

Clarke County Board Of Supervisors
October 16, 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, October 16, 2012.

Board Members Present

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

Board Members Absent

David Weiss

Staff Present

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

Others Present

Ed Carter; Rick Catlett; Randy Trenary; Keith Dalton; Ray C. Hamilton; Gem Bingol; Val Van Meter; and other citizens

1) Call to Order

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

2) Adoption of Agenda

By consensus, the Board approved the agenda as presented.

3) VDOT

Ed Carter, Assistant Residency Administrator, appeared before the Board to provide the monthly update.

Maintenance – October:

- Second round mowing on secondary's is scheduled to be complete by month's end, weather permitting;
- Performed brush cutting on Rt. 636;
- Addressed drainage issue on Rt. 606 (Larry Rogers);
- Conducted grading operations on routes 600,622 and 625;
- Removed tree hazards on routes 633, 644, 652 and 656;
- Repaired potholes on various secondary routes.

Maintenance – November:

- Continue hazardous tree removal on various routes;
- Replace pipe on Rt. 605;
- Conduct ditching operations on northeast end of County;
- Conduct shoulder and pothole repairs on various routes throughout the County.

Projects

- Route 636, Mosby Road: Contractor is still projecting completion before bad weather. Paving subcontractor is supposed to be back on site next week to complete all paving.
- Route 1014, Paige St. Town of Berryville: Status unchanged.
- Lewisville Road speed limit: Traffic engineering has concluded comments and recommended signage has been installed except for one which is on order. A resolution from the Supervisors is required to conduct a full-blown study. Traffic engineering's opinion is that the outcome of a full study could go either way. Highlights of the discussion include:
 - Supervisor Byrd:
 - Curves in the road coming from West Virginia cause traffic to slow; however, speeds increase where the road straightens.
 - Constituents have mentioned circulating a petition.
 - Constituents are prepared to wait to see if the recommended signage is effective.
 - Ed Carter:
 - Responding to Supervisor McKay stated that signs depicting slow moving equipment or horses had not been recommended but could be considered.

- A speed count is used to determine average speed of the 85 percentile; and if 85% of vehicles are traveling at the speed limit or lower, a reduction would not warranted. The study also considers:
 - Road geometrics;
 - Number of entrances and intersections;
 - Traffic volume;
 - Number Accidents
- VDOT will provide the written report, as well as any accident reports to the County Administrator.

Following discussion, by consensus, the Supervisors deferred review of the matter to the November Work Session.

- Turning Lanes Route 657/340: Survey complete and ready to begin preliminary engineering. Until preliminary engineering is complete, cannot make definitive statements other than moving the utilities poles in that location would be costly. He advised that a public hearing, after the completed, approved design, is not necessary unless the Board of Supervisors desires one.

Mr. Carter confirmed that this project is included in the SSYP and expressed is belief that VDOT had approximately 60% of the funding. He stated that if the plan was developed and approved the likelihood of completion was 100%.

Wendy Kedzierski, Lord Fairfax Highway, Berryville, VA 22611, appeared before the Supervisors and read the following letter:

*October 16, 2012
Clarke County Board of Supervisors
101 Chalmers Court
Berryville, VA 22611*

Dear Clarke County Board of Supervisors:

I am writing to express my concern over a proposal for a turning lane at the intersection of Lord Fairfax Highway and Senseny Road.

While I agree that this is a dangerous intersection and have personally witnessed several accidents there, I believe that a turning lane on the side of the road where houses are present will only create a worse hazard as cars will no longer feel compelled to slow down. Instead, they will go even faster as they feel free to speed past turning traffic - speeding in a lane that is closer to the houses located there, including mine and others with children.

The issue here is speed and inattentive driving-- not volume of traffic. It seems that a safer, less expensive, and more practical solution would be a blinking light at this

intersection and reducing the speed to 40 mph: blinking yellow for Lord Fairfax Highway traffic and red for Senseny Road traffic.

Putting a turning lane on the residential side of this road seems like a dangerous and expensive attempt to solve this problem. More problems would surface: speeding traffic closer to residences and traffic speeding into Berryville town limits.

My husband requested a recent survey of the road but was unable to obtain one. According to his subsequent measurements, the road already is not centered within VDOT's 110-foot wide right-of-way. It is closer to the residences than to the adjacent farm property/cornfields. Using the telephone poles as a guide, at one point, the center of the road is approximately 70 feet from the farm property and 27 feet from our neighbor's property.

When I spoke unofficially to a VDOT surveyor, he indicated that if a turning lane is constructed, the road would likely come 22 feet closer to the residences.

When my husband spoke to VDOT, he was informed that no warrants have been done on this project. It is our understanding that there has been no study to justify the expense of a turning lane and no study to show that this solution would not create other problems. Nor has there been a study on less expensive and less intrusive alternative solutions and the impact that these possible solutions may have on the residents of the area.

A turning lane seems like an expensive, dangerous proposal. The amount of work that it would take to build out this road - including removing a rock ledge in front of my house, has to be enormously expensive. And I'd like to reiterate that a turning lane would put speeding traffic closer to the residents' homes. A blinking yellow light with a reduced speed limit in the area seems like a safer, more cost-effective solution.

*Wendy Kedzierski
Lord Fairfax Highway, Berryville, VA 22611*

Highlights of the discussion include:

- Ed Carter, VDOT:
 - Law enforcement accident reports are the only studies into cause that VDOT can access. VDOT is willing to research accident reports to see if there is a pattern that could be addressed.
 - VDOT has reduced the speed to 45 mph and added flashing yellow lights.
 - VDOT can do nothing that would prevent driver inattention or speeding.
 - VDOT has determined that the safest alternative is to provide a lane so vehicles can continue through and provide a turn lane to accommodate vehicles making a turn.

