

February 19, 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, February 19, 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 Teetor; Lora B. Walburn

Others Present

Beth Leffel; Robina Rich Bouffault; Ed Carter; Charlie Monroe; Gem Bingol; Val Van Meter; and other citizens

Peter Engel; Wingate Mackay-Smith; George Ohrstrom; Laure Wallace; Matthew Mackay-Smith; Pat McKelvy; Kate Petranech

Warren Arthur; A.R. "Pete" Dunning, Jr.; Chip Embry; Janet Alger; Jim Brinkmeier; Barbara Lee; Beth Leffel; Chip Schutte; Chris Bates; Joe Blatz; Anne Caldwell; Stuart Dunn; Kay Gunter; Jim Wink

1) Call to Order

Chairman Hobert called the afternoon session to order at 1:00 p.m.

2) Adoption of Agenda

Chairman Hobert put forth the need to conduct a Closed Session shown as Item 20 pursuant to §2.2-3711-A3 Discussion of items related to the disposition of government property. Discussion or consideration of the acquisition of real property for a public purpose, or of the disposition of publicly held real property, where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the public body.

Supervisor Byrd moved to adopt the agenda as modified. 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) Citizens Comment Period

Bob Marshall, County resident and soil engineer. stated that he did not support the expenditure of funds associated with the Lord Fairfax Health District 2012-2013 Locality Agreement. He opined that a professional licensed Onsite Sewage System Evaluator could supply this service.

John Staelin commented that only a small portion of the funding is used for onsite sewage system services. He stated that the majority of the proposed amount is for medical services including immunizations, child and adult health services, as well as restaurant inspections, etc.

Tim Keiffer, Allen Road resident: opined that Allen Road was a mess year round being dusty, muddy and/or potholed. He asked if the Supervisors and VDOT would consider paving in place. He opined that it was not necessary to widen the road.

Supervisor Staelin commented that it can take years to acquire enough funding to pave a road. He said that the last road to be paved in the county was in his district and that road had been on the list before he took office in 1998.

4) VDOT

Ed Carter and Charlie Monroe appeared before the Board to provide the monthly update.

Maintenance – February:

- Completed a pipe replacement on route 679 for entranceway;
- Conducted pothole repairs on various routes throughout the County;
- Graded various non-hard surfaced roads;
- Conducted brush cutting operations on route 646 with state forces and routes 622, 625 and 626 with contract forces;
- Mobilized and responded to road conditions caused by weather events.

Maintenance – March:

- Continue with brush cutting operations on routes 646 and 723 with state forces and routes 602, 628 and 643 with contract forces;
- Continue to address pothole repairs as the need arises;
- Continue grading operations on non-hard surfaced roads;
- Repair shoulders on south bound Rt. 340 near WVA line;
- Mobilize and address weather events as they occur.

Projects:

- Turning Lanes Rt. 657/340 – Project has qualified for Highway Safety Improvement fund (HSIP). Current estimate is \$850,000.00. If approved it would be advertised this fall and constructed next spring and summer.

Board Issues:

- Rt. 612, Shepherds Mill Rd. Bridge Replacement: awaiting Traffic Engineering assessment.
- Allen Road: has been reviewed and is a candidate for Rural Rustic concept that would allow addition of a hard surface on a gravel road. Mr. Carter briefly described VDOT project funding structure. He noted that while Allen Road is on the six-year plan it is un-prioritized and unfunded.

Supervisor Byrd added that Allen Road residents had conducted two meetings to discuss issues.

5) Clarke County Public Schools Update

Dr. Mike Murphy, Superintendent, with Dr. Beth Leffel, Clarke County School Board Chair, appeared before the Board to provide the monthly update.

Randy Trenary, Director of Operations:

- Transportation: This week, fleet radios were updated to digital on all buses. All hand-held radios have been updated and are in compliance with FCC regulations.
- Food Service: 10 vegetarian selections have been added and will be served on a 10-day cycle.
- Custodial Services: Carry-over funds were used to purchase capital equipment.
- Records retention and storage: Moving into the next stage of electronic records. He said that cost of transition can vary widely noting expense incurred by two local school systems with one spending \$25,000 and the other over \$200,000. He expressed his intent to hold down cost.

Casey Childs, Athletic Update:

- Fall and winter sports have been conducted.
- Other schools have been impressed by the new facility.
- Future planning includes the addition of lights to the athletic fields.

Dr. Murphy, Superintendent:

- Within the last twelve months, the FCC provided notification of change in radio frequency.
- Estimate 50 to 60 hand-held radios will be needed within the next three years.
- Working toward improvements in math:
 - Distributed a draft schedule for 2013/2014.
 - Beginning to prepare students by Grade 8 for Algebra II.
 - A variety math courses are offered in Grade 12.
 - Supervisor Byrd asked if practical math was included in the curriculum. Dr. Murphy responded that the State now mandates personal finance and economics for all students. He added that marketing courses are also available.
 - Chairman Hobert asked questions specific to IB classes. Dr. Murphy responded that some classes have been cancelled due to low enrollment and some specialty classes have been combined. He noted that the Certified Nursing Assistant and EMT programs have a class cap of 10 students.
- Competent Learner Model Overview
 - Distributed the Competent Learner Model Overview.
 - Model used at Boyce Elementary.
 - Suggested presentation by Dianne Lasky at a future meeting.

6) Set Public Hearing Text Amendment TA-12-05, Certificates of Appropriateness

Description: Proposed text amendment to add a new section, §3-E-3-e-5, Approval Expiration, to the Clarke County Zoning Ordinance. The purpose of the text amendment is to limit the validity of Certificates of Appropriateness issued by the Historic Preservation Commission to five years and to establish a process for certificate holders to request reasonable time extensions based on established criteria. The new process would mirror the current process for approval expiration of site plans.

Requested Action: Staff recommends setting public hearing for the Board's March 19, 2013 meeting

Brandon Stidham, Planning Director, briefed the Board on TA-12-05.

Vice Chairman Weiss moved to set the matter for public hearing at the March 19, 2013 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 |

7) Set Public Hearing Zoning Map Amendment/Site Plan Review (RZ-12-01) Mahlon A. Jones (D&B Management Services, Inc., property owner)

Applicant(s): Mahlon A. Jones (D&B Management Services, Inc., property owner)

Location:

- 3355 Lord Fairfax Highway (US 340), Tax Map Parcel #8-1-2 (contains two parcels)
- East side of U.S. 340 between Harry Byrd Highway (VA 7) and Summit Point Road (Rt. 611)
- Buckmarsh Election District (Kreider, Thuss – Planning Commission; Weiss – Board of Supervisors)

Parcel Size/Area to be Rezoned: +/- 5.74 acres in two parcels

Request: Conditionally re-zone property from Agricultural-Open Space-Conservation District (AOC) to Highway Commercial (CH) District with Conditions and approve Site Plan.

Purpose of Request: Replace existing convenience store with new convenience store with gasoline sales per §3-A-13- a-1-j of the Zoning Ordinance.

Planning Commission Recommendation: Planning Commission voted 7-3-1 (Nelson, Staelin, Steinmetz Nay; Turkel absent) to recommend approval of the request subject to the

Applicants' proffered conditions. The Commission also voted 7-3-1 (Nelson, Staelin, Steinmetz Nay; Turkel absent) to approve the site plan (SP-12-08) subject to approval of the rezoning request by the Board of Supervisors.

Requested Action: Staff recommends setting public hearing for the Board's March 19, 2013 meeting

Brandon Stidham, Planning Director, briefed the Board on RZ-12-01.

Supervisor McKay asked about lighting. Mr. Stidham responded that the lighting shall be dark-sky compliant.

At the request of Chairman Hobert, Mr. Stidham summarized the primary concerns of those Planning Commissioners voting against this zoning map amendment and special use permit that include spot zoning and precedent. He informed the Board that Bob Mitchell had been consulted and he had advised that precedent could not be applied to other cases.

