

June 18 2013                      Clarke County Board Of Supervisors  
    Regular Meeting                      1:00 p.m.  
    Main Meeting Room

At a regular meeting of the Board of Supervisors of Clarke County, Virginia, held in the Berryville Clarke County Government Center, 101 Chalmers Court, 2<sup>nd</sup> Floor, Berryville, Virginia on Tuesday, June 18, 2013.

Board Members Present

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

Board Members Absent

None

Staff Present

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

Others Present

Janet Alger; Michael Murphy; Karen Poff; Gem Bingol; Vic Bradshaw; Laurie Connelly; and other citizens

1) Call to Order

Chairman Hobert called the afternoon session to order at 1:04 p.m.

2) Adoption of Agenda

- Add Closed Session to beginning of Agenda pursuant to §2.2-3711-A1 Litigation and Acquisition of Property for Public Uses.
- Consent Agenda: Add Acknowledgement of Receipt of Abstract of Votes for the June 11, 2013 Primary

**Chairman Hobert moved to adopt the agenda as modified. 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

Closed Session

At 1:07 pm, **Vice Chairman Weiss** 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.** 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, **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	- Aye
David S. Weiss	- Aye

**Vice Chairman Weiss** 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

Following Closed Session, **Supervisor McKay moved to adopt the joint resolution dissolving the Shenandoah Farms Volunteer Fire Depart:**

Joint Resolution Number 2013-12R of the Warren County Board of Supervisors and the Clarke County Board of Supervisors Dissolving the Shenandoah Farms Volunteer Fire Department

**WHEREAS**, the Shenandoah Farms Volunteer Fire Department, Inc. is a volunteer fire company located in Clarke County Virginia; and

**WHEREAS**, § 27-10 of the Code of Virginia (1950), as amended, provides that the governing body of the county, to which any fire/EMS company belongs, may dissolve a company for any reason it deems advisable; and

**WHEREAS**, both the Warren County Board of Supervisors and of Supervisors and the Clarke County Board of Supervisors were apprised of concerns regarding the operation and administration of the Shenandoah Farms Volunteer Fire Department, and as a consequence of receiving this information, on May 10, 2011, an audit was conducted of the Shenandoah Farms Volunteer Fire Department; and

**WHEREAS**, both the Warren County Board of Supervisors and the Clarke County Board of Supervisors have received the final Audit Report and considered the findings, conclusions and recommendations of that Report; and

**WHEREAS**, the Audit Report revealed a significant number of probable fraudulent transactions as well as a high prevalence of fraud indicia, including dozens of alterations of financial records made after learning that an audit would take place; and

**WHEREAS**, other concerns have been brought to each Board's attention despite the Warren County Department of Fire and Rescue Services taking over all financial oversight of the Shenandoah Farms Volunteer Fire Department on November 3, 2011; and

**WHEREAS**, both the Warren County Board of Supervisors and the Clarke County Board of Supervisors find that the efficiency and effectiveness of the system of internal control for the Shenandoah Farms Volunteer Fire Department is unsatisfactory and unacceptable, and that effective control structure has not been established to support the achievement of business objectives; and

**WHEREAS**, both the Warren County Board of Supervisors and the Clarke County Board of Supervisors find that the volunteer membership and participation in the Shenandoah Farm Volunteer Fire Department has dropped precipitously over the past twelve (12) months and continues to drop, resulting in failure to respond to 30% of emergency calls to which it is dispatched; and

**WHEREAS**, both the Warren County Board of Supervisors and the Clarke County Board of Supervisors find that based upon the previous finding, there exists a condition which makes the Department unable to provide adequate fire and, or rescue services; and

**WHEREAS**, both the Warren County Board of Supervisors and the Clarke County Board of Supervisors have plenary authority to dissolve a volunteer fire department;

**NOW THEREFORE, BE IT RESOLVED** that the Shenandoah Farms Volunteer Fire Department is hereby dissolved and its existence terminated; and be it further resolved that all of the property of the Shenandoah Farms Volunteer Fire Department shall be disposed of by Warren County, in accordance with an agreement, fully executed on January 21, 1999 between the Shenandoah Farms Volunteer Fire Department and the County of the Warren. This Resolution shall take effect immediately.

**BE IT FURTHER RESOLVED** that the Board of Supervisors of Clarke County consents to the Board of Supervisors of Warren County directing the Chief of the Department of Fire and Rescue of Warren County to immediately assume all responsibilities for providing services in the affected area, and to effect seamless transition for the future participation of willing and able volunteers.

**BE IT FURTHER RESOLVED** that this Joint Resolution may be executed in one or more counterparts and shall be effective when both the Warren County Board of Supervisors and the Clarke County Board of Supervisors have signed a counterpart hereof.

Adopted this 18th day of June, 2013.

