

November 20, 2012  
Clarke County Board Of Supervisors  
Regular Meeting  
Main Meeting Room  
1:00 p.m.

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, November 20, 2012.

Board Members Present

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

Board Members Absent

None

Staff Present

David Ash; Tom Judge; Brandon Stidham; Lora B. Walburn

Others Present

Clif Balderson; Ed Carter; Chip Schutte; Jim Brinkmeier; Mike Murphy; Rick Catlett; Mike Capanelli; Chris Kulp; Channing Frampton; Val Van Meter; and other citizens

1) Call to Order

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

2) Adoption of Agenda

By consensus, the Board approved the agenda as prepared.

3) VDOT

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

Maintenance – November:

- Completed secondary route mowing;
- Cleaned up after “Sandy” and regraded damaged non-hard surfaced roads;
- Cleaned up park & ride on Rt. 50;
- Surfaced box culvert on Rt. 622;
- Installed new pipe on Rt. 605 at pump station;
- Cut brush at intersection Rt.7/604, along Rt. 604, 606, 636 and 649 to address issues raised by school bus drivers.

Maintenance – December:

- Mow entire width Rt. 340 from Berryville to Rt. 522;
- Perform shoulder repair on various primaries;
- Clean box culvert on Rt. 606 – bridge crew to evaluate erosion issue;
- Continue addressing issues raised by school bus drivers.

Projects

- Rt. 636, Mosby Rd. – Project complete except for street lights and minor touch up. Scheduling meeting with Town/County to discuss opening and maintenance responsibilities.
- Rt. 1014, Paige St. Town of Berryville – Bid came in higher than allotted funds. Town of Berryville committed to make up difference so project could be awarded.
- Turning Lanes Rt. 657/340 – Preliminary Engineering is in progress.
- Rt. 633, Annfield Rd. – Traffic Engineering is evaluating recommended signage placement.
- VDOT Route 612 (Shepherds Mill Road) Bridge Replacement – Mr. Carter has passed along citizen concerns and desire to keep this a single-lane bridge.

Supervisor Comments:

- Supervisor Staelin:
  - Senseny Road / Route 340:
    - VDOT received petition
    - A map of wells in the area was provided.
- Supervisor McKay:
  - Route 624 Red Gate Road Bridge Replacement: Mr. Carter will check timing.

- Supervisor Byrd
  - Recapped Lewisville Road status from discussion at the November 14 Work Session.
  - Commended VDOT for the prompt removal of deer carcasses.
- Vice Chair Weiss
  - Parshall Road: shoulders on both sides the entire length of the road are deteriorating and in need of repair.

#### 4) Clarke County Public Schools Update

Jim Brinkmeier and Chip Schutte, Clarke County School Board members, and Dr. Mike Murphy, Superintendent, with Rick Catlett, Assistant Superintendent, appeared before the Supervisors to provide the monthly School update. Highlights include:

- Jim Brinkmeier, Berryville District School Board Member:
  - Distributed four sheets with floor plans from RRMM Architects.
  - School Board selected Option D.
  - Construction is planned in two phases.
  - Phase I is estimated at \$7.2MM.
    - Old high school will be PreK to 3 grade.
    - Cooley will be used for grades 4 and 5.
  - The School Board hopes to complete Phase II in five years as debt service allows.
  - Children will be in properly sized classrooms.
  - Construction will eliminate trailers.
  - Phase I out for bid June / July 2013 depending on approvals.
  - Construction schedule is 10 to 11 months; to be completed by fall 2014.
  - Phase I A: Administration move in to Primary until debt service available to enter Phase II construction.
  - Phase II anticipated to begin 2017 depending on conditions and debt service.
  - Primary School:
    - Continue using until all children are relocated to the renovated school.
    - Anticipate using this space to house Administration once the old high school is converted to pre-K through grade 5 in phase II.
    - Anticipate beginning renovations in 2014 after the children are moved.
    - Architect estimates renovation cost to be \$800,000.

- Renovations are necessary to make it ADA compliant and to add an elevator.
- Renovations may increase the property value.
- Supervisor Byrd asked about the process if Primary were to be sold.

Tom Judge responded that the property would be turned back to the Board of Supervisors; and when sold, the funds would go back into the general fund not back to the Schools.

– Chip Schutte, White Post School Board Member

- Stormwater management:
  - Met with architect over a two-day period
  - Stormwater will be designed and approved up front for both Phase I and Phase II construction projects.
  - Large storm drains are in place on Ramsburg Lane.
  - Credit for the removal of impervious surfaces [mobile classrooms] is unknown.
  - Jim Brinkmeier added that the architect had been told to hold off on any further action pending approval of the stormwater plan.
- Construction Budget Discussion Highlights:
  - Vice Chairman Weiss stated that he was uncomfortable spending all \$7.2MM on one phase of construction when several firms have said that all the renovations could be done for that amount.

Chip Schutte responded that he and the Schools' architect had read these reports but these were only feasibility studies. Now, the architects were planning actual renovations. He opined that the Schools felt it had stripped the renovation project to the bone. He also pointed out that the furnace in the old high school had to be replaced having reached its maximum life.

Vice Chairman Weiss countered that furnace replacement was included in previous reports. He opined that the millions of additional dollars to be spent were not adding up and asked for specifics such as changes to space or programming needs.

Jim Brinkmeier added that he, too, had questioned the increase and had been told that the previous reports were feasibility studies that were not all inclusive. He stated that RRMM had assured the School Board that its design would address everything needed for the renovation; and while he was not 100% certain, he believed these assertions, for there must be trust and RRMM was respected across the state.

Supervisor McKay opined that he did not feel that trust in the meetings he had attended. He further noted that the Virginia Department of Education had indicated that \$7.2MM was sufficient for the renovations.

- Supervisor McKay asked if the two architectural firms that indicated all renovations could be accomplished for \$7.2MM had bid on the project.

Jim Brinkmeier responded that he did not know having recused himself during process. He stated that an RFP had been sent out; and after reviewing all responses, the School Board had selected RRMM.
  - Supervisor Byrd added her observations from the School Board meetings. She stated that the architect was actually talking about renovating two schools and possibly Primary. She noted that RRMM's architect had repeatedly asked them to keep an open mind. She stated that she did not entirely agree with RRMM.

Jim Brinkmeier put forward that the School Board wanted to make sure that it continued to be open and communicative with all involved groups.
  - Chairman Hobert reiterated there were many people in the community that were not aware of the scope of the changes and what the plan was for moving forward with the renovations. He noted that only in the last thirty days had the School Board presented its current plan with a phased approach that assumes funding will be available. He suggested that the Schools perform a more thorough analysis particularly if it continued to consider moving Administration into Cooley or Primary. He commented that once on course there would be no room for project creep and encouraged the School Board to keep communications with the community open and often.
- Rick Catlett:
- Handout FTE [full-time equivalent employee] Comparison
  - Membership has been relatively flat over the last few years.
    - Oct 2011: 2,034 full time students;
    - Oct. 2012: 2,048 – increase of 14 students.
    - Total membership includes part-time students
    - Overall decrease of 6 students.
    - 163 homeschooled students in Clarke County.
  - Supervisor Comments:
    - Supervisor Staelin: With the current economic environment, all general governments are operating with reduced staffing. The Schools, with a smaller student base, have increased staffing. He reminded that the Schools were now considering using the entire available balance of \$7.2MM for just one phase of construction and planning a second phase adding additional construction debt. He suggested that the Schools focus on ways it might better address the economic environment, reduce spending, and improve productivity.

