

No citizens appeared to address the Board.

4) VDOT

Ed Carter appeared before the Board to provide the monthly update.

Maintenance – May:

- Conducted ditching operations on Rt. 604, 606, 607, and 643;
- Removed hazardous trees on Rt. 340;
- Paved 2 sections of Rt. 7 near Rt. 612 and portion of Rt. 601 off of Rt. 7;
- Started mowing operations on primary routes and performed pothole repair on various routes;
- Swept all bridges and curb/gutter and completed litter pickup on primary's and high volume secondary's;
- Responded to major flooding event.

Maintenance – June:

- Complete primary mowing and begin secondary mowing;
- Conduct grading operations on all non-hard surfaced roads;
- Begin calcium applications for dust control;
- Perform pipe replacement on Rt. 606 off Rt. 50 and patching on same;
- Conduct patching operations on various routes throughout the county.

Projects:

- Rt. 340/Senseny Rd.: Received funding approval and now proceeding with project.
- SSYP Public Hearing: Scheduled for the evening session tonight.

Supervisor Comments:

Supervisor Barbara Byrd:

- Route 7: Johnson Grass and thistles are very thick in some areas.
- Tripe J Road: In places, the surface appears to be falling apart. Charlie Monroe advised that a slurry seal had been applied.
- Crums Church, Summit Point, Triple J: Traffic on these commuter roads should be monitored.
- Route 632: Charlie Monroe has requested a plant mix.

- Route 636 Westwood: Could VDOT work with the owner to clear out weeds and trees that have grown up at the first sharp turn.

Vice Chairman Weiss

- Route 612: Paving on by J&J stops in the middle of the islands. Ed Carter will verify ownership of the land where the telephone poles are located.
- Johnson Grass: Ed Carter will request review and recommendation of the appropriate person in the district office on how best to address Johnson Grass.

Supervisor McKay:

- Route 624: By Longbranch there is a large pothole in the shoulder where the road turns left.

5) Clarke County Public Schools Update

Dr. Michael Murphy, CCPS Superintendent, with Rick Catlett, CCPS Assistant Superintendent, appeared before the Board to provide the Schools' monthly update.

- Curriculum
 - o SOL Testing Underway -Total of 34 SOL Tests
 - o Currently - Algebra I at JWMS; VA and US History at CCHS
 - o New standards in science and reading - drop in scores state-wide anticipated
 - o Virtual education and home school discussions and partnership opportunities
 - o Writing Assessment
 - o Writing on-line for the first time for all students - 100% on-line
 - o Scores have fallen state-wide in some areas; new standards
 - o STEM-I-T Programming
 - o Meeting with partner organization today to discuss collaboration
 - o Valley Health Partnership
 - o Summer camp planning taking place - another slot for Clarke in the works
- Capital Carry-over Conversations
 - o Heartburn over Bobcat
 - o Ending cash - trying to eliminate
 - o Replacement maintenance vehicle and flat bed in FY 14
 - o BACwire control system for remodeled high school in FY 14
- Reno Related
 - o All systems appear to be a go
 - o Work continues on design development and construction drawings
 - o Meeting with Gary Pope on site at 3:00p.m. today regarding construction entrances
 - o CCHS trailers all sold (again) and being moved out
 - o \$5,000 bill for hazardous materials left over from the beginning of time

- Vandalism
- New CCHS
 - Weather Bug finally fixed
 - Still working on warranty / post warranty issues
- Focus on Efficiency
 - Division wide
 - Recycling and waste management a growing concern
- Upcoming School Events
 - May 23 MAC Meeting and Potluck - 6:00 p.m. - CCHS
 - Dedication of Flags and Celebration of Student Success
 - Freedom Wall Dedication - 2:00 p.m.- CCHS
 - Sons of the American Revolution (SAR)
 - 2013 Employer Appreciation & DECA Breakfast - 7:15 a.m. May 28, 2013

School Board Carry Over Request

Vice Chairman Weiss commented on the Superintendent's use of "heartburn" in relation to the request to use funds for the purchase of a bobcat. He stated that the Board of Supervisors Finance Committee had not previously heard about the purchase nor the need identified prior to submission.

Superintendent Murphy apologized for the miscommunication stating that the bobcat has been on the Schools' list for a long, long time.

Vice Chairman Weiss remarked that the Schools may have set aside funds but it assumes partial funding from the general government budget. He opined that it seemed odd in the way the request was presented and with all the other budgetary issues that the bobcat became the item on which the Schools chose to spend its money.

Superintendent Murphy opined that this was about juggling and he believed the Schools had talked about the bobcat last year and had asked Bobby Levi, Maintenance Director, to develop a best-case scenario. He said that the request come from trying to do more with fewer people; and less human capital, sometimes, requires those tools and technologies.

Dr. Murphy advanced the topic of truck replacement stating because the lift gate no longer works on the current truck. He noted that Randy Trenary believed the truck could be repaired; however, if cannot be repaired, it will be scrapped.