**WARREN COUNTY BOARD OF SUPERVISORS**

Archie A. Fox, Chairman

Attest: \_\_\_\_\_  
Douglas P. Stanley, Clerk

**CLARKE COUNTY BOARD OF SUPERVISORS**

J. Michael Hobert, Chairman

Attest: \_\_\_\_\_  
David L. Ash, Clerk

**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

In addition to the resolution, **Supervisor Staelin moved that the Chair be authorized to appoint a citizens committee of interested and knowledgeable persons to:**

- **Review the current status of the County’s public safety providers (i.e. law enforcement, fire and rescue and emergency medical service organizations); and,**
- **Recommend actions that will help ensure the County’s public safety organizations can adequately meet the needs of the public.**
- **More specifically this committee is to gather information and advice from the County’s public safety organizations, investigate outside sources of information as may be available to the committee and recommend actions that can be taken by both the Board of Supervisors and the County’s public safety organizations.**
- **Additionally, the committee is to investigate and recommend actions that can be taken to fund the committee’s recommended changes so as to assure the continued ability of these organizations to adequately meet the needs of the public.**

**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

No citizens appeared to address the Board.

4) VDOT

Due to a scheduling conflict, Ed Carter, Assistant Residency Administrator, was unable to attend the meeting. Mr. Carter provided the following written report in advance.

Maintenance – June:

- Completed 60% on secondary mowing;
- Applied dust control measures;
- Conducted pipe flushing operations on various routes;
- Performed grading on all non-hard surfaced roads;
- Surface treated Routes 606 & 607;
- Completed patch leveling operations on various routes;
- Started pipe replacements on Routes 606 and Rt. 50.

Maintenance – July:

- Complete secondary mowing;
- Complete pipe replacements on Route 606 and Route 50;
- Replace pipe on Route 624 at Route 626;
- Perform spot leveling on Route 606;
- Perform skin patching on Route 604.

Projects:

- Turning lane at Senseny and Route 340 proceeding on schedule.

Supervisor Comments:

Vice Chairman Weiss: Appreciate VDOT's timelier mowing of the secondary roads.

County Administrator David Ash, Secondary Six-Year Plan Update:

- Ed Carter approved the language in 2013-10R Virginia Department of Transportation Secondary Six-Year Plan 2013/2014 – 2018/2019 and Construction Budget for Fiscal Year 2014.
- Allen Road: Following a recent traffic count, traffic on this road meets the requirements for Commonwealth Transportation Board funding. The amount of available CTB funding is as of yet unknown. Traffic count exceeded the 200 vehicular trip threshold on both ends of Allen Road with the highest level of traffic on the western end, which supports residents request for paving that end first.
- Shepherds Mill Road intersection with Route 7: Cannot use the allocated funding for this proposed project. Mr. Carter does not recommend removing the project from the plan and is looking elsewhere for funding.
- Ed Carter will meet with Board members within the next month to seek direction on an amended SSYP.

Supervisor Barbara Byrd: Primary Roads along Route 7 need trimming of obnoxious trees, thistles, and weeds growing in the berms between the lanes.

Chairman Hobert instructed staff to convey the Board's comments to Mr. Carter.

#### 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. Highlights include:

- The School Board approved Clerk of the Works and Bid Package for DG Cooley. Both RFP's will be issued Wednesday.
- Lots of attrition this year
- Many great new hires
- Custodial changes division wide
- Calendar adoption at 175 day
- STEM Teacher Leader discussions with CCEF
- Valley Health Partnership - 4 students in summer academy
- Working on new format for our "stipend list" to include select pay proposals
- FY2012 carry over recommendation for FY14 expenditure
- Technology and Transportation department reorganization discussions
  - School Board plans to study continuing use of the F&M building and Berryville Primary.
- New Sodexo food service manager as of July 1
- Comprehensive plan response - personal and professional
- Complete policy revision - target is the first day of school. New code of conduct, the rules of student conduct, is all triggered to the new VSBA template.
- New insurance carrier – VACORP
- On June 27, Lord Fairfax Community College will be conducting an emergency management system simulation of a school bus accident.
- Farm Bureau update: Joint meeting was held on June 17. Developing a partnership with CCPS, Clermont, Cooperative Extension, and the Farm Bureau. Considering raising "heritage" breeds for the pig project.
- Soliciting parental feedback for contemplated transition from a 9-point scale back to a 10-point grading scale.

Supervisor McKay raised constituent concerns regarding students with behavioral issues being transferred to Clarke County schools from other jurisdictions.

Mike Murphy confirmed that such transfers do occur for a variety of reasons.

Chairman Hobert raised the issue of tuition and asked Dr. Murphy to provide the Board with CCPS' tuition policies and any related information or data.

Supervisor Byrd queried Dr. Murphy on attrition and retirement.

Mike Murphy offered to provide information on tuition policies and a migration in and out report.

Supervisor Byrd queried Dr. Murphy on the renovation status of Cooley and the former high school.