- Supervisor Byrd commented on the extra positions added for special education and asked if these positions were state mandated.

Dr. Murphy responded that there were at several factors. Standards of quality are mandated by the state; the Individualized Education Program is agreed upon by the parent and the school and is the largest driver in the special needs process.

- Supervisor McKay asked what measures the Schools were taking to improve test scores.

Mr. Catlett replied that a response would require a detailed presentation, which he was not prepared to address today.

– Dr. Murphy:

- A survey process is under review.
- Could institute an exit survey at graduation.
- Could institute this process with the class of 2013.
- Data would be gathered over time.
- Want to establish an expectation with students that the school will contact them for a progress update around May of the following year.
- Will work with the alumni association.
- Supervisor McKay suggested adding “Joining the Military” to Question 1 – *What area do you plan to pursue immediately after high school?*
- Supervisor Staelin encouraged the Schools to look at what is being done in other jurisdictions. Dr. Murphy responded that the survey he is proposing was used by another school in the Commonwealth.

## 5) Citizens Comment Period

Wendy Kedzierski, Lord Fairfax Highway, Berryville, VA 22611, noting that she had arrived late, stated that she had hoped to hear VDOT’s presentation regarding Route 340 and Senseny Road and to confirm receipt of the petition signed by she and other affected parties.

Chairman Hobert advised that VDOT had confirmed receipt of their petition.

Supervisor Staelin informed the affected citizens present that he had provided VDOT with a GIS map showing wells in the area. He added that VDOT was updating plans and doing everything it could to lessen impact to the east.

Note: In addition to Ms. Kedzierski, Former Supervisor Ben Longerbeam, and two others, also attended the meeting in support of the Route 340 / Senseny Road petition.

David Steigmaier, Community Outreach representative for Congressman Wolf, stated that that a summary of this meeting would be in his next report to the Congressman.

Robina Rich Bouffault, White Post, Planning Commissioner: commented on the replacement of the bridge crossing the Opequon opining that the current single-lane bridge served to calm traffic and that making this a two-line bridge was a bad idea.

6) Approval of Minutes

**Supervisor Byrd moved to approve the minutes for October 16, 2012 as corrected editorially. The motion carried by the following vote:**

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

7) Consent Agenda

A. Conservation Easement Authority Approval Requests: James Turner and Powhatan School Amendment

MEMORANDUM

TO: Board of Supervisors, David Ash  
 FROM: Alison Teetor  
 DATE: October 30, 2012  
 SUBJECT: Conservation Easement Authority approval requests

**Easement Donation**

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

**James Turner** - James Turner has applied to the easement authority for approval of three easement donations. Mr. Turner owns 3 parcels; two are listed under the corporation MFR Company, L.C. and the other he co-owns with his brother John Turner.

<u>County Tax Map#</u>	<u>Acres</u>	<u>DUR's</u>	<u>Property Score</u>
42-((A))-3	138	5	76.46
38-((A))-43A	93	3	61.05
42-((A))-4	54	3	51.51

Total 285 acres 11 DUR's

The property is south of Route 50 near the Warren County line above Shenandoah Farms. The 3 parcels are currently vacant woodland and have a total of 11 DURs. The applicant wishes to retain 1 DUR on each parcel retiring a total of 8 DURs. The parcels are zoned FOC and are in land use. All 3 parcels meet 3 of the 4 criteria. All are larger than 40 acres, all scored over 35, and all will retire at least 1 DUR, non are adjacent to an existing easement. At their regular meeting held October 17<sup>th</sup>, 2012, on motion of Mr. Engel, seconded by Ms. Thomas, the Authority unanimously gave preliminary approval for the donation.

**Modification of Gift of Deed of Easement – Powhatan School**

A Deed of Easement was recorded on property gifted to Powhatan School in 2011. Two perennial streams, Roseville Run and Spout Run, separate the main school property from the eased property. The original Deed of Easement specified that a vehicular bridge could be located at the southeastern part of the property and that two existing bridges could only be used as foot bridges. The School requested that one of the foot bridges be permitted for use for vehicular access. The main reason for the request is that the school needs access for tractors and other such equipment in order to construct the permitted trails so that the students have more access to the eased property. In addition the school expressed concerns regarding safety and the ability to extract students or other persons who might be injured on the property.

One of the two pedestrian bridges had previously been used for vehicles so that the construction impact would be minimal. Any conversion of the bridge would require an amendment to the Deed of Easement. The Easement Authority conducted a site visit and approved the amendment allowing for the bridge conversion at their July 2012 meeting. The Powhatan School board also approved the proposed amendment. The draft amendment was prepared by Mr. Robert Mitchell (attached). As the County is a signatory on the Deed of Easement, the Board of Supervisors must also approve and authorize signature of the amendment.

**MODIFICATION OF DEED OF GIFT OF EASEMENT**

THIS MODIFICATION OF DEED OF GIFT OF EASEMENT, dated the \_\_\_\_\_ day of \_\_\_\_\_, 2012, is by and between POWHATAN SCHOOL, party of the first part, a Virginia nonstock corporation ("Powhatan School"), and the COUNTY OF CLARKE, VIRGINIA ("County"), and the CLARKE COUNTY CONSERVATION EASEMENT AUTHORITY ("Authority"), parties of the second part.

WHEREAS, by Deed of Gift of Easement dated June 3, 2011, and recorded in the Office of the Clerk of the Circuit Court of Clarke County, Virginia in Deed Book 535 at Page 817, Agnes C. Brengle, Constance B. Crocker, and Isabelle C. Osborne ("Brengle, Crocker, and Osborne") conveyed a Conservation Easement ("Easement") to the County and the Authority on a parcel containing 46.8384 acres in Clarke County, Virginia, as described therein ("the Property"); and



WHEREAS, by Deed of Gift and Deed of Boundary Line Adjustment and Merger dated June 2, 2011, and recorded in the aforesaid Clerk's Office in Deed Book 535 at Page 842, Brengle, Crocker, and Osborne conveyed the Property to Powhatan School, subject to the Easement; and

WHEREAS, Powhatan School, the County, and the Authority desire to modify Paragraph 6 of Section II of the Easement regarding provisions for a riparian buffer; and

WHEREAS, the County and the Authority find the modification to be consistent with the conservation and open-space purposes of the Easement.