Supervisor Staelin noted that some Commissioners do not believe the request complies with the Comprehensive Plan.

Vice Chairman Weiss noted that he did have concerns regarding compliance with the Comprehensive Plan but the proposed plan would improve a very dangerous section of highway.

Vice Chair Weiss moved to set the matter for public hearing at the March 19, 2013 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 |

8) Approval of Minutes

Supervisor Byrd moved to approve the minutes for:

- January 15, 2013 Regular Meeting as presented.
- February 4, 2013 FY2014 Budget Work Session as presented.
- February 11, 2013 FY2014 Budget Work Session as presented.

The motion carried by the following vote:

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

9) Consent Agenda

A. Lord Fairfax Health District 2012-2013 Locality Agreement

Note: Due to constraints, attachments: Local Government Agreement, Attachment A (1.) and Local Government Agreement, Attachment A(2.), eight pages of graphs, were not included in these minutes.

COMMONWEALTH OF VIRGINIA
DEPARTMENT OF HEALTH
RECEIVED DEC 17 2012

STATEMENT OF AGREEMENT WITH the Board of Supervisors of Clarke County

Under this agreement, which is created in satisfaction of the requirements of § 32.1-31 of the Code of Virginia (1950), as amended, the Virginia Department of Health, over the course of one fiscal year, will pay an amount not to exceed \$200,210 from the state general fund to support the cooperative budget in accordance with appropriations by the General Assembly, and in like time frame, the Board of Supervisors of Clarke County will provide by appropriation and in equal quarterly payments a sum of \$131,340 local matching funds and \$67,660 one-hundred percent local funds for a total of \$199,000 local funds. These joint funds will be distributed in timely installments, as services are rendered in the operation of the Clarke County Health Department, which shall perform public health services to the Commonwealth as indicated in Attachment A(1.), and will perform services required by local ordinances as indicated in Attachment A(2.). Payments from the local government are due on the third Monday of each fiscal quarter.

The term of this agreement begins July 1, 2012. This agreement will be automatically extended on a state fiscal year to year renewal basis under the terms and conditions of the original agreement unless written notice of termination is provided by either party. Such written notice shall be given at least 60 days prior to the beginning of the fiscal year in which the termination is to be effective. Any increase or decrease in funding allocation shall be made by an amendment to this agreement.

The parties agree that:

1. Under this agreement, as set forth in paragraphs A, B, C, and D below, the Commonwealth of Virginia and the Virginia Department of Health shall be responsible for providing liability insurance coverage and will provide legal defense for state employees of

the local health department for acts or occurrences arising from performance of activities conducted pursuant to state statutes and regulations.

- A. The responsibility of the Commonwealth and the Virginia Department of Health to provide liability insurance coverage shall be limited to and governed by the Self-Insured General Liability Plan for the Commonwealth of Virginia, established under § 2.2-1837 of the Code of Virginia. Such insurance coverage shall extend to the services specified in Attachments A(1.) and A(2.), unless the locality has opted to provide coverage for the employee under the Public Officials Liability Self-Insurance Plan, established under § 2.2-1839 of the Code or under a policy procured by the locality.
 - B. The Commonwealth and the Virginia Department of Health will be responsible for providing legal defense for those acts or occurrences arising from the performance of those services listed in Attachment A(1.), conducted in the performance of this contract, as provided for under the Code of Virginia and as provided for under the terms and conditions of the Self-Insured General Liability Plan for the Commonwealth of Virginia.
 - C. Services listed in Attachment A(2.), any services performed pursuant to a local ordinance, and any services authorized solely by Title 15.2 of the Code of Virginia, when performed by a state employee, are herewith expressly excepted from any requirements of legal defense or representation by the Attorney General or the Commonwealth. For purposes of assuring the eligibility of a state employee performing such services for liability coverage under the Self-Insured General Liability Plan of the Commonwealth of Virginia, the Attorney General has approved, pursuant to 3 2.2-507 of the Code of Virginia and the Self-Insured General Liability Plan of the Commonwealth of Virginia, the legal representation of said employee by the city or county attorney, and the Board of Clarke County hereby expressly agrees to provide the legal defense or representation at its sole expense in such cases by its local attorney.
 - D. In no event shall the Commonwealth or the Virginia Department of Health be responsible for providing legal defense or insurance coverage for local government employees.
2. Title to equipment purchased with funds appropriated by the local government and transferred to the state, either as match for state dollars or as a purchase under appropriated funds expressly allocated to support the activities of the local health department, will be retained by the Commonwealth and will be entered into the Virginia Fixed Asset Accounting and Control System. Local appropriations for equipment to be locally owned and controlled should not be remitted to the Commonwealth, and the local government's procurement procedures shall apply in the purchase. The locality assumes the responsibility to maintain the equipment and all records thereon.
 3. Amendments to or modifications of this contract must be agreed to in writing and signed by both parties.

Maureen E. Dempsey, MD, FAAP
Acting State Health Commissioner
Virginia Department of Health

Local authorizing officer signature

Authorizing officer printed name

Authorizing officer title

Date

Date

Addendum 043 _FY13A Clarke County

The Health District will convene a meeting with pertinent Clarke County staff no later than February 28 to delineate current County and State Environmental Health service needs as well as project future needs.

The Lord Fairfax Health District will staff the Board of Septic and Well Appeals with an assigned staff person as well as a back-up staff person. Clarke County Government will communicate directly with assigned health department staff and the Environmental Health Supervisor as to meeting requirements. The county will provide annual feedback to the Environmental Health Supervisor concerning the quality of assistance received.

Clarke County government will provide training to both Environmental Health Specialists Senior and the Clarke County Environmental Health Supervisor in the use of GPS technology to document the location of private onsite septic drain fields and wells and proper interface with the County's GIS mapping system. Once training is completed, the Health District will provide use of at least one GPS unit to the Clarke County Environmental Health staff. Staff will include documentation of private onsite septic drain field and well locations in all future permitting activities, recording this data in the State's VENIS database and also sharing this data with Clarke County government. In addition, staff will collect this data, as time allows, on existing wells and drain fields- for instance, when investigating environmental health complaints that involve either wells or private onsite septic drain fields.

Clarke County Health Department will distribute Clarke County government's environmental health educational brochures and written materials to customers and clients. Clarke County government will provide training and information concerning their local environmental initiatives to all health department support and environmental health staff so that staff will be able to support the county's needs in this area.

The Lord Fairfax Health District will develop and implement a strategy to increase the sharing of desired data with Clarke County government. It will include promoting the provision of GW-2 forms.

The Lord Fairfax Health District and Clarke County will complete an assessment of duties and services desired in Environmental Health no later than May 1 Yearly. This assessment will be used to evaluate current Environmental Health and Support staffing levels.

1. The Health District will convene a meeting with pertinent Clarke County staff no later than February 28 Yearly to delineate current County and State Environmental Health service needs as well as project future needs.

2. Complete a staffing level evaluation for Environmental Health and Support (clerical) staff by May 1, Yearly.
3. Add GPS coordinates to future well and private onsite sewage disposal system VENIS records and share with county.
4. Distribute requested County materials to customers.
5. Staff the Board of Septic and Well Appeals with a primary and back-up staffer.
6. Develop a strategy to provide requested data to the County routinely.

B. Blue Ridge Housing Network, Inc. Letter of Support re Application for HOME Investment Partnerships Funding

**Application for HOME Investment Partnerships (HOME) Funding
Northern Shenandoah Valley Regional Commission**

I am authorized to submit this application for HOME funding on behalf of Blue Ridge Housing Network, Inc. (Applicant Name), and certify that all information provided here is true and accurate to the best of my knowledge.

Luigi E. Nozbe Executive Director January 9, 2013
Signature of Authorized Representative Title Date

I am the Chief Administrative Officer of a jurisdiction where Blue Ridge Housing Network, Inc. (Applicant) proposes to provide down payment and / or closing cost assistance for first time home buyers (Project Name) to occur. The project is consistent with existing land use regulations and the goals of our community and, if funded, we will support the project as presented in this application to the best of our abilities.