Supervisor Byrd noted that the vehicle was still operable.

Superintendent Murphy affirmed that it is still drivable and can still be used for plowing. He said that the Schools would like to keep the plow for the truck, put a flatbed on it, and get a “beefier” snowplow.

Superintendent Murphy apologized for his poor choice in the use of “heartburn.” He stated that the bobcat was expensive and the Schools had looked for a used one but nothing came close to anything in which it was willing to invest. He stated that the Schools are willing to invest in the things it knows it will need tomorrow and the Schools know that a maintenance truck is needed.

Supervisor McKay advised that he had read the specifications and the bobcat the Schools proposed included an enclosed cab, hydraulically operated attachments, 93 horsepower, air conditioned and heated. He opined that this was a very large, fancy piece of equipment and suggested that the Schools continue to search for a used bobcat or scale back the options. Supervisor McKay further noted that these were expensive pieces of equipment to keep operating.

Supervisor Murphy said that he did not know how much it would cost in the end; but at some point, the County would be well served to own a piece of equipment that could have attachments such as a sweepers and a hoe ram. He put forth that at some point a serious investigation is needed about some piece of equipment to serve the multitude of purposes.

Chairman Hobert said that the Schools request would be addressed through the Finance Committee that has asked the Schools for more information. He opined that is was not just simply an issue of the brand, the attachments, or the funding but all of those issues together.

Chairman Hobert stated that the Board of Supervisors could not have a situation where all year long it is getting serial requests for the use of carry over funds. He said that the Supervisors understood that emergencies come up and the Board would do whatever it could to address those needs. He stated that, in general, the Supervisors do wish to see the Schools address its carry over fund usage in a reliable, timely manner consistent with years past.

Dr. Murphy responded that he had spoken with Chairman Hobert about the matter of carry over funds; and as soon as he gets figures from Tom Judge, he will bring that information to the School Board with hope that the Supervisors’ Finance Committee would consider the matter at it following meeting. He opined that he was reasonably convinced that when the tools and systems for managing money were improved through implementation of an ERP system the County would have better, timelier accountability of its funds and would be better able to make prudent decisions regarding expenditure of funds. Dr. Murphy said that he was working with Tom Judge to try to forecast no more than \$100,000 in carry over. He put forth that it was his

intention to expend as much of the Schools' budget, in a responsible manner, by June 30 so that the Schools do not have any capital carry over.

School Calendar Change

Chairman Hobert stated that he was very concerned and disappointed in the way in which Dr. Murphy addressed the decision to reduce the school days for County students initially by 10 and subsequently by 5 days. He said that he believed this was a mistake; and at a minimum, it should have been addressed more broadly in the community in order for the community to have a better understanding of why in 2013 reducing the number of school days was an educationally sound decision. Chairman Hobert commented that the amount of money involved was a relatively small but it was a major decision about the way the Schools will be educating students. He said that he frequently hears how teachers are overwhelmed by how much they have to do in a short period of time and he does not see cutting the number of days as a solution but rather throwing in another obstacle for teachers. He concluded by stating that his comments reflected his own personal opinion.

Dr. Murphy thanked Chairman Hobert but declined to comment.

Chairman Hobert thanked Dr. Murphy for providing the update.

6) Approval of Minutes

Supervisor Byrd moved to approve the minutes:

- **March 19, 2013 Regular Meeting as presented**
- **April 10, 2013 FY2014 Budget and CY2013 Tax Rate Public Hearing as presented**
- **April 16, 2013 Regular Meeting as modified: Book 21, Page 437 vote change John Staelin from Aye to Absent.**
- **April 17, 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	- Absent
David S. Weiss	- Aye

7) 2012 Annual Report – Department of Planning - Acknowledge Distribution

Brandon Stidham advised the Board that the 2012 Annual Report prepared by the Planning Department had been distributed with the regular meeting packet material.

Chairman Hobert remarked that the report was very well done.

By consensus, the Board acknowledged distribution of the 2012 Planning Department Annual Report.

8) 2013 Comprehensive Plan Review Process Update

Brandon Stidham advised that the initial draft of the 2013 Comprehensive Plan had been distributed with the regular meeting packet material. He asked the Board to forward to him their individual comments. Mr. Stidham told the Board that public comment sessions on the initial draft would be held on:

June 6 at Berryville Clarke County Government Center

June 10 at Boyce Fire Hall

June 13 at Blue Ridge Fire Hall

Mr. Stidham informed the Board that strategic round-table meetings targeting specific business throughout county had been conducted and summaries of those sessions would be made available.

9) Regional Northern Shenandoah Valley Regional Hazard Mitigation Plan Update

Brandon Stidham provided an overview of the plan update. He told the Board that NSVRC had sought plan review by FEMA and VDEM. He reminded that action had been deferred by the Board at its October 2012 meeting. He stated that due to concerns about staffing and funding expressed by the Board he had confirmed that the plan outlined recommendations or goals not requirements and the formal resolution before the Board for adoption stated that the plan would be implemented as economically feasible.