- VDOT will research whether the utility poles are in the right of way.
- VDOT explained that on primary roads, based on speed limits and traffic volume, a “clear zone” allowing for a certain amount of space for a vehicle to go off the road and not hit something like a utility pole is required.
- VDOT proposes a center left turn lane heading north and a right turn lane headed south on Route 340 into Senseny Road.
- In the preliminary engineering, VDOT would lay out a plan based on survey results that will spot poles, existing right of ways lines and pavements. Then using those results, VDOT will fit the proposed road based on the requirement using the most economical construction.
- Alternates will be examined during the preliminary engineering phase but the plan will be what the design engineer terms to be the most economical construction to achieve the goal.
- Property disturbance is considered in the preliminary engineering phase.
- Supervisor Staelin:
 - Utility poles are located on both sides of the road.
 - From his measurements, poles are basically 40 feet from the white line on the side of the road.
 - There appears to be plenty of room on the west side of the road for lane construction.
 - Would like to keep the new lane as far from the residences as possible.
 - Would like to keep the 45 mph following lane construction.
 - Addition of a right turn lane going south was not previously mentioned. Mr. Carter advised that VDOT sees this as a safety improvement; however, the warrants will be re-examined during the preliminary engineering phase.
- Supervisor Byrd:
 - Asked VDOT if something could be done to improve the safety of this intersection by slowing speeds coming out of Berryville.
 - Asked the cost of moving a utility pole. Ed Carter responded that there are many variables but can go as high as \$25,000.
 - The number of right-hand turns may be lessened once Mosby Boulevard is complete.
- Chairman Hobert:
 - This is a major intersection in the community and it needs to be safe.

- Understands concerns and the need to be sensitive but the plan has been in place for a long time.
- Supervisor McKay:
 - This intersection is one of the highest for accidents in the County and needs to be made safe.

Following discussion, **Supervisor Staelin moved to proceed with the preliminary engineering and asked VDOT to examine ways to cost effectively keep things as far west as possible so as to minimize the impact on any neighbors to the east. 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	- Absent

Supervisor Comments:

- Supervisor Byrd:
 - Expressed appreciation for mowing the median strip by Chester's Store.
- Supervisor McKay:
 - Speed Issues East end of Annfield Road with intersection of Route 340: He has requested speed enforcement from Sheriff Roper.

John Staelin left the meeting at 1:40 pm

4) Clarke County Public Schools Update

Rick Catlett, Assistant Superintendent, and Randy Trenary, Director of Operations, appeared before the Supervisors to provide the monthly School update. Highlights include:

- Rick Catlett:
 - Proposed that the Board develop a list of topics it would like the Schools to address.
 - Supervisor Byrd requested reports on the renovation project.

- Chairman Hobert stated that school renovations were an area of interest and requested an update at the November regular meeting addressing project stage, direction and how the project was proceeding.
- Supervisor McKay requested academic progress reports. He suggested that the Schools examine customer satisfaction to determine if students are being given what they need to excel.

Rick Catlett responded:

- ✓ The Virginia Department of Education and the US Department of Education are now asking questions targeted toward this area.
- ✓ While schools collect a great deal of data, there is debate about whether it is useful or meaningful.
- ✓ One recently added data point that does provide meaningful data is the reporting of the number of students participating in the total program including on time graduation. A recent report indicated 99% of students graduated one time for the second consecutive year
- ✓ Clarke children are coming to school, staying in school, and test score data is being captured. Testing is conducted in all grades, as well as at the end of course providing considerably more useful information.
- ✓ The Schools believe the testing reflects its goals, as well as its desire to address the needs of all children by providing dedicated resources. Career and Technical programs are offered including a nursing program. Agriculture education is now offered beginning in the 8th grade.

– Randy Trenary, Director of Operations:

○ Round About:

- The first two weeks were difficult while everyone learned the new pattern.
- It is making morning and evening traffic move more smoothly at D.G. Cooley.
- It slows traffic down.
- Per the Chief of Police, it is doing what it was designed to do.

○ School Lunch:

- Major changes in federal regulations to the school lunch program.
- To clear up a statement made last month by Dr. Murphy, under the new federal regulations, protein can still be served for breakfast; however, new limits have been established on the amount of protein that can be served at breakfast.
- A meeting to discuss the current year lunch regulations is set for tomorrow.
- Because of what is happening with the new lunch regulations, the Schools are contemplating holding off changes to the breakfast program.

- Lunch counts are down.
- Al a carte items are up.
- In response to Supervisor Byrd's query, at the new high school there are three lunch shifts giving students five to six more minutes over previous years. To speed up the process, the addition of a third "pay line" is being considered.

Chairman Hobert expressed the Board's appreciation to Mr. Catlett and Mr. Trenary for their updates. He further commented that the Schools were the Supervisors most significant partner.

Chairman Hobert asked Board members to provide him with their list of interests specific to the Schools for future presentation.

5) Northern Shenandoah Valley Regional Hazard Mitigation Plan Update

Jill Keihn, NSVRC, provided a PowerPoint presentation of the Northern Shenandoah Valley Regional Hazard Mitigation Plan. 2012 Plan Update. Highlights include:

- Brandon Stidham's ideas and additions received broad acceptance and buy in from partner jurisdictions.
- Implementation is a public private cooperative and is not addressed in the plan.
- Service Area: 20 jurisdictions
- Major Programs ... What PDC's Offer to our Region
 - Hazard Mitigation
 - Housing and Community Development
 - Natural Resources
 - Transportation
 - Local Technical Assistance
- Regulation
 - The Disaster Mitigation Act of 2000: state and local governments prepare and adopt Hazard Mitigation Plans to be eligible for federal assistance funded through the Federal Emergency Management Agency (FEMA) and Virginia Department of Emergency Management (VDEM).
- Goal . . . Reduce Adverse Impacts from Natural Disasters
 - Flooding, Tornadoes, Hurricanes,
 - Landslides, Winter Storms, Lightening,
 - Drought, Extreme Heat, Earthquakes