Signature _____ Clarke County Jurisdiction Date

Signature _____ Frederick County Jurisdiction Date

Signature _____ Page County Jurisdiction Date

Signature _____ Shenandoah County Jurisdiction Date

Signature _____ Warren County Jurisdiction Date

Signature _____ City of Winchester Jurisdiction Date

I am the authorized representative of a Partner organization listed in this application. I agree with the description of the partnership arrangement described and if the project if funded will commit our support, to the extent possible, of the project.

Signature Title Organization Date

Signature Title Organization Date

Signature Title Organization Date

C. Faithworks, Inc. Letter of Support re Application to the Northern Shenandoah Valley Regional Commission for HOME Tenant Based Rental Assistance Funds

February 19, 2013

*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 again 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.

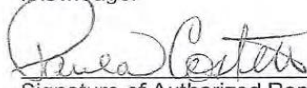
Please let us know if you need additional information or further support for this important service.

*Regards,
David L. Ash
County Administrator*

D. Help With Housing Letter of Support re Application for HOME Investment Partnerships Funding


**Application for HOME Investment Partnerships (HOME) Funding
Northern Shenandoah Valley Regional Commission**

I am authorized to submit this application for HOME funding on behalf of _____ (Applicant Name), and certify that all information provided here is true and accurate to the best of my knowledge.

 _____
Signature of Authorized Representative Title Date

I am the Chief Administrative Officer of a jurisdiction where _____ (Applicant) proposes _____ (Project Name) to occur. The project is consistent with existing land use regulations and the goals of our community and, if funded, we will support the project as presented in this application to the best of our abilities.

 _____
Signature Jurisdiction Date

 _____
Signature Jurisdiction Date

Signature Jurisdiction Date

Signature Jurisdiction Date

Signature Jurisdiction Date

Signature Jurisdiction Date

I am the authorized representative of a Partner organization listed in this application. I agree with the description of the partnership arrangement described and if the project if funded will commit our support, to the extent possible, of the project.

Signature Title Organization Date

Signature Title Organization Date

Signature Title Organization Date

E. Letter of Support 2012 TMDL Pre Proposal - C-Spout Run: Implementing the Spout Run TMDL Implementation Plan Through a Collaborative Partnership

February 19, 2013

Nicole Sandberg, Grants Management Section
Division of Soil and Water Conservation
Virginia Department of Conservation and Recreation
203 Governor Street, Suite 206
Richmond, VA 23219

Re: 2012 TMDL Pre Proposal - C-Spout Run: Implementing the Spout Run TMDL
Implementation Plan Through a Collaborative Partnership

Dear Ms. Sandberg,

I am writing to express support for Clarke County's 2012 TMDL Pre Proposal application for Spout Run to foster enhanced landowner stewardship and the restoration of riparian and aquatic habitat in the Spout Run watershed. There is a critical need for projects that target restoration activities to maximize pollutant reductions while restoring habitat of significant ecological value in the Chesapeake Bay watershed today. If we are to meet the aggressive nutrient and sediment reductions established through the Chesapeake Bay TMDL, local governments will not only need to encourage the targeted implementation of practices that address the greatest sources of nutrients and sediment, but also those that restore natural resources of local significance. In order to truly improve water quality in our local streams and the Chesapeake Bay, a comprehensive and inclusive approach that considers agricultural, residential and urban pollutant loads is necessary. The holistic nature of the C-Spout Run project and the partnership that is behind it make it an excellent opportunity to improve a unique and ecologically valuable local stream and the Chesapeake Bay.

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

The C-Spout Run project has engaged a diverse group of local stakeholders including non profits, local government and state agencies. The partnership that is in place in the watershed today will facilitate a comprehensive approach to watershed restoration that effectively

addresses residential, urban and agricultural sources of bacteria and sediment in Spout Run. This holistic approach to improving water quality is critical to fostering broad based community stewardship, which was called for in the President's Executive Order for the Chesapeake Bay and associated action plan. Engaging the local community to do their part to reduce runoff from their roofs, lawns, pastures and parking lots will play an important role in cleaning up the Chesapeake Bay as well as our local rivers and streams.

Clarke County is contributing to the project match through administering the grant and coordinating efforts with the stakeholders. In addition, we will be overseeing the septic system maintenance component. We believe that this project will place a critical role in improving water quality and the overall health of Spout Run. We fully support this proposal. Please feel free to contact our Natural Resource Planner, Alison Teeter, (540) 955-5134, should you have any questions about Clarke County's role in this project.

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

F. Access Independence, Inc. Request for Proclamation "Northern Shenandoah Valley disAbility Awareness Week 2013" 2013-01P April 13 – 19, 2013

**"Northern Shenandoah Valley disAbility Awareness Week 2013"
2013-01P**

WHEREAS, the United States Congress enacted the Americans with Disabilities Act in 1990, prohibiting discrimination against people with disabilities in employment, public accommodations, transportation and telecommunications; and

WHEREAS, the Commonwealth of Virginia enacted the Virginians with Disabilities Act in 1985 to assure equal opportunity to persons with disabilities in the Commonwealth, and it is the policy of this Commonwealth to encourage and enable persons with disabilities to participate fully and equally in the social and economic life of the Commonwealth and to engage in remunerative employment; and

WHEREAS, people with disabilities often overcome common misunderstandings about their circumstances and make valuable contributions to their families and communities; and

WHEREAS, disability is a natural part of the human experience, and individuals with disabilities deserve the same rights as their peers to live independently, enjoy self-determination, make choices, contribute to society and participate fully in the American experience; and

WHEREAS, the community plays a central role in enhancing the lives of people with disabilities, and people with disabilities benefit from having a network of supportive friends and family, accommodating employers and community leaders who are aware of the needs and abilities of people with disabilities; and

WHEREAS, millions of people in the United States have disabilities and we all must make a conscious effort to discover their functional abilities and to remove the barriers met in their effort to acquire independence; and

WHEREAS, it is the goal of Access Independence, Inc. to involve the community in all aspects of disAbility Awareness Week and establish an atmosphere that supports awareness and education of on-going initiatives to enhance public understanding of, and appreciation for, abilities possessed by those of us who experience life with disabilities.

NOW, THEREFORE the Clarke County Board of Supervisors does hereby proclaim April 13-19, 2013 as "**Northern Shenandoah Valley disAbility Awareness Week 2013**", and we call this observance to the attention of all of those people who live in Clarke County to work together to raise awareness and understanding of the abilities of people with disabilities.

IN WITNESS THEREOF, I have set my hand and caused the seal of Clarke County, Virginia to be affixed this 19th day of February 2013.

Attest:

J. Michael Hobert, Chair

Supervisor Staelin moved to approve the items on the Consent Agenda 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 commented that the Lord Fairfax Locality Agreement covered much larger issues than just the tasks performed for well and septic and that he personally liked having a double check on well and septic. Vice Chair Weiss and Supervisor McKay concurred.

Chairman Hobert, noting that the locality agreement covered 2012-2013, suggested Mr. Ash request the Health Department provide its annual submission in a more timely manner.

10) Personnel

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

02/11/2013 Summary: The Personnel Committee discussed potential appointees to fill upcoming and existing vacancies. The Committee:

- Agreed to contact several persons who had previously expressed interest on serving on various boards and commissions and requested staff to review any lists of potential appointees or correspondence from individuals offering to serve.
- Requested staff consider the value of publishing a solicitation and to prepare a draft solicitation if determined to be appropriate.
- Recommended reappointment of Brandon Stidham to the NSVRC serving his first full three-year term to expire 1/31/2016.

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. Celebrate Shenandoah Committee

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."

At its January 7, 2013 meeting, the Personnel Committee decided to conduct follow up with staff prior to making recommendation.

02/11/2013 Summary: At its February 11, 2013 meeting, Chairman Hobert appointed David Ash as the initial contact.