NOW, THEREFORE, the parties hereby modify and replace Paragraph 6 of Section II of the Easement to provide as follows:

**6. RIPARIAN BUFFER.** To protect water quality, a 100-foot buffer strip shall be maintained in forest or be permitted to revegetate naturally along each edge of the Roseville Run and the west edge of Spout Run, as measured from the top of the bank. (Where there is less than 100 feet between the east edge of Roseville Run and the east boundary of the Property, the entire distance from the east edge of Roseville Run and the east boundary of the Property shall be a buffer strip.) Within this buffer strip there shall be (a) no buildings or other substantial structures constructed; (b) no storage of compost, manure, fertilizers, chemicals, machinery, or equipment; (c) no removal of trees except removal of invasive species or removal of dead, diseased, or dying trees or trees posing an imminent human health or safety hazard; and (d) no cultivation or other earth-disturbing activity, except as may be reasonably necessary for (i) either wetland or stream bank restoration or erosion control, pursuant to a government permit, (ii) fencing along or within the buffer area; (iii) construction and maintenance of stream crossings that do not obstruct water flow; (iv) creation and maintenance of foot or horse trails with unimproved surfaces; and (v) dam construction to create ponds. Limited mowing to control non-native species or protect trees and other plants planted in forested buffers is permitted. Livestock shall be excluded from the riparian buffer strip, except for one stream access for watering. Stream access shall be constructed in accordance with current Department of Conservation and Recreation Agricultural Best Management Practices for a "hardened crossing" for the purpose of providing a stabilized area for access to the stream for livestock watering. Notwithstanding the foregoing, and except as provided above for livestock access, (i) stream crossings of Roseville Run shall be limited to two crossings in the location of the existing foot bridges across Roseville Run; one bridge shall remain as a foot bridge, and the other may be improved for access of tractors or other equipment as needed for maintenance, construction, and stream restoration, with bridge materials consisting of metal I-beam supports with wood planks for the travel surface and wood hand rails, (ii) access paths to the bridges across Roseville Run shall remain in their present location, or, if changed, shall be approximately perpendicular to Roseville Run, shall not exceed twelve (12) feet in width, and shall remain pervious (unpaved), and (iii) a stream crossing for Spout Run shall be limited to one bridge and one access path over the riparian buffer for Spout Run, which shall be in the location of the

existing 30 foot private right of way shown on the boundary line adjustment plat referenced in paragraph 2.B., above.

In all other respects the aforesaid Deed of Gift of Easement dated June 3, 2011 remains in full force and effect.

B. Acceptance Abstract of Votes Election 2012

- President and Vice President of the United States of America
- United States Senate
- Member House of Representatives
- Proposed Constitutional Amendments Question 1 and Question 2

C. Acknowledgement of FY 2013 Audit of Commissioner of the Revenue, Treasurer and Sheriff's Office by the Auditor of Public Accounts

October 22, 2012  
Auditor of Public Accounts  
P.O. Box 1295  
Richmond, Virginia 23218

J. Michael Hobert, Chairman  
101 Chalmers Court  
Berryville, VA 22611  
County of Clarke

Dear Mr. Hobert:

We have reviewed the Commonwealth collections and remittances of the Treasurer, Commissioner of the Revenue, and Sheriff of the locality indicated for the year ended June 30, 2012. Our primary objectives were to determine that the officials have maintained accountability over Commonwealth collections, established internal controls, and complied with state laws and regulations.

The results of our tests found the Treasurer, Commissioner of the Revenue, and Sheriff complied, in all material respects, with state laws, regulations and other procedures relating to the receipt, disbursement, and custody of state funds, except as follows.

The Treasurer did not maintain sufficient internal control over state funds as described below.

Perform Monthly Reconciliations

The Treasurer did not perform timely and adequate monthly reconciliations of the accounting records to the Commonwealth Accounting and Reporting System (CARS)

reports provided by the Department of Accounts. Timely monthly reconciliations are a significant internal control which is essential for determining the reliability of information.

The Treasurer should reconcile assessments, collections, and uncollected balances to CARS on a monthly basis as required by Section 58.1-3168 of the Code of Virginia and submit correction requests timely. Proper procedures will ensure complete and accurate recording of tax assessments and collections.

We discussed this comment with the Treasurer on October 22, 2012 and we acknowledge the cooperation extended to us during this review.

Sincerely,  
WJK: clj

cc: David L. Ash, County Administrator  
Sharon E. Keeler, Treasurer  
Donna M. Peake, Commissioner of the Revenue  
Anthony W. Roper, Sheriff

To: Clarke County Board of Supervisors  
From: Sharon E Keeler, Treasurer  
Date: 11115/2012  
Re: Audit of Public Accounts

In response of the Audit of Public Accounts concerning the Office of the Treasurer, I acknowledge the findings of performing timely monthly deposit reconciliations. This finding occurred when an error was made in the assessment of State Estimated Income Tax and was not found and corrected in that month's reconciliation. The error was corrected and every effort is being made to prevent this from happening in the future.

**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 | - Abstain from Item A Conservation Easement Relating to James Turner |
|                   | Aye to Item A Conservation Easement Relating to Powhatan School      |
|                   | Aye to Items B and C   |
| Beverly B. McKay  | - Aye  |
| John R. Staelin   | - Aye  |
| David S. Weiss    | - Aye  |

8) Adopt Resolution of the Board of Supervisors of Clarke County Concurring With a Financing Undertaken By the Industrial Development Authority of Clarke County, Virginia, to Benefit Lord Fairfax Community College

Supervisor Staelin stated that the Clarke County Industrial Development Authority had held public hearing on the Lord Fairfax Community College [LFCC] bond issue on Wednesday, November 14, 2012. He informed the Board that LFCC planned to build a student center at a cost of \$9MM in an effort to provide more classroom space in its current facility. Supervisor Staelin assured that issuing bonds in this manner was a common practice; and, approving the bond posed no financial risk to the Board of Supervisors.

**Supervisor Staelin moved to approve the resolution. 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

**RESOLUTION OF THE BOARD OF SUPERVISORS OF CLARKE COUNTY APPROVING A FINANCING TO BE UNDERTAKEN BY THE INDUSTRIAL DEVELOPMENT AUTHORITY OF CLARKE COUNTY, VIRGINIA, FOR THE BENEFIT OF THE LORD FAIRFAX COMMUNITY COLLEGE EDUCATIONAL FOUNDATION  
2012-16R**

**WHEREAS**, the Industrial Development Authority of Clarke County, Virginia (the "Authority"), on November 14, 2012, adopted a resolution (the "Authority Resolution") authorizing the issuance and sale of its Educational Facilities Revenue Bonds, Series 2012, in a principal amount not to exceed \$9,000,000 (the "Bonds"), for the benefit of the Lord Fairfax Community College Educational Foundation, a not-for-profit Virginia non-stock corporation (the "Foundation"), to finance the costs of constructing, equipping, improving and developing a multi-purpose student union building, of approximately 31,800 gross square feet and consisting of two stories, to be located on an approximately 17.8-acre site north of, and adjacent to, the Lord Fairfax Community College main campus in Frederick County at 173 Skirmisher Lane, Middletown, Virginia 22645, together with a related parking lot of approximately 6,000 square feet, and roadways and sidewalks to access the site (collectively, the "Project");

**WHEREAS**, Section 147(f) of the Internal Revenue Code of 1986, as amended (the "Internal Revenue Code") and Section 15.2-4906 of the Code of Virginia of 1950, as amended (the "Virginia Code"), require that the governmental unit on whose behalf the Bonds are issued approve the issuance of such Bonds;