Mike Murphy responded as follows:

- Only regular maintenance funds were budgeted for D.G. Cooley. No major changes are budgeted.
- CCPS will be working soon with an architect and a security consultant to look at security improvements at a variety of sites within the division.
- Former High School:
  - Continue to work on removing the trailers.
  - Lockers were sent to surplus.
  - Hazardous waste consisting mainly of materials from the Science Department, was removed last month at a cost of \$5,000.
  - Remaining furnishings have been declared surplus. Mike Legge is planning an onsite auction this summer.
  - Schools and County are working to surplus items in the old asparagus farm building. The Schools plan to repurpose this building.
  - The former high school gym is still in use and is being heated.
  - Hope to begin construction by September 1, and with a 300-day renovation schedule, expect substantial completion by June 30, 2014.
  - Anticipate opening for the 2014 / 2015 year.
  - Ed Novak or Randy Trenary will coordinate the move into the renovated elementary school.

At 1:56 pm, Supervisor McKay left the meeting room.



6) Approval of Minutes

**Vice Chairman Weiss moved to approve the minutes for the May 21, 2013 Regular Meeting as presented. The motion carried by the following vote:**

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

7) Consent Agenda

Resolution in Recognition of Service of John E. Hudson 2013-11R

**Whereas**, on April 4, 2006 John E. Hudson was appointed to the Shenandoah Area Agency on Aging, Inc. Board of Directors and he agreed to accept reappointment to this Board in June of 2006 and again in October 2010; and,

**Whereas**, in August 2011, Mr. Hudson was named SAAA Board Chairman. As Chairman, he demonstrated strong, decisive leadership guiding, strengthening, and defending the Agency through a period of transition and reorganization; and,

**Whereas**, during his tenure, the Agency in concert with the County conducted a campaign to raise funds to design and build the Clarke County Active Living Center which opened on January 4, 2013 and offers Clarke County seniors the opportunity to receive meals and participate in quality programming.

**NOW THEREFORE BE IT RESOLVED**, by the Clarke County Board of Supervisors that John E. Hudson's dedication, loyalty, and service to the citizens of Clarke County be recognized and further that he be congratulated for the excellent work he has done for seniors and all of the citizens of Clarke County through the Shenandoah Area Agency On Aging, Inc.; and it is

**APPROVED and ORDERED ENTERED** in the official records by the unanimous vote of the members of the Clarke County Board of Supervisors assembled in regular session on the 18th day of June 2013.

Attest:

\_\_\_\_\_  
J. Michael Hobert, Chairman

Acknowledge Receipt of Abstract of Votes June 11, 2013 Primary

### ABSTRACT of VOTES

Cast in CLARKE COUNTY, VIRGINIA  
at the 2013 June Republican Primary Election held on June 11, 2013 for,

#### Member House of Delegates

District: 033

NAMES OF CANDIDATES ON THE BALLOT

TOTAL VOTES  
RECEIVED  
(IN FIGURES)

Dave A. LaRock - Republican	<u>472</u>
Joe T. May - Republican	<u>343</u>
Total Write-In votes [From Write-Ins Certifications] [Valid Write-Ins + Invalid Write_Ins = Total Write In Votes]	<u>0</u>
Total Number of OverVotes for Office	<u>0</u>

We, the undersigned Electoral Board, upon examination of the official records deposited with the Clerk of the Circuit Court of the election held on June 11, 2013, do hereby certify that the above is a true and correct Abstract of Votes cast at said election for the Member House of Delegates.

Dave A. LaRock - Republican

### ABSTRACT of VOTES

Cast in CLARKE COUNTY, VIRGINIA  
at the 2013 June Democratic Primary Election held on June 11, 2013 for,

#### Lieutenant Governor

NAMES OF CANDIDATES ON THE BALLOT

TOTAL VOTES  
RECEIVED  
(IN FIGURES)

Ralph S. Northam - Democrat	<u>91</u>
Aneesh Chopra - Democrat	<u>73</u>
Total Write-In votes [From Write-Ins Certifications] [Valid Write-Ins + Invalid Write_Ins = Total Write In Votes]	<u>0</u>
Total Number of OverVotes for Office	<u>0</u>

We, the undersigned Electoral Board, upon examination of the official records deposited with the Clerk of the Circuit Court of the election held on June 11, 2013, do hereby certify that the above is a true and correct Abstract of Votes cast at said election for the Lieutenant Governor.

Ralph S. Northam - Democrat

## ABSTRACT of VOTES

Cast in CLARKE COUNTY, VIRGINIA  
at the 2013 June Democratic Primary Election held on June 11, 2013 for,

### Attorney General

NAMES OF CANDIDATES ON THE BALLOT	TOTAL VOTES RECEIVED (IN FIGURES)
Mark R. Herring - Democrat	128
Justin E. Fairfax - Democrat	40
Total Write-In votes [From Write-Ins Certifications] [Valid Write-Ins + Invalid Write_Ins = Total Write In Votes]	0
Total Number of OverVotes for Office	0

We, the undersigned Electoral Board, upon examination of the official records deposited with the Clerk of the Circuit Court of the election held on June 11, 2013, do hereby certify that the above is a true and correct Abstract of Votes cast at said election for the Attorney General.

**Mark R. Herring - Democrat**

**Supervisor Staelin moved to adopt 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	- Absent
John R. Staelin	- Aye
David S. Weiss	- Aye

At 2:00 pm, Supervisor McKay rejoined the meeting.