Vice Chairman Weiss remarked that he had reservations about such plans.

Mr. Stidham stated that the region must have a plan in place to qualify for assistance. He added that the plan applies to all types of natural disasters.

Vice Chairman Weiss moved to adopt the resolution as presented. The motion carried by the following vote:

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

Beverly B. McKay	- Aye
John R. Staelin	- Absent
David S. Weiss	- Aye

**A RESOLUTION TO ADOPT THE 2012 NORTHERN SHENANDOAH VALLEY REGIONAL
HAZARD MITIGATION PLAN
2013-09R**

WHEREAS, Clarke County, Virginia, like any jurisdiction, is vulnerable to a variety of natural hazards that can result in loss of life and damages to public and private property; and

WHEREAS, it is the intent of the Clarke County Board of Supervisors to protect its citizens and property from the effects of natural hazards to the furthest extent possible; and

WHEREAS, the Board desires to seek ways to effectively reduce and mitigate the risk of these natural and human-caused hazards through participation with the Northern Shenandoah Valley Regional Commission and adjoining jurisdictions in the development and implementation of a regional hazard mitigation plan; and

WHEREAS, it is also the intent of the Board to fulfill its obligation under Section 322: Mitigation Planning, of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, to remain eligible to receive state and federal assistance in the event of a declared disaster affecting the County; and

WHEREAS, the Federal Emergency Management Agency and the Virginia Department of Emergency Management have reviewed the said plan, inclusive of the Clarke County section prepared with input from appropriate local and state officials, and has approved the plan pending the completion of local adoption procedures.

NOW THEREFORE BE IT RESOLVED, by the Clarke County Board of Supervisors on this 21st day of May, 2013, that the 2012 Northern Shenandoah Valley Regional Hazard Mitigation Plan is hereby adopted, and that the Board agrees to take such other official action as may be reasonably necessary and economically feasible to carry out the proposed actions included in the Clarke County section of the Plan.

Adopted this 21st day of May 2013.

Attest:

David L. Ash, Clerk

10) Regional Economic Development Event - Emerging Partnerships for Prosperity: The Northern Shenandoah Valley

Brandon Stidham provided an overview. He said that last fall Martha Shickle, NSVRC Director, and Miles Davis, Dean - Shenandoah University School of Business, convened a meeting with economic development staffers throughout the region to conduct a general discussion on ways to collaborate regionally on different aspects of economic

development. Currently, a morning seminar, Emerging Partnerships for Prosperity, on Friday, July 12, at Shenandoah University is proposed for elected officials and local stakeholders with an interest in economic development. Mr. Stidham stated that before agreeing to partner with this event he wanted to ensure that the Supervisors were comfortable with the concept. Frederick County, Warren County, and the City of Winchester have expressed a desire to partner and continue in this effort.

Mr. Stidham stated that in the absence of grant funds participating localities are being asked to contribute \$350 to cover speaker fees, refreshments, and other items that may arise in the planning. He added that Shenandoah University has pledged to match locality funds.

Chairman Hobert commented that the Regional Authority had been supportive of regional efforts including Clarke's efforts to coordinate with VACo in its legislative planning including extending funds for the effort. He expressed his belief that all the Supervisors supported regional economic development planning. He further stated that this level of proposed expenditure should be addressed at the administrative level.

Vice Chairman Weiss remarked that partnering in this event was reasonable.

Chairman Hobert requested Mr. Stidham provide the Supervisors with an evaluation of the event.

Supervisor McKay asked if the micro economic development committee had received any applications.

Brandon Stidham replied that one application for a new business in Front Royal had been received but working with the state to get all the documentation in order caused a delay in the program. He stated that a meeting was scheduled for May 31 in the BCCGC at 4 pm.

Mr. Stidham informed the Supervisors that People, Inc. was conducting meetings in different localities aimed at potential small businesses that could benefit from the program.

11) Set Public Hearing CC-2013-01 Chapter 56, County Road Naming, Property Numbering, and Road Sign System

Brandon Stidham informed the Supervisors that Gordon Russell and he had developed the proposed amendment with review by Archana McLoughlin, County Attorney. He advised that the Sheriff's Office had no objection to the proposed removal of the 911 Coordinator from the process. He noted that a large segment of the sign specifications had been replaced by federal-level standards.

Supervisor Byrd moved to set the matter for public hearing at the June 18, 2013 Board of Supervisors Regular Meeting at 6:30 pm or as soon thereafter as the matter

may be heard at the Berryville Clarke County Government Center. The motion carried by the following vote:

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

12) Personnel

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

5/13/2013 Summary: The Personnel Committee reviewed appointments to upcoming vacancies on various committees and boards. No recommendations pending confirmation of willingness to serve.

05/21/2013 Summary: Supervisor Byrd put forth Carol J. Meyers for appointment to the Clarke County Library Advisory Committee for a full four-year term expiring April 15, 2017.