C. Planning Commission request for Sanitary Authority representation

Summary: Brandon Stidham will present the Planning Commission request.

02/11/2013 Summary: Following presentation by Brandon Stidham, the Committee agreed to discuss it further before making a recommendation.

Chairman Hobert responded to Vice Chairman Weiss' request for explanation stating that Supervisor Staelin served as the Board of Supervisors liaison to both the Planning Commission and the Sanitary Authority and it was suggested that the Planning Commission might consider having Mr. Staelin provide the monthly update.

11) Board of Supervisors Work Session Items

See Item 8 Approval of Minutes February 11, 2013 FY2014 Budget Work Session.

12) Finance Committee Items

Tom Judge reviewed the Finance Committee recommendations made at its February 11, 2013 meeting.

1. Supplemental Appropriations

Action: The Finance Committee recommends approval of items a) thru d).

- a) Historic Preservation Grants. Two grants were budgeted in FY 12 but never expended. They are expected to be complete by the end of the current fiscal year. *"Be it resolved that the Historic Preservation Commission budgeted expenditures and appropriations be increased \$23,000, and revenue from the Commonwealth recognized in the same amount, all for the purpose of completing professional services for the Chapel Historic District and Josephine City projects "*
- b) Tower Lease. *"Be it resolved that Communications budgeted expenditures and appropriations be increased \$2,212, and the same appropriated, for the purpose of funding the Tower Lease, and be it further resolved that the fund balance designation for government savings be decreased in the same amount. "*
- c) Insurance Corrections. *"Be it resolved that positive available balances in Line of Duty Benefit and Workers Compensation Insurance budgets be transferred to cover negative available balances, that budgeted expenditures and appropriations be increased \$4,892 to cover remaining negative balances in these accounts, and that the fund balance designation for government savings be reduced by \$4,892".*
- d) Public Schools Carryover. *"Be it resolved that a public hearing be set on a proposed motion to increase budgeted expenditures and appropriations from prior year unspent funds: a) \$108,200 to the School Operating Fund for the purchase of textbooks and teacher evaluation technology; and b) \$272,118 to the School Capital Projects Fund for the purchase of smart boards, a fleet radio system, and an ERP system. "*

Following brief discussion, **Vice Chairman Weiss moved to approve the Finance Committee recommendations. The motion carried by the following vote.**

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

David Ash reminded that item d) was to set the matter for public hearing.

2. Donation and Membership Requests.

Action: At its February 11, 2013 meeting, the Finance Committee referred the Berryville Main Street request to the Economic Development Committee, and took no action regarding the War Memorial.

3. FY 14 Budget Discussion.

Action: The Committee discussed next steps in the review of the budget.

4. Acceptance of Bills and Claims

Supervisor Byrd moved to accept the January 2013 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 |

5. Standing Reports

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

13) Joint Administrative Services Board Update

Tom Judge provided the following update:

- Joint Administrative Services Board conducted its organizational meeting on January 28 and Chip Schutte was elected Chair for 2013.

- Schools will be testing the County's email program.
- Schools have been pleased with Board Docs and have offered to assist the County in a test of its program.
- Reviewed return on investment.
- Discussed future of software systems.

14) Mainstem Shenandoah River Instream Flow Study Update by Jen Krstolic

Alison Teetor introduced Mark Bennett and Jen Krstolic with the USGS. Ms. Krstolic provided an update on the Mainstem Shenandoah River Instream Flow Study conducted by the USGS. Below is the written summary.

Personnel: Jennifer Krstolic, Roger Moberg, Don Hayes, and other Hydrologic Technicians

Funding Agencies: Northern Shenandoah Valley Regional Commission (Clarke and Warren Counties), US Geological Survey

Introduction:

In 1998, the USGS published a demonstration project for the Shenandoah River in cooperation with the Northern Shenandoah Valley Regional Commission that examined streamflow, water supply, fish habitat, and recreation during low-flow periods. To complete the project, the USGS measured field data from a representative section of river for stage, discharge, depth, velocity, and substrate characteristics along cross sections representative of the physical habitat within that stretch of river. The hydrologic data collected in the field was combined with fish habitat-suitability criteria derived from the literature in the Physical Habitat Simulation Software (PHABSIM). The modeling results demonstrated the utility of the model to relate the amount of physical habitat present in the river for fish at a selected discharge. Limitations of the work done by Zappia and Hayes (1998) included wet summer conditions that did not allow for an extremely low-flow dataset to be collected, and a lack of fish habitat-suitability criteria specific to the Shenandoah River system. The new mainstem Shenandoah River study will serve as an update to Zappia and Hayes (1998) by incorporating a low-flow data set to the existing model data, and utilizing the river-specific habitat-suitability criteria developed for the South Fork Shenandoah River Instream Flow Study.

The updated flow data and habitat data will be combined with the historic model input data and simulated with a modified version of the PHABSIM software--the RHABSIM model (River Habitat

Objectives:

- 1 Re-survey reach discharge and water-surface elevation profiles at cross sections used in Zappia and Hayes (1998) during conditions lower than the 25th percentile for summer.*
- 2 Develop an accurate water-surface elevation and discharge relation for the low end of the rating curve for the Mainstem Shenandoah River in Virginia.*

- 3 Develop a relation between the availability of suitable fish habitat and discharge through 1-dimensional physical habitat modeling.
- 4 Relate model output to previous drought flows.
- 5 Develop water-use scenarios for possible current and future water withdrawal impacts to aquatic habitat.

Approach

Although a minimal field effort was expected, an extensive field effort was required. During 2011 and early 2012 GPS and surveying techniques were used during the leaf-off period to set new elevation control and tie in to the previous elevations so that the historic data could be related to new field data. This allowed re-survey of water-surface elevations and discharge during July 2012 at a measured discharge of 900-1000 cfs, and during September 2012 at 620 cfs.

Previously collected data will be combined with the new low-flow data sets and incorporated into RHABSIM modeling software. Water-surface elevation and velocity calibrations will be completed with the new datasets and habitat simulations will be conducted with fish habitat-suitability criteria for seven species or life stages developed for the South Fork Shenandoah River (Krstolic and Ramey 2012). Time-series analysis modeling scenarios will be examined for previous drought years such as 2002 or 1999. These scenarios will provide graphical output to simulate fish habitat availability when streamflow was limited. Additional water withdrawal or conservation scenarios will be presented to illustrate the potential gain or loss of habitat given various future water use practices.

Products

A scientific investigations report or journal article will be prepared to present the updated results of the mainstem Shenandoah River physical habitat model. Presentations will be made to the cooperators and at a scientific meeting.

Time frame

Field data collection was completed in September 2012. The RHABSIM model will be calibrated, and habitat simulations run during 2013. The final report will be prepared during 2013 with a draft report prepared by the close of the year.

References

Krstolic, J.L., Hayes, D.C., and Ruhl, P.M., 2006, *Physical Habitat Classification and Instream Flow Modeling to Determine Habitat Availability During Low-Flow Periods, North Fork Shenandoah River, Virginia*: U.S. Geological

Survey Scientific Investigations Report 2006-5025, 63 p.

Krstolic, J.L., and Ramey, R.C., 2012, *South Fork Shenandoah River Instream Flow Modeling to Determine Habitat Availability During Low-Flow Periods: Reston, Virginia, U.S. Geological Survey Scientific Investigations Report 2012- 5081*, 64 p.

Zappia, Humbert, and Hayes, D.C., 1998, *A demonstration of the instream flow incremental methodology, Shenandoah River, Virginia: U.S. Geological Survey Water-Resources Investigations Report 98-4157, 24 p.*

In response to Supervisor Byrd's question regarding local contacts, Ms. Krstolic noted that USGS works with locals, such as Jeff Kelbe with Shenandoah Riverkeepers.

In response to Chairman Hobert's question regarding drought planning, Ms. Krstolic advised that it was not her primary function but she could provide input.