8) Waterloo Area Water and Sewer Availability Fee Subsidy Program

*Staff Report: Enclosed for your consideration are two documents pertaining to the proposed Waterloo Area Water and Sewer Availability Fee Subsidy Program. The program was developed at the request of the Board of Supervisors through a cooperative effort between the Industrial Development Authority (IDA) and Clarke County Sanitary Authority (CCSA). The CCSA voted to recommend adoption of the program at their meeting on May 21, 2013, and the IDA voted to recommend adoption at their meeting on May 29, 2013.*

*As requested by the Board in a June 2012 letter to the IDA, the goal of this program is to assist businesses to locate in the Waterloo area that may be hesitant or unable to do so as a result of the current water and sewer availability fees. Availability fees are typically paid up front by a developer or business owner to secure the water and sewer capacity that the new or*

*expanding business is projected to generate. Under the fee subsidy program, the CCSA agrees to spread out the availability fee payment over a three year period and the IDA agrees to reimburse the CCSA for the amount of the fee that is to be subsidized. Funding to be recouped by the County is based upon the projected tax revenue that would be generated during the program term by the business. The Board of Supervisors' role is to provide funding for the provided subsidies. The attached Memorandum of Understanding (MOU) outlines the roles and responsibilities of the IDA, CCSA, and Board of Supervisors in detail under this program.*

*The IDA would be responsible for reviewing and acting on fee subsidy applications. The list of materials to be provided with each application is included in the MOU document, and a draft Agreement between the IDA and business owner is enclosed for your reference. A nonrefundable application fee of 1% of the requested subsidy is included. To help ensure that viable applications are submitted, Staff has recommended establishing a pre-application meeting process that will enable IDA, CCSA, and Staff to provide preliminary feedback to business owners on their potential applications.*

*Staff will be in attendance at your June 18 meeting to answer any questions that you may have on this program. Staff is recommending that the Board take action to adopt the availability fee subsidy program at this meeting. Please do not hesitate to contact me if you have any questions or concerns in advance of the meeting.*

Brandon Stidham appeared before the Supervisors to present the Waterloo Area Water and Sewer Availability Fee Subsidy Program.

On behalf of the Board of Supervisors, Chairman Hobert commended the members of the Industrial Development Authority, the Sanitary Authority and Brandon Stidham.

Vice Chairman Weiss stated that he wholly supported the program. He opined that the Town of Berryville would benefit from a similar program.

Supervisor Staelin added that it could be beneficial to the Towns of Berryville and Boyce.

Chairman Hobert asked staff to make the documents available to Keith Dalton, Manager – Town of Berryville.

**Supervisor Staelin moved to adopt the Memorandum of Understanding Waterloo Area Water and Sewer Availability Fee Subsidy Program and to authorize the Chair to execute the document on behalf of the Board. 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

**Waterloo Area Water and Sewer Availability Fee Subsidy Program  
Memorandum of Understanding Between The Clarke County Sanitary Authority, Industrial  
Development Authority, And Board Of Supervisors**

**WHEREAS**, the Clarke County Sanitary Authority ("CCSA"), the Clarke County Industrial Development Authority ("IDA"), and the Clarke County Board of Supervisors ("Board") recognize the need to encourage economic development in designated growth areas; and

**WHEREAS**, the Waterloo area has been designated in the County's Comprehensive Plan as a growth area for business due to its location at the intersection of two primary highways (U.S. Routes 340 and 50/17); and

**WHEREAS**, the Board and the CCSA were successful in extending public water and public sewer to the Waterloo area to foster and support economic development and growth; and

**WHEREAS**, the cost to purchase capacity in the water and sewer systems may be considered cost prohibitive to some businesses that might seek to locate in Waterloo; and

**WHEREAS**, businesses seek to minimize upfront costs when opening or expanding a business.

**NOW, THEREFORE**, the CCSA, IDA, and Board agree as follows:

1. The parties hereto agree to establish a water and sewer availability fee subsidy program for the Waterloo area. A subsidy to a business owner ("Owner") shall not exceed the amount of the water and sewer availability fee for the business or the amount of local tax revenues expected to be generated by the business at the proposed location, whichever is less.
2. An Owner shall apply to the IDA for a subsidy. The application shall include the following:
  - A. The amount of the subsidy requested.
  - B. A financial statement of the Owner. In the case of a closely held corporation, partnership, or limited liability company, financial statements shall be filed for each owner of the entity holding an ownership interest of 10% or more.
  - C. Itemized listing of the local tax revenues that the Owner expects to generate during the contractual period to offset the subsidy amount. The business Owner shall provide detailed documentation to support the tax revenue projections.
  - D. A description/business plan of the business to be operated.
  - E. Projected timetable for construction and for commencement of business operations.
  - F. An Application Fee equal to one percent (1%) of the total subsidy requested, plus an Administrative Fee, in an amount established by the IDA, to cover the administrative costs of the IDA, including, without limitation, legal fees and recording costs.

