin added that signage would be carefully reviewed during the site plan process.

Della Bogaty asked what Stuart Perry wanted in return for leasing the land.

Chairman Hobert responded that Mr. Perry would own the facility in 40 years if the County makes the election to lease the property and makes the election to exercise the option after 20 years.

Vice Chairman Weiss stated that the County was not paying to lease the property. He said that Mr. Perry did ask that a sign be erected on the site indicating that he had donated the land. Mr. Weiss commented that Mr. Perry, with this donation, wanted to help the community that had been good to him.

In summary, Chairman Hobert concluded that the Board had a contract that gives the County the right to exercise an option to lease the property for 40 years and Board action was required to grant the authority to sign the lease and authority to exercise the option required on or before June 16, 2012.

**Vice Chairman Weiss moved to authorize the County Administrator and the Chair of the Board, upon consultation with counsel and the other Board members, to proceed to exercise the option before June 16 and to, if appropriate, execute the lease on behalf of the County. The motion carried as follows:**

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

Chairman Staelin added that this was the first step in a process that could take several years. He noted subsequent steps in process to including: funding allocation, site plan submission and review, and review by VDOT of lane extension.

#### 20) Adjournment

There being no further business to be brought before the Board at 7:21 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, June 19, 2012 at 1:00 p.m. in the Main Meeting Room, 101 Chalmers Court, 2nd Floor, Berryville, Virginia.

ATTEST: May 15, 2012

\_\_\_\_\_  
J. Michael Hobert, Chair

\_\_\_\_\_  
David L. Ash, County Administrator

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