Supervisor Byrd moved to approve the appointment. The motion carried by the following vote:

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

B. Status Update Personnel Policy

5/13/2013 Update: David Ash and Archana McLoughlin updated the Personnel Committee on the status of the revision of the Personnel Policy, acknowledged that they were referencing versions of Bedford and Hanover Counties' policies. The Committee asked that staff identify as many points of issue or contention as possible, along with proposed solutions noting that the Board's interest was in creating a single policy for all employees.

13) Board of Supervisors Work Session Items

A. Closed Session re: Stuart M. Perry, Inc. v. Board of Supervisors of Clarke County, Virginia

05/13/2013 Summary: Bob Mitchell joined the Supervisors in Closed Session pursuant to

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

Supervisor Staelin moved to convene into Closed Session pursuant to §2.2-3711-A7. The motion carried as follows:

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

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

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

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

CERTIFICATION OF CLOSED SESSION

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

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

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

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

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

Beverly B. McKay	-	Aye
John R. Staelin	-	Aye
David S. Weiss	-	Absent

No action was taken on matters discussed in Closed Session.

B. VDOT Review by Ed Carter

A. *County Secondary Six-Year Plan (2013/2014 – 2018/2019)*

05/13/2013 Summary: The Board discussed alternative proposals for use of the funds anticipated throughout the secondary six-year plan and directed VDOT to prepare a revised version of the working document for presentation at the public hearing.

B. *State-wide Six-Year Improvement Program (FY14-19 SYIP)*

05/13/2013 Summary: The Board reviewed the draft letter prepared by Mr. Stidham but asked the letter be delayed until questions about the drainage issues in Boyce and the West Main Street improvements in Berryville are resolved.

C. White Post Dairy Update on March 2013 Manure Spill

5/13/2013 Summary: Scott Donnelly, Farm Manager White Post Dairy, was present to provide additional information on work that has been done since the last meeting with the Board and DEQ. Mr. Donnelly acknowledged that White Post Dairy was in negotiations with DEQ regarding an agreement letter the details of which should be available soon. He also acknowledged that White Post Dairy had decided to reduce the milking herd to not more than 600 until such time as operational issues were resolved. He also agreed to meet with the Board at its next work session to keep the Board informed of their progress.

D. USGS Presentation on the Impact of the Proposed Budget Reduction for the Real-time Monitoring Network

5/13/2013 Summary: Mark Bennett, USGS, along with Alison Teetor described the water monitoring program to the Board and explained the impact of the proposed reduction in funding contained in the 2014 fiscal budget. The Board directed Alison and USGS to work closely and to keep the Board informed regarding the program but made no change to the current budget.

E. Virginia Department of Emergency Management [VDEM] Local Emergency Management Grant Program [LEMPG] Grant Agreement

5/13/2013 Summary: By consensus, the Board approved participation in the LEMPG Grant program.

14) Finance Committee Items

Tom Judge reviewed the Finance Committee recommendations made at its April 8, 2013 meeting.

1. Supplemental Appropriations.

- a. **Recommends Approval: Circuit Court Technology:** "Be it resolved that the FY 13 General Fund budgeted expenditure and appropriation be increased \$10,700, and revenue from the Commonwealth recognized in the amount of \$5,666, and revenue from user fees recognized in the amount of \$5,034, all for the purpose of purchasing technology for remote access of court documents. "

Supervisor McKay moved for approval. The motion carried by the following vote:

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

- b. **Does Not Recommend Approval. Pending receipt of further information. School Board Carryover:** "Be it resolved that the FY 14 School Capital Projects Fund budgeted expenditure and appropriation be increased \$49,671, and the General Fund designation for School Carryover decreased in the same amount, all for the purpose of purchasing a four wheel compact bucket loader; and a replacement work truck."

5/21/2013: Tom Judge reviewed the second supplemental appropriation request from the School Board for the remaining amount of its FY2012 carry over. He stated that the Schools were requesting these funds share a compact bucket loader and a replacement work truck. He advised that a back-up request from the Maintenance Director had been included. Mr. Judge advised that the Committee's discussion revolved around what the overall need was for this equipment. The Schools assumes funding from the County for its share and the Committee is questioning where these funds will come from and what would be the County's use for such equipment.

Tom Judge advised that this funding request would be discussed by the Joint Maintenance Committee.

Chairman Hobert put forth that Dr. Murphy had indicated earlier in the meeting that he would be withdrawing his request with respect to the bucket loader but that he still wanted the work truck.

Tom Judge countered that in light of Dr. Murphy's withdrawal there would be no need to discuss with the Joint Maintenance Committee because there was no issue with a work truck.

Vice Chairman Weiss suggested that the Joint Maintenance Committee should discuss the matter at some point but not necessarily at its next meeting.

