

March 18, 2014

Clarke County Board Of Supervisors
Regular Meeting
Main Meeting Room

1:00 p.m.

At a regular meeting of the Board of Supervisors of Clarke County, Virginia, held in the Berryville Clarke County Government Center, 101 Chalmers Court, 2nd Floor, Berryville, Virginia conducted on Tuesday, March 18, 2014.

Board Members Present

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

Board Members Absent

None

Staff Present

David Ash; Tom Judge; Sheriff Tony Roper; Brandon Stidham; Susanne Vaughan; Lora B. Walburn

Others Present

Rod De Arment; Robina Rich Bouffault; Bryan Conrad; Rob Goldsmith; Kenneth Liggins; Gina Schaecher; Mike Williams; Val Van Meter and other citizens.

1) Call to Order

Chairman Hobert called the afternoon session to order at 1:03 p.m.

2) Adoption of Agenda

By consensus, the Board adopted the agenda as presented.

David Weiss joined the meeting at 1:06 p.m.

3) Citizens Comment Period

Rod De Arment, 409 Bellevue Lane: I have been asked by my neighbors to briefly summarize why the kennel permit should be denied.

Here are four of the principal reasons why we oppose this permit:

First, this kennel would create undue noise from dogs barking from a high ridge. Acoustical expert Dr. James Sabatier concluded that the sound levels from the dogs would likely be in the 71-76 decibel range and that there would be numerous meritorious noise complaints from adjoining neighbors. This undue noise would violate two enforceable Code standards - the specific dog noise standard in Code Section 61-15 and the general noise catch-all limit of 70 decibels.

Second, permitting a commercial kennel in this inappropriate location would have a major adverse effect on property values. County Assessor Donna Peake predicted the proposed kennel could lower the value of nearby properties by 15-25 percent. Since there is more than \$29 million in assessed real estate value within one mile of the proposed kennel, the decrease in property values would mean a massive financial loss for county residents and a significant hit to the real estate tax base.

Third, this facility would dump a huge amount of additional traffic on Bellevue Lane endangering the safety of the four families who live and travel on this private gravel road. I think most of you have seen this one-lane road with its blind spots and that you can appreciate how adding a volume of commercial traffic, including heavy trucks, would pose a safety risk to the residents, especially the children who live there.

Fourth, the kennel would pose a significant environmental risk. The Sell's well is just 245 feet downhill from the proposed septic field, and Roseville Run is also just downhill. The kennel would sit on a major rock ridge that is part of the water recharge area. While the staff has determined the septic capacity is adequate for the residents and 5 full-time employees, actually the system is likely to be also used by other employees, customers, volunteers, visiting school children, etc. In fact, the proposal has no real limit on the system's use. Also, the concentration of dog waste in this sensitive area poses a hazard if there is a spill of collected waste, if it is not properly collected from the runs, or during periods of bad weather. You have just heard how nitrates from biosolids migrate into ground water. Dog waste is much more dangerous than cow or horse manure - it has a much higher nitrogen content and a single gram of dog waste contains 23 million fecal coliform bacteria.

Mr. Chairman I request that a petition from 227 Clarke County residents opposing the kennel be entered into the record. We also request inclusion of a typed list of the petitioners and a map of the properties surrounding the kennel showing the near unanimous opposition of area residents. [Note: Petition added to the March 18, 2014 Meeting Packet.]

Finally, I request that a new letter from Dr. Sabatier on the sound issue be included in the record. [Note: Letter added to the March 18, 2014 Meeting Packet.]

