

March 10, 2014

Clarke County Board Of Supervisors  
FY2015 Budget Work Session  
Main Meeting Room

10:00 a.m.

At a budget work session 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 Monday, March 10, 2014.

Board Members Present

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

Board Members Absent

None

Staff Present

David Ash; Don Jackson; Tom Judge; Sheriff Roper; Brandon Stidham; Alison Teetor

Others Present

Robina Rich Bouffault; Bryan Conrad; Matt Hoff; Neal White; Val Van Meter; and other citizens

Call to Order

Chairman Hobert called the session to order at 10:05 a.m.

Adoption of Agenda

Supervisor Staelin requested the addition of an Economic Development Study Update.

Chairman Hobert requested the expansion of discussion under Item D to include update on the Finance Committee budgetary work.

Chairman Hobert also requested the addition of discussion of State-level budget delays.

A. SUP-13-02/SP-13-08, Gina Schaecher (Happy Tails Development LLC) Site Visit Discussion

David Ash advised that the exchanges of correspondence between the applicant and the affected homeowners were in the packet. He noted that most surrounding property owners had offered to meet with members of the Board of Supervisors on their properties.

Mr. Ash reminded the Board that at the February 18, 2014 public hearing, the Supervisors had discussed the possibility of meeting on the applicant site; however, a public meeting must be publicized and the public allowed on the subject property. He informed the Supervisors that on February 21, he had written to the applicant to make her aware of the public meeting requirements and to seek agreement. He said that the applicant had responded on February 24 listing a number of logistic issues after which it was determined that a public meeting would be impractical.

David Ash advised that in the applicant's letter of February 27 she set forth available dates of March 5, 6, or 7; however, in his March 4 response, he pointed out that Board did not meet until March 10. In Mrs. Schaecher's letter of March 5, she stated if the Board decided to visit individually, she would make herself available.

Supervisor McKay informed the Board that he had driven out to the area several times. He further stated that he had looked at the subject property from the fence on the Sell property. He recommended all members at least drive out to the locality but warned recent weather had made the area very messy.

Supervisor Byrd informed the Board that she and her husband had driven out to the area over the weekend. She commented that she noticed during her visit the sign notifying of the public hearing for special use application was down in the mud. She concurred with Supervisor McKay that all members should visit the area; and due to the wet conditions, she recommended using a 4-wheel drive vehicle if possible.

Supervisor Staelin advised that he would like to visit the site on Monday, March 17.

Chairman Hobert asked Board members to arrange site visits, without a meeting, with Brandon Stidham and/or Lora Walburn.

Chairman Hobert suggested Board members might want to individually make arrangements with neighboring property owners for a visit to their property should the Board member find this to be helpful. He added that with respect to the invitations from neighboring property owners the Board may want to make contact with any of those neighbors.

Supervisor Byrd suggested the houses she saw along the road were relevant but the road and actual location of the proposed building would probably be the more important area.

Supervisor McKay opined that viewing the area from the top of the hill would put a different perspective on the matter.

Chairman Hobert confirmed the decision to visit neighboring property would be left to the discretion of the individual board members

Supervisor McKay asked Supervisor Byrd if she had seen a ponding area.

Supervisor Byrd responded that the area was all marshy and corn was growing out in the fields. She continued that it was very marshy and at the bottom were rock breaks. She asked who owned the white house in the woods.

Roderick DeArment responded that it was the Senyitko's house.

Chairman Hobert called for a re-cap of the discussion.

David Ash suggested the Board members who wished to visit the property should call Lora Walburn or Brandon Stidham to coordinate around the dates with the applicant and schedule those to ensure not more than two Board members are on site at any given time.

Chairman Hobert concluded discussion by reminding members that should they wish to respond to the generous invitations of individual owners, they could do so.

#### B. Groundwater Monitoring Program

Alison Teetor introduced the speakers.

Wayne Webb, Friends of the Shenandoah River, on the study titled "Qualities of spring-waters of Clarke County where biosolid materials were applied as fertilizer to karst landscapes."

Mr. Webb told the Board that he was making the presentation as a resident of the County and a member of the Friends of the Shenandoah River but not as an elected Soil and Water Conservation Director. Highlights of Mr. Webb's presentation include:

- Research was supported by the Virginia Department of Environmental Quality and Chesapeake Bay Restoration Fund Advisory Committee.
- Alison Teetor, Natural Resources Planner, secured the grant funds to pay for the study.
- Initial question was whether biosolids affect water quality.
- Research included how nutrients get into karst streams. Preliminary findings:
  - Biosolids may effect groundwater quality.