2. Historic Preservation Commission Driving Tour Brochure.

May 13, 2013 Summary: The Planning Director will consider digital solutions to the provision of this information, and consideration will be given to categorizing it as a tourism, as opposed to historic preservation, expenditure.

3. Acceptance of Bills and Claims

May 21, 2013 Action: **Vice Chairman Weiss moved to accept the recommendation of the Finance Committee to approve the April 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	-	Absent
David S. Weiss	-	Aye

4. Standing Reports

General Fund Balance. Reconciliation of Appropriations. Capital Projects Status. General Government Expenditure Summary. Information Only

Joint Administrative Services Board Update

Tom Judge provided an update for the April and May meetings of the Joint Administrative Services Board. Highlights include:

- Discussed fraudulent activity on several county credit cards. The fraud was not committed by county employees with the majority of the incidents taking place in Michigan for minimal amounts. The County has canceled the affected cards and is working closely with BB&T.
- Discussed issues with travel policy to better control travel costs.
- Reviewed a rough guideline for ERP implementation.
- Reviewed a list of actions needed to prepare the ground for the ERP system.
- Reviewed a list of eight ERP teams that will aid in developing requirements.
- ERP implementation is being pursued with all due speed but is not date driven.
- Training Project: Gordon Russell and David Baggett are working on identifying potential areas of training.
- Engineering for Fiber Back Bone Project: The ComCast lease is going to expire and the County must determine whether they wish to renew or replace with our own line. Once cost is determined, a lease versus buy comparison will be conducted. Gordon & Dave Baggett are working on this project.
- New VRS [Virginia Retirement System] hybrid plan: VRS is phasing out the defined retirement benefit. Hires after July 2010 went into a Plan 2 with a slightly different set of benefits. Beginning January 1, 2014, new hires will be added to a new hybrid plan; due to plan changes, the Board of Supervisors Finance Committee must consider two actions:
 - 1) Sheriff Office employees were included in the LEOs program but EMT's were not. The Board of Supervisors Finance Committee must make an irrevocable decision whether EMT's will be permanently excluded.
 - 2) Hybrid Plan contains a short-term disability insurance program. The Board of Supervisors Finance Committee must make an irrevocable decision to join the statewide pool or find its own plan through another agency such as Virginia Association of Counties or Virginia School Board Association.

15) Government Projects Update

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

- 100 North Church Street
 - o Expect to see revised work sheets with proposals from the architect and engineer detailing work needed with cost estimates.
 - o Due to personnel changes, the Sheriff will be acting as project lead.

- 101 Chalmers Court
 - o HVAC retrofit: Nearing completion. Installation of all devices, motors and control equipment is complete. Currently performing system balancing and tuning.
 - o Elevator: Has been subject to multiple breakdowns for multiple reasons. The Maintenance Director is working toward getting the elevator operational; and unless there is something that indicates that this is a manufacturing defect, the owners will bear the cost of repair.
- 36 East Main Street and 106 North Church Street
 - o Both buildings have been successfully leased.

16) Miscellaneous Items

No items were identified.

17) Summary of Required Action

<u>Item</u>	<u>Description</u>	<u>Responsibility</u>
1.	Process approved minutes.	Lora B. Walburn
2.	Process 2013-09R.	Lora B. Walburn
3.	Execute 2013-09R.	David Ash
4.	Forward executed 2013-09R to NSVRC.	Brandon Stidham
5.	Draft public hearing notice for CC-2013-01 Chapter 56, County Road Naming, Property Numbering, and Road Sign System	Brandon Stidham
6.	Process public hearing notice for CC-2013-01 Chapter 56, County Road Naming, Property Numbering, and Road Sign System	Lora B. Walburn
7.	Update database and process appointment.	Lora B. Walburn
8.	Execute letter of appointment.	J. Michael Hobert
9.	Draft resolution of appreciation for John Hudson.	Lora B. Walburn
10.	Draft and process SSYP resolution.	Lora B. Walburn

18) Board Member Committee Status Reports

Supervisor Barbara J. Byrd

- Humane Foundation: planning a fall fundraiser, a rabies clinic and to work with Dr. Harrison to conduct an animal abuse seminar.
- Board of Social Services: roof repair is scheduled.
- Northwestern Juvenile Detention Center: looking for new director; also drafting a new agreement with partnering jurisdictions.
- Northwestern Regional Adult Detention Center: Costs are going up; chiller replacement and telephone system improvements included in the bond issue are complete. An additional pod has not been opened.

Vice Chairman Weiss:

- Conservation Easement Authority: a reception is scheduled for June. Continuing to receive land donations. Fundraising campaign has been more successful year to date than last year.
- BCCGC Joint Building Committee: framed legend for photos in the 1st floor atrium from the designer remains incomplete.

Chairman Hobert:

- Economic Development Advisory Committee: attended the May meeting on behalf of Supervisor Staelin. CC Sanitary Authority agreement was discussed. A report was given on the economic development and comprehensive plan round table meetings. The next meeting is for June 19.