- Develop Strategies to help Localities achieve goal
- Prioritize Strategies
- 2007 Regional Hazard Mitigation Plan Update . . . The 2012 Update revised data in 2007 Hazard Mitigation Plan
 - Goals
 - Actions
 - Strategies
 - Hazards
- Process
 - Larger Planning Group
 - Steering Committee
 - Public Participation (Media
 - Advisories, Public Comment)
 - Update 2007 Strategies
 - Rank Hazards
 - Locality Adoption- Public Input
 - Webpage - NSVemergency.org
- Hazard Mitigation Strategies (*Available as hand outs and posted on walls*):
 - Regional Strategies
 - Locality-Specific Strategies
 - Add Your Suggestions
 - Rank a Hazard I List a
 - Comment on a Strategy
 - Weigh In10/16/2012
- Schedule
 - Aug. 2012 - Public Meetings
 - Sept. 2012 - Submit Draft Plan to VDEM
 - Oct. 2012 - VDEM advance to FEMA
 - Nov. 2012 - Anticipated FEMA Approval
 - Dec. 2012 and Jan. 2013 - locality Consideration of Adoption

Chairman Hobert called for comment on how Board of Supervisors should task limited staff to implement the proposed plan.

Jill Keihn responded that the NSVRC continues to work closely with jurisdictions, offering assistance in grant writing and locating funding sources. She also pointed out that the regional plan requests annual review.

David Ash provided a general overview of emergency services. He further explained that a disaster is not necessarily an emergency or an emergency a disaster. He stated that the regional plan was secondary to the County's Emergency Operations Plan. He recommended review of the regional plan after it received FEMA approval. Mr. Ash noted that the regional goals listed were long-term.

Chairman Hobert noted that there were are large number of hazards listed in the plan each of which would take considerable time to address. He remarked that the risks identified by this larger, external group must be prioritized and addressed as best as possible. He asked for guidance from David Ash and requested that staff review the plan over the next sixty days to determine how the county should proceed.

Biosolids Application

In response to recent concerns, Alison Teetor, with Jill Keihn, brought the matter of biosolids application before the Board for direction. Highlights include:

- Alison Teetor and Vice Chairman Weiss have discussed the possibility of conducting public meetings.
- Jill Keihn will be addressing the matter this evening with the Warren County Board of Supervisors, also dealing with public contention over the biosolids program.
- Jill Keihn will be proposing to the Warren County Supervisors an informational meeting with DEQ. Subject to the approval of Martha Shickle, NSVRC Director, Ms. Keihn is prepared to provide the same proposal to Clarke.

Chairman Hobert stated he was aware that there was community interest. He instructed Alison Teetor, in conjunction with Vice Chairman Weiss, to develop a proposal for discussion at a future work session.

6) Citizens Comment Period

Wendy Kedzierski, Lord Fairfax Highway, Berryville, addressed the Board during the VDOT update.

Ray C. Hamilton, Superintendent Senior, VDOC White Post Diversion Center, introduced himself to the Board.

7) Approval of Minutes

On behalf of Supervisor Staelin, Chairman Hobert requested the following corrections to Book 21 Page 190: add to incomplete sentence: "it would hurt the church not the applicant."

Supervisor Byrd moved to approve the minutes for September 18, 2012 as corrected. The motion carried by the following vote:

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

8) Consent Agenda

A. State Health Department Salary Supplement Memorandum of Understanding Environmental Health Specialist Sr. Position #00895 and #04954

**Memorandum of Understanding between the Virginia Department of Health (VDH),
Community Health Services-Lord Fairfax Health District and the County of Clarke
Regarding the Salary Supplement for the Environmental Health Specialist Sr. Position
#00895
Effective: September 1, 2012**

This agreement governs the administration of local salary supplement provided by the County of Clarke and paid to the Environmental Health Specialist Sr. Position #00895 of the **Lord Fairfax Health District**. The authority for local governments to supplement the salary and benefits of state employees is §15.2-1508.3 of the Code of Virginia.

The supplemental amount of \$5,000.00 is to be paid for the Environmental Health Specialist Sr. Position #00895 for the **Lord Fairfax Health District**. Therefore, no matter what increase in State compensation is received by the employee in the Environmental Health Specialist Sr. Position #00895, a full \$5,000.00 in local supplement will be paid by the County of Clarke.

As required by the Virginia Acts of Assembly, Chapter 3, Approved June 11, 2012; Central Appropriations (995) Item 468. N., this agreement and any future alterations to it will be approved by the Virginia Department of Human Resource Management (DHRM). The agreement and the resultant total salary for the Environmental Health Specialist Sr. Position #00895 will be reported annually to DHRM through the VDH Office of Human Resources.

The Environmental Health Specialist Sr. Position #00895's total salary (the state base salary plus the County of Clarke supplement) will be used when calculating state benefits such as retirement and life insurance.

This supplement shall not alter or establish any authority over the employee in the Environmental Health Specialist Sr. Position #00895. The status of the Environmental Health Specialist Sr. Position #00895 continues to be as a State employee and bound by all policies and procedures of the State and the **Lord Fairfax Health District**.

A copy of this agreement and any addenda will be provided to the Environmental Health Specialist Sr. Position #00895 at the time of its execution and shall be made available upon the Environmental Health Specialist Sr. Position #00895's request for review. The VDH Office of Human Resources shall certify that the current agreement and any associated addenda have been made available to the Environmental Health Specialist Sr. Position #00895 during the annual review period.

Term of the Agreement

This agreement shall go into effect for the pay period beginning June 10, 2012, which is the first pay period of Fiscal Year 2013 and shall remain in effect until such time either party agrees to discontinue and/or alter this agreement.