Alison Teetor commented that surface water management was the original purpose of the study to gather data necessary to determine what levels are needed to sustain aquatic life. This study will aid localities in determining the levels that can be reasonably withdrawn from the river without damage.

Chairman Hobert opined that he would like to see a more practical application of the information gathered from these studies.

Supervisor Staelin countered that the entire length of the river must be looked at noting that Clarke was one of the northern most Counties using the river. He stated that data was available for the north and south forks of the river and the same information was needed on the main stem. He said that the data was needed to present to other localities to develop long-term strategies, increase storage, and to establish a minimum level.

Supervisor McKay put forth that this information should be presented to the NSVRC. Ms. Krstolic advised that it was their intent to meet with the district in May.

Mark Bennett added that the studies started with groundwater that led to a better understanding of the water systems from which they continue to. He opined that education on this matter was needed at the state and local level.

15) Clarke County Conservation Easement Authority Summary of Accomplishments 2008-2012 by Alison Teetor

Alison Teetor, Natural Resources Planner, appeared before the board to provide the second five-year summary of accomplishments of the Conservation Easement Authority. Highlights of her PowerPoint presentation include:

Program Overview:

- ☞ Clarke County Easement Authority established in 2002
- ☞ The purposes of the Authority are to acquire and/or receive conservation easements, by purchase, gift, or other conveyance; to hold and enforce conservation easements conveyed to it; and to administer the Clarke County Conservation Easement Authority.

GOAL: To protect and preserve land with significant agricultural, natural, scenic, and historic resources.

Easement Holdings

| Year | Acres | DUR's retired | # of Easements |
|-------------|-------|---------------|----------------|
| 2003 | 145 | 3 | 1 |
| 2004 | 35 | 14 | 3 |
| 2005 | 313 | 5 | 9 |
| 2006 | 579 | 18 | 7 |
| 2007 | 1281 | 45 | 23 |
| 2008 | 251 | 12 | 8 |
| 2009 | 484 | 13 | 4 |
| 2010 | 474 | 21 | 9 |
| 2011 | 591 | 18 | 7 |
| 2012 | 709 | 26 | 8 |
| Grand Total | 4,860 | 175 | 79 |

Easement Options

- ☒ Donation
- ☒ Purchase - Appraised Value
- ☒ Purchase - DUR purchase

Funding Sources

- ☒ Local
 - ☒ \$150,000 annual appropriation
 - ☒ Rollback - \$12,000 - \$146,000
- ☒ Land owner – income dependent/donation
- ☒ Grant Funds
 - ☒ FRPP, VDACS, VLCF, VOF, PEC
- ☒ Private Donations
- ☒ 1% Transfer Tax

Cost Benefits

- ☞ Cost of Community Services
- ☞ Fiscal Impact Residential Housing
 - ☞ 2010 Data
 - ☞ Each new residence costs County \$900/year
 - ☞ 175 DURs retired X \$900 = \$157,500/year savings
 - ☞ County on average spends \$138,000/year on easements
 - ☞ \$157,500 - \$138,000 = \$19,500 net benefit/year
 - ☞ Composite Index
 - ☞ Conservation Easements reduce the true value of real property used to compute the Local Composite Index
 - ☞ In 2010, tax revenue generated for school funding as a result of the 22,070 acres held in easement in Clarke County was \$200,000.

Awards: Governor's Environmental Excellence Awards Gold Medal Winner 2012

- ☞ The Authority was recognized for its successful efforts to protect and preserve land with significant agricultural, natural, scenic and historic resources.
- ☞ The authority has filled an important niche by enabling smaller landowners who might not meet the criteria of other programs to place land in easement.

Outreach Campaign

- ☞ Quarterly Newsletter
- ☞ Community Events
- ☞ Direct Mailing
- ☞ Total Donated 6 years = \$157,000
 - ☞ Average \$26,000/year
 - ☞ Used for:
 - ☞ Surveys, appraisals,
 - ☞ Legal fees

Next Steps

- ☞ 10 year Anniversary Celebration

- ☞ 5 easement purchase closings – 2013
- ☞ Solicitation for applications
- ☞ Review & Refinement of Policies and Procedures
- ☞ Continued Success

Supervisor Byrd asked about programs with the local schools. Ms. Teetor advised that the Authority has discussed outreach programs and is currently working with Powhatan School.

Supervisor McKay praised the Authority's efforts and suggested providing the presentation to local civic organizations.

Chairman Hobert thanked the members of the Conservation Easement Authority. He stated that Chair Wingate Mackay Smith was a tremendous leader.

Chairman Hobert requested the following:

- Track easements held by other agencies.
- Track monitoring efforts.
- Add the names of current Authority members to the report.

Alison Teetor added that the State is providing stewardship funds and Clarke County has a received over \$36,000 based on acreage in easements.

George Ohrstrom, Authority member, commented that the stewardship funds were provided with "no strings attached" and was being held by the Authority in a separate account to avoid co-mingling.

Vice Chairman Weiss stated that he saluted the group as a whole and wished to single out Alison Teetor for her tremendous efforts, working with the different funds to leverage the County's money, being tireless and efficient.

Wingate Mackay-Smith added that the Authority relied upon volunteers for monitoring efforts. She further remarked that if the stewardship money continued to come in at the same rate as this year the Authority intends to continue to save in a separate account as a sort of war chest to be used for legal services or the hiring of a monitor.

Following the presentation and comment period, members of the Conservation Easement Authority and the Board of Supervisors posed for a group photograph.

Alison Teetor invited Board members to join the Authority for cake and cider at its anniversary celebration in Meeting Room C on Wednesday, January 20.

16) Government Projects Update

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

- 100 North Church Street
 - Sheriff still working with Architect and engineering for completion of his building.
- 101 Chalmers Court
 - Work continues in this building to repair HVAC.
 - There has been minimal disruption of work.
 - Electricians rewiring and running conduit.

17) Miscellaneous Items

No items were put forward for inclusion on the agenda.

18) Summary of Required Action

| <u>Item</u> | <u>Description</u> | <u>Responsibility</u> |
|-------------|---|-----------------------|
| 1. | Process and upload approved minutes. | Lora B. Walburn |
| 2. | Develop ad and place in newspaper and on website TA-12-05 | Lora B. Walburn |
| 3. | Develop ad and place in newspaper and on website RZ-12-01. | Lora B. Walburn |
| 4. | Execute Lord Fairfax Health District 2012-2013 Locality Agreement. | David Ash |
| 5. | Process Lord Fairfax Health District 2012-2013 Locality Agreement | Lora B. Walburn |
| 6. | Execute Blue Ridge Housing Network, Inc. Letter of Support re Application for HOME Investment Partnerships Funding. | David Ash |
| 7. | Process Blue Ridge Housing Network, Inc. Letter of Support re Application for HOME Investment Partnerships Funding. | Lora B. Walburn |

| <u>Item</u> | <u>Description</u> | <u>Responsibility</u> |
|-------------|---|-----------------------|
| 8. | Execute Faithworks Inc. Letter of Support re Application for HOME Investment Partnerships Funding. | David Ash |
| 9. | Process Faithworks Inc. Letter of Support re Application for HOME Investment Partnerships Funding. | Lora B. Walburn |
| 10. | Execute Letter of Support 2012 TMDL Pre Proposal - C-Spout Run: Implementing the Spout Run TMDL Implementation Plan Through a Collaborative Partnership | J. Michael Hobert |
| 11. | Process Letter of Support 2012 TMDL Pre Proposal - C-Spout Run: Implementing the Spout Run TMDL Implementation Plan Through a Collaborative Partnership | Lora B. Walburn |
| 12. | Execute 2013-01P. | J. Michael Hobert |
| 13. | Process 2013-01P. | Lora B. Walburn |
| 14. | Update appointment database. | Lora B. Walburn |

19) Board Member Committee Status Reports

Supervisor Barbara J. Byrd

- Humane foundation: Considering the creation of a fund for the care of horses.
- Social Services: Looking for someone to fill the vacancy on its board.

