

January 15, 2013
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, 2nd Floor Berryville Clarke County Joint Government Center, 101 Chalmers Court, 2nd Floor, Berryville, Virginia on Tuesday, January 15, 2013.

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; Alison Teeter; Lora B. Walburn

Others Present

Clif Balderson; Ed Carter; Charlie Monroe; Robina Rich Bouffault; Gem Bingol; George Archibald; Val Van Meter; and other citizens

1) Call to Order

Chairman Hobert called the afternoon session to order at 1:05 p.m.

2) Adoption of Agenda

Add to Item 12 Miscellaneous:

- Legislative Resolution
- Letter in support of Piedmont Environmental Council American Battlefield Protection Program Grant
- 2013 BOS Committee Appointments by Chair

- Potential dates for RRMM presentation on elementary school renovations.

By consensus, the Board approved the agenda as modified.

3) Citizens Comment Period

George Archibald, Berryville: Distributed the following written statement,

*BOARD OF SUPERVISORS MEETING
Tuesday, January 15, 2013
PUBLIC COMMENTS*

FISCAL YEAR 2012 SCHOOL DIVISION CARRYOVER BEQUEST

I have a handout for you with a good Local Section story by Val Van Meter in today's Winchester Star, which reports that the School Division and School Board are already considering ways to allocate an estimated \$429,671 in already existing surplus carryover funds in the current FY 2012-13 budget through July 1 that Superintendent Michael Murphy wants your approval to spend for three major purposes:

- \$280,000 for new technology, a fleet radio system, and textbooks;*
- \$149,671 "after April 1 for science textbooks for next year, some landscaping equipment, and improvements at Clarke County High School, including recycling bins, a handicapped ramp and storage space for flammable materials outside the school."*

I urge you to take immediate action as part of your impending "agency reports" process to instruct the School Division to come before your Finance Committee immediately in order to sequester much of this \$429,671 for your ultimate use in this budget cycle for some sort of integrated computer software program that is called Economic Resource Planning ("ERP").

You went through this same situation in the last budget cycle where about \$250,000 in surplus carryover money was proposed by the school division to be used for ERP, but your Finance Committee blocked this investment in order to answer a lot of questions during this budget year.

So I'm sure that many sophisticated and concerned people in the community now expect our leadership must step up to the plate and make a solid commitment get this modernized ERP computer software integration started for real.

Clarke County to use carryover money for one-time expenditures

By VAL VAN METER
The Winchester Star

BERRYVILLE— The Clarke County School Board Monday agreed to split its re-

quest for \$429,671 in carryover funds from the fiscal year 2012 budget into two parts.

It will immediately seek \$280,000 from county supervisors for funding textbooks, new technology and a fleet radio system, and then ask for another \$149,671 after April 1 for science textbooks for next year, some landscaping equipment, and improvements at Clarke County High School, including recycling bins, a handicapped ramp and storage space for flammable materials outside the school.

School Superintendent Michael Murphy said the division has always been cautious about spending funds as it reaches the end of the fiscal year in June.

The county supervisors, he added, have been generous in reallocating unspent funds from one fiscal year in-

to the next, as long as they are used for one-time expenditures.

He said the technology upgrades include Smart boards for students in third, fourth and fifth grades in D.G. Cooley and Boyce elementary schools. The technology is needed to allow the students to take the state Standards of Learning tests, Murphy said.

Other technology systems will help administrators evaluate teachers, he added.

The new fleet radios are required by the Federal Communications Commission, he said.

Murphy also asked the School Board for direction in how to address a deteriorating set of steps at the Berryville Primary School.

The School Board ruled out spending \$40,000 for a

replacement set of concrete steps and asked Murphy to look into prices on prefabricated metal ones.

The board members agreed to a short-term fix, because they are still unsure of the building's future use.

The board members also elected a new head. Elizabeth Leffel will serve as chairperson for the 2013 calendar year, with member Charles "Chip" Schutte as vice-chairman.

Attending the meeting at the Clarke County High School Library were Chairperson Elizabeth Leffel and members Charles "Chip" Schutte, Janet Creager Alger, Barbara Lee and James Brinkmeier.

— Contact Val Van Meter at
vvanmeter@
winchesterstar.com

Chairman Hobert assured that the Finance Committee would be given a copy of Mr. Archibald's presentation.

Supervisor Bev McKay requested further discussion on the matter of the School Board's planned use of carry-over funds.

Chairman Hobert added additional discussion to Item 12 Miscellaneous.

4) VDOT

Clif Balderson, Residency Administrator, along with Ed Carter and Charlie Monroe, appeared before the Board to provide the monthly update.

Maintenance – January:

- Repaired shoulders on Rt. 7, 50 and 340 North;
- Conducted brush cutting operations on Rt. 642, 669 and 670;
- Repaired numerous potholes on primary and secondary routes;
- Conducted snow removal operations and cleanup.

Maintenance – February:

- Continue shoulder repair on Rt. 340 South;
- Continue brush cutting operations along routes 601, 606, 620, 649 and 723;
- Continue with pothole repairs as they come in and grade non-hard surfaced routes as needed.