Kenneth Liggins, Berryville: Good Afternoon, Kenny Liggins from Berryville, when we recite the pledge of allegiance to the flag of the United States of America, do we believe in what it stands for; and if we do, do we believe in God; and if so, then, the decision to issue the special use permit for the 3 Dog Farm, Happy Tails Development, is the right and just thing to do for the Clarke County Board of Supervisors. The owners of the 3 Dog Farm, Happy Tails Development, have met all of the Clarke County requirements that have been asked of them by the Clarke County Board of Supervisors and the laws for a dog kennel falls under the request of the owners of the 3 Dog Farm. The laws are in place and the only right thing for the Clarke County Board of Supervisors to do, and that is, to comply with their own laws for this is just and the right thing to do. The Board of Supervisors should not break their own laws to satisfy a select few people. The Constitution of the United States is for we the people and not for a few select, but for all. The time to do right is now and let's not allow prejudice or people with money to persuade you. Your opportunity to do what you all know is right and that is to issue the special use permit. It will be fatal for the Board to overlook the urgency of the moment and to underestimate the determination of the 3 Dog Farm, Happy Tail Development owners for they have went to a great expense to comply with the Board's requests; and they, too, are entitled to the same guarantee that all men and women would have the same inalienable rights of life, liberty and the pursuit of happiness. So, again, we the people ask that the Clarke County Board of Supervisors do not default on this opportunity to do what is right in the sight of God and man, and issue the special use permit. Thank you.

4) VDOT

Maintenance – February / March:

- Another month of winter weather has limited our routine maintenance accomplishments.
- VDOT was able to perform limited maintenance on some of our non-hard surfaced roads. Routes 605, 606 on the mountain, 639, 621 and 622 and 644 in the White Post area.
- Started some brush cutting on Rt. 7 business east.
- Continuing to address potholes as they arise.

Maintenance – March / April:

- Continue to concentrate on addressing repair of non-hard surface roads and potholes, as weather permits.
- Continue with brush cutting along Rt. 7 business east.

Projects:

- All project status is unchanged.

Board Issues:

- Warning signs for tractor-trailers (GPS routing not advised) on Rt. 255 have been installed.
- Shoulder work on Route 522 started but stopped due to snow.

Supervisor Comments:

Supervisor Bev McKay:

- Salem Church Road near the Landfill: Trees need to be trimmed.

Supervisor Barbara Byrd

- Allen Road: Constituents are beginning to have a better understanding of the process.
- County-wide: There are deep potholes, broken shoulders, and deer everywhere.

Vice Chairman Weiss:

- Route 621: Large pot hole.
- Rolling Hill Farm on Route 621: A snow blade clipped the asphalt on driveway.
- Retreat Road: Residents want to be moved up on the snow removal list. The hill on Route 7 needs to be cindered during snow events.

Chairman Hobert:

- White Post at White Post: Ed Carter will seek a progress report from Clif Balderson.

5) People Inc. Presentation by Robert G. Goldsmith

Robert G. Goldsmith, President and C.E.O., presented the annual update and provided the 2013 Annual Report.

- Microenterprise Initiative
 - Working with Warren and Clarke through a community development block grant project.
 - A Clarke County resident chairs the management team.

- Project off to a slow start with one loan in Warren County.
- Currently, two applications are in process.
- No loans paid as of yet in Clarke County.
- This program will be top priority in the coming year.
- A training workshop is scheduled for April.
- Staff advertises the program through workshops and meeting one on one with bankers and making presentations at community meetings. Referrals are also taken from The Small Business Development Center for the Fairfax district.
- Affordable Housing Development
 - This is a long-term process planned over the next several years.
- Home Weatherization Loan Program
 - Applying to become responsive to a loan from home weatherization program in Clarke County.
 - The State put this program out to bid for the first time in approximately fifteen years.
 - Community Housing Partners currently contracts weatherization in Clarke County; and according to State statistics, it has weatherized 11 homes over the last 2 years. Over this two-year period during the federal stimulus program, weatherization programs received more funding than ever before.
- People Inc. would welcome guidance from the Supervisors.
- Mr. Goldsmith will provide a report of the actual work performed in Clarke County to the County Administrator.

Chairman Hobert expressed the Board's appreciation for the update and the services provided by People, Inc. and presented Mr. Goldsmith with the following resolution.