**WHEREAS**, Section 147(f) of the Internal Revenue Code requires that any such approval by the applicable governmental unit be given after a public hearing following reasonable public notice, which hearing may be held by the public authority issuing the Bonds;

**WHEREAS**, on November 14, 2012, in accordance with the requirements of Section 147(f) of the Internal Revenue Code and Section 15.2-4906 of the Virginia Code, the Authority held a public hearing and adopted the Authority Resolution approving the issuance of the Bonds;

**WHEREAS**, a copy of the Authority Resolution, a record of the public hearing and a fiscal impact statement with respect to the issuance of the Bonds have been filed with the Board of Supervisors (the "Board of Supervisors") of Clarke County, Virginia (the "County");

**WHEREAS**, the Foundation has requested the Board of Supervisors to approve the issuance of the Bonds to comply with Section 147(f) of the Internal Revenue Code and with Section 15.2-4906 of the Virginia Code; and

**BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF CLARKE COUNTY, VIRGINIA:**

1. The Board of Supervisors hereby approves the issuance of the Bonds by the Authority for the benefit of the Foundation, as required by Section 147(f) of the Internal Revenue Code and by Section 15.2-4906 of the Virginia Code.
2. The County having not previously issued in calendar year 2012 any tax-exempt obligations (not including "private activity bonds" other than "qualified 501(c)(3) bonds," as those terms are defined in the Code), which are required to be aggregated with obligations issued by the Authority for purposes of Section 265(b)(3)(B) of the Code, and the County and all its subordinate issuing entities or authorities (including the Authority) not reasonably expecting to issue in calendar year 2012 any other such obligations that, when aggregated with the Bonds, will be in excess of \$10,000,000, the County hereby concurs with the Authority's intention to designate the Bonds as "qualified tax-exempt obligations" under Section 265(b)(3)(B) of the Code.
3. The approval of the issuance of the Bonds does not constitute an endorsement of the Bonds or the creditworthiness of the Foundation. As required by Section 15.2-4909 of the Virginia Code, the Bonds shall provide that the County will have no obligation to pay the Bonds or the interest thereon or other costs incident thereto.
4. All acts and doings of the officers of the County and the Board of Supervisors that are in conformity with the purposes and intent of this resolution shall be, and the same hereby are, in all respects approved and confirmed.
5. The Board of Supervisors' approval of the issuance of the Bonds is conditioned upon (a) the issuance of the Bonds by December 31, 2012, and (b) the adoption of a concurring resolution by the Board of Supervisors of Frederick County, Virginia.
6. This resolution shall take effect immediately.

Adopted this 20th day of November 2012.

Attest:

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

9) Economic Development Consultant for Comprehensive Plan Update

Brandon Stidham informed the Board that the interview process was complete; and following this process, staff recommended awarding the contract to Herd Planning and Design, offices located in Purcellville. He commented that Herd's work plan indicated that work could begin immediately.

Supervisor Staelin added that Herd had assisted with comprehensive plans throughout the Commonwealth and had performed work for Shenandoah County and the Town of Berryville.

**Vice Chair Weiss moved to approve the recommendation of staff to authorize County Administration to enter into agreement with Herd Planning and Design for an amount not to exceed \$58,770. The motion carried by the following vote:**

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

10) Special Event Permit Application Shenandoah Riverside Festival Large, Three-Year Event  
- Set Public Hearing

David Ash advised that this was a continuation of an ongoing event and that the nature of event had been well described by the applicant and responding agencies.

**Vice Chairman Weiss moved to set the matter for public hearing at the December 18, 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	- Aye

11) Personnel:

A) Expiration of Term for appointments expiring through January 2013. Action: Approve recommendations of the Personnel Committee:

Clarke County Industrial Development Authority:

- Reappoint Wayne Armbrust to a four-year term expiring 10/30/2016.

- Reappoint Rodney Pierce to a four-year term expiring 10/30/2016.

**Supervisor Byrd moved to approve the appointments. 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

**Vice Chair Weiss moved to appoint Walker Thomas to the Conservation Easement Authority to serve a full four-year term beginning January 1, 2013 and expiring December 31, 2015. 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

12) Board of Supervisors Work Session Items

A. Buildings and Grounds

11/14/2012 Summary: David Ash will provide updates on the following:

- BCCGC HVAC Update:

11/14/2012 Discussion: The Board was informed that bids had been received on repairs necessary for the HVAC system in the BCCGC and the Joint Building Committee has recommended that the governing bodies approve a contract with Blauch Brothers to make the necessary repairs. Detailed information on the bid and the committee's recommendation will be provided to the Board at its regular meeting.

11/20/2012 Discussion: David Ash read the recommendation of the BCCGC Joint Building Committee from its November 14, 2012 minutes:

BCCGC HVAC Repair Status

*Following Closed Session, David Ash, seconded by Allen Kitselman, moved that the Joint Building Committee recommend to Board of Supervisors and the Berryville Town Council:*

- *The acceptance of the low bid from Blauch Brothers for renovation of HVAC system at 101 Chalmers Court;*
- *Accept the option providing for electric reheat on the VAV system;*
- *Add to the bid the alternate including the glycol make up unit;*
- *Recommend that the Board of Supervisors and Berryville Town Council establish a budget that includes a base amount of \$299,695 plus \$88,477 [which would cover an allowance for a control system that is yet to have been quoted, a glycol feed system, contingencies (20%), and contract administration / inspection] for a total budget of \$388,172. Noting that this temperature control system is being recommended for installation to address temperature and humidity problems that have existed since the building was constructed and occupied, and will be included in the claims being addressed with the architect under his contract.*
- *Establish the Town Share of the \$388,172 budget is \$144,788.16 and the County Share at \$243,384.*

*The motion carried by the following vote:*

<i>David Ash</i>	-	<i>Aye</i>
<i>Keith Dalton</i>	-	<i>Aye</i>
<i>Allen Kitselman</i>	-	<i>Aye</i>
<i>David Weiss</i>	-	<i>Aye</i>

David Weiss added that they believed that this design would resolve the HVAC issues and they would work vigorously with the architect.

**Supervisor Staelin moved to approve the recommendation of the BCCGC Joint Building 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

- Active Living / Park Office Update:

11/14/2012 Action: The Board was advised that the project was nearly complete, the Park Offices have been relocated, and that the congregate meal program anticipates relocating as soon as kitchen equipment and dining room furnishings are available.

- The Board is asked to discuss the use and/or disposition of:
  - A. 36 East Main Street Property [former Library Building]
  - B. 106 North Church Street Property [former Commonwealth Attorney's Office]



11/14/2012 Action: The Board directed the County Administrator to seek assistance in securing long-term rental or lease agreements on one or both buildings and to advise the Board of any success in that effort.

B. VDOT Lewisville Road Update

11/14/2012 Summary: Route 641 Crash Report – 2005 through 2010 from VDOT is included in the packet for Board consideration.

11/14/2012 Action: The Board agreed to defer further discussion or consideration on this matter until such time as the impact of recently erected signage is evaluated.