Responsibilities of the Virginia Department of Health-Community Health Services, Lord Fairfax Health District

1. Request the salary supplement each year according to budget guidance from the County of Clarke.
2. Include the salary supplement in the invoice from the Lord Fairfax Health District to the County of Clarke for the local commitment payment as required each quarter, by the Local Government Agreement which is created in satisfaction of the requirements of §32.1-31 of the **Code of Virginia** (1950), as amended.
3. Deposit the local supplement payment into the appropriate state account following Commonwealth and Virginia Department of Health (VDH) policies and procedures.
4. Process the paperwork through VDH's human resources and payroll systems ensuring that the Environmental Health Specialist Sr. Position #00895 receives the salary supplement in semi-monthly pay checks following Commonwealth and VDH policies and procedures.
5. When the Environmental Health Specialist Sr. Position #00895 position becomes vacant, notifies the Clarke and other designated local government officials and discontinues invoicing for the salary supplement on the next quarterly invoice.

Responsibilities of the County of Clarke

1. Provide \$5,000.00 for the Environmental Health Specialist Sr. Position #00895's salary supplement on a fiscal year basis to the **Lord Fairfax Health District**.
2. Provide sufficient funds to cover the cost of the salary supplement only, and *not* for any additional cost of employee benefits created by the supplement to the employees' salaries.

3. Make payments for the local salary supplement, upon receipt of an invoice from the Lord Fairfax Health District on a quarterly basis as allowed by the Local Government Agreement (see #2 above).
4. Provide a letter of intent to discontinue or alter the local supplement through the Lord Fairfax Health District Health Director to the VDH Commissioner and Deputy Commissioner for Community Health Services. The notice will be at least 90 days in advance of any such action.

David Ash, Administrator
Clarke County

Date

Karen Remley, MD, MBA, FAAP
State Health Commissioner

Date

Jeffrey L. Lake, Deputy Commissioner for Community Health Services
Virginia Department of Health

Date

**Memorandum of Understanding between the Virginia Department of Health (VDH),
Community Health Services-Lord Fairfax Health District and the County of Clarke
Regarding the Salary Supplement for the Environmental Health Specialist Sr. Position
#04954
Effective: September 1, 2012**

This agreement governs the administration of local salary supplement provided by the County of Clarke and paid to the Environmental Health Specialist Sr. Position #04954 of the Lord Fairfax Health District. The authority for local governments to supplement the salary and benefits of state employees is §15.2-1508.3 of the Code of Virginia.

The supplemental amount of \$5,000.00 is to be paid for the Environmental Health Specialist Sr. Position #04954 for the Lord Fairfax Health District. Therefore, no matter what increase in State compensation is received by the employee in the Environmental Health Specialist Sr. Position #04954, a full \$5,000.00 in local supplement will be paid by the County of Clarke.

As required by the Virginia Acts of Assembly, Chapter 3, Approved June 11, 2012; Central Appropriations (995) Item 468. N., this agreement and any future alterations to it will be approved by the Virginia Department of Human Resource Management (DHRM). The agreement and the resultant total salary for the Environmental Health Specialist Sr. Position #04954 will be reported annually to DHRM through the VDH Office of Human Resources.

The Environmental Health Specialist Sr. Position #04954's total salary (the state base salary plus the County of Clarke supplement) will be used when calculating state benefits such as retirement and life insurance.

This supplement shall not alter or establish any authority over the employee in the Environmental Health Specialist Sr. Position #04954. The status of the Environmental Health Specialist Sr. Position #04954 continues to be as a State employee and bound by all policies and procedures of the State and the Lord Fairfax Health District.

A copy of this agreement and any addenda will be provided to the Environmental Health Specialist Sr. Position #04954 at the time of its execution and shall be made available upon the Environmental Health Specialist Sr. Position #04954's request for review. The VDH Office of Human Resources shall certify that the current agreement and any associated addenda have been made available to the Environmental Health Specialist Sr. Position #04954 during the annual review period.

Term of the Agreement

This agreement shall go into effect for the pay period beginning June 10, 2012, which is the first pay period of Fiscal Year 2013 and shall remain in effect until such time either party agrees to discontinue and/or alter this agreement.

Responsibilities of the Virginia Department of Health-Community Health Services, Lord Fairfax Health District

1. Request the salary supplement each year according to budget guidance from the County of Clarke.
2. Include the salary supplement in the invoice from the Lord Fairfax Health District to the County of Clarke for the local commitment payment as required each quarter, by the Local Government Agreement which is created in satisfaction of the requirements of §32.1-31 of the **Code of Virginia** (1950), as amended.
3. Deposit the local supplement payment into the appropriate state account following Commonwealth and Virginia Department of Health (VDH) policies and procedures.
4. Process the paperwork through VDH's human resources and payroll systems ensuring that the Environmental Health Specialist Sr. Position #04954 receives the salary supplement in semi-monthly pay checks following Commonwealth and VDH policies and procedures.
5. When the Environmental Health Specialist Sr. Position #04954 position becomes vacant, notifies the Clarke County Administrator and other designated local government officials and discontinues invoicing for the salary supplement on the next quarterly invoice.

Responsibilities of the County of Clarke

1. Provide \$5,000.00 for the Environmental Health Specialist Sr. Position #04954's salary supplement on a fiscal year basis to the **Lord Fairfax Health District**.

2. Provide sufficient funds to cover the cost of the salary supplement only, and *not* for any additional cost of employee benefits created by the supplement to the employees' salaries.
3. Make payments for the local salary supplement, upon receipt of an invoice from the Lord Fairfax Health District on a quarterly basis as allowed by the Local Government Agreement (see #2 above).
4. Provide a letter of intent to discontinue or alter the local supplement through the Lord Fairfax Health District Health Director to the VDH Commissioner and Deputy Commissioner for Community Health Services. The notice will be at least 90 days in advance of any such action.