Supervisor John R. Staelin

- Planning Commission: Discussing the creation of a Civil War overlay district.
- Economic Development Advisory Committee: Tourism brochure is ready; 2,000 brochures will cost approximately \$450.

20) Closed Session

At 4:10 pm, **Vice Chairman Weiss** moved to convene into Closed Session pursuant to **§2.2-3711-A3 Discussion of items related to the disposition of government property. Discussion or consideration of the acquisition of real property for a public purpose, or of the disposition of publicly held real property, where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the public body to discuss offers to rent or lease 36 East Main Street and 106 North Church Street.**

The motion carried as follows:

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

The members of the Board of Supervisors being assembled within the designated meeting place, with open doors and in the presence of members of the public and/or the media desiring to attend, at 4:49 pm, **Supervisor Byrd moved to reconvene in open session.**

The motion carried as follows:

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

Supervisor Byrd further moved to execute the following Certification of Closed Session:

CERTIFICATION OF CLOSED SESSION

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

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

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

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

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

No action was taken on matters discussed in Closed Session.

At 4:50 pm Chairman Hobert recessed the meeting.

At 6:30 pm Chairman Hobert reconvened the meeting.

21) Citizen's Comment Period

No citizens appeared to address the Board.

22) Presentation by RRMM Architects, Inc. – Elementary School Renovations

Chairman Hobert introduced Benjamin S. Motley, RRMM Architect Principal.

Mr. Motley introduced Kevin A Deck, RRMM AIA Architect Senior Associate, and Scott Stickley, PE, Pennoni Associates Inc. Mr. Motley indicated that they would be providing the presentation given to the School Board on January 30, 2013. Highlights of his presentation include:

- Management pieces include design, schedule and budget.
- Reasons to consider other options “Scheme A”:
 1. Inefficiency of the Two-School Option
 2. Budget Pressures
 3. Program Requirements and their Impact on Design
 4. Condition of Existing Buildings
- Important Efficiency Data to Consider:
 - Target Enrollment Grades PK-5: 655
 - Future Enrollment: 775
 - Former HS Building Area: 71,708 SF
 - D.G. Cooley Building Area: 40,931 SF
 - Combined Area (no additions): 112,639 SF
 - Combined Area (w/ additions):127,339 SF
 - Theoretical New 655-pupil ES: 85,200 SF
 - Proposed Scheme + Phase 2 = 97,100
- Budget Parameters and Pressures

- 85% Hard Costs [Construction]
- 15% Soft Costs
- \$7.2M X .85 = \$6.12M
- \$6.12M / 127,339 SF = \$48.06/ SF (Two-School Option A)
- Public Schools State Average for Renovation and Addition 2011/2012 = \$125.85
- Program Needs
 - DG Cooley
 - School is a simple, efficiently laid out school.
 - Existing class rooms fall short of meeting the VDOE size requirements for PK-1.
 - Existing class rooms are close to VDOE size requirements for 2-5
 - Decentralized HVAC System in Good Condition
 - Traffic Concerns
 - Outdated, Under-sized Kitchen / Cafeteria
 - Limited Site Area for Additions
 - Former High School
 - Class room sizes for a high school are smaller than elementary schools.
 - Renovation and reconfiguration was always necessary to accommodate elementary students.
 - Parking and Vehicular Drives Ready to Use
 - Adequate Space for Additions / Play Areas
 - Core Spaces Adequate for the Entire PK-5 Enrollment
 - Centralized HVAC System in Poor Condition
- Scheme D
 - This plan was recommended and approved by the School Board
 - Addition to side and renovate core in Phase 1.
 - Keep grades 4 and 5 at DG Cooley – as is.
 - New kitchen at the renovated high school will supply DG Cooley students.
 - RRMM considers this plan to be the most efficient facility use.
 - Frees Cooley for use as School Administrative Offices and for Alternative Education.
 - Nothing compels the County to initiate Phase II.

Mr. Motley concluded his presentation and called for questions. Highlights of RRMM responses to questions:

- Square feet being renovated in Phase 1: approximately 40,000 sq. feet.
- State Average Construction Cost: Renovation \$125 per square foot; New Construction \$165.
- Phase II Cost: \$200 per square foot
 - \$3.7M [Cooley conversion to Administrative Offices]
 - \$3.1M [Grades 4 and 5 addition]
 - \$3.7M [Additional renovations - not fully renovating gym or cafeteria in Phase I];
- \$125 per square foot figure is a blend of costs for renovation and new construction for the addition
- The figure is divided by .85 to include soft cost
- The architect receives approximately 6% to 7%.
- The architect's fees are determined on project cost.

Stormwater responses by Scott Stickley, Pennoni Associates Inc.:

- Clarke County has adopted stormwater regulations recommended by the DCR.
- Clarke County has adopted a more stringent standard than the state.
- Stormwater plan was designed for Phases I and II.
- Stormwater plan was designed from a conceptual and feasibility point.
- Bio-retention ponds are planned.
- Anticipate rerouting roof drains to bio-retention cells.
- Artificial turf for the football field surface was taken into account and included in the plan. The football field with artificial turf will have separate drainage that will head toward the tennis courts.
- Plan based on topography maps indicating that Parks and Recreation land drains onto the school property.

Members of the audience and the Board suggested walking the property to gain greater understanding of stormwater patterns.
- Plan intends to send drainage to Ramsburg.
- Annual maintenance cost of bio-retention ponds is considered to be part of regular maintenance.

- Water volume was determined using DCR data.
- Phase 1 cost projection for one bio-retention pond is \$50,000 and is included in the \$7.2MM Phase 1 plan.
- As for existing stormwater issues, current developers are only required to address 20% of existing problems.

Building Design responses by Kevin Deck, RRMM:

- One-story addition.
- Central hall and double-loaded classrooms down both sides.
- Hall connecting to the gym.
- Rendering to be sympathetic to current school.
- The majority of the renovation will take place in the academic wing.
- Converting core with minimal moving of walls.
- Improving windowless classrooms by adding skylights with diffusing glass and daylight sensors resulting in energy savings.
- Existing library has two roof monitors with interior diffused baffles.
- School Board Member Jim Brinkmeier is heading up the task force working on securing issues for the renovation, as well as other schools within the system.

At 8:02 pm Chairman Hobert opened the public comment portion of the public meeting.

Robina Rich Bouffault, County resident: stated that she was here this evening as a private citizen and her comments represented her own views as a citizen and not the Planning Commission of which she is a member. Portions of her PowerPoint presentation are as follows:

The RRMM “One School” Option D2 Comments and Questions at BOS Meeting 2-19-2013

Comparison of the NUMBERS OF CLASSROOMS

| | EXISTING | 2010 PLAN | RRMM "One School" OPTION D2 | |
|--|-----------------|------------------|-----------------------------|------------------|
| | (as of 1-24-13) | | Phase I | Phase II |
| Existing & Projected PreK-5 Students | 544 | 544 | 665 | 775 |
| Alt. Ed Students Average Number | 12 | 12 | Not included | 15? |
| D.G. COOLEY (capacity 246) | | | | |
| Classrooms | 17 | 17 | 17 | Admin + 2 Alt Ed |
| Trailers | 10 | 0 | 0 | 0 |
| Berryville PRIMARY (capacity 185) | | | | |
| Classrooms (+ 2 Alt Ed in 2010 plan) | 16 | Admin + 2 Alt Ed | 0 | 0 |
| Trailers | 3 | 0 | 0 | 0 |
| OLD HIGH SCHOOL (capacity 456) | | | | |
| Phase I Addition (3 classrooms eliminated) | empty | 27 | 24 | 24 |
| Phase II Addition | | | 8 | 8 |
| | | | | 10 |
| TOTAL NO. of CLASSROOMS | 46 | 46 | 49 | 44 |

Comparison of the NUMBERS OF CLASSROOMS

In response to my question concerning the decrease in classroom numbers, RRMM indicated that: *"Whenever new or renovated school projects are undertaken, this creates an opportunity to forge a program based upon what the school system actually needs for the present and for the future, as opposed to what is currently in use, which often represents programmatic compromises due to existing facility limitations."*

QUESTION to the School Board: What changes were made to the DGC Educational Program that made you decide that the "One School" 2-Phase recommendation by RRMM, with its decrease in the number of classrooms would be preferable to an increase, given the expected 42% elementary growth projected by you for the future years? (current 544 to projected 775 pupils)

Site Considerations

The county engineers Chester have today approved a preliminary storm water concept plan which was submitted by RRMM on 1-16-13. One of the issues not addressed in detail yet relates to the storm water drainage and where it goes. RRMM, in their response to my earlier questions, indicated that the SWM pond underdrain "will flow to the existing broad swale draining to the west and Ramsberg Lane".