Vice Chairman Weiss said that it had been brought to his attention that there was some interest in offering similar water/sewer hookup incentives for new businesses in the Town of Berryville. Chairman Hobert responded that this had been raised at the meeting but it is the Town's Sanitary Authority which would need to be approached, potentially with a different set of partners. He indicated the Town's Planner, Christy Dunkle, was a member of the EDAC and monitoring this potential for development.

- Shenandoah Area Agency on Aging, Inc.: is looking for a director. The SAAA board chair, John Hudson, has resigned; please provide the Personnel Committee your suggestions for his replacement. Chairman Hobert instructed staff to prepare a resolution of appreciation.

19) Closed Session

Supervisor Byrd moved to convene into Closed Session pursuant to §2.2-3711-A7 Consultation with legal counsel and briefings by staff members or consultants pertaining to actual or probable litigation, where such consultation or briefing in open meeting would adversely affect the negotiating or litigating posture of the public body; and consultation with legal counsel employed or retained by a public

body regarding specific legal matters requiring the provision of legal advice by such counsel and §2.2-3711-A6 Discussion of the investment of public funds where competition or bargaining is involved. The motion carried as follows:

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

Vice Chairman Weiss further moved to execute the following Certification of Closed Session:

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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	- Absent
David S. Weiss	- Aye

No action was taken on matters discussed in Closed Session.

At 3:14 pm Chairman Hobert recessed the meeting.

At 6:32 pm Chairman Hobert reconvened the meeting.

20) Citizen's Comment Period

No citizens appeared to address the Board.

21) PH 13-11: The purpose of this public hearing is to receive public comment on the proposed Secondary Six-Year Plan for 2013/2014 - 2018/2019 in Clarke County, and on the Secondary System Construction Budget for Fiscal Year 2014.

Ed Carter presented the Secondary System Improvement Plan for 2013/14 – 2018/19. There followed a question and answer session on plans for Route 639 Allen Road. Highlights include:

- Allen Road has 170 vehicle trips per day according to a traffic Count conducted in 2011/2012.
- VDOT based its decision to pave the east side first on the traffic count that showed the heaviest traffic was on the Route 611 [Summit Point Road] side.
- Warning signs for the curve can be added.
- The rural rustic concept is designed not to disturb the rural character of the area. Route 604 to Route 605 is a good example of the rural rustic concept.
- VDOT will do everything it can to avoid removing stone fences or trees when widening and/or paving the road.

Vice Chairman Weiss put forth questions regarding Route 636 Westwood Road noting that it had been scoped to extend to the Joint Administrative Services Office without curb, guttering, or lights.

Ed Carter responded that the entire Westwood project had to be re-scoped. .

At 7:03 pm, Chairman Hobert opened the public comment portion of the public hearing.

Tim Keiffer, west end of Allen Road: expressed support for paving the west side of Allen Road first. He opined that Allen Road residents were not being given a say in the matter of road improvements.

Ed Carter responded that the public hearing was being conducted to garner citizen comment. He said that VDOT anticipated having enough funding to pave the first 1.1 miles of Allen Road using the rural rustic concept.

Chairman Hobert responded that those living on Allen Road were having their say right now at the scheduled public hearing. He further noted that while residents could voice their opinions they did not have individual vote or veto authority.

Patricia Cooper, east side of Allen Road: spoke against paving the east side of Allen Road citing a loss of privacy and potential loss of stonewalls. She opined that paving the road would increase traffic and speeds.

Ronnie Long, Beydler Lane; spoke in support of paving Allen Road. He opined that the road would not become a thoroughfare. He asked if the road could be paved in segments. He advised that there were currently large trucks on Allen Road traveling at high rates of speed.

Ed Carter responded that VDOT preferred pavement to be contiguous.

Vice Chairman Weiss suggested that Mr. Long report these incidents as they occur providing the name, if known, of the trucking company operating these vehicles.

Mary Hope Worley, Allen Road: spoke against paving Allen Road. She asked about the speed limit on Allen Road.

Ed Carter responded that by State code all non-posted roads are 55 MPH; however, the speed limit on a rural rustic road is 35 MPH.

Vernon Grapes, Allen Road: commented that residents on the east side of Allen Road, scheduled for paving first, were against the planned improvement; and the residents on the west side of Allen Road wanted paving. He asked VDOT and the Supervisors to consider reversing the order paving the west side first.

Anne Caldwell, River Road, River Road: Stated that while she was a member of the County's Planning Commission she would be addressing this matter as a private citizen. She read the following prepared statement:

To the Board of Supervisors:

I wish to commend our local VDOT administration for the recent job on Ebenezer Road (Route 604) between Saw Mill Hill Road and Morgan's Mill Road. Despite the needed culvert enlargement and replacement which is quite prominent, the remainder of the job leaves the road much as it was in terms of its rural character. There was no tree removal, road widening, or curve straightening, but the ever-recurring potholes are gone, and the road is surfaced with chip-seal. I appreciate

the use of the Rural Rustic Road Standard, something the prior local VDOT administration was unwilling to consider for this road.