Projects:

- Rt. 636, Mosby Rd. – Completed. May need some aesthetic touch up in the spring.
- Turning Lanes Rt. 657/340 – Proposed design nearing completion with all construction on the West side of Rt. 340. Have applied for safety funds (HSIP) to construct.
- Rt. 612, Shepherds Mill Rd. Bridge Replacement – Traffic is evaluating alternative safety measures vs. replacement.

Board Issues:

- Lewisville Road Speed Issue: The Sheriff's office provided some readings from radar sampling during three peak hour times. Those results show 97% of the drivers were traveling at 45MPH or lower. That would indicate that a speed study might yield a reduction to 45MPH but it also indicates there isn't really a speeding problem at that location. If the Board wishes to proceed, it will still require a complete study.
Supervisor
- U-turns from Route 340 into Handy Mart: Supervisor McKay requested information on this topic. Mr. Balderson indicated that customers at the Handy Mart performing an illegal U-turn were being given the same treatment as previously given at the intersection of Route 340 and turns into Sheetz; and to remedy, the Sheetz store created an access road so that a left-hand turn could be made off of Route 340. The Handy Mart is considering further development including an access road to allow traffic to turn from that direction.
- The White Post at White Post: Clif Balderson provided the following letter:

This letter is written in reference to the White Post sign post located at the Village of White Post, more specifically, at the intersection of Routes 628 and 658 in Clarke County. After much research, I offer the following course of action:

- *The current historic post aptly named THE WHITE POST is the property of the Commonwealth of Virginia and as such falls under the jurisdiction of the Virginia Department of Transportation.*
- *I have reviewed the post in question (after it was repaired) and have found the repairs to be of a satisfactory nature. The post appears as it did in a 1998 photo that I had to review.*

- *At this time, I would request that the vendor making the repairs be compensated for their work from the responsible party who caused the damage. The post at White Post is considered a cultural resource and as such requires special attention in its handling. I will be sending confirmation to the insurance company.*
- *Once the payment issue is resolved, we would like to explore one of the historical/community groups assuming guardianship of the marker going forward.*

If I can be of further assistance please feel free to contact me.

- Westwood Road: Supervisor Byrd thanked Charlie Monroe for doing a really good job with tree removal and road clean up.
- Route 624 Morgan’s Ford Low Water Bridge in Warren County: Supervisor McKay asked if VDOT had researched the impact on traffic in Clarke County. Mr. Balderson put forth that one of the proposed considerations is to keep in place the no through truck restriction, which does not hinder deliveries or rescue vehicles. The current traffic count is in the 1,800 to 1,900 range and VDOT does not know whether the car traffic will increase.

5) Clarke County Public Schools Update

Dr. Mike Murphy, Superintendent, provided an email prior to the meeting advising that a conflict prevented him from attending.

6) Approval of Minutes

Supervisor Staelin moved to approve the minutes for:

- **December 18, 2012 Regular Meeting as presented**
- **January 7, 2013 Organizational Meeting and Work Session as presented.**

The motion carried by the following vote:

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

7) Personnel

A. Expiration of Term for appointments expiring through March 2013.

The Personnel Committee recommends reappointment as follows:

- Ian Williams to the Clarke County Sanitary Authority for a four-year term expiring 1/5/2017.
- Alexander MacKay-Smith, Jr. to the Clarke County Sanitary Authority for a four-year term expiring 1/5/2017.
- Peter Engel to the Conservation Easement Authority for a three-year term expiring 12/31/2015.
- Dennis Heflin, White Post District Representative, to the Parks & Recreation Advisory Board for a four-year term expiring 12/31/2016.
- Gary Lichliter, Russell District Representative, to the Parks & Recreation Advisory Board for a four-year term expiring 12/31/2016.
- Charles Kackley, Russell District Representative, to the Board of Zoning Appeals for a five-year term expiring February 15, 2018 pending approval by the Circuit Court.
- James Wyatt to the Northwestern Regional Juvenile Detention Center Commission for a four-year term expiring 12/20/2016.
- Lucille Harris to the Northwestern Community Services Board to serve her first full three-year term ending 12/31/2015.

Supervisor Byrd moved to approve the recommendations of the Personnel Committee. The motion carried by the following vote:

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

B. The list of 2012 Board of Supervisors Chair Appointments is provided for review.

The Personnel Committee recommends that individual Supervisors review their appointments and provide comment to the Board of Supervisors Chair.

Chairman Hobert advised that the following would be discussed under Item 12 Miscellaneous:

- Schools request for appointment of a Supervisor to act as liaison to a recently formed Safety/Security Committee.
- 2013 BOS Committee Assignments by Chair

C. Celebrate Shenandoah Committee

1/07/2013 Summary: The Personnel Committee is asked to consider appointing a member to the Celebrate Shenandoah Committee. The Shenandoah National Park 75th Anniversary Committee developed the Celebrate Shenandoah Committee, established bylaws and category structure. Clarke County is a Category Four Member: "One member appointed by each member jurisdiction that lay just outside those counties that border on Shenandoah National Park. Category Four Members shall be non-voting members."

The Personnel Committee will follow up with staff prior to making recommendation.