David Ash, Administrator
Clarke County

Date

Karen Remley, MD, MBA, FAAP
State Health Commissioner

Date

Jeffrey L. Lake, Deputy Commissioner for Community Health Services
Virginia Department of Health

Date

B. AARP Tax-Aide

Description: Charles Gillespie, the new District Coordinator for AARP Tax-Aide District 7 in Virginia and a Clarke County resident, provided the attached fact sheet about the Tax-Aide program focusing on seniors and low to moderate income people.

AARP operates a site in Winchester at the War Memorial Building working Monday, Tuesday, Thursday and Friday from 9 - 4 from February until April 15. Approximately 75 Clarke County residents were served at this location last year.

To improve convenience and to better serve Clarke citizens, Mr. Gillespie has requested the following:

- ✓ Establishing a Tax-Aide site in Clarke County.
- ✓ Sponsoring a site that provides adequate space plus telephone and internet service
- ✓ Offering some evening or Saturday hours; not offered at the Winchester site.

Recommendation: County Administration recommends referring the matter to Lisa Cooke, Director Parks and Recreation, for consideration as an additional service provided in the newly expanded Clarke County Senior Center.

Requested Action: Approve recommendation and authorize staff to proceed.

C. Letters of Support Virginia Land Conservation Grant- Moore & Dorsey, Inc. and Chapman Farm

October 16, 2012

Department of Conservation and Recreation
Virginia Land Conservation Foundation
Attn: Virginia Land Conservation Fund Grant program
203 Governor Street, Suite 302
Richmond, VA 23219-2010

RE: Letter of Support for Virginia Land Conservation Grant- Moore & Dorsey, Inc.

Dear Members of the Foundation:

The Clarke County Board of Supervisors hereby endorses the application of the Clarke County Easement Authority for a Virginia Land Conservation Fund Grant in the amount of \$61,250. The VLCF grant is being leveraged by a variety of funding sources to maximize the potential purchase power of our limited local funds. Of the estimated \$325,000 purchase price, 50% or \$162,500 is being provided by the Farm and Ranchland Protection Program, 25% is donated by the landowner (\$81,250), and 6% will come from a combination of local \$10,000 and VDACS \$10,000 funds. The VLCF funds will be used to help match the FRPP federal funds.

I understand that the current application for the Moore & Dorsey, Inc. easement would require \$61,250 of the VLCF funds. The Clarke County Board of Supervisors is in agreement with the Authority that purchase of this easement is well within the goals and objectives of the County's Comprehensive Plan, Zoning Ordinance, and overall objectives of the Easement Purchase program. The specific property under consideration represents the essence of farming in Clarke County, with 100% of the soils classified as important farmland. In addition, the farm is within the Long Marsh Rural Historic District with several contributing structures.

The County Board of Supervisors hopes that the Foundation will consider funding the grant application to allow for protection of this property in perpetuity. Thank you for your consideration.

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

October 18, 2012

Department of Conservation and Recreation
Virginia Land Conservation Foundation
Attn: Virginia Land Conservation Fund Grant program
203 Governor Street, Suite 302
Richmond, VA 23219-2010

RE: Letter of Support for Virginia Land Conservation Grant – Chapman Farm

Dear Members of the Foundation:

The Clarke County Board of Supervisors hereby endorses the application of the Clarke County Easement Authority for a Virginia Land Conservation Fund Grant in the amount of \$100,000. The VLCF grant is being leveraged by a variety of funding sources to maximize the potential purchase power of our limited local funds. Of the estimated \$500,000 purchase price, 25% is donated by the landowner (\$125,000), 25% by the Piedmont Environmental Council land preservation fund (\$125,000) and 30% will come from a combination of local \$75,000 and VDACS \$75,000 funds.

I understand that the current application for the Chapman easement would require \$100,000 of the VLCF funds. The Clarke County Board of Supervisors is in agreement with the Authority that purchase of this easement is well within the goals and objectives of the County's Comprehensive Plan, Zoning Ordinance, and overall objectives of the Easement Purchase program. The specific property under consideration is a working family farm, with significant natural area attributes. Adjacent to an existing Virginia Outdoors Foundation easement, the property has nearly ½ mile of frontage on the Shenandoah River, a State designated Scenic River and 21 acres of national wetlands inventory wetlands. Other attributes include a 38 acre portion of the Cool Spring Battlefield Historic District.

The County Board of Supervisors hopes that the Foundation will consider funding the grant application to allow for protection of this property in perpetuity. Thank you for your consideration.

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

D. 2012-15R Resolution in Support of Lord Fairfax Emergency Medical Services Council, Inc.

**Resolution in Support of Lord Fairfax
Emergency Medical Services Council, Inc.
2012-15R**

WHEREAS the Lord Fairfax Emergency Medical Services Council, Inc. has served Clarke County since 1978 as a non-profit organization providing services, training, and support to the EMS providers and agencies; and

WHEREAS the Vision Statement of the Council is to establish and maintain a comprehensive and effective regional EMS system for the Northern Shenandoah Valley that provides for the health and safety of its citizens and visitors; and

WHEREAS the mission of the Council is to promote a regional community-based emergency medical services (EMS) network that reduces premature death and disability from acute illness and injury through the coordination of local EMS resources and will be accomplished through teamwork, dedication, customer-friendly staff, quality training, and by efficient and cost-effective operations; and,

WHEREAS the Council accomplishes its mission by providing planning, coordination, collaboration, and support for the regional EMS system while continuing to develop and foster meaningful regional partnerships, providing high quality EMS training, participating in state level EMS activities representing the local EMS providers, and disseminating valuable knowledge and information to the agencies it serves;

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of Clarke County, Virginia, does hereby express its appreciation and support to the Lord Fairfax Emergency Medical Services Council, Inc. for its continued service and assistance.