I also much appreciate Joe May's efforts to get several different rural road standards part of VDOT's options in dealing with our scenic dirt roads.

I want to be very clear that I was opposed to the upgrade of Ebenezer Road and participated in the often contentious public hearings about the paving of this road. However, after commuting to Mt. Weather daily for several years over this road, I did come to see the point of view of those who wanted the road paved, although I never converted to the "pave it" camp. I feel that the current Rural Rustic Road approach is a good compromise. The character of the road is essentially unchanged, the road surface is much better, and the maintenance issues are much improved. I would encourage anyone who is concerned about future VDOT dirt road paving projects to explore Ebenezer Road. The entire length of Ebenezer Road presents the whole picture-there is a several mile section starting at Route 7 paved and widened to the usual VDOT standards, there is a one mile section of dirt road, and then there is the newly modified section of the road, exemplifying the Rural Rustic Road Standard.

Again, I wish to thank VDOT for their sensitive treatment of this road.

*Sincerely yours,
Anne Caldwell*

Joan Houck, property owner near Allen Road: spoke in support to moving the proposed paving to the opposite end of Allen Road. She thanked Supervisor Byrd for providing notice to constituents in the Allen Road area. She expressed concern about plans to pave the road particularly how VDOT would be able to get the necessary width without taking out stone fences and trees. She expressed her appreciation for the information provided during the meeting and asked if VDOT would consider meeting with Allen Road residents to discuss further the matter.

Bonnie Miller – Allen Road on straight away: spoke in support of the rural rustic road concept. She expressed fear that once the road was paved large trucks would begin to use the road and would travel at high speeds. She asked the Board to consider reducing the speed limit on Allen Road.

At 7:26 pm Chairman Hobert closed the public comment portion of the public hearing.

Highlights of the Supervisors' review of the Six-Year Plan include:

- The availability of funds dictates the timing for the Six-Year Plan. VDOT bases its plans on revenue projections that can vary.

- Chose the end of Allen Road that was closest to the subdivision because VDOT's information indicated that this was the heaviest traveled end.
- Confirmed that the Board of Supervisors set the priorities on secondary road funds and it could choose to change the paving from the east end to the west end.
- Amount estimated to be available for the first phase is \$180,000 for rural rustic paving of 1.1 miles on the east end of Allen Road.
- The amount estimated to pave 1.67 miles for the west end of Allen Road is \$334,000.
- If the Board of Supervisors decides to change priority from the east end to the west end, VDOT will try to attain a budget for 1.1 miles.
- Residents on Allen Road would like improvements but do not wish to change the major character of the road.
- Clarke County petitioned the General Assembly for inclusion in the following: Code of Virginia § 46.2-873.1. *Maximum speed limit on nonsurface-treated highways for certain counties.*

The maximum speed limit on nonsurface-treated highways, which are roads that are comprised of an earth-aggregate or aggregate surface (i.e., dirt and gravel) that have not been stabilized with a bituminous or cementitious material, shall be 35 miles per hour. The maximum speed limit upon such highways may be increased or decreased by the Commissioner of Highways or other authority having jurisdiction over highways. However, such increased or decreased maximum speed limit shall be effective only when indicated by sign on the highway. For such highways upon which maximum speed limit is not indicated by sign, the maximum speed limit shall be 35 miles per hour.

The provisions of this section shall apply in the Counties of Albemarle, Clarke, Fauquier, Frederick, Loudoun, Montgomery, Nelson, Page, Rappahannock, Warren, and Wythe and in any other county wherein the governing body adopts an ordinance pursuant to the provisions of this section.

By consensus, the Board agreed to identify the entire length of Allen Road as a project with the specific improvements locations and scope to be determined in a subsequent year. Ed Carter will consider ways to identify the project on the Six-Year Plan; but for programming purposes, VDOT will reflect 1.1 miles of Allen Road.

Vice Chairman Weiss commented that the rest of plan looked good. He noted the importance of scoping Westwood Road.

Supervisor Byrd added that she had heard that lighting along Westwood Road was not desirable.

Ed Carter informed the Supervisors that calcium distribution for dust control begins in May.

Supervisors McKay moved to recommend approval of the Secondary Six-Year Plan for 2013/2014 - 2018/2019 in Clarke County and the Secondary System Construction Budget for Fiscal Year 2014 as presented with modification of Allen Road as described, “to identify the entire length of Allen Road as a project with the specific improvements locations and scope to be determined in a subsequent year.”

The motion carried as follows:

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

**Virginia Department of Transportation Secondary Six-Year Plan 2013/2014 – 2018/2019 and Construction Budget for Fiscal Year 2014
2013-10R**

At a regular meeting of the Board of Supervisors of the County of Clarke, Virginia, held at the Main Meeting Room, Second Floor, of the Berryville / Clarke County Government Center, on Tuesday, May 21, 2013 at 6:30 p.m.