8) Organizational Meeting and Work Session

See Item 6 Approval of Minutes January 7, 2013 Organizational Meeting and Work Session.

9) Finance Committee Items

Tom Judge reviewed the Finance Committee recommendations made at its January 7, 2013 meeting.

1. Supplemental Appropriations.

The Finance Committee recommends approval of the following supplemental appropriations:

- a) *"Be it resolved that the Sheriff's budget for travel be increased \$3,626, the same appropriated, and that revenue from the Commonwealth be recognized, all for the purpose of extraditing a person to the Commonwealth of Virginia."*
- b) *"Be it resolved that the Water Quality Management budget be increased \$4,000, the same appropriated, and revenue from the Commonwealth recognized in the same amount, all for the purpose of funding a citizen water quality monitoring program. "*
- c) *"Be it resolved that the Commission on the Arts revenue from the Commonwealth be decreased \$4,000, and local funding increased in the same amount, to offset the loss of Commonwealth funding resulting from an un-communicated procedural change by the Commonwealth that further resulted in a missed deadline, all for the purpose of supporting the Opus Oaks Studio Art School, MALCOLM Museum and Sculpture Gardens, and Art Library."*

Supervisor Staelin moved to approve the Finance Committee recommendation. The motion carried by the following vote.

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

2. Acceptance of Bills and Claims

Supervisor Staelin moved to accept the December 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

3. Clarification of November Bills and Claims.

A question was raised at the November board meeting regarding an overage in the Recreation Center Maintenance accounts. At the time it was believed to be related to the repair of the brick at the comers of that building. It was subsequently determined that an encumbrance of \$20,667 had not closed when payment was made, thereby duplicating the expenditure. This has been corrected on the December report.

4. Standing Reports

Reconciliation of Appropriations; General Government Expenditure Summary. Capital Projects. Information Only

FY2014 Budget Calendar Change

Chairman Hobert informed the Board that at his request Tom Judge had revised the start time for all FY2014 Budget Finance Committee meetings from 5:00 pm to 5:30 pm

10) Joint Administrative Services Board Update

Tom Judge provided the following update:

1. Joint Technology Plan. The primary topic of the December 17th was consideration of the Joint Technology Plan on which the Board has worked for several months. This plan was adopted by the Joint Administrative Services Board, and is now presented to the Board of Supervisors and School Board for their individual consideration and adoption. If the plan itself is adopted by the two boards, the funding of this plan can be considered by the Boards during their upcoming budget discussion. The Board recommends adoption of the plan as follows:

"Be it resolved that the Joint Technology Plan be adopted, and that consideration be given to funding this plan during subsequent budget discussions."

Tom Judge reviewed the proposed timeline and answered questions from the Board.

In response to concerns raised, Mr. Judge will further research the \$35,000 cost of network switches with David Baggett, Schools IT Director, and Gordon Russell, General Government IT Director.

Vice Chairman Weiss asked Mr. Judge to compile a report with current cost and projected savings with ERP implementation.

Supervisor Byrd moved be it resolved that the Joint Technology Plan be adopted, and that consideration be given to funding this plan during subsequent budget discussions. 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

Joint Technology Plan
Source: Joint Administrative Services

01/08/13

EVENT	2014	2015	2016	2017	2018	2019	2020	2021	2022	2023	Notes
Enterprise Resource Planning System (ERP)	600,000										Includes Document Management System
Telephone System	50,000							60,000			
Information Security	25,000	25,000	25,000	25,000	25,000	25,000	25,000	25,000	25,000	25,000	Disaster Recovery System
Energy Management System		100,000	100,000	100,000	100,000	100,000					Requires reengineering to obtain budget estimate
Building Security System		70,000									100% Grant Funding
Fiber optic infrastructure			165,000								Quote from Vendor
Network Switch Upgrades			100,000	100,000	100,000	100,000					
System-Wide Training	5,000	5,000	5,000	10,000	10,000	10,000	10,000	10,000	10,000	10,000	ERP training included above in initial three years
Shared Data Storage					35,000						35,000
Video Conferencing							25,000				Need and cost not defined
TOTAL	680,000	200,000	395,000	235,000	270,000	235,000	160,000	95,000	70,000	35,000	

KEY:
Bold = School 100%
Italic = Government 100%
 Normal = Split 50/50

2. Minutes. The draft minutes from the December 17th meeting are included for review.

Mr. Judge briefly reviewed other items discussed at the December 17 Joint Administrative Services Board.

Chairman Hobert added that Tom Judge would be providing an overview of the FY2012 audit at the February 11 Work Session in advance of further review by Robinson Farmer Cox at the February 19 Regular Meeting.

11) Government Projects Update

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

- 100 North Church
 - o Uncertain if engineer and architect have a drafted a final plan.
- 225 Al Smith Circle
 - o Projected operating cost and revenue estimates were provided for the FY2014 budget.
- 106 North Church Street Property
 - o Still awaiting a proposal from the party expressing interest.
- 36 East Main Street Property [former Library Building]
 - o The expression of interest has been withdrawn.

12) Miscellaneous Items

Resolution Expressing Opposition To A Provision Of HB 1500/SB 800 2013-02R

Chairman Hobert provided a brief explanation of the proposed resolution.