3. Prior to review of an application by the IDA, an Owner shall participate in a pre-application meeting with County staff and/or representatives from the IDA and CCSA to receive initial feedback on the application and to develop a draft payment schedule.
4. The IDA shall review and act upon the application. The IDA may deny the application if it finds, in its sole discretion, that the Owner does not have sufficient financial strength to meet its financial commitments under the program or that the local tax revenue projections of the Owner are not reasonably realistic. The IDA may approve a subsidy for an amount less than requested by the Owner.
5. Upon approval of an application, the IDA shall enter into an Agreement with the Owner, the form of the Agreement to be in general conformity with the form of Agreement attached hereto as Exhibit A.
6. The IDA and CCSA may require a letter of credit or other form of surety for the Owner's obligations under the Agreement, if deemed warranted by the IDA based upon its review of the financial information submitted by Owner.
7. The IDA shall be responsible for enforcing the repayment ("clawback") provisions of the Agreement.
8. The Board shall fund the IDA for subsidies to be paid out under an Agreement. Each year, for the term of the Agreement, the Board shall pay to the IDA funds equal to the new local tax revenues paid by the Owner. The payments to the IDA shall be made after each year's tax payments are received by the County from the Owner. In no event shall the amount paid by the Board to the IDA exceed the total amount of the subsidy.
9. If the IDA does not have enough funds to cover the upfront costs of a subsidy, the IDA may request additional funds from the Board needed to support the subsidy. Generally, the Board will ensure that the IDA is given the funds needed to support the program based on assurances given by the IDA that such funds will be returned to the Board if they are not needed for other applicants in the future. However, the Board has the right to deny additional funding requests from the IDA due to a lack of available funds in a given budget year. The IDA is under no obligation to provide a subsidy if the funds are not available.
10. Upon receipt of an executed Agreement between the Owner and the IDA, the CCSA agrees to spread out the water and sewer availability fee for the Owner over the term of the Agreement (up to 3 years), to be set forth in a written payment schedule (the "Owner's payment schedule"). The IDA agrees to reimburse the CCSA for the subsidized amount of the availability fee according to a written payment schedule (the "IDA payment schedule"). The Owner's payment schedule shall be provided to the Board, the IDA, and the Owner within 30 days of request from the IDA.
11. The IDA will pay the CCSA each year the portion of the availability fee due for that year under the payment schedule for the business, but not to exceed the total amount of the subsidy for that business, in accordance with the IDA payment schedule.
12. This MOU shall be automatically renewed on an annual basis unless termination is requested by any of the parties. Any party shall have a right to terminate this MOU by providing 60-day

advance written notice to the other parties. If this MOU is terminated, any businesses currently served by the subsidy program under an executed Agreement with the IDA shall continue to be served by the program per the Agreement terms.

Date: \_\_\_\_\_ By: \_\_\_\_\_  
CLARKE COUNTY SANITARY AUTHORITY  
Ian R. Williams, Chairman

Date: \_\_\_\_\_ By: \_\_\_\_\_  
CLARKE COUNTY INDUSTRIAL DEVELOPMENT AUTHORITY  
David Juday, Chairman

Date: \_\_\_\_\_ By: \_\_\_\_\_  
CLARKE COUNTY BOARD OF SUPERVISORS  
J. Michael Hobert, Chairman

9) Personnel

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

6/10/2013 Summary: The Personnel Committee recommends the following appointments:

- ✓ Anthony Roper to the Old Dominion Alcohol Safety Action Policy Board & Division of Court Services filling the unexpired term of Jerry Johnson. Term expires 12/31/2013
- ✓ Anthony Roper to the Old Dominion Community Criminal Justice Board filling the unexpired term of Jerry Johnson. Term expires 12/31/2013.
- ✓ Julie Wagaman to the Lord Fairfax Emergency Medical Services Council for a second three-year term. Term expires 6/30/2016.
- ✓ Coleen Hillerson to the People Inc. of Virginia Board for a second three-year term. Term expires 7/31/2016.

The Personnel Committee instructed staff to:

- Poll the Board for recommendations on other appointments.
- Verify the necessity of continuing appointments to the BADA Comprehensive Plan Committee.

06/18/2013 Action: Supervisor Byrd requested to add to the list of appointments:

- ✓ Robin York to the Clarke County Historic Preservation Commission replacing H.M. Baker. Term expires 05/31/2017.

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

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

**B. Status Update Personnel Policy**

6/10/2013 Summary: The County Attorney provided the Personnel Committee with an update on the status of the Personnel Policy revision including references to the Fair Labor Standards Act. The Committee directed that to the extent possible she obtain data on current personnel policies now in place with Constitutional Officers and Social Services.

**10) Finance Committee Items**

Tom Judge reviewed the Finance Committee recommendations made at its June 10, 2013 meeting.

**1. Virginia Local Disability Program extension request.**

The Finance Committee recommends that the BOS request this extension to allow time for VaCorp to complete its analysis: *“Be it resolved that the Board of Supervisors of Clarke County hereby requests a deadline extension to November 1, 2013 for the purpose of determining its participation in the Virginia Local Disability Program.”*

Tom Judge reviewed the Finance Committee’s recommendation.