- Nitrates are higher in areas where biosolids are applied, where there are more fields and where there is more karst.
- E coli are lower in these same situations
- Most of nitrogen in karst streams is from ground water.
- Mountain streams have low nitrogen concentrations and karst streams have high nitrogen concentrations.
- Springs provide 40 to 70% of karst stream flow.
- Monitored 10 streams where biosolids are applied; and due to the substantial use of biosolids in Clarke, five springs outside of Clarke were monitored.
- Montana Hall Spring consistently showed the highest level of nitrates with E coli consistently at or below standard.

At 10:20 am, Vice Chairman Weiss joined the Work Session.

- In response to Supervisor McKay, Mr. Webb advised this was a limited study and it would be worth looking at other sources of nitrates besides biosolids:
- Springs near biosolids: higher in nitrate; lower in bacteria; little difference in phosphorus.
- Of the springs and streams measured, springs have higher nitrate concentration than streams.
- Every stream measured is rising in nitrate concentration.
- Five other streams are measured: Cedar Creek in two places, Crooked Run, Manassas Run and Happy Creek. None of these streams are high in nitrates and in fact the concentration is going down.
- Where Cedar Creek crosses the karst area of Frederick County, the nitrate concentration rises; but, it is still going down.
- Hope to get grants, and the continued support of the Board, to monitor springs to find out where nitrate is coming out of the ground and try to map it.
- The Supervisors can help by encouraging things that will reduce nitrogen concentration such as use of public sewer, reduce use of fertilizers, removing cattle from streams, etc.
- Short-interval monitoring of biosolids application was not conducted.
- Considerable amount of legacy nitrates in the soil from years of farming and application of fertilizers.
- Next step is to look at the seasonality of application.
- Supervisor McKay asked if there could be an overlay of septic systems.

Supervisor Staelin remarked that he believed such studies were important to protect the Chesapeake Bay, streams and drinking water. He stated that each study focuses the investigation better; and this study, while not conclusive, does provide direction.

Alison Teetor thanked Mr. Wayne for his long hours of sampling and report compilation.

Mark Bennett, Director, USGS, Virginia Water Science Center, discussing the real-time monitoring network status and utility.

- Appearing for Dave Nelms, who was conducting sampling activities at AP Hill.
- Clarke has made a significant investment in water monitoring activities.
- USGS has a better understanding now than it had 10 to 15 years ago.
- Why continue:
  - Current conditions assessment / potential for drought forecasting
  - Assess change in the system either because of climate change or growth
  - Relationship of water quality conditions to stream flow levels
  - Improved understanding of the hydrologic system as it relates to the above
- Clarke is very susceptible to drought.
- Recharge is critical in winter and snow is the best way to recharge groundwater
- Recharge is important for groundwater quality.
- If biosolids are applied during spring or summer, they do not go into ground; but if they are applied outside those seasons, they will be absorbed into ground water. The Supervisors may want to consider restricting application.
- Drought prediction:
  - Used studies in Clarke, Warren and Frederick; now looking at state; considering nationally for drought prediction.
  - Taking stream flows during winter months and correlate to summer months can predict stream flow probability for summer.
  - Applications to consider
    - Managing water withdrawals ahead of crisis points
    - Education, awareness, and encouragement of voluntary changes in water use. Anticipate critical low flow
    - Better management of in-stream and ecological flows.
- Faults and fractures in rock define steams.

- Groundwater transit times are critical components to water quality. Most transit times are less than 2 years or 2 to 4 years; can be more than 20 years depending upon rock and elevation

Chairman Hobert asked if controlling by timing the application of biosolids would make any difference.

Mr. Bennett responded that if applied during the growing season the majority would be absorbed by the crop, which should reduce the amount of contaminates.

Chairman Hobert expressed the Boards' appreciation for the work performed and for the sharing of information. He suggested the Supervisors did not receive enough of this kind of information and urged Mr. Bennett to seek ways to disseminate the information more broadly to the community.

Chairman Hobert asked Ms. Teetor to share with the Board her compiled biosolids data.

C. CLG Grant Applications:

Alison Teetor requested Board approval of letters of support for grant applications.

Letter of Support 2014 CLG Grant Proposal "Rescue Phase 2: Roofing/Window Work to Land Office and Smokehouse at Greenway Court"

March 10, 2014

Pamela. A. Schenian  
Virginia Department of Historic Resources  
Tidewater Regional Preservation Office  
14415 Old Courthouse Way, Second Floor  
Newport News, VA 23608

Re: Letter of Support 2014 CLG Grant Proposal "Rescue Phase 2: Roofing/Window Work to Land Office and Smokehouse at Greenway Court"

Dear Ms. Schenian,

On behalf of the Clarke County Board of Supervisors, I strongly support the proposed CLG grant application to fund the Roofing/Window Work to Land Office and Smokehouse at Greenway Court.