Supervisor Byrd moved to authorize the Chair to sign the documents and forward to legislators. 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

January 15, 2013

Honorable Joe May
P.O. Box 4104
Leesburg, VA 20176-3014

Honorable J. Randall Minchew
1 East Market Street – Third Floor
Leesburg, VA 20176-3014

Honorable Jill Vogel
117 East Piccadilly Street, Suite 100 B
Winchester, VA 22601

RE: *Resolution in Opposition to a Provision of HB 1500/SB 800 Amending the Biennial Budget to Provide a 2% Salary Increase for All Funded SOQ Instructional Positions in FY 2014*

Enclosed please find a resolution adopted today by the Clarke County Board of Supervisors in opposition to a provision of HB 1500/SB 800 which proposes to partially fund a 2% salary increase for all funded SOQ instructional positions in FY 2014.

We request your active support to modify this amendment which raises the expectation of a salary increase for all school employees, but provides only 29% of the funding needed to do so. The remainder, of course, must come from our very limited options for raising revenue, effectively a real estate tax increase. We are loathe to further increase this overburdened levy during a period of scarcity for many of our citizens.

We appreciate your time and attention to this matter.

Sincerely,
J. Michael Hobert, Chair

**RESOLUTION EXPRESSING OPPOSITION TO A PROVISION OF HB 1500/SB 800
2013-02R**

Whereas, Clarke County supports fair compensation for public employees, and provided a 2% salary increase to all employees effective July 1, 2012, and

Whereas, Governor McDonnell proposes to provide the Commonwealth's share of a 2% salary increase for SOQ Instructional Positions only, effective July 1, 2013, and

Whereas, it is necessary for Clarke County to treat all employees equitably, and

Whereas, the Governor's proposal applies only to a subset of employees, and funds only a portion of the increase for that subset, therefore amounting to a mere 29% of the total cost of a 2% salary increase for school division employees, and

Whereas, the County of Clarke lacks options for raising the remaining 71% other than by further increasing the real estate tax levy during a time of scarcity.

Now therefore be it resolved that the Clarke County Board of Supervisors expresses its opposition to HB 1500/SB 800 as written and requests that its language be modified to make the Commonwealth financial support available for salary increases of 2% or greater occurring within the biennium beginning July 1, 2012.

Be it further resolved that, should such language modification not occur, that this provision not be supported by the County's representatives in the General Assembly.

Unanimously adopted this 15th day of January, 2013.

Attest:

J. Michael Hobert, Chair

2013 Board of Supervisors Appointments by Chair

Chairman Hobert announced that Vice Chairman David Weiss would be assuming the role of appointed member to the Board of Supervisors Finance Committee. Mr. Hobert further expressed the Board's appreciation for Supervisor Staelin's many years of service on the Finance Committee lending it his talents, guidance and expertise.

Chairman Hobert also announced that Supervisor McKay would be assuming positions on Regional Airport Authority and the 150th Committee previously held by Vice Chairman Weiss. He further instructed Mrs. Walburn to send letters to The 150th Committee and the Regional Airport Authority announcing the reassignment and providing Supervisor McKay's contact information future meeting notifications and material distribution.

Supervisor Staelin requested that his position on the Clarke County Sanitary Authority be corrected on the list from alternate to liaison.

Vice Chairman Weiss moved to approve the 2013 Board of Supervisors Committee Assignments as corrected. 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

2013 BOS Committee Assignments by Chair					
Committee/Board	First Name	Name	Position	CY Appt Date	CY Exp Date

<i>2013 BOS Committee Assignments by Chair</i>					
<i>Committee/Board</i>	<i>First Name</i>	<i>Name</i>	<i>Position</i>	<i>CY Appt Date</i>	<i>CY Exp Date</i>
Joint Administrative Services Board	David L.	Ash	County Administrator		
Northwestern Regional Jail Authority	David L.	Ash	BOS - Appointed Member	1/15/2013	12/31/2013
Regional Airport Authority	David L.	Ash	BOS - Alternate	1/15/2013	12/31/2013
BCCGC Joint Building Committee	David	Ash	County Administrator		
Clarke County Humane Foundation	Barbara J.	Byrd	BOS - Liaison	1/15/2013	12/31/2013
Northwestern Regional Jail Authority	Barbara J.	Byrd	BOS - Liaison - Alternate	1/15/2013	12/31/2013
Northwestern Regional Juvenile Detention Center Commission	Barbara J.	Byrd	BOS - Liaison	1/15/2013	12/31/2013
Towns and Villages: Berryville	Barbara J.	Byrd	BOS - Liaison	1/15/2013	12/31/2013
Board of Supervisors Personnel Committee	Barbara J.	Byrd	BOS - Appointed Member	1/15/2013	12/31/2013
Board of Social Services	Barbara J.	Byrd	BOS - Appointed Member	1/15/2013	12/31/2013
Clarke County School Board	Barbara J.	Byrd	BOS - Liaison	1/15/2013	12/31/2013
Board of Supervisors Finance Committee	Barbara J.	Byrd	BOS - Alternate	1/15/2013	12/31/2013
Clarke County Library Advisory Board	Barbara J.	Byrd	BOS - Liaison	1/15/2013	12/31/2013
Clarke County Planning Commission	Barbara J.	Byrd	BOS - Alternate	1/15/2013	12/31/2013
Parks & Recreation Advisory Board	J. Michael	Hobert	BOS - Liaison	1/15/2013	12/31/2013
Emergency Services	J. Michael	Hobert	BOS - Liaison	1/15/2013	12/31/2013
Board of Supervisors Finance Committee	J. Michael	Hobert	BOS - Appointed Member	1/15/2013	12/31/2013
Board of Supervisors Personnel Committee	J. Michael	Hobert	BOS - Appointed Member	1/15/2013	12/31/2013
Towns and Villages: Berryville	J. Michael	Hobert	BOS - Liaison - Alternate	1/15/2013	12/31/2013
Joint Administrative Services Board	J. Michael	Hobert	BOS - Appointed Member	1/15/2013	12/31/2013
Legislative Liaison and High Growth Coalition	J. Michael	Hobert	BOS - Liaison	1/15/2013	12/31/2013