The "broad swale draining to the west" is currently draining into Parks and Rec land, and periodically washes out their walking path. It is not an acceptable drainage route, and needs to be mitigated if the old high school is expanded. The Ramsberg lane culvert, according to PHR&A, currently does not get any storm water, so RRMM need to clarify how the water gets to it. The PHR&A photo and comments:

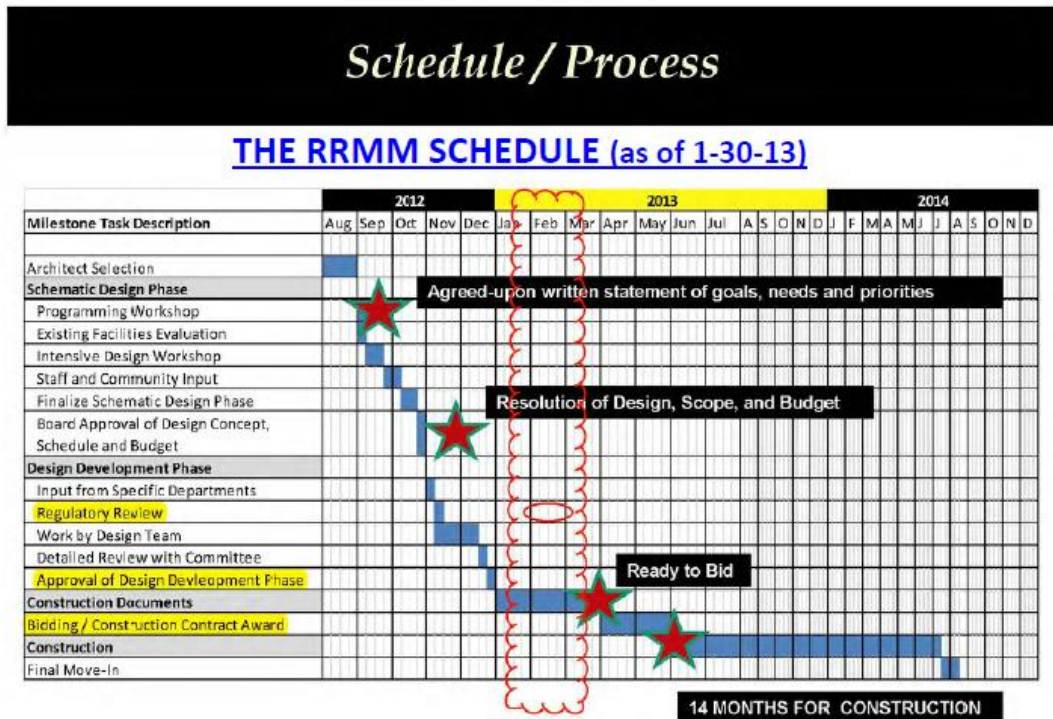
PHRA comment for this photo after Sandy: "Ramsburg Lane Drainage - Dry As A Bone No Evidence Of Water In These Pipes During Hurricane Sandy Event" (8" of rain)

Today, we also learned that PHR&A are doing a parallel study to determine if they can also put artificial turf on the next door football field. This additional 48,000 sq. ft. of water run-off is not included in the concept plan, which will need to be modified again.

The failure to stay within the existing building footprint generates the need for a Site Plan amendment – which otherwise would not be needed. The storm water issue is a thorny and costly element of this. Site Plan engineering costs can be considerable, with multiple modifications prior to final design approval. Our past experience is:

- The failed 71 acre Salvation Army new high school project:
PHR&A civil engineers cost: \$203,494 (source JAS)
- The new CCHS project, now functioning, costs were:
Urban civil engineers cost: \$118,287 (source CRA Schedule of Values)

RRMM has included in its estimate a total of only \$41,630 for civil engineering, landscape and site topo/survey fees. This appears to be unrealistically low. I have also not found any regulatory permitting fees (site plan – building permit, etc.) listed in the estimate. The capacity increases are likely to also generate Town of Berryville water/sewer costs, including a possible sewer pump modification at D.G. Cooley, an expensive item not included in RRMM's estimates.



Site Plan Regulatory Review Timeline

For the new high school, from the time the architects were hired end-October of 2008, to the Final Site Plan approval of June 2010, a total of 20 months elapsed, with storm water considerations causing a majority of the delays.

RRMM's current Schedule shows the Regulatory Review taking all of one week (!) : the 2nd week of November 2012. It also shows the project going out to bid at the end of March – only one month away!

This Schedule is hopelessly obsolete, and has a timeline that is completely unrealistic. As of yet, there has not even been a formal submission made to the county for a Site Plan amendment permit, let alone a Building Permit.

QUESTION to the School Board: Given the obsolete and unrealistic RRMM Schedule which currently shows the project ready to bid next month when the design has not yet even been finalized, will you continue to confirm that the old high school will be able to accept students in the Fall of 2014? Wouldn't a more realistic date be the Fall of 2015?

THE COSTS

| THE RENOVATION COSTS | SB 2010 PLAN | RRMM "One School" OPTION D2 Cost Estimate 2-1-2013 | |
|---|-----------------------------------|---|---------------------------------------|
| | (Crabtree Estimate) | Phase I (2014-5) | Phase II (2018+) |
| Estimates Only: (amounts include soft costs, but no trailer removal) | | | |
| OLD HIGH SCHOOL building (no additions) | \$2,689,648 | Incl. below | Incl. below |
| Phase I Addition , includes initial core building renovations (classrooms, HVAC, plumbing) | n/a | \$7,179,261 | n/a |
| Phase II Addition , to include <u>additional</u> core building renovations (cafeteria/more HVAC) | n/a | n/a | \$7 - \$8,000,000 + |
| D.G. COOLEY | \$1,379,232 | No renovations – left as is = \$0. | Renovations for Admin incl. above |
| <i>Use:</i> | <i>Elementary School</i> | <i>Elementary School</i> | <i>Administration</i> |
| Berryville PRIMARY | \$2,507,267 | No renovations | No renovations |
| <i>Use:</i> | <i>Admin + 2 Alt Ed Cl.</i> | <i>Closed?</i> | <i>Surplused?</i> |
| TOTAL (Preliminary) COSTS | \$6,576,147 | \$7,179,261 | \$15,179,261 |
| <i>Buildings Renovated:</i> | <i>3 buildings (no additions)</i> | <i>1 building w/one addition</i> | <i>2 buildings (2 additions)</i> |
| Site Plan Required? | No | Yes – 1st Site Plan | Yes – 2nd Site Plan |

Summary

- Classrooms: There will be fewer classrooms at the end of Phase II than there are now, in spite of projected growth.
- Regulatory Review: Not yet formally initiated for the Site Plan, is likely to delay the school opening until the Fall of 2015, due to storm water concerns unresolved as of yet – if ever.

- Costs: The estimated costs are over twice (at least) those of the 2010 School Board plan, while being less comprehensive and renovating fewer buildings – with a very fuzzy Phase II well into the distant future. Site Plan costs are greatly under-estimated.