For the past seven years, Clarke County has worked tirelessly to ensure that the outbuildings at Greenway Court are stabilized. The Board of Supervisors and the Easement Authority have both donated funds for this effort as well as applied for numerous national and state grants. In addition, the community has stepped forward and given more than \$70,000 in donations to this endeavor. We all know that this is a hugely significant historic site. We have worked in

partnership with the Virginia Department of Historic Resources to complete much of the work. We are so close to realizing the goal of stabilization and if the roofs on these two buildings and the window repair are not completed soon, the buildings are still under threat of structural decay.

Subject to the formal approval of the FY15 budget the Board of Supervisors will agree to provide in kind staff time and \$2,850 cash, to complete this project. In addition, an organization formed to support the stabilization effort, Friends of Greenway Court, have agreed to contribute \$12,000. We are hopeful that this grant application will be fully funded in order to ensure the preservation of these buildings.

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

Letter of Support 2014 CLG Grant Proposal Josephine City Nomination

March 10, 2014

Pamela. A. Schenian  
Virginia Department of Historic Resources  
Tidewater Regional Preservation Office  
14415 Old Courthouse Way, Second Floor  
Newport News, VA 23608

Re: Letter of Support 2014 CLG Grant Proposal Josephine City Nomination

Dear Ms. Schenian,

On behalf of the Clarke County Board of Supervisors, I strongly support the proposed CLG grant application to fund the Josephine City Historic District National Register Nomination.

This grant application addresses the completion of a National Register Nomination Form for the Josephine City Historic District, an African-American community located in the Town of Berryville in Clarke County Virginia.

An architectural survey and Preliminary Information Form (PIF) for a proposed Josephine City Historic District was funded as part of a CLG (2012/2013) grant to Clarke County and the district was found to be potentially eligible for listing in the National Register. A 2013/2014 CLG application by the county was not awarded so we are again asking for this very important project to be funded.

Subject to the formal approval of the FY15 budget the Board of Supervisors will agree to provide \$1,150 cash in matching funds, as well as in kind staff time to complete this project. We are hopeful that this year's application will be funded in order to complete this nomination.

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

Chairman Hobert added that the grants required a total of \$4,000 in matching funds.

Tom Judge will check to see if the funds are budgeted for FY2015 or FY2014.

**Supervisor Staelin moved to allow the Chairman to sign both letters of support. 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

D. FY2015 Budget Discussion: Fiscal Impact of Fire and Emergency Services [EMS] Work Group Recommendation Review and Discussion

David Ash introduced Don Jackson, Director Emergency Medical Services. He summarized the recommendations advising that staff recommended Hiring Option 1.

Vice Chairman Weiss provided a brief history and requested that the hire be timed with the creation of an advisory commission.

Supervisor McKay opined that it was critical to maintain the volunteer system for the County could not afford to run down the road to a fully career staff situation and he urged the Board and those present to explore ways to encourage the volunteer system.

Hire Director for Fire, EMS, and Emergency Operations

*County Staff Recommendation: Staff recommends the following action steps:*

- *Authorize the County Administrator to finalize the job description and advertisement for a temporary part-time Director (Option 1) and to devise a selection process with the goal of having a Director on staff by July 1, 2014. Ensure that the selection process involves the volunteer fire chiefs.*

Hiring Option 1 – *Hire a Director on a temporary part-time basis for a two-year period. Under this option, the County would select a temporary Director to serve for a two-year period. This approach would enable the Director to focus on prioritized implementation projects with specific deliverables to be achieved during the two-year period (e.g., fee for service, strategic plan development, recruitment/retention program, grant writing, refining data collection). There would also be less pressure on a temporary Director to establish a Department, enabling*



*the candidate to concentrate on completing implementation projects. This option should also attract experienced candidates that are retired or retiring and are not interested (or not able due to retirement rules) in a full-time position. If this option is chosen, Staff recommends advertising the position on a part-time basis to encourage applications from retired candidates. Part-time employment would also save on the cost of benefits in the near term, deferring them for at least two years to allow cost recovery and grant funding to be implemented.*

- *Direct Staff to draft ordinance language to establish a “Department of Fire, EMS, and Emergency Management,” containing the responsibilities of the Director position, for presentation to the Board at the April 15 meeting to set public hearing in May.*
- *Direct the County Administrator and Joint Administrative Services Director to establish an estimated budget for the Director position and Department for inclusion in the FY2014-2015 budget.*

#### Establish Fire & EMS Commission

David Ash reviewed the recommendations to establish a Fire & EMS Commission.