2013 BOS Committee Assignments by Chair					
Committee/Board	First Name	Name	Position	CY Appt Date	CY Exp Date
Board of Supervisors	J. Michael	Hobert	Chair	1/7/2013	12/31/2013
Housing and Community Services Board	Beverly	McKay	BOS - Appointed Member	1/15/2013	12/31/2013
Building and Grounds	Beverly	McKay	BOS - Alternate	1/15/2013	12/31/2013
Northern Shenandoah Valley Regional Commission	Beverly	McKay	BOS - Appointed Member	1/15/2013	12/31/2013
Towns and Villages: Boyce	Beverly	McKay	BOS - Liaison	1/15/2013	12/31/2013
Water Resources Policy Committee	Beverly	McKay	BOS - Alternate	1/15/2013	12/31/2013
Regional Airport Authority	Beverly	McKay	BOS - Liaison	1/15/2013	1/15/2013
Board of Supervisors Finance Committee	Beverly	McKay	BOS - Alternate	1/15/2013	12/31/2013
The 150th Committee	Beverly	McKay	BOS - Appointed Member	1/15/2013	12/31/2015
Board of Supervisors Personnel Committee	Beverly	McKay	BOS - Alternate	1/15/2013	12/31/2013
Towns and Villages: Pine Grove	John	Staelin	BOS - Liaison	1/15/2013	12/31/2013
Clarke County Planning Commission	John	Staelin	BOS - Appointed Member	1/15/2013	12/31/2013
Towns and Villages: Millwood	John	Staelin	BOS - Liaison	1/15/2013	12/31/2013
Board of Supervisors Finance Committee	John	Staelin	BOS - Alternate	1/15/2013	12/31/2013
Northern Shenandoah Valley Regional Commission	John	Staelin	BOS - Alternate	1/15/2013	12/31/2013
Economic Development Advisory Committee	John	Staelin	BOS - Appointed Member	1/15/2013	12/31/2013
Clarke County Sanitary Authority	John	Staelin	BOS - Liaison	1/15/2013	12/31/2013
Board of Septic & Well Appeals	John	Staelin	BOS - Appointed Member	1/15/2013	12/31/2013
Towns and Villages: Boyce	John	Staelin	BOS - Alternate	1/15/2013	12/31/2013
Clarke County Litter Committee	John	Staelin	BOS - Liaison	1/15/2013	12/31/2013
Water Resources Policy Committee	John	Staelin	BOS - Appointed Member	1/15/2013	12/31/2013
Clarke County Industrial	John	Staelin	BOS - Liaison	1/15/2013	12/31/2013

<i>2013 BOS Committee Assignments by Chair</i>					
<i>Committee/Board</i>	<i>First Name</i>	<i>Name</i>	<i>Position</i>	<i>CY Appt Date</i>	<i>CY Exp Date</i>
Development Authority					
Water Resources Policy Committee	Alison	Teetor	Staff Representative	1/15/2013	12/31/2013
Building and Grounds	David	Weiss	BOS - Appointed Member	1/15/2013	12/31/2013
Clarke County School Board	David	Weiss	BOS - Alternate	1/15/2013	12/31/2013
BCCGC Joint Building Committee	David	Weiss	BOS - Appointed Member	1/15/2013	12/31/2013
Towns and Villages: Pine Grove	David	Weiss	BOS - Liaison	1/15/2013	12/31/2013
Conservation Easement Authority	David	Weiss	BOS - Appointed Member	1/15/2013	12/31/2013
Clarke County Agricultural Advisory Committee	David	Weiss	BOS - Appointed Member	1/15/2013	12/31/2013
Board of Supervisors Finance Committee	David	Weiss	BOS - Appointed Member	1/15/2013	12/31/2013
Board of Supervisors Personnel Committee	David	Weiss	BOS - Alternate	1/15/2013	12/31/2013
Board of Septic & Well Appeals	David	Weiss	BOS - Alternate	1/15/2013	12/31/2013
Board of Supervisors	David	Weiss	Vice Chair	1/7/2013	12/31/2013
Joint Administrative Services Board	David	Weiss	BOS - Alternate	1/15/2013	12/31/2013

Letter of Support PEC Proposal for American Battlefield Protection Planning Grand Battlefield Protection Program

Alison Teetor appeared before the Board to address the Piedmont Environmental Request. She indicated that she had not determined the Town of Berryville’s position on the matter.