C. VDOT Route 612 (Shepherds Mill Road) Bridge Replacement

11/14/2012 Summary: VDOT is beginning the environmental studies and consultation for the proposed replacement of the Route 612 bridge over Long Marsh Run in Clarke County. The bridge is proposed for replacement to upgrade the structure to modern safety guidelines. Pursuant to Section 106 of the National Historic Preservation Act, the VDOT has identified Clarke County along with the Clarke County Historical Association as a potential consulting party. The Board is asked to determine its interest in being a consulting party and participating in the Section 106 consultation process for this proposed project.

11/14/2012 Action: The Board authorized the Chair to execute a request that the County be included as a consulting party in this project.

November 15, 2012

Ms. Megan Hesse  
Department of Transportation  
PO Box 3071  
Salem, VA 24153-0560

RE: 00612-021-1839018 Long Marsh Run Bridge

Dear Ms. Hesse,

This letter is in response to your letter dated October 18, 2012 to Mr. David Ash, Clarke County Administrator, regarding VDOT's initial environmental review for the proposed replacement of the Long Marsh Run Bridge located on Shepherds Mill Road. The County appreciates the opportunity to serve as a consulting party in the Section 106 review process for this project.

As indicated in your letter, the bridge is a contributing resource within the Long Marsh Rural National Historic District (1993), as documented by Maral Kalbian, architectural historian, the historical significance of the bridge in the nomination is as follows:

*"The one-lane bridge over Long Marsh Run along Route 612 (21-967-17) is in highly unaltered condition (Photo 39). According to an inscription in the southwest corner of the parapet side, the concrete bridge was constructed in 1918, perhaps by R. E. Byrd and A. J. Ritter, two names that appear under the date. What is so unique about this otherwise common structure is the Latin inscription found on the outside west wall of the bridge that reads, "HOC SIGNO VINCES." This is translated as "In this sign thou shalt conquer," and makes reference to Emperor Constantine's vision that he would triumph if he converted to Christianity. Above the written inscription are two crossed sabres, symbols for sabres at rest. Given the fact that the bridge was constructed at the end of World War I, one can assume this inscription refers to America's victory."*

In addition the County believes that the bridge may also be eligible for individual listing. This is based on the unusual features of the inscriptions on this otherwise typical early-20<sup>th</sup>-century, single-slab, single-lane concrete bridge, that may be unique enough to warrant eligibility for individual listing. Further research needs to be conducted on the inscriptions in order to determine the story behind them as well as confirm whether this feature is found on other bridges of this era in the Commonwealth.

An additional concern, not addressed in the October 18 letter is the potential disturbance of significant archeological resources. The bridge is adjacent to the Castleman-Taylor Mill site, and any disturbance should be preceded by an archaeological survey.

Thank you for providing an opportunity to work with you on this project.

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

#### D. Faithworks, Inc. Letter of Support Request

11/14/2012 Summary: Sandra Webster, Community Services Director - Faithworks, Inc. is requesting a letter of support for their HOME application to Northern Shenandoah Valley Regional Commission. Faithworks, a faith-based non-profit agency in Winchester, is applying for \$42,000 in HOME funds to provide Services Enhanced Housing to individuals and families in the Winchester, Frederick and Warren County areas. These funds would be used to assist anyone that is currently living in motels, in shelters, on the street or doubled up with family or friends to secure permanent housing. For many individuals, coming up with security deposit, first month's rent, utility deposits, etc. is what keeps them stuck in their current living situation. Faithworks' Services Enhanced Housing program can pay these upfront costs, as well as provide other services to ensure that individuals/families succeed in remaining in their new home.

11/14/2012 Action: The Board authorized the County Administrator to execute the draft letter provided in the 11/14 packet.

November 14, 2012

Faithworks, Inc.  
26 W. Boscawen Street  
Winchester, Virginia 22601

Attention: Sandra Webster

Re: HOME Grant Application

The Clarke County Board of Supervisors recognizes the importance of assisting individuals and families in crises to secure safe, permanent housing. The Clarke County Board of Supervisors endorses Faithworks, Inc.'s application for HOME funds to address the needs of very-low and low-income individuals and families in Clarke, Warren and Front Royal.

Please let us know if you need additional information or further support for this important service.

Regards,  
David L. Ash  
County Administrator

E. Bicycle Touring Events Discussion

11/14/2012 Summary: Supervisor McKay requests discussion of bicycle touring events in the County following two such events within the past several months that drew thousands of participants traveling on our rural roadways.

11/14/2012 Action: Following discussion regarding the last two bicycle touring events held in the County, the Board asked Supervisor McKay to work with the Town Planner [as the unofficial representative of the bicycling community] to encourage participants in these future events to adhere to Virginia law.

F. Comment on DHCD Review of Planning District Boundaries

11/14/2012 Summary: DHCD is conducting a required periodic review of planning district boundaries statewide and have asked for public comment. Staff has

identified no concerns with the current boundaries and membership. A letter of support for the Chair's signature is provided.

11/14/2012 Action: The Board of Supervisors authorized the Chair to execute the letter of support provided with the 11/14 packet material.

November 14, 2012

Susan B. Williams  
Local Government Policy Manager  
Department of Housing and Community Development  
Main Street Centre  
600 East Main Street, Suite 300  
Richmond, Virginia 23219

Dear Ms. Williams:

This letter is provided in response to the Department of Housing and Community Development's Request for Public Comment regarding the periodic review of planning district boundaries statewide.

Clarke County offers its support of the current boundaries and membership of the Northern Shenandoah Valley Regional Commission (PD 7). The current membership forms a logical region of localities with common interests and the district is a good size to allow members to make meetings and to coordinate regional efforts with ease.

We appreciate the opportunity to comment on this important review.

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

Cc: Martha Shickle, NSVRC Executive Director  
David Ash, County Administrator

G. 2012 Legislative Luncheon Date and Legislative Priorities Review and Discussion

11/14/2012 Summary: On November 6, notice was sent via email to Joe May, Randy Minchew, and Jill Holtzman Vogel asking for a list of available dates to meet with the Board to discuss legislative priorities. The Supervisors are asked to review their calendars to establish their availability. Further, the current 2012 Legislative Priorities are provided in the packet for review and discussion.

11/14/2012 Action: The Board asked that information regarding the availability of Legislative members be provided as soon as received; and further, authorized

Supervisors Hobert and Staelin to review and revise the legislative priorities for 2013 for consideration and adoption at the regular board meeting.

11/20/2012: The Legislative Luncheon date is set for December 19, 2012 at 12 noon.

The Supervisors reviewed the drafted 2013 Legislative Priorities. Highlights include:

- Added for 2013 State Tax Reform, Cost and Revenue Shifting and State Year-end Surplus Funds
- Removed the following issues previously listed in the 2012 Priorities:
  - Affordable Housing
  - Beverage and Container Bill
  - Biosolids
  - Education Composite Index
  - Energy Efficiency and Conservation
  - Imminent Domain
  - Marcellus Shale
  - Waste and Litter Control
- Consolidated or Revised the following issues:
  - Cost and Revenue Shifting
  - Growth Management
  - Transportation
  - Water Supply Planning
- Groundwater Control by Locality: for clarification, rewrite the first sentence to read as follows: *“Clarke County supports legislation that would allow counties to prohibit installation of alternative onsite septic systems in environmentally sensitive areas such as karst terrain.”*
- Wireless and Broadband Access: To separate cellular and broadband services, rewrite to read as follows: *“It is clear that Verizon Wireless, AT&T and the other internet, broadband and cellular providers will not provide wireless communication broadband service to rural areas unless they are given incentives or a mandate to do so. Clarke County asks that the Commonwealth take steps to encourage or require rural access to modern broadband and cellular technology to rural areas just as was done years ago when electrical and telephone service became important technologies.”*

At 3:09 pm, Supervisor McKay stepped out of the meeting.