**Resolution Commending People Incorporated on the Occasion of its 50th
Anniversary
2014-03R**

WHEREAS, People Incorporated, a private, nonprofit corporation is commended for 50 years of innovative and compassionate service to the citizens and communities of Virginia; and

WHEREAS, People Inc. was founded by Hayter's Gap community residents Garland Thayer, Fount and Thelma Henderson and others who recognized the needs of their neighbors and their children and wanted to create a more vibrant and sustainable community; and

WHEREAS, People Inc. was incorporated by Joseph P. Johnson, Jr. on July 11, 1964 as the Progressive Community Club of Washington County; and

WHEREAS, on August 20, 1964, President Lyndon B. Johnson signed the Economic Opportunity Act into Federal law, establishing community action agencies as the catalysts for community-based efforts to alleviate poverty throughout the nation; and

WHEREAS, in December 1964, the Progressive Community Club received its first grant of \$55,000 from the Federal Office of Economic Opportunity and became the first community action agency in Virginia and the first rural community action agency in the United States; and

WHEREAS, in 1974, the Progressive Community Club became People Incorporated of Washington County and Bristol, Virginia, and over the last 40 years has steadily expanded its services into underserved communities throughout the Commonwealth and now serves the people of 27 counties and cities throughout Southwest Virginia, the Northern Shenandoah Valley and Northern Piedmont region of the state with nationally recognized anti-poverty efforts; and

WHEREAS, People Inc. is widely regarded as one of the most innovative and successful community action agencies in the nation, providing comprehensive human and community development services to over 6,000 individuals and families in 2013 and generating an economic impact of \$88 million for communities throughout the Commonwealth; and

WHEREAS, People Inc. has been the designated Community Action Agency in Clarke County since 2009; and

WHEREAS, People Inc.'s founders recognized that individuals, no matter their circumstances, have hopes and dreams for themselves and their communities, and that the Board of Directors and staff of People Incorporated remains true to this core principle and demonstrates excellence in providing opportunities for people to reach their goals in order to enhance their lives, their families and their communities;

NOW, THEREFORE, BE IT RESOLVED, that the County Board of Supervisors hereby commends People Incorporated on the historic occasion of its 50th anniversary; and

BE IT FURTHER RESOLVED, that a copy of this Resolution be prepared for presentation to Robert G. Goldsmith, President and CEO of People Incorporated, as an expression of the Board's recognition and admiration of People Incorporated's tireless work on behalf of the citizens and communities of the Commonwealth of Virginia.

Dated: March 18, 2014

J. Michael Hobert, Chair Board of Supervisors

6) Approval of Minutes

At the request of Supervisor Byrd, Lora Walburn verified she had checked against the recording statements on Book 21 Pages 699, 700, 701 of the February 18, 2014 minutes.

Supervisor Staelin requested corrections on the March 4, 2014 minutes:

Page 722: change parameter to perimeter.

Page 723: change placed to places.

Supervisor McKay moved to approve the minutes for:

- February 18, 2014 Regular Meeting, as presented
- March 4, 2014 FY2015 Budget Work Session, as corrected.

The motion carried by the following vote:

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

7) Personnel Committee Items

A. Closed Session re: §2.2-3711-A1 Specific individual under consideration for appointments and positions.

03/10/2014 Summary: **Supervisor McKay moved to convene into Closed Session pursuant to §2.2-3711-A1. The motion carried as follows:**

Beverly B. McKay	- Aye
J. Michael Hobert	- Aye

The members of the Board of Supervisors Personnel Committee 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:**

Beverly B. McKay	- Aye
J. Michael Hobert	- 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, Personnel Committee 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 Personnel Committee 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, Personnel Committee 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:

Beverley B. McKay - Aye
J. Michael Hobert - Aye

The Personnel Committee took no action on items discussed in Closed Session.

At 10:00 am, Chairman Hobert adjourned the Personnel Committee Meeting.

B. Expiration of Term for appointments expiring through May 2014.

3/10/2014: The Committee made no recommendations.

03/18/2014 Summary: **Vice Chairman Weiss moved to re-appoint Doug Kruhm to the Clarke County Planning Commission for a full four-year term expiring April 30, 2018. 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. Clarke County General Government Pay and Classification Study and Personnel Policy Update by David Ash

03/10/2014: Due to time constraints, no update was given.

03/18/2014 Summary: David Ash informed the Board that he had received an update today from Springsted and an early draft of the personnel policy is expected within the next two week. For the pay and classification study, Springsted is compiling comparables from selected jurisdictions.