Vice Chairman Weiss expressed concern about approving the letter prior to ascertaining the Town of Berryville’s position.

Vice Chairman Weiss moved to approve the proposed letter of support subject to determining whether the Town of Berryville would support such an endeavor. 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

January 15, 2013

*Mr. Paul Hawke
Chief, American Battlefield Protection Program
National Park Service 6th floor
1201 Eye Street, NW (2287)
Washington, DC 20005*

Re: Grant Proposal for American Battlefield Protection Program Planning Grants

Dear Mr. Hawke,

On behalf of the Clarke County Board of Supervisors, I strongly support the proposed "Berryville Battlefield Research & Documentation" project proposed by the Piedmont Environmental Council.

Today, the boundaries of the Berryville Battlefield, as delineated by the American Battlefield Protection Program, include over 7,000 acres within the Battlefield Study Area and approximately 6,200 acres of the landscape still intact. However, this landscape is constantly threatened by expansion of the residential and service areas in and around the Town of Berryville, as well as development extending east from Winchester. With the sesquicentennial of the battle approaching, now is the time to undertake a thorough research of the history of the Battle of Berryville and confirm the accuracy of current battlefield boundaries and areas of integrity.

The Piedmont Environmental Council is a non-profit organization well-known throughout the region for its commitment to preserving historic resources and conserving significant lands. Clarke County has worked closely with PEC on several occasions and is confident that their staff will work hard to produce a high-quality product that can be used in future preservation planning initiatives.

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

Appointment to Schools Safety/Security Committee

Chairman Hobert advised that the Schools had requested appointment of a liaison from the Board of Supervisors to serve on the recently created School Safety/Security Committee. He added that the Schools planned to have this ad hoc group meet within the next two weeks.

Supervisor Barbara Byrd, School Board liaison, volunteered to serve on this committee.

Supervisor McKay moved to approve the appointment of Supervisor Byrd to the ad hoc School Safety/Security Committee. The motion carried as follows:

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

Chairman Hobert instructed staff to provide notice to newly elected School Board Chair Beth Leffel with copies to Jim Brinkmeier and Dr. Murphy.

January 15, 2013

*Dr. Beth Leffel
2095 Allen Road
Berryville, VA 22655*

Dear Dr. Leffel:

On behalf of the Clarke County Board of Supervisors, I wish to congratulate you on your recent appointment as Chair of the Clarke County School Board. The Board of Supervisors looks forward to working with you in the coming year.

In further business, pursuant to the School Board's request for appointment to the Schools Safety/Security Committee, at the January 15, 2013 Clarke County Board of Supervisors Regular meeting, Supervisor Barbara Byrd was unanimously approved to serve as Supervisors liaison to Schools' ad hoc Committee.

*Sincerely,
J. Michael Hobert, Chair*

*CC: Jim Brinkmeier
Dr. Michael Murphy*

Update on School Board Budget Discussion at its January 14 Meeting

Supervisor Byrd, assisted by Tom Judge, provided an update on budget discussions at the School Board's January 14 meeting. Highlights include:

- Dr. Murphy discussed plans to use \$429,671 in FY2012 carry-over funds.

- Of the \$429,671 that was unexpended at the end of June 2012, the Schools have made expenditures in advance in anticipation of receiving an appropriation of a portion of the carry over in the amount of \$280,000.
- Last evening, the School Board instructed Tom Judge to take its request for the already expended \$280,000 to the February 11 Supervisors Finance Committee meeting.
- The requested \$280,000 exceeds the one percent threshold therefore a public hearing is required. This public hearing would be conducted in March with the Board making its decision in April. Further, in April, the Schools will know more about reductions in federal grants.
- The School Board also discussed the following items that it may bring before the Supervisors in April:
 - Purchase of a bucket loader.
 - Concerns: Supervisor McKay questioned the validity of such a purchase. He suggested that the Schools consider renting the equipment as needed.
 - Paving for 1,000 square foot flammable liquid storage building and recycling area near the greenhouse.
 - Concerns: While stormwater calculations allow the Schools to have 5,000 more square feet of impervious surface, one of the things built into the stormwater was the future capacity increase of 8 additional classrooms. Use of the 5,000 square feet for other purposes may prohibit future expansion for the 1,000 student capacity.
 - Construction of an additional service entrance.
 - Purchase of another mower.

Supervisor McKay commented that last year he had reluctantly voted for a penny tax increase; and with almost \$500,000 left over when the Schools continue to assert that funds are tight, he felt deceived. He suggested that the carry over funds be used to purchase the ERP system that would benefit the taxpayers a lot more than the Schools having a front-end loader.

Vice Chairman Weiss commented that while he did support agencies not spending its entire appropriation the Schools had a lot of money left over.

Supervisor McKay put forth that the Schools have known that radios must be replaced and suggested that the Schools be integrated into the Communication Committee discussions for inclusion in negotiations.