**Supervisor Byrd moved to adopt the 2013 Legislative Pories as modified. The motion carried by the following vote:**

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

### 2013 Legislative Priorities and Positions for Clarke County

#### Issue: State Tax Reform, Cost and Revenue Shifting and State Year-end Surplus Funds

Clarke County calls upon the Commonwealth to restructure state income, sales and use taxes to address anachronistic tax policies. Tax reform is required to help buttress the Commonwealth's General Fund which finances most core government functions and must be stabilized to meet current and foreseeable core service demands. Failure to address this need has resulted in the unfair gradual shifting of costs and the outright reduction in aid to localities to balance the state budget. With each passing year Clarke County has been required to raise real estate taxes in order to incrementally subsidize a variety of traditionally state funded (or state shared) costs (Compensation Board, Registrar, Cooperative Extension, Line of Duty, Social Services and the court system for example). This cost shifting places a tremendous burden on a regressive real estate tax system. Cost shifting must stop and the tax system must be reformed to reduce the burden on the real estate tax. Action must be taken to restore "Aid to Localities".

At a minimum tax reform should meet the following criteria:

- Reduction of local dependence on the real estate tax.
- Offset any change that reduces or eliminates an existing local funding source by a new or expanded source. Clarke County opposes repeal of the machinery and tools tax or the BPOL tax unless such offset is guaranteed.
- Ensure equal taxing authority to towns, cities and counties.
- Protection of the commonwealth's general fund and preservation for core government functions such as public education, health and human services, public safety, natural resources and environmental services. Transportation maintenance and improvements should be paid by user fees.

#### Issue: Education

Clarke County supports full funding by the Commonwealth of its

share of the true cost of K-12 public education without reducing other parts of the budget affecting local government or shifting costs from the Commonwealth to localities.

**Issue: Transportation**

Transportation improvements should be funded by user fees, not the General Fund. Otherwise, funds will be effectively taken away from the funding of education, natural resources, etc.

Further, Clarke County does not support the devolution or cost shifting of transportation responsibilities to counties, especially smaller counties, like Clarke, that do not have the scale of work to allow for the efficient provision of services.

**Issue: Groundwater Control by Locality**

Clarke County supports legislation that would allow counties to prohibit installation of alternative onsite septic systems in environmentally sensitive areas such as karst terrain. Moreover, Clarke believes the inspectors (operators) of alternative systems (AOSS) should be required to both sample the effluent of their AOSS and submit a written report to the Health Department annually. In addition, each local Health Department should be required to make an annual random sample of 10% of the AOSS in their area.

**Issue: Water Protection and Chesapeake Bay TMDL**

Clarke County supports action by the Commonwealth to ensure protection of groundwater, clean rivers, a clean Bay and a viable agricultural community. Clarke expects the Commonwealth to advance a supportable plan with adequate funding and/or regulations to protect our rivers, groundwater and the Bay at reasonable cost to farmers, towns and citizens.

**Issue: Voting Districts**

Clarke County requests the boundary line between House Districts 10 and 33 be revised to more closely align the local election Districts. This change would affect about 150 voters and would dramatically ease the burden on local election officials.

**Issue: Growth Management**

Clarke County believes that the authority to plan and regulate land use should remain with the local governing bodies and Clarke opposes any legislation that would weaken that authority.

**Issue: Hunting**

Clarke County believes the Commonwealth's hunting rules are fine the way they are and sees no reason to change them.

**Issue: Wireless and Broadband Access**

It is clear that Verizon Wireless, AT&T and the other internet, broadband and cellular providers will not provide wireless communication broadband service to rural areas unless they are given incentives or a mandate to do so. Clarke County

asks that the Commonwealth take steps to encourage or require rural access to modern broadband and cellular technology to rural areas just as was done years ago when electrical and telephone service became important technologies.

**Issue: Sales Tax  
Collection from Out-  
of-State Providers**

Clarke believes that in this modern era of Internet sales the Commonwealth should do everything it can to collect sales tax from as many Internet sales companies as possible.

**H. Closed Session Pursuant to §2.2-3711-A1 Specific Employees or appointees of the Board**

11/14/2012 Action: **Supervisor Staelin moved to convene into Closed Session pursuant to §2.2-3711-A1 Specific Employees or appointees of the Board. 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 Staelin 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 Staelin further moved to execute the following Certification of Closed Session:**

**CERTIFICATION OF CLOSED SESSION**

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

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

NOW, THEREFORE BE IT RESOLVED, that the Board of Supervisors of the County of



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

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

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

No action was taken on matters discussed in Closed Session

### 13) Finance Committee Items

*Special Note: The Finance Committee completed items 1 and 2, below, at their meeting on November 14, and the balance of the finance agenda on November 16, subsequent to the publication of the board agenda. The following Finance Committee recommendations are therefore for discussion by the Board of Supervisors on November 20.*

At 3:11 pm, Supervisor McKay rejoined the meeting.

#### 1. Sheriff's Department Leave Payouts.

The Sheriff presented information at the meeting regarding leave payouts. The Finance Committee requested leave information for all agencies in order to consider its policy on leave payouts.

#### 2. Sheriff's Telephone System Replacement.

The Sheriff presented information at the meeting regarding the need to replace the current telephone system. The system is six years old, but the vendor is forcing both hardware and software upgrades in order to continue maintenance. The system replacement received a low bid of \$172,000, while the grant received for the replacement was \$117,000, leaving a shortfall of \$55,000. The Finance Committee directed the Sheriff and Joint Services Director to fund the shortfall from already

appropriated capital projects relating to Sheriff's equipment, cruiser replacements, and mobile radio replacements.