Adopted this 16th day of October 2012

Attest:

David L. Ash, Clerk
Clarke County Board of Supervisors

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

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

9) Set Public Hearing: TA -12-04 Merger of Parcels.

Description: Proposed text amendments to add new language, §10-E Merger of Parcels; to amend Article 2, Usage and Definitions; and to amend §12-E, Vacation of Plat, of the Clarke County Subdivision Ordinance; and to amend Article 9, Definitions, of the Clarke County Zoning Ordinance. The purpose of the text amendments is to require any merger of parcels to be reviewed and approved via final plat by the Zoning Administrator for compliance with County ordinances. The text amendments would also amend the current definition of "merger" in the Ordinances to distinguish the transaction from a "vacation," and would correct a code reference error in §12-E of the Subdivision Ordinance.

Requested Action: Set public hearing for November 20, 2012 Board of Supervisors regular meeting.

Planning Commission Recommendation: Following a duly advertised Public Hearing on September 7, 2012, the Planning Commission voted 8-0 (Staelin, Kreider, McFillen absent) to recommend adoption of the text amendments.

Staff Recommendation: Staff has no outstanding concerns with the adoption of the proposed text amendments and does not recommend replacing the platting requirement with a process that

would involve Staff reviewing the deed for the merger transaction for the reasons stated above.

Brandon Stidham provided an update on the activities directed by the Supervisors during its September meeting.

Following discussion, Chairman Hobert requested the removal from 10-E-B of the suggested language “at a minimum”.

Supervisor Staelin rejoined the meeting at 2:45 pm.

Jesse Russell provided additional information specific to boundaries.

Supervisor Byrd moved to set the matter for public hearing on the ordinance change TA-12-04 at the November 2012 Board of Supervisors Regular Meeting beginning at 6:30 pm or as soon thereafter as the matter may be heard. The motion carried by the following vote:

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

10) Discussion November Committee Meeting and Work Session Date

Chairman Hobert explained that the normally scheduled committee and work session date conflicted with the annual VACo meeting.

By consensus the Board agreed to Wednesday, November 14:

- Personnel 1:00 pm
- Work Session: 1:30 pm
- Finance: Immediately Following the Work Session
- Regular meeting date: November 20 – no change

11) Finance Committee:

A) Supplemental Appropriations FY 12

Top Judge reviewed the proposed annual minor adjustments of appropriations for FY2012. He provided additional information specific to NSVRC funding.

Supervisor Staelin moved "Be it resolved that the following adjustments be made to FY 12 Expenditure, Appropriations, and Revenue accounts:

<i>Account</i>	<i>Expenditure</i>	<i>Appropriation</i>	<i>Revenue</i>	<i>Transfer</i>	<i>Explanation</i>
Legal Services				5,006	Transfer from Contingency for Professional Services
Electoral Board				4,652	Transfer from Registrar where it was improperly supplemented.
General District Court				282	Transfer from Legal Contingency for Public Defender Fees
VFD Grants	22,482	22,482	22,482	11,302	Timing differences in grant receipts and expenditures; transfer local from Contingency
NSVRC				8,505	Transfer from Planning Professional Services for Main Stem MIF study
Board of Zoning Appeals				786	Transfer from Professional Services Contingency
Government Debt Service	1,571	1,571	1,571		Still drawing down RDA loan; affects accuracy of estimate. However, have unexpected revenue offset.
Sanitation				1,880	Transfer from contingency for unbudgeted rate increase for Frederick County Sanitation Authority
Refuse Disposal				1,439	Transfer from contingency. Usage exceeds budget estimate.

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 - Absent

B) Acceptance of Bills and Claims

Chairman Hobert stated that he had reviewed the September bills and claims.

Tom Judge answered the Chair's questions regarding operation budget overages on various buildings explaining that budgeting for new facilities will improve in future years once operational costs are established.

Tom Judge thanked his staff member, Brenda Bennett, for the expanded explanations. He also informed the Supervisors that the new Accounts Receivable Clerk, Emily Johnson of Boyce, began October 1, 2012.

Supervisor Staelin moved to accept the September 2012 General Government Bills and Claims 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	-	Absent

C) Standing Reports

Reconciliation of Appropriations; General Fund Balance. General Government Expenditure Summary. Information Only

12) Joint Administrative Services Board Update

Tom Judge appeared before the Supervisors to provide an update on the Joint Administrative Services Board. Highlights include:

- Director evaluation is in process and will be discussed at the October meeting.
- Dependent verification resulted in two plans dropping dependents that were either ineligible, or which the policy holder didn't intend to cover.
- The auditor presented internal control recommendations, the efficacy of which has been challenged by staff, and which will be discussed with the auditor in October.
- Emily Johnson of Boyce will replace Cathy Pope at the Accounts Payable position starting October 1.
- Redefinition of retiree health insurance group to confirm with Local Choice policy resulted in one coverage being dropped.
- Joint Technology Plan: Tom Judge and IT directors have identified needs and developed a time line. Hope to approve in October so they will become part of the Capital budget discussions.
- Fraud Prevention Program: A fraud prevention program is being researched and discussed.

- Software Application Sharing: The following software applications have been recently purchased, and can be considered for sharing: Code Red (Sheriff). AESOP (Schools). Veritime (Schools).
- Economic Development Fiscal Agency. Advised the JAS Board the added responsibility for a period of three years.

Mr. Judge provided the following responses to questions from Supervisor McKay.

- The state bids out contracts and locks in pricing.
- Fiber optic connection for Boyce Elementary is a topic in current discussions with ComCast. It is an expensive option but the County would prefer to own its lines. Microwave solution was investigated and rejected as a means of getting service to Boyce.