8) Board of Supervisors Work Session

For more detail, see March 10, 2014 FY2015 Budget Work Session Minutes.

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

03/10/2014 Summary: Following review and discussion, Chairman Hobert instructed members to coordinate individual visits with the applicant through County staff, Brandon Stidham or Lora Walburn. He noted that affected property owners had offered to conduct site visits on their properties and suggested any Board member that desired to visit should directly contact the individual property owners.

B. Groundwater Monitoring Program

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

03/10/2014 Summary: Presentations were made to the Supervisors. Chairman Hobert asked that Ms. Teetor provide the Board her compiled biosolids data.

C. CLG Grant Applications:

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

03/10/2014 Summary: Tom Judge will check to see if the funds are budgeted in FY2014 or FY2015. **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

03/10/2014 Summary: Following discussion, Chairman Hobert instructed staff to provide the Board a Gantt chart and the Supervisors to propose a motion.

03/18/2014 Summary: See Item 23 Fire and EMS Timeline.

E. Identify CCPS Discussion Issues

03/10/2014 Summary: The Supervisors identified no specific issues for School presentation at its March 18, 2014 meeting.

F. Economic Development Study Update

03/10/2014 Summary: Supervisor Staelin provided an update noting that integration of the Town and County websites had been identified as a potential area of improvement to better facilitate economic development.

G. Commonwealth Budget Issues

03/10/2014 Summary: Chairman Hobert updated the Board on unresolved budget issues in the General Assembly.

9) Finance Committee Items

1. FY 14 Supplemental Appropriation

03/10/2014 Summary: EMT Supplemental. *"Be it resolved that budgeted expenditures and appropriations for Emergency Medical Service part-time salaries be increased \$25,000 to provide additional coverage, and be it further resolved that the designation for government savings be reduced in the same amount."* Action: The Finance Committee recommends approval.

03/18/2014 Action: Tom Judge reviewed the recommendation. Bev McKay requested clarification. Vice Chairman Weiss and Chairman Hobert responded these would be part-time positions with the potential of becoming full time.

Vice Chairman Weiss moved to approve the recommendation of the Finance Committee. The motion carried by the following vote:

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

2. Sheriff Part Time Salaries

03/10/2014 Summary: *"Be it resolved that the Sheriff be authorized to use savings in his authorized budget for full-time salaries in his budget for part-time salaries for the purpose of reducing leave balances."* **Action: The Finance Committee recommends approval.**

03/18/2014 Action: **Vice Chairman Weiss moved to approve the Finance Committee recommendation. The motion carried by the following vote:**

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

3. FY2015 Budget Deliberations

03/10/2014 Summary: The Finance Committee reviewed the impact of recommended changes to the budget documents.

4. Acceptance of Bills and Claims

03/10/2014 Summary: The Finance Committee recommends acceptance.

03/18/2014 Action: **Supervisor Staelin moved to accept the February bills and claims. The motion carried by the following vote:**

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

5. Standing Reports

FY2014 General Fund Balance, Reconciliation of Appropriations; General Government Expenditure Summary, Conservation Easement Authority General Government Capital Projects

Gina Schaecher stood and stated that she just wanted to know where we are on the agenda because we [SUP-13-02 / SP-13-08] are under the Work Session Agenda – one of our items is on there.

Chairman Hobert clarified that their item was No. 17.

Gina Schaecher responded, “but on the Work Session.”

Chairman Hobert explained that the Work Session was a discussion of what happened at the Work Session not what happens today.

Gina Schaecher asked if it was on the record though that, the visit was cancelled due to weather.

Chairman Hobert stated that the Board had not reached the discussion of her issue. He continued that the Board would be discussing her item under Agenda Item No. 17.

Gina Schaecher asked if she would have the opportunity to submit some additional information at that time.

Chairman Hobert stated that he would think so.

Gina Schaecher said very good, thanked Chairman Hobert and took her seat.

10) FY2015 Budget Finance Committee on March 13, 2014.