3. Capital Projects Carryover from FY 12 to FY13.

The Finance Committee recommends approval of the following: *"Be it resolved that the unexpended budgeted expenditure and appropriations, as well as revenue estimates, that remained at the end of FY 12 in the Government and School Capital Projects Funds, be carried forward to FY 12, as outlined in the attached tables."*

**Supervisor Staelin moved to approve the recommendation 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

4. Conservation Easement Carryover from FY 12 to FY 13.

The Finance Committee recommends approval of the following: *"Be it resolved that \$227,639 of unexpended budgeted expenditure and appropriations, as well as estimated revenue of \$64,780 and appropriated fund balance of \$181,460, that remained at the end of FY 12 in the Conservation Easement Fund, be carried forward to FY 13."*

**Supervisor Byrd moved to approve the recommendation 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

**General Government Capital Carryover****Expenditure**

Sheriff's Equipment (fingerprinting, etc.)	20,827
Auto Replacement	33,929
Resurface Tennis Courts	90,000
Pool Repair	19,999
Additional Parking	10,000
Sheriff's Vehicles	87,811
Sheriff's Mobile Radio System	15,580
Park Expansion	30,000
Economic Development	332,803
Technology Improvements	3,520
Sheriff's Building Renovation	404,922
Roofing	112,333
Plan Updates	9,661
Carpeting (Includes Gen Dist Courthouse Seating)	39,080
Landscaping	15,375
Parks Westside Sitework/Parking	47,024
Parks Signs/Pool Roof	20,000
Recreation Center Additions/Wall Crack	647,559
Systems Integration	75,900
<b>Total Expenditure</b>	<b>2,016,323</b>

**Revenue**

Debt Proceeds	75,758
Senior Center Fund Raising	35,384
Donation for Dog Park	3,035
<b>Total Revenue</b>	<b>114,177</b>

**Capital Projects Fund Balance**

Economic Development	332,803
<b>Total Revenue and Fund Balance</b>	<b>446,980</b>

<b>Total Expenditures less Revenue and Fund Balance</b>	<b>1,569,343</b>
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**School Capital:****Expenditure**

School Furniture Replacement	15,332
Buses	20,105
Passenger Vehicle	18,163
School Food	53,341
Modular Classroom Removal	34,640
Painting	51,300
Heating, Ventilation, & AC Replacements	26,007
Roof Replacements	33,200
Flooring	26,440
Security Improvements	107,532
CCHS Practice/Football Field Renovation	6,904
Paving/Sidewalk Repair & Improvement	31,500
DGCES Lighting Upgrade/Boyce Emergency Lighting	33,539
Fencing Replacements	35,000
Strategic Space Planning	40,466
Student Records/Attendance & Health - Technology	29,110
IEP Management System	11,920
<i>Subtotal General Projects</i>	<i>574,499</i>
<hr/>	
Technology Improvements	103,256
Instructional Tech - Facilities	58,764
<i>Subtotal Technology</i>	<i>162,020</i>
<hr/>	
New High School	1,357,811
Renovation of Former High School	3,688,954
Renovation of DG Cooley Elementary School	1,863,990
Renovation of Berryville Primary School	1,706,457
<i>Subtotal Building Construction</i>	<i>8,617,212</i>
<hr/>	
<b>Total Expenditure</b>	<b>9,353,731</b>

**Revenue**

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School Software Grant	11,920
Instructional Technology State	58,764
<i>Subtotal Technology</i>	70,684

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**Capital Projects Fund Balance**

Bond Proceeds for School Construction	4,950,085
<i>Subtotal Fund Balance (Construction)</i>	4,950,085

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**Total Revenue and Fund Balance** **5,020,769**

**Expenditure less Revenue and Fund Balance** **4,332,962**

5. FY 12 Year-end Fund Balance Designations.

The approved designations will appear in the FY 12 Financial Report. The Finance Committee recommends approval of the following: *"Be it resolved that the attached designations be approved for inclusion in the FY 12 Financial Report."*

Chairman Hobert summarized the changed items including the addition of leave liability.

There was general discussion on employee leave, budget overage / underage, budgeting with a "pay as you go" attitude, and the need to establish service levels.

Tom Judge distributed the revised Fund Balance Designations, described the process and provided line item review.

Supervisor Staelin noted that funds had not been set aside for the Convenience Center.

**Supervisor Staelin moved to approve the fund balance designations as distributed and discussed today. 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

Title: *General Fund Balance*

11/19/12

Source: *Clarke County Joint Administrative Services*

	<u>Previous</u>	<u>End of June</u>
<b>General Fund Balance Year End FY 2010 &amp; FY 2011</b>	14,154,881	15,177,059
Expenditure FY 11 & FY 12	(23,885,81)	(24,402,638)
Revenue FY 11 & FY 12	24,907,990	25,236,917
<b>General Fund Balance (year-end FY 11 &amp; FY 12)</b>	15,177,059	16,011,338

**Adjustments and Designations***Designations*

Liquidity Designation@ 12% of FY 11112 Budgeted Operating Revenue	(\$2,951,003)	(\$2,985,415)
Stabilization Designation@ 3% of FY 11112 Budgeted Operating Revenue	(737,751)	(746,354)
Continuing Local GF Appropriations for Capital Projects	(5,127,367)	(5,902,305)
School Capital/Debt	(1,500,000)	(1,448,000)
Government Construction/Debt	(941,090)	(759,562)
Property Acquisition	(265,000)	(265,000)
Conservation Easements from Government Savings	(153,462)	(153,462)
Community Facilities	(\$325,000)	(\$325,000)
Comprehensive Services Act Shortfall	(262,868)	(250,000)
Parks Master Plan	(100,000)	(100,000)
School Operating Carryover	(136,014)	(566,004)
Government Carryover Requests from Government Savings	(373,177)	(400,000)
Energy Efficiency	(200,000)	(200,000)
Data and Communications Technology		(350,000)
Joint Government Center Heating, Ventilation, and Air Conditioning		(240,000)
Landfill costs	(50,000)	(50,000)
Leave Liability		(75,000)
FY 12/13 Original Budget Surplus (Deficit)	(1,369,920)	(695,236)
TOTAL Designations	(14,492,652)	(15,511,338)
FY 12/13 Expenditure Budget Adjustments	(290,310)	
FY 12/13 Revenue Budget Adjustments	171,447	
Undesignated Fund Balance Projected June 30	565,545	500,000

**Bold = Finance Committee proposed designations at June 30, 2012**

6. Supplemental Appropriations FY 12.

*"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>
Social Services Fund	1,921	1,921	1,921		Fixes an overage in total expenditure not reported last month.
Refuse Disposal	9,155	9,155			Auditor adjustment accrues summer bill to prior year.

**Supervisor Staelin moved to approve the Supplemental Appropriations for FY2012 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. Supplemental Appropriations FY 13.

The threshold for an FY 13 budget public hearing occurs when the total of budget adjustments since the previous public hearing exceeds \$224,800. The following budget adjustments are therefore recommended in. order:

- a. *"Be it resolved that FY 13 budgeted expenditures for the School Operating Fund be increased \$61,000, and the same appropriated, and that \$61,000 in additional revenue to the School Operating fund be recognized, all for the purpose of establishing a personnel contingency, the use of which shall not be for hire of permanent employees".*
- b. *"Be it resolved that FY 13 budgeted expenditures and appropriations of \$30,000 for the School Capital Projects Fund be transferred to the School Operating Fund to cover the cost of a high speed data line to Boyce Elementary School."*
- c. *"Be it resolved that FY 13 budgeted expenditures and appropriations for the General Government Capital Projects fund of ~~\$60,339~~ **\$49,109** be transferred from the Economic Development Capital Project to the Plan Updates capital project for employment of a consultant to assist with the economic development aspect of the Comprehensive Plan Update."*

- d. *"Be it resolved that FY 13 budgeted expenditures for the General Government Capital Projects Fund be increased \$200,000, and the same appropriated, and that \$200,000 in additional revenue from the Commonwealth be recognized, all for the purpose of passing through economic develop funds to Berryville Graphics via the Clarke County Industrial Development Authority".*
- e. *"Be it resolved that FY 13 budgeted expenditures for the Circuit Court Clerk be increased \$104,629, and the same appropriated, and that \$104,629 in Commonwealth revenue from the Compensation Board be recognized, all for the purpose of processing the Circuit Court Clerk's payroll and benefits for the remainder of the fiscal year: "*

Note that since subsection d is subject to a public hearing to take place in the evening, both d and e would need to be decided in the evening.