Robina Rich Bouffault opined that textbooks should be an annual operational expense not one-time capital improvement.

Supervisor Byrd informed the Board that last evening Renee Weir was elected to serve as clerk to the School Board and Tom Judge elected as deputy clerk. She noted that Mrs. Weir works for and reports directly to the School Superintendent therefore matters causing any conflict with her reporting relationship shall be referred to Tom Judge as deputy clerk.

Tom Judge added that the School Board simplified its parliamentary rules last evening.

Board Determination of Time and Date of RRMM Presentation re Elementary School Renovations

David Ash stated that he and Dr. Murphy had not been able to settle on a date for the RRMM presentation and the last email he received on the matter requested that the Supervisors provide available dates to the Schools and RRMM. David Ash suggested that the Board schedule the public meeting for its next regular Board meeting on February 19, 2013 at 6:30 pm.

In response to ways to publicize the meeting, David Ash put forth that the public meeting notice would appear on the County' website and in the Winchester Star.

Vice Chairman Weiss stated that the Supervisors were trying to facilitate more information to the community and he hoped that Dr. Murphy and the School Board would take this presentation seriously and help the community to understand why it made the decisions it did with regard to elementary school renovations. He opined that the Schools should be making every effort to get the information out to the community. Vice Chairman Weiss suggested that Dr. Murphy use every avenue available to the School system to get the word out to the parents and other citizens about the RRMM presentation meeting.

Supervisor Byrd opined that the Supervisors need clarification so that they could in turn explain the situation to their constituents.

Supervisor Byrd moved to set the public meeting for February 19, 2013 at 6:30 pm to hear the RRMM presentation on elementary school renovations. Further, to instruct the County Administrator to draft notification to the School Superintendent of the Board's decision and to use the methods mentioned by Vice Chairman Weiss to notify the citizens. The motion carried as follows:

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

Chairman Hobert instructed the County Administrator to draft notification to Dr. Murphy.

January 15, 2013

*Dr. Michael Murphy, Superintendent
Clarke County Public Schools
309 West Main Street
Berryville, Virginia 22611*

Dear Mike:

The Board of Supervisors has chosen to have the RRMM presentation at the evening session of the regular Board Meeting scheduled for February 19, 2013 beginning at 6:30pm. The presentation will be the only agenda item at the evening session.

The purpose of the presentation will be to review the information that resulted in the school board's decision to revise plans and to anticipate a budget roughly double that of available funds.

Supervisors remain concerned that taxpayers are not aware that plans have changed or of the financial impact that the revised plans will have. We believe that an additional presentation will help to reduce the number of concerns and/or complaints that must will have to be resolved if additional funding is necessary.

Thank you for arranging this important presentation.

*Sincerely,
J. Michael Hobert, Chair*

FOIA – Clarification § 2.2-3712 (G)

As requested by the Board at its January 7 Organizational Meeting, David Ash presented the following legal opinion provided by County Attorney Archana McLoughlin

Clarification of new Va. Code section allowing attendance of nonmembers at closed meetings

You have asked for clarification of Virginia Code § 2.2-3712 (G) regarding the attendance of members of the Board of Supervisors in closed session meetings.

The Code of Virginia, 1950, as amended, §2.2-3712(G) states that “[a] member of a public body shall be permitted to attend a closed meeting held by

any committee or subcommittee of that public body, or a closed meeting of any entity, however designated, created to perform the delegated functions of or to advise that public body. Such member shall in all cases be permitted to observe the closed meeting of the committee, subcommittee or entity.” Id. A “closed meeting” of a public body is defined as “a meeting from which the public is excluded.” Code of Virginia § 2.2-3701.

Previously, pursuant to Virginia Code § 2.2-3712(F), nonmembers of any public body holding a meeting in closed session were able attend that closed meeting only “if such persons [were] deemed necessary or if their presence [would] reasonably aid the public body in its consideration of a topic that is a subject of the meeting.”

The addition of §2.2-3712(G) appears to expand the power of members of a public body (such as the Board of Supervisors) who are nonmembers of certain committees, etc. by allowing their attendance at closed session meetings of any committee or subcommittee of that public body, (or of any entity created to perform the delegated functions of or to advise that public body) without placing the threshold requirements that attendance by the nonmember be necessary or aid the committee, subcommittee, etc. in its consideration of the topic of the closed meeting. The committee, etc. holding the closed meeting cannot prevent attendance of any nonmember authorized by this section.

Attendance pursuant to this subsection is, however, limited to observation and not participation.