**Vice Chairman Weiss moved “Be it resolved that the Board of Supervisors of Clarke County hereby requests a deadline extension to November 1, 2013 for the purpose of determining its participation in the Virginia Local Disability Program.” The motion carried by the following vote:**

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

**2. LEOS and the new Retirement Option.**



At the June 10, 2013 Finance Committee meeting, discussion of this item was deferred pending receipt of additional information.

At the June 18, 2013 regular meeting, Tom Judge advised the Supervisors that making a decision on LEOS is no longer an issue.

3. Transfers

The following transfers between accounts should be considered: **Action: The Finance Committee recommends approval of the following transfers:**

- a) *“Be it resolved that \$3,551 be transferred from Legal Services VSRS to Commonwealth’s Attorney’s accounts as follows:\$800 to Salaries Regular, \$900 to Salaries Part Time, \$1,700 to FICA, and \$151 to Life Insurance.”*
- b) *“Be it resolved that \$2,000 be transferred from the Sheriff’s FICA account to the part-time salaries account”.*

**Supervisor Byrd moved to approve the requested transfers. 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

- c) *“Be it resolved that \$3,000 be transferred from the Cooperative Extension “VPI Extension Agent” account, to the “Purchased Services” account, for the purpose of funding a drinking water testing program.”*

At the June 18, 2013 regular meeting, Tom Judge advised that the Finance Committee recommended approval with the stipulation that the funds be used only by Clarke County citizens and any remaining funds at the conclusion of the program be returned to the County. He explained that the funds would be processed in the form of a donation to Virginia Cooperative Extension that would hold the money on account using it for those drinking water subsidies that come forward and at the conclusion of the program, if there are any funds left, those funds would be returned to Clarke County.

Supervisor Byrd asked for clarification of the cost of the water samples.

Karen Poff, Cooperative Extension, explained that VCE had to advertise before it had response so the cost was listed as \$5 or \$4; but, should the Board approve the request for supplemental funding, participate cost will be \$5. She informed the Supervisors that the program's kick off meeting was scheduled for this evening.

Chairman Hobert requested clarification that should the number of applicants exceed the available funds the applicants would pay the \$49 rate.

Karen Poff confirmed that the normal price would apply should applicants exceed funding.

**Vice Chairman Weiss moved to approve the requested transfer with the stipulation that the funds be used for Clarke County citizens only and will keep the sum on account and return any unused portion. The motion carried by the following vote:**

**The motion carried by the following vote:**

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

4. School Supplemental

The School Board is reconsidering its request for a supplemental appropriation, and may come forward with a revision in July.

At the June 18, 2013 regular meeting, Tom Judge said that earlier in the meeting Michael Murphy alluded to the School Board's action last evening to rescind its previous request to the Board of Supervisors for a truck and a four-wheel loader and to substitute for that a request for \$53,000 in carryover funds for a building automation system.

Chairman Hobert questioned whether this matter should be referred to the Joint Administrative Services Board.

Tom Judge agreed stating that was joint technology and he would add the topic to the June 24, 2013 Joint Administrative Services Board meeting.

5. Acceptance of Bills and Claims

**Vice Chairman Weiss moved to accept the recommendation of the Finance Committee to approve the May 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

## 6. Standing Reports

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

## Joint Administrative Services Board Update

Tom Judge advised that all topics related to the last Joint Administrative Services Board meeting were current.

## 11) Government Projects Update

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

- 100 North Church Street
  - o On Friday, the Sheriff is meeting with the architect and mechanical engineer.
- 101 Chalmers Court
  - o Construction phase to repair HVAC is complete.
  - o System testing and tweaking phase is in process.
- 36 East Main Street
  - o New state regulations now require new renters to pay substantial, permanent deposits for the provision of water and sewer service. The Clarke County Sanitary Authority is also operating under these new regulations that apply to commercial and residential users.
  - o The deposit for 36 East Main Street will be in excess of \$800 and there is provision for repayment of deposits until the resident ceases using the service.
  - o To aid Help With Housing, Keith Dalton, Help With Housing, the County Attorney and David Ash met and are recommending an addendum to the agreement

leaving the water and sewer in the County's name and making Help With Housing responsible for any bills.

12) Miscellaneous Items

No items were identified.

13) Summary of Required Action

<u>Item</u>	<u>Description</u>	<u>Responsibility</u>
1.	Convey Board comments to VDOT.	David Ash
2.	Provide David Ash tuition policy and data, as well a migration in and out report.	Mike Murphy
3.	Process approved minutes.	Lora B. Walburn
4.	Process resolution 2013-12R.	Lora B. Walburn
5.	Execute resolution 2013-12R.	J. Michael Hobert
6.	Execute Memorandum of Understanding Waterloo Area Water and Sewer Availability Fee Subsidy Program.	J. Michael Hobert
7.	Process Memorandum of Understanding Waterloo Area Water and Sewer Availability Fee Subsidy Program and provide documentation to Keith Dalton.	Brandon Stidham
8.	Update County Code CC-2013-01.	Lora B. Walburn
9.	Update Road Naming Manual.	Lora B. Walburn

14) Board Member Committee Status Reports

Supervisor Barbara J. Byrd

- Humane Foundation: Currently, planning for a fall or winter gala, "Festival For Furry Friends", a rabies clinic. At last year's event, over 113 rabies shots were given to both cats and dogs.
- Board of Social Services: Mets Wednesday, June 19.
- Northwestern Juvenile Detention Center: Meeting scheduled for next week.