A FINAL QUESTION for the School Board: The July 2012 architects RFP issued by the School Board (12 firms responded) states clearly on page 4:

“This will leave the Division with 3 buildings requiring renovation, in succession...contingent upon available resources.”

“The total appropriated budget for these projects is \$7.2 million.”

Why did the School Board vote to accept the RRMM “One School” recommendation which totally disregards their own core RFP conditions?

Anne Caldwell, County resident: stated that while she is the Vice Chair of the Planning Commission, she was here this evening as a private citizen and her comments represented her own views as a citizen and not the Planning Commission. She read the following letter:

400 Riverview Farm Lane
Bluemont, VA 20135
February 19, 2013

To the Clarke County Board of Education:

First, I want to express my appreciation to the Board of Education and their architects for the hard work that has gone into this project so far, including the complex decisions that are currently under discussion.

Second, I have two areas of concern where more information for both myself and the citizens of Clarke County would be helpful in understanding this multi-million dollar project.

1. In the currently proposed one-school solution, it appears that Phase I results in the elimination of the trailers and in a small overall increase in classroom number. However, it also appears that at the completion of Phase II, when the expenditures will likely be in the fifteen million dollar range, we will have an actual decrease in the number of classrooms compared to the number today, along with a projected increase in student population. In his written response to a question on this issue on February 15, 2013, Mr. Motley explained the situation as follows:

"The total number of classrooms included in the program and design concept were developed by the superintendent, principals and other central office staff. Whenever new or renovated school projects are undertaken, this creates an opportunity to forge a program based on what the school system actually needs for the present and for the

future, as opposed to what is currently in use, which often represents programmatic comprises (sic) (compromises?) due to existing facility limitations."

This explanation is boiler-plate admin-speak, is difficult for me to understand, doesn't answer the question with any actual facts, and doesn't pass the common sense test.

Please provide myself, the Board of Supervisors, and the citizens of Clarke County with clearly written specifics, in layman's language, that detail how you are going to fit more students into fewer classrooms at a price tag of some fifteen million dollars.

2. The one-school solution is being promoted as providing economic efficiencies by eliminating duplication of services which occur with multiple schools. Again, to quote Mr. Motley in his February 15 letter:

" ... a one-school option, which is ultimately more efficient due to the lack of redundancy of program areas such as the kitchen, cafeteria, library, art room, music room, and administrative offices."

Please provide myself, the Board of Supervisors, and the citizens of Clarke County a detailed list of those support and administrative staff positions that will be eliminated because of these projected efficiencies. In addition, please estimate the dollar savings of these projected efficiencies, especially as they impact the annual school budget on a year by year basis. Please do not succumb to the Federal Government practice of claiming the savings against planned budget increases.

Without this kind of staff and financial detail, the projected savings are only unsupported assertions. Furthermore, without such detail, it is impossible to understand and evaluate the cost-benefit of a one-school, fifteen million dollar option versus a two-school, seven million dollar solution to our educational needs.

Looking forward to your written responses, I remain respectfully yours,

Being no other persons desiring to speak, at 8:20 pm Chairman Hobert closed the public comment portion of the public meeting.

Dr. Murphy advised that Chairman Dr. Leffel had to leave the meeting but she had extended an invitation to all to join the School Board at its February 25 meeting.

In conclusion Mr. Motley put forth the following comments:

- Civil engineering fees have been fully agreed upon.
- Detailed cost estimates are available to the public.
- The cost data is complex and can be easily misunderstood.
- Developed a need-based option in conjunction with School staff.
- Classroom size is stated in the RFP.

- Contract terms have been followed to the letter and one of the contract terms was to look at other options.
- The schedule presented is the original, not the current schedule; however unless there are unforeseeable delays, completion in Fall 2014 is still very doable.
- The stormwater concept plan was to be developed first.
- Still believes that all cost has been accounted for as part of the solution.
- Suggested another detailed meeting to further discuss issues.

Supervisor Byrd noted that three seatings were planned for the elementary cafeteria and when the facility was used as a high school, four seatings were necessary. She opined that cafeteria seating would be very challenging for this age group and more so with an increased student count. She expressed concern about plans to remove the auditorium stage and removing the music room as part of cafeteria expansion.

Dr. Murphy responded that elementary schools run on a different feeding level with continuous feeding for students either coming from or going to recess. He stated that he and Mr. Carmichael, Principal Primary and D.G. Cooley, believed it is totally doable.

Robina Rich Bouffault asked about use of the second gymnasium in Phase II; 1) how the Schools were going to resolve use of two gyms with 600 to 700 students; 2) how it was going to handle taking students over to the Cooley gym, and 3) how this improved efficiencies. She noted that the Cooley gym was relatively new built to address the School's stated need for more gym space.

Dr. Murphy responded that at the present time there were no plans to move children back and forth between schools; the old high school's gym was large – much larger than the Cooley gym and multiple groups of children could be in the gym at the same time. He continued that with the large outdoor surface area the Schools envisioned more outdoor games. He opined that the Cooley gym could be used for many things but this was a future curriculum decision.

Mr. Motley contributed that he did not know of any elementary with two gymnasiums, even the larger schools. He said that pragmatically it was not viewed as necessary.

Robina Rich Bouffault responded that a lot of money had been spent just a few years ago to build the Cooley gym and citizens did have questions about an option that would discontinue its use.

At 8:30 pm, Chairman Hobert asked the Supervisors for concluding statements.

Vice Chairman Weiss thanked the public, School Board and RRMM for their participation. He commented that how to educate children must be left with the School Board. He stated that his concerns were monetary and the Schools' plans for Phase II, incurring more debt,

were contrary to the Supervisors' plans to reduce debt. He asked the Schools to wait on Phase II. Mr. Weiss emphasized that he was not criticizing the Phase I renovation amount just that the budget remained the same but was taking care of fewer buildings. He opined that a large majority of the change in renovation plans was by the School Board's choice and he reminded that there were serious choices to be made with serious consequences for all must consider what will be available for operating with the debt load proposed in Phase II.

Supervisor Staelin expressed appreciation to everyone for attending the meeting. He stated that Phase I made a lot of sense commenting that it was good to know that an addition was possible at the former high school. He opined that Phase II did not make sense; and by the time Phase II began, needs would have changed. He expressed concern regarding the reduction in classrooms, discontinuing use of Primary, and stormwater issues. Mr. Staelin requested that not one dollar be spent designing Phase II.

Supervisor Byrd expressed her thanks to everyone for attending the meeting noting that all present were there because they were concerned about the children, the schools and its buildings. She expressed her hope that the Schools would keep with a two-school concept as presented for Phase I. She put forth that the former high school was a blank slate, Cooley was in good condition, and Primary would be a good option for school administrative offices; but it was for future boards to consider future plans. Mrs. Byrd agreed with Supervisor Staelin and urged the School to be practical for it had only \$7.2MM to work with for this renovation project.

Supervisor McKay commented that he believed that everyone had some very valid points. He expressed his reservations regarding the potential expenditure of \$15MM for future renovations, turning Cooley into administrative offices and designating Primary as surplus. He opined that no other county has too many school buildings or too much school space. He concurred with Supervisor Byrd that Primary was still a functional building.

Chairman Hobert thanked all for their participation. He opined that it was good for the good for the community to have an opportunity to hear the School's plans. He stated that he agreed with his colleagues that the decision regarding the course of action to be taken was within the judgment of School Board. He further commented that he believed the cost was appropriate.

23) Adjournment

There being no further business to be brought before the Board at 8:41 pm Chairman Hobert adjourned the Board of Supervisors meeting.

Next Regular Meeting Date

Approved March 19, 2013

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The next regular meeting of the Board of Supervisors is set for Tuesday, March 19, 2013 at 1:00 p.m. in the Main Meeting Room, 101 Chalmers Court, 2nd Floor, Berryville, Virginia.

ATTEST: February 19, 2013

J. Michael Hobert, Chair

David L. Ash, County Administrator

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