13) Summary of Required Action

<u>Item</u>	<u>Description</u>	<u>Responsibility</u>
1.	Provide Finance Committee with copy of George Archibald’s statement.	Lora B. Walburn
2.	Process approved minutes.	Lora B. Walburn
3.	Process appointments and update database.	Lora B. Walburn
4.	Execute letters of appointment.	J. Michael Hobert
5.	Further research the \$35,000 cost of network switches.	Tom Judge
6.	Compile a report with current cost and projected savings if ERP implemented.	Tom Judge
7.	Add overview of FY2013 audit by Tom Judge to the February 11 Work Session agenda.	Lora B. Walburn

<u>Item</u>	<u>Description</u>	<u>Responsibility</u>
8.	Process 2013-02R Resolution in Opposition to a Provision of HB 1500/SB 800 Amending the Biennial Budget to Provide a 2% Salary Increase for All Funded SOQ Instructional Positions in FY 2014 and forward.	Lora B. Walburn
9.	Execute 2013-02R Resolution in Opposition to a Provision of HB 1500/SB 800 Amending the Biennial Budget to Provide a 2% Salary Increase for All Funded SOQ Instructional Positions in FY 2014 and forward.	J. Michael Hobert
10.	Correct and update database with 2013 Chair appointments.	Lora B. Walburn
11.	Develop and provide notice to the 150 th Committee and Regional Airport Authority of the appointment of Bev McKay.	Lora B. Walburn
12.	Process and forward Letter of Support PEC Proposal for American Battlefield Protection Planning Grand Battlefield Protection Program.	Lora B. Walburn
13.	Execute Letter of Support PEC Proposal for American Battlefield Protection Planning Grand Battlefield Protection Program.	J. Michael Hobert
14.	Develop and forward acknowledgement of appointment to School Board Chair and notice of appointment of Barbara Byrd to the Safety / Security Committee.	Lora B. Walburn
15.	Execute acknowledgement of appointment to School Board Chair and notice of appointment of Barbara Byrd to the Safety / Security Committee.	J. Michael Hobert
16.	Develop and forward notice to Dr. Murphy of Board determination of time and date for RRMM presentation.	David Ash
17.	Execute notice to Dr. Murphy of Board determination of time and date for RRMM presentation.	J. Michael Hobert

14) Board Member Committee Status Reports

Supervisor Barbara J. Byrd

- Northwestern Jail Authority: Meeting on January 17.
- Humane foundation: Meets January 16.

- School Board: See Item 12 Miscellaneous for update.

Supervisor John R. Staelin

- Boards took a respite during the holidays.

Vice Chairman David S. Weiss

- CEA: Reviewing procedures of the Authority as a whole. Chairman Hobert asked Vice Chairman Weiss to provide a report on CEA activities.

Supervisor Beverly B. McKay

- Northern Shenandoah Regional Commission: Meeting this week.
- Warren-Clarke Micro Enterprise Assistance Project: Kick off meeting held in December. Clarke County representative Michael Hoffman was elected to serve as Chair.

Brandon Stidham, Planning Director, Planning Commission Update:

- 340 Cigarette Outlet: Consideration continues. The matter may be ready for the Supervisors to set public hearing at its February meeting.
- Comp Plan: Conducted line item review of Chapter 2 at the January meeting. At February meeting, will review the revised final draft of Chapter 2 and begin review of Chapter 3.

15) Closed Session

The Board of Supervisors did not conduct a closed session.

At 2:57 pm Chairman Hobert recessed the meeting.

At 6:30 pm Chairman Hobert reconvened the meeting.

16) Citizen's Comment Period

No citizens appeared to address the Board.

17) PH 13-01: Rezoning (Zoning Map Amendment) RZ-12-02:

Daniel P. and Kristine D. Hamilton request the rezoning of a 4,965 square foot portion of a 20,252 square foot parcel from Forestal-Open-Space Conservation (FOC) to Rural Residential (RR). The purpose of the request is to rezone all of the subject property to the RR District. The parcel became split-zoned FOC and RR following a boundary line adjustment. The subject property is located at 74 Laurel Lane, Buckmarsh Electoral District, and is referenced as Tax Map Parcel 17A1-4-26.

Case Summary

Applicant(s): Daniel P. & Kristine D. Hamilton (owners)

Location:

- 74 Laurel Lane, Tax Map Parcel 17A1-4-26; parcel reduced by boundary line adjustment is located at 256 Hemlock Lane, Tax Map Parcel 17A1-((A))-1
- West side of Laurel Lane between Timber Lane and Dogwood Lane
- Buckmarsh Election District (Kreider, Thuss – Planning Commission; Weiss – Board of Supervisors)

Parcel Size/Area to be Rezoned: 4,965 square foot portion of an existing 20,252 square foot parcel.

Request: Re-zone property from Forestal-Open Space-Conservation (FOC) to Rural Residential (RR).

Purpose of Request: The purpose of the request is to rezone all of the subject property to the RR District. The parcel became split-zoned FOC and RR following a boundary line adjustment.

Planning Commission Recommendation: Following a duly advertised public hearing on December 7, 2012, the Commission voted 8-0-3 (Ohrstrom, Staelin, Kreider absent) to recommend approval of the request as submitted by the Applicants.

Staff Recommendation: Recommend approval of the zoning map amendment request as submitted by the Applicants.

Brandon Stidham, Planning Director, summarized the proposed rezoning.

At 6:37 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.

Vice Chairman Weiss moved to accept the rezoning 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

18) Adjournment

There being no further business to be brought before the Board at 6:39 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, February 19, 2013 at 1:00 p.m. in the Main Meeting Room, 101 Chalmers Court, 2nd Floor, Berryville, Virginia.

ATTEST: January 15, 2013

J. Michael Hobert, Chair

David L. Ash, County Administrator

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