Supervisor Beverly McKay

- NSVRC: The summer dinner will be held on Thursday at Lord Fairfax Community College.

Supervisor John R. Staelin:

- Clarke County Planning Commission: Brandon Stidham provided the update
  - o Just completed the initial draft public comment segment. Three public meetings were held in three separate locations.
  - o Comments are being assembled and an update report will be provided to the Planning Commission for its July 12 meeting.
  - o Awaiting comments from some agencies and departments.

Vice Chairman Weiss:

- Conservation Easement Authority: The "Thank You" Reception is planned for Saturday, June 22, at Greenwood.

Chairman Hobert:

- Personnel Committee: The Personnel Committee is seeking suggestions for appointments to the Shenandoah Area Agency on Aging, Inc. (SAAA) and the Industrial Development Authority.

15) Closed Session

**Supervisor Byrd moved to convene into Closed Session pursuant to §2.2-3711-A1 Specific Employees or appointees of the Board. 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, **Supervisor McKay 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 McKay 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 2:50 pm Chairman Hobert recessed the meeting.

At 6:30 pm Chairman Hobert reconvened the meeting.

16) Citizen's Comment Period

No citizens appeared to address the Board.

17) PH 13-12: Proposed Amendments to County Code Chapter 56, Road Naming, Property Numbering, and Road Sign System CC-2013-01.

Brandon Stidham provided an overview of the proposed amendment advising that its' purpose was to update the Chapter to reflect ongoing road name assignment and address

maintenance processes, to remove outdated procedures related to the initial assignment of road names and addresses, and to clarify when a private road name may be assigned and an official address may be issued.

At 6:34 pm, Chairman Hobert opened the public comment portion of the public hearing, and, hearing no comment, closed the public comment portion of the public hearing.

**Supervisors Staelin moved to amend the Code of Clarke County Chapter 56, CC-2013-01, as presented. 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

**SUMMARY OF CHANGES  
CHAPTER 56, COUNTY ROAD NAMING, PROPERTY NUMBERING, AND ROAD SIGN  
SYSTEM (CC-2013-01)**

§56.2 Authority

- Style change

§56.3 Intent

- Typographic edit
- Add that the Planning Director is responsible for determining whether a private road serving less than three addressable structures should be named for public safety reasons.

§56.4 Official Address

- Added new provisions pertaining to official address issuance:
  - o Only the property owner or authorized representative may request an official address.
  - o Statement that by requesting the address, the property owner attests that they have the legal right to access the public or private road at the proposed driveway access point. This eliminates any expectation that the County will determine or confirm a property owner's easement access rights.
  - o An official address will be assigned only to driveways that permit ingress/egress by emergency response vehicles. If an existing driveway lacking the proper dimensions to accommodate emergency vehicles is the only means of

ingress/egress for the property and no other alternatives exist, an address can still be assigned.

- If a driveway is moved by the property owner after issuance of an official address, the County can issue a new official address to match the new location of the driveway access point. This is to ensure that all addresses are consistent with the County's distance-based structure numbering system.

#### §56.5 Agent

- The current ordinance designates the Planning Director (“administrator”) as being responsible for assigning road names and property addresses, and the 911 coordinator as being responsible for establishing sign specifications and installing/maintaining signs. The amended section designates the Planning Director as being responsible for assigning road names and the GIS Administrator as being responsible for issuing address numbers and managing signs. The 911 coordinator is no longer responsible for any functions under this chapter. Language is also added to allow the Planning Director and GIS administrator to assign staff to perform these functions.

#### §56.6 Road Naming and Structure Numbering Manual

- Added language to require the GIS administrator to maintain the Road Naming and Structure Numbering Manual.
- Changed the name of the manual from “Road Naming and Property Numbering Manual.”
- Added requirement that signage must comply with all State and Federal regulations.
- Style changes

#### §56.7 Road Names

- Deleted the list of County road names that were assigned when the Chapter was originally adopted. The list does not have to be included in the County Code and is available in the County's GIS and mapping resources.
- New provisions are added to reflect current practice in assigning new road names. The vast majority of new road names added to the County system are private roads.
  - Road names are approved by the Planning Director at the time of subdivision plat or site plan approval and must meet the guidelines in the Manual.
  - New private road names must be approved by the Planning Director and meet the guidelines in the Manual.
  - Only owners of property served by (has the legal right to use) the road may participate in the road naming process.
  - In the event that there are multiple owners of properties that are served by the road to be named, the owners may suggest a road name by providing a petition in a form set forth in this section.



- The Planning Director shall assign the road name chosen by more than 50 percent of the landowners as evidenced by petition signatures so long as the name meets the guidelines set forth in the Manual. If the owners cannot reach an agreement (e.g., there is an even number of owners in favor of two or more names), then the Director shall assign a name that excludes the options presented by the owners.