Present: Barbara Byrd; J. Michael Hobert; Beverly B. McKay; David Weiss

Absent: John Staelin

On motion by Supervisor Beverly B. McKay and carried unanimously:

WHEREAS, Section 33.1-23 and 33.1-23.4 of the 1950 Code of Virginia, as amended, provides the opportunity for each county to work with the Virginia Department of Transportation in developing a Secondary Six-Year Road Plan;

WHEREAS, this Board has previously agreed to assist in the preparation of this Plan, in accordance with the Virginia Department of Transportation policies and procedures, and participated in a public hearing on the proposed Plan (2013/2014 through 2018/2019), as well as the Construction Budget for Fiscal Year 2014 on Tuesday, May 21, 2013 at 6:30 p.m. after duly advertised so that all citizens of the County had the opportunity to participate in said hearing and to make comments and recommendations concerning the proposed Plan and Priority List;

WHEREAS, Mr. Ed Carter, Assistant Residency Engineer, Six-Year Plan Programs and Enhancement, Virginia Department of Transportation, appeared before the board and recommended approval of the Six-Year Plan for Secondary Roads (2013/2014 through 2018/2019) and the Construction Budget for Fiscal Year 2014 for Clarke County;

NOW, THEREFORE BE IT RESOLVED that since said Plan appears to be in the best interests of the Secondary Road System in Clarke County and of the citizens residing on the Secondary

System, said Secondary Six-Year Plan (2013/2014 through 2018/2019) and Construction Budget for Fiscal Year 2014 are hereby approved as presented with modification to Allen Road as directed at the public hearing, “to identify the entire length of Allen Road as a project with the specific improvements locations and scope to be determined in a subsequent year.”

MAJOR PROJECTS

ROUTE	ROAD NAME UPC #	FROM	TO	AVERAGE DAILY TRAFFIC COUNT	DESCRIPTION OF WORK	VICINITY	ESTIMATED COST	TENTATIVE AD/START DATE	COMMENTS
761	Old Charlestown Road UPC 98956	At Frederick/Clarke Co line		1200	Replace bridge structure		\$4,368,966	6/2017	Federal Funds
657	Senseny Road UPC 103478	Int. Rt. 340		8600	Improve Intersection	Town of Berryville	\$1,050,000	5/2015	Approved HSIP Project
T-1014	Page Street UPC 91730	T-1005	T-1026	N/A	Construct Sidewalks	Town of Berryville	\$83,701	2012	Revenue Sharing Under Construction
723	Old Winchester Road	.05 miles E County line	.05 miles W County line	880	Replace bridge structure		\$1,718,365	10/2019	Federal Funds
636	Westwood Road UPC 104351	Rt. 7 Bus	Ramsburg Lane	780	Reconstruction		\$5,770,000	PE 09/2013	Partial Funded SSYP Project Start PE
612	Shepards Mill Road UPC 104352	Rt. 7	.33 Mi N. Rt. 7	1600	Safety Improvement		\$260,000	04/2015	Funded SSYP Project
606	River Road	Between Route 607 and Route 7		800	Washout Repair		\$125,000	07/2013	Funded

*Listed in Frederick County's Secondary Plan

New Hard Surface Projects

Priority	Route	Road Name UPC#	From	To	Length (miles)	Average Daily Traffic Count	Vicinity	Estimated Cost	Tentative AD/Start Date	Comments
1)	639	Allen Road UPC T14191	Rt. 632	Rt. 611	2.77	170		Est. Cost \$514,000	4/2017	Rural Rustic

As Revised by the Clarke County Board of Supervisors Following Public Hearing

Planning Estimates-Typical Sections

	<u>Cost Per Mile</u>
1. Rural Rustic	\$ 305,000
2. Avg. 2-Lane Road Reconst.	\$ 809,952
3. 2-Lane Road New Location	\$ 2,230,800
4. Avg. 4-Lane Road Reconst.	\$ 2,415,128
5. Avg. 4-Lane Road New Location	\$ 4,461,600

ATTEST:

David L. Ash, Clerk
Clarke County Board of Supervisors

Johnson Grass

Ed Carter advised the Board that between sessions he had spoken with VDOT's botanist regarding the Johnson Grass problem. Clarke is scheduled for herbicide spray beginning June 24 after the mowing is complete on secondary roadways. Four-lane roads will be spot sprayed.

22) Adjournment

There being no further business to be brought before the Board at 7:48 pm Chairman Hobert adjourned the Board of Supervisors meeting.

Next Regular Meeting Date

The next regular meeting of the Board of Supervisors is set for Tuesday, June 18, 2013 at 1:00 p.m. in the Berryville Clarke County Government Center, Main Meeting Room, 101 Chalmers Court, Berryville, Virginia.

Approved June 18, 2013

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ATTEST: May 21, 2013

J. Michael Hobert, Chair

David L. Ash, County Administrator

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