Tom Judge explained the proposed items. For item C, Mr. Judge asked that the amount requested be changed from \$60,339 to \$49,109 as reported earlier by Brandon Stidham.

**Supervisor Staelin moved approve the resolutions as shown in Items A, B, C, with C being modified. Further, action on Items D and E reserved until after public hearing scheduled for 6:30 pm this evening. 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. Acceptance of Bills and Claims

**Supervisor Staelin moved to accept the October 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	-	Aye

9. Standing Reports



Reconciliation of Appropriations; General Government Expenditure Summary.  
Information Only

## 14) Government Projects Update

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

- Sheriff's Office
  - Working with Chester to create a scope of work and preliminary design.
  - Budget does not include any structural renovations.
- 36 East Main Street Property [former Library Building]
  - Tom Judge and Mike Legge are in the process of writing a request for quote should the services of a real estate agent be needed,

## 15) Miscellaneous Items

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

## 16) Summary of Required Action

<u>Item</u>	<u>Description</u>	<u>Responsibility</u>
1.	Process approved minutes.	Lora B. Walburn
2.	Prepare public hearing notice and coordinate publication.	Lora B. Walburn
3.	Update database and prepare notices of appointment.	Lora B. Walburn
4.	Execute notices of appointment.	Michael Hobert
5.	Process Modification Of Deed Of Gift Of Easement Powhatan School.	Alison Teetor
6.	Execute Modification Of Deed Of Gift Of Easement Powhatan School.	Michael Hobert
7.	Process Resolution Of The Board Of Supervisors Of Clarke County Approving A Financing To Be Undertaken By The Industrial Development Authority Of Clarke County, Virginia, For The Benefit Of The Lord Fairfax Community College Educational Foundation 2012-16R.	Lora B. Walburn

<u>Item</u>	<u>Description</u>	<u>Responsibility</u>
8.	Execute Resolution Of The Board Of Supervisors Of Clarke County Approving A Financing To Be Undertaken By The Industrial Development Authority Of Clarke County, Virginia, For The Benefit Of The Lord Fairfax Community College Educational Foundation 2012-16R.	Michael Hobert
9.	Update 2013 Legislative Priorities as modified.	Lora B. Walburn

17) Board Member Committee Status Reports

Supervisor Byrd

- Social Services: Meets next week.

Supervisor John Staelin

- Planning Commission: Cigarette outlet deal is on hold as the applicant continues plan development.
- Water meetings: It appears that the Commonwealth will be introducing regulations on consumptive use.
- Sanitary Authority and IDA: Discussion continues on ways to address the high cost of hookup fees in the Waterloo area.

Chairman Hobert:

- Parks and Recreation: Park staff is in the process of moving their offices.

Vice Chairman Weiss

- CEA: Will meet in December to have a thorough discussion of policies. There is tentative approval of a \$100,000 Farm and Ranchland grant.

18) Closed Session

The Board of Supervisors did not conduct a Closed session.

At 4:16 pm Chairman Hobert recessed the meeting.

At 6:32 pm Chairman Hobert reconvened the meeting.

19) Citizen's Comment Period

No citizens appeared to address the Board.

20) PH 12-09: TA -12-04 Merger of Parcels: 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.

Brandon Stidham reviewed the proposed text amendment.

At 6:35 pm Chairman Hobert opened the public comment portion of the public hearing. Being no persons present desiring to address the Board, the Chairman closed the public comment portion of the public hearing.

Following a brief discussion, **Supervisor McKay moved to adopt the text amendment 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

AMENDMENT TEXT (new or amended language in bold italics with strikethroughs where applicable):

**Subdivision Ordinance:**

**10-E MERGER**

***A. Any merger of parcels shall require approval by the Zoning Administrator.***

***B. A final plat of a merger shall be submitted to the Zoning Administrator depicting the boundary lines that are proposed to be eliminated. A preliminary plat shall not be required for a merger.***

**C. The merger plat for property in the AOC or FOC zoning districts shall show thereon the Dwelling Unit Rights on the merged parcel, which shall comply with the provisions of §3-D-8 of the Zoning Ordinance.**

**D. The Zoning Administrator shall review the plat for compliance with County ordinances, and shall approve, disapprove, or approve with modifications.**

**E. An approved final plat shall be recorded within six (6) months of approval, and a copy of the recorded plat shall be returned to the Zoning Administrator.**

2-B-34 MERGER: The **vacation elimination** of one or more boundary lines between parcels of land, resulting in a single parcel of land.

12-E VACATION OF PLAT

Any plat of record may be vacated in accordance with the provisions of the Virginia Land Subdivision Act, Title 15.2, Chapter 22, Article 6, Sections 2271 and 2272.

Vacation of any plat of record, or of any portion of a plat of record, of subdivided land situated in the Agricultural-Open Space-Conservation (AOC) or the Forestal-Open Space- Conservation (FOC) zoning districts shall be subject to the provisions of Section **3-D-7 3-D-8** of the Clarke County Zoning Ordinance.

**Zoning Ordinance:**

9-B-127 MERGER: The **vacation elimination** of one or more boundary lines between parcels of land, resulting in a single parcel of land.

21) PH 12-10: Amendment of the FY2013 Capital Projects budget to increase expenditure and appropriation by \$200,000 for the purpose of providing economic development assistance to Berryville Graphics through the Clarke County Industrial Development Authority, and to increase revenue from the Commonwealth of Virginia by \$200,000.

At 6:40 pm Chairman Hobert opened the public comment portion of the public hearing. Being no persons present desiring to address the Board, the Chairman closed the public comment portion of the public hearing.

**Supervisor Staelin moved to approve Item D, "Be it resolved that FY 13 budgeted expenditures for the General Government Capital Projects Fund be increased \$200,000, and the same appropriated, and that \$200,000 in additional revenue from the Commonwealth be recognized, all for the purpose of passing through economic develop funds to Berryville Graphics via the Clarke County Industrial Development Authority," 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

**Supervisor Staelin moved to approve Item E, "Be it resolved that FY 13 budgeted expenditures for the Circuit Court Clerk be increased \$104,629, and the same appropriated, and that \$104,629 in Commonwealth revenue from the Compensation Board be recognized, all for the purpose of processing the Circuit Court Clerk's payroll and benefits for the remainder of the fiscal year," 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

22) Adjournment

There being no further business to be brought before the Board at 6:45 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, December 18, 2012 at 1:00 p.m. in the Main Meeting Room, 101 Chalmers Court, 2nd Floor, Berryville, Virginia.

ATTEST: November 20, 2012

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J. Michael Hobert, Chair

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David L. Ash, County Administrator

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