13) Government Projects Update

The monthly project update was provided by David Ash. Highlights include:

- Berryville-Clarke County Government Center
 - Bids out on HVAC.
 - Walk through with contractors conducted.
 - Bids opened October 30.
- Senior Center/Parks Building
 - Additions nearing completion.
 - Walk through of office space last week.
 - There is a push to move into the office space of the project pending receipt of a balancing report and commissioning document of architect.
 - There is a malfunctioning boiler and no heat in current Park office space.
 - Minor plumbing issues to be corrected.
 - Delay in receiving dividing walls – should be in this week.
 - A quick punch list walk through is anticipated.
 - Planning has been asked to verify landscaping and parking.
 - Contractor is expected to be finished by end of month.
 - The County does have a signed lease with SAAA.
- Sheriff's Office
 - Issues were resolved this Friday that have delayed project start in the Sheriff's Building.

- There is a proposal from Chester to pick up where other architect left off. Anticipate signing this document by week's end.
- The County has been reluctant to utilize RDA funds and would suggest cancelling authorization or using the funds. A decision will be made after determining the cost of repair for the BCCGC.

14) Miscellaneous Items

No miscellaneous items were put forth by members of the Board.

15) Summary of Required Action

<u>Item</u>	<u>Description</u>	<u>Responsibility</u>
1.	Add discussion of Lewisville Road to November Work Session.	David Ash
2.	Provide the County Administrator written report, as well as any accident reports on Lewisville Road.	VDOT
3.	Provide Chairman Hobert matters of interest specific to the Schools for future presentation.	Supervisors
4.	Review hazard mitigation plan for local priorities once plan approved by FEMA.	David Ash
5.	Develop formal proposal for biosolids.	Alison Teetor
6.	Correct and process 9/18/2012 minutes.	Lora Walburn
7.	Execute State Health Department Salary Supplement Memorandum of Understanding Environmental Health Specialist Sr. Position #00895 and #04954.	David Ash
8.	Process State Health Department Salary Supplement Memorandum of Understanding Environmental Health Specialist Sr. Position #00895 and #04954.	Lora Walburn
9.	Refer AARP Tax Aide to Lisa Cooke, Director Parks and Recreation, for consideration as an additional service provided in the newly expanded Clarke County Senior Center.	David Ash
10.	Execute Letters of Support Virginia Land Conservation Grant- Moore & Dorsey, Inc. and Chapman Farm	J. Michael Hobert

<u>Item</u>	<u>Description</u>	<u>Responsibility</u>
11.	Process Letters of Support Virginia Land Conservation Grant- Moore & Dorsey, Inc. and Chapman Farm	Lora Walburn
12.	Execute 2012-15R Resolution in Support of Lord Fairfax Emergency Medical Services Council, Inc.	J. Michael Hobert
13.	Process 2012-15R Resolution in Support of Lord Fairfax Emergency Medical Services Council, Inc.	Lora Walburn
14.	Develop and process public hearing notice.	Lora Walburn
15.	Notify Central Reception of change of date and times for November committee meetings and work session.	Lora Walburn
16.	Update calendars and website to reflect change in November meeting date and time.	Susanne Vaughan
17.	Execute Architectural Historian Contract.	J. Michael Hobert
18.	Process Architectural Historian Contract.	Lora Walburn

16) Board Member Committee Status Reports

Supervisor Byrd

- Social Services: There will soon be an opening on this board.
- Humane Foundation: This Saturday from 1 to 3 pm there will be an event at the Animal Shelter including: a rabies clinic; Mr. B's Barbeque provided by George Ohrstrom; free pony rides; a dog agility demonstration by Leslie Mclean's dog training club.

Supervisor John Staelin

- Planning Commission: Four proposals came in for an Economic Development Consultant. That decision will be made late this month.
- EDAC and SA agreed to meet and draft a letter to be reviewed by all the affected boards for the Waterloo development area.

Supervisor McKay

- NSVRC: Meets this Thursday.
- Bike Events: Spoke with the Sheriff about biking events in the County. Further discussion is suggested for a work session.

Chairman Hobert:

- Joint Administrative Services: David Weiss took his place at the September meeting.

- School Board: Sent statement with his thoughts to the School Board following the October 12 elementary renovation meeting.

17) Closed Session

At 3:38 pm, **Supervisor McKay** moved to convene into **Closed Session** pursuant to **§2.2-3711(A29) - Discussion of the award of a public contract involving the expenditure of public funds, including interviews of bidders or offerors, and discussion of the terms or scope of such contract, where discussion in an open session would adversely affect the bargaining position or negotiating strategy of the public body; and §2.2-3711(A1) Specific Employees or appointees of the Board.**

- A. Architectural Historian Contract Renewal 2012 – 2013**
- B. Assistant Commonwealth Attorney Compensation**
- C. County Attorney Position Realignment and Compensation**

Further, due to the potential of a perceived conflict, I will not participate in the discussion of **Item A) Architectural Historian Contract Renewal.**

The motion carried as follows:

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

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 4:20 pm, **Supervisor McKay** moved to reconvene in open session noting that I did not participate in that portion of the **Closed Session** concerning **Item A. Architectural Historian Contract Renewal.**

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

Supervisor McKay 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	- Absent

Following Closed Session, **Supervisor Byrd moved to approve the renewal of the Architectural Historian Contract 2012 – 2013.**

Supervisor McKay stated that he abstained due to the potential of a perceived conflict and the fact that he did not participate in the discussion of this item in Closed Session

The motion carried by the following vote:

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

Architectural Historian

PURSUANT TO THIS AGREEMENT, made and entered into this 16th day of October of 2012, by and between the Board of Supervisors (hereinafter "Board"), and Maral Kalbian, party of the second part (hereinafter "Contractor"); and in consideration of the benefits to be accrued to the parties hereunder, said parties hereto agree as follows:

- I. **WORK:** Contractor agrees that the following projects and duties shall be the focus of work endeavor and services provided pursuant to this Agreement:
 - A. *Direct Services to the County of Clarke.* Under the direction of the Director of Planning:
 - 1. Provide technical advice, support, and training to the Historic Preservation Commission in coordination with the application for Certificate of Appropriateness.
 - 2. Assist in the preparation of grant application(s), including those for Certified Local Government projects.
 - 3. Attend Historic Preservation Commission meetings.
 - 4. Provide information and assistance regarding:
 - a) Ordinance enforcement with respect to historic preservation matters.
 - b) Conservation easement applications.
 - 5. Conduct work specified by the Certified Local Government Grant associated with the Chapel Rural Historic District Phase III project.
 - 6. Conduct work specified by the Certified Local Government Grant associated with the Josephine City Preliminary Information form and architectural survey in conjunction with National Register listing.
 - B. *Services to the General Public of Clarke County to be compensated by the County of Clarke.* Under the direction of the Director of Planning, provide information and assistance to members of the general public regarding:
 - 1. National Register nominations, and
 - 2. Architectural modifications to historic structures.
 - C. *Tax Credits.* Matters related to available local, federal, and state tax incentives shall be referred by the Contractor to the Division of Historic Resources of the Commonwealth of Virginia, or the Clarke County Planning Department, unless otherwise directed by the Director of Planning.

II. LIMITATIONS ON WORK

- A. *Direct Services to the County of Clarke.* For performance of the work described in Section A 1, 2, and 4 above the following limitations shall apply:

<i>Contractor Estimates</i>	<i>Contractor</i>	<i>Planning Director</i>
Less than 30 minutes	Provide detailed bills monthly, but monitor expenditures against budget in the interim to ensure compliance with contract limit	Provide ongoing guidance to contractor on compensable requests
Greater than 30 minutes, but	Provide estimate to Planning	Approves in advance

less than \$1,000	Director in an agreed upon format	
\$1,000 or greater, but less than \$25,000	Provide not-to-exceed estimate to Planning Director in agreed upon format	Approves in advance
\$25,000 or greater		Seek competitive sealed bids

B. *Services to the General Public.* For performance of the work described in Section I, item B, above, for a specific property, where the advice or support takes less than 30 minutes, the Contractor may provide the services and report the assistance provided to the County Planning Director through the monthly billing, provided that the Contractor monitors expenditures against the budget in the interim to ensure compliance with the contract limit. For such work which is estimated to require more than 30 minutes, the Contractor shall obtain the written approval of the County Planning Director after providing him or her, in a form suitable to him or her, a brief written description of the objectives of the work to be performed and the estimated time anticipated to be expended. Such proposed work shall be reviewed by the Planning Director for approval. If approved, it shall specify any limitations or required contribution or participation from the property owner. For additional assistance, the Contractor shall provide the property owner a copy of the list of consultants prepared by the Virginia Department of Historic Resources. The Planning Director shall not authorize the Contractor to allocate more than eight hours to assist a property owner without the concurrent approval of the County Administrator.

III. COMPENSATION:

For performance of the work described in Section A (1-4) and Section B, above, the Contractor shall be compensated by the Board at the rate of one hundred ten dollars (\$110.00) per hour plus reimbursement for pre- approved expenses at cost, not to exceed a total of six thousand dollars (\$6,000) in the applicable fiscal year. The billable hours shall only be for productive hours specific to work for the Board. For performance of the work described in Section A (5-6) the Contractor shall be paid a lump sum of \$23,000, subject to appropriation by the Board.

IV. MANNER OF PAYMENT: Contractor shall submit statements itemizing hours spent in performance of work on a monthly basis to the Planning Director. Approved payment shall be made to Contractor within 45 days of receipt of statement.

V. DURATION: This Agreement shall remain in full force and affect through June 30, 2013.

VI. CONTRACTOR STATUS: The parties hereto intend that the relation between them created by this Agreement is that of employer— independent contractor. Contractor is not an employee of the County of Clarke nor of the Board and is not entitled to the benefits provided by the County to its employees, including but not limited to worker’s compensation, unemployment insurance, group health insurance, V.S.R.S. or F.I.C.A. contributions. Contractor will be solely and entirely responsible for her acts during the performance of this Agreement.

VII. OWNERSHIP RIGHTS: Clarke County shall retain ownership rights to any materials or work produced by Contractor pursuant to this Agreement and may use said material or work products as the County may see fit. This shall not affect Contractor’s right also to use said material or work

products as she may wish. The Contractor may not convey, sell, or assign rights to said material without the approval of the Supervisors.

VIII. **RIGHT OF INSPECTION:** The work contemplated herein must meet the approval of the Board's designated agent and shall be subject to such agent's general right of inspection to secure the satisfactory completion thereof. Contractor agrees to comply with all federal, state and local laws, rules and regulations applicable to Contractor and to operations covered by this Agreement or accruing out of the performance of such operations.

IX. **IDEMNIFICATION:** Contractor shall indemnify the Board and/or the County of Clarke against all liability and loss in connection with, and shall assume full responsibility for, payment of all federal, state and local taxes or contributions imposed or required under social security and income tax laws.

X. **ASSIGNMENT:** The Contractor shall not assign This Agreement without the express written consent of the Board.

XI. **TERMINATION:** The County may terminate this Agreement at any time at its discretion.

XII. **ADDITIONAL TERMS AND CONDITIONS:** This contract is issued pursuant to RFP #12-0807 and its terms and conditions, including insurance requirements and annual renewal limitations, are incorporated herein by reference.

18) Adjournment

There being no further business to be brought before the Board at 4:26 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, November 20, 2012 at 1:00 p.m. in the Main Meeting Room, 101 Chalmers Court, 2nd Floor, Berryville, Virginia.

ATTEST: October 16, 2012

J. Michael Hobert, Chair

David L. Ash, County Administrator

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