#### §56.8 Road Type Designators

- Style change

#### §56.9 Road Name Signs

- Specify that signs shall meet the criteria set forth in the Manual as well as applicable State and Federal regulations.

#### §56.10 Road Name Sign Installation and Maintenance

- Style changes

#### §56.11 Uniform Numbering System

- Typographic edit

#### §56.12 Structure Numbers

- Specify that structure numbers shall meet the criteria set forth in the Manual.

#### §56.13 Maps to be Developed and Maintained

- Notes that the GIS Administrator is responsible for maintaining County road maps.

#### §56.14 Enforcement

- Style change

**Vice Chairman Weiss moved to amend the Road Naming Manual as presented. 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

## **SUMMARY OF CHANGES ROAD NAMING AND STRUCTURE NUMBERING MANUAL**

### Generally

- Changed name from “Road Naming and Property Numbering Manual.”
- Updated the Table of Contents.

### Introduction

- Added the responsibilities of the Planning Director and GIS Administrator and removing the 911 Coordinator to match the proposed ordinance amendments.
- Added section to clarify that the Manual only applies to unincorporated areas of the County and that the Towns are responsible for their own road naming and addressing.

### 1 – Maintenance of Master Road Names Directory and Data Custody

- Typographic edit
- Changed name of section from “Maintenance of Master Road Names Directory and Road Names Map.”
- Added new language to reflect that road naming and addressing data is now stored in the County GIS and not hard copy paper maps.

### 2 – Road Designations

- Deleted this section as it is included in Chapter 56.

### 2 – Road Name Guidelines

- Typographic edit
- Style edits
- Replaced “name agent” with “Planning Director or assignee.”
- Clarified that the road name character limit includes spaces between letters.
- Clarified that a new road name shall be assigned if an existing road is offset more than 60 feet when crossing another named road.

### 3 – Road Naming in the Subdivision and Site Plan Development Review Process

- Typographic edit
- Added “Planning Director or assignee” in place of “agent.”

### 4 – Reserved Road Names

- Replaced the “Clarke County Integrate Preservation Software” as the resource for historic road names with a generic reference to Virginia Department of Historic Resources (DHR) cataloging. The Preservation Software is no longer used by DHR and use of a generic reference will allow future resource changes to be included without need for amending the manual

#### 5 – Assignment of Numbers

- Changed name of section from “Assignment of Numbers by Agent.”
- Added “GIS Administrator or assignee” in place of “Sign Agent.”
- Style change
- Clarified that to receive official addresses for lots via the subdivision plat review process, the plat must show the access point location for each lot to be addressed. Also added the requirements for issuance of an address in conjunction with a building permit application.

#### 6 – General Numbering Guidelines

- Deleted subsection b which required that the sequence of addresses on opposite sides of a road should conform to each other as nearly as possible. Staff determined that this subsection is not necessary since the distance-based addressing system ensures consistency of addressing.
- Replaced “agent” with “GIS Administrator or assignee.”

#### 7 – Commercial, Office, or Industrial Complexes

- Replaced “name agent” with “GIS Administrator or assignee.”
- Added “condominium” as part of the section on addressing structures that contain individual units to be addressed.
- Removed subsection d which applied to mall shopping centers which are not currently allowed in the County Zoning Ordinance.
- Replaced “number agent” with “GIS Administrator or assignee.”

#### 8 – Agencies to Be Notified of Numbers Assigned

- Typographic edit
- Replaced “name agent” with “GIS Administrator or assignee.”
- Updated title of 911 Director.
- Replaced “agent” with “GIS Administrator or assignee.”

#### 9 – Materials and Physical Description for Signs

- Typographic edit
- Replaced the current sign, post, and hardware specifications with reference to “all applicable State and Federal regulations including, but not limited to, the most current edition of the U.S. Department of Transportation/Federal Highway Administration’s Manual on Uniform Traffic Control Devices.” VDOT currently follows this Manual for their signage and there have been attempts in recent years to require localities to follow the Manual as well.

#### 11 – Post and Hardware Specifications

- Section deleted (see above)

#### 10 – Location of Post and Sign

- Renumbered from #12
- Added reference to “Planning Director or assignee” to replace “Maintenance Department.”

#### 11 – General Guidelines for Display of Address Numbers

- Renumbered from #13.
- Added language to prohibit use of Roman numerals which can cause delays for emergency responders in finding addresses.
- Typographic edit

#### 12 – Display of Address Numbers

- Renumbered from #14.

#### 13 – Additional Signage Required When Necessary

- Renumbered from #15.
- Replaced “agent” with “GIS Administrator or assignee.”

#### 16 – Road Naming Process

- Section deleted from Manual and moved to County Code.

### 18) Adjournment

There being no further business to be brought before the Board at 6:40 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, July 16, 2013 at 1:00 p.m. in the Berryville Clarke County Government Center, Main Meeting Room, 101 Chalmers Court, Berryville, Virginia.

ATTEST: June 18, 2013

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

\_\_\_\_\_  
David L. Ash, County Administrator

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