*Workgroup Recommendation – 7 voting members including the three volunteer company chiefs, the Sheriff, BOS member, and two citizens at large.*

*County Staff Alternate Recommendation – 5 voting members plus 2 alternate members. Voting members would include two representatives from the Volunteer Association (one representing Fire interests and the other representing EMS interests), the Sheriff, BOS member, and one citizen at large. The two alternate members would be a third appointee from the Volunteer Association and one citizen at large.*

*County Staff Recommendation – Action Steps: Staff recommends the following action steps:*

- *Reach consensus on the appropriate membership composition to use. Staff can support the Workgroup’s recommendation but also recommends the Board consider the benefits of the alternative membership approach.*
- *Reach consensus on the Commission’s responsibilities. Staff supports the list of responsibilities recommended by the Workgroup.*
- *Direct Staff to draft ordinance language to establish a “Fire and EMS Commission,” containing the Commission’s responsibilities and membership composition/terms, for presentation to the Board at the April 15 meeting to set public hearing in May.*

- *Direct the County Administrator and Joint Administrative Services Director to establish an administrative budget for the Commission for inclusion in the FY14-15 budget.*
- *Following adoption of the ordinance, make appointments to the Commission and schedule a kickoff meeting within 30 days (target June 2014).*

Bryan Conrad, past President Clarke County Fire and Rescue Association, added the following:

- Either would be a good approach.
- Having members of the community at large on the Commission would be good.
- It would not be too difficult to schedule a meeting for a seven-member Commission.
- The volunteer companies are unique and each has its own approach; therefore, it would be appropriate to have representation from all companies on the Commission.
- The Commission should integrate with the Fire and Rescue Association.

Sheriff Tony Roper, Clarke County:

- The Commission will be critically important.
- The Commission must be given a specific charge.
- The Commission should be empowered to act.

Chief Neal White, Town of Berryville:

- A Board of Supervisors liaison would be helpful.
- Consideration must be given to the dynamics of the interface between the three fire and rescue companies, as well as the Fire and Rescue Association.

Don Jackson, Director Emergency Medical Services and volunteer fire chief in Frederick County:

- Without proper representation on the Commission, the Fire and Rescue Association could be left behind.
- Career staff supplements the volunteer staff.
- Commission must have specific charge of duties.
- Frederick County has a Commission and a Fire and Rescue Association Commission.
- An official system provides a means to develop, communicate and achieve standards in operation.

### Implement a Fee for Service Program

David Ash briefed the Board of staff recommendation.

*County Staff Recommendation: Staff recommends the following action steps:*

- *Authorize the County Administrator to develop and issue an RFP to hire a fee-for service consultant with an initial budget of \$10,000 for consultant services.*

### Director Fire, EMS and Emergency Operations Job Description

David Ash stated that a draft job description was included in the packet; however, it more closely resembled a daily task list. He asked that the Board review and make suggestions on what they deemed the most important duties.

Following discussion, Chairman Hobert instructed staff to create a Gantt chart to aid the Board in conceptualizing the process. Further, he asked Board members to consider what actions or motions they would propose for these matters.

### FY2015 Budget Finance Committee Update by Tom Judge

- Finance Committee Meeting on Thursday, March 13, 2014.
- At its Thursday, March 6, meeting, it brought the budget to within \$516,000 of balance with the following assumptions:
  - School operating funds reduced to an increase of \$810,000 rather than \$1.3MM requested.
  - School capital projects reduced to an increase of \$124,000 from \$615,000.
  - Fund Balance increased from \$815,000 up to \$1,365,000.
  - Approximately \$.02 increase on the tax rate.

### E. Identify CCPS Discussion Issues

Chairman Hobert encouraged members that have not had an opportunity to view the former high school during the renovation process to contact Nan O'Brien to arrange a visit.

Following brief discussion, the Supervisors identified no specific issues for the Schools to present at its March 18 meeting.

F. Economic Development Study Update

Supervisor Staelin provided an update on the economic development study. He advised that the committee identified a potential area of improvement that involves the integration of the Town and County websites in hope to better facilitate economic development.

G. Commonwealth Budget Issues

Chairman Hobert informed the Supervisors that the General Assembly had adjourned with the unresolved budget issues involving Medicaid expansion; and depending on the length of time it would take to resolve, it could affect the local budget process.

Tom Judge concurred with Chairman Hobert, opining he did not believe that the issues were significant enough to delay advertisement and public hearing on the local budget.

Adjournment

There being no further business to be brought before the Board at 12:27 pm Chairman Hobert adjourned the Board of Supervisors FY2015 Budget Work Session.

Next Regular Meeting Date

The next regular meeting of the Board of Supervisors is set for Tuesday March 18, 2014 at 1:00 p.m. in the Berryville Clarke County Government Center, Main Meeting Room, 101 Chalmers Court, Berryville, Virginia.

ATTEST: March 10, 2014

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

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

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