A. Set Public Hearing PH 14-06 FY2015 Budget

Tom Judge summarized the changes for FY2015 budget.

- Real Estate Tax Increase: 2.5 cents
- Includes \$250,000 increase for EMS and anticipates fulfillment of most of the proposed expenditures.
- Economic Development: \$60,000 is included in the budget and determined to be sufficient to carry out the anticipated programs.

- Pay and Classification Study: \$150,000 is included for the study that is currently in process. It is in a contingency and will be distributed when the study is complete.
- Additional Government Capital: \$465,830 includes:
 - \$200,000 real property reassessment;
 - \$50,000 for Sheriff's building;
 - \$70,000 for microwave system for Sheriff to establish a redundant path for the radio system;
 - \$90,000 for Parks bandstand and shelter.
- Additional School Capital: \$124,016 increase. The School Board will establish the capital projects for which the funds will be used.
- School Operating: \$810,062 increase.
- Schools Carry Over: \$916,000. Tom Judge advised that the carry-over funds have no application in the budget process.
- Budget Deficiency from Fund Balance / Pay As You Go: \$1,365,516. Most of the fund balance amount will be used for non-recurring cost; and with debt falling off rather substantially over the next two to three year, it is not too risky to use some of the fund balance to cover a few recurring costs.

Supervisor Hobert thanked Mr. Judge for his work on the budget and his presentation.

Supervisor Staelin commented that he had discussed use of the fund balance in some depth with Tom Judge and came away with a comfortable feeling that a good portion was for one-time expenditures.

Supervisor Staelin moved to set public hearing for Wednesday, April 9, 2014 at 7:30 pm or as soon thereafter as the matter may be heard to be held in the Main Meeting Room, 2nd Floor, 101 Chalmers Court, Berryville, VA 22611. 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

FY2015 Clarke County Budget Process
3/14/2014 8:39

Net Tax Funding

FUND	FY 2014 Budget	Variance	Percent Variance	FY 2015 Proposed
EXPENDITURE				
General	8,417,168	564,680	6.7%	8,981,848
Social Services	1,363,059	(24,894)	-1.8%	1,338,165
School Operating	20,637,598	810,062	3.9%	21,447,660
School Food Service	761,012	21,331	2.8%	782,343
CSA	661,500	(54,500)	-8.2%	607,000
Conservation Easement	-	15,000	0.0%	15,000
Government Capital Projects	575,000	465,830	81.0%	1,040,830
School Capital Projects	728,163	124,016	17.0%	852,179
Government Debt Service	399,200	21,500	5.4%	420,700
School Debt Service	3,888,619	(20,971)	-0.5%	3,867,648
Joint Services Fund	541,737	9,301	1.7%	551,038
Unemployment Compensation	25,000	-	0.0%	25,000
Total	37,998,056	1,931,355	5.1%	39,929,411
CATEGORICAL REVENUE				
General	2,743,515	(1,181)	0.0%	2,742,334
Social Services	892,247	8,507	1.0%	900,754
School Operating	9,713,245	(1,619)	0.0%	9,711,626
School Food Service	761,012	21,331	2.8%	782,343
CSA	306,457	(28,616)	-9.3%	277,841
Conservation Easement	-	15,000	0.0%	15,000
Government Capital Projects	-	68,330	0.0%	68,330
School Capital Projects	154,000	-	0.0%	154,000
Government Debt Service	-	-	0.0%	-
School Debt Service	119,008	-	0.0%	119,008
Joint Services Fund	3,000	-	0.0%	3,000
Unemployment Compensation	-	-	0.0%	-
Total	14,692,484	81,752	0.6%	14,774,236
NON-CATEGORICAL REVENUE REQUIRED				
General	5,673,653	565,861	10.0%	6,239,514
Social Services	470,812	(33,401)	-7.1%	437,411
School Operating	10,924,353	811,681	7.4%	11,736,034
School Food Service	-	-	0.0%	-
CSA	355,043	(25,884)	-7.3%	329,159
Conservation Easement	-	-	0.0%	-
Government Capital Projects	575,000	397,500	69.1%	972,500
School Capital Projects	574,163	124,016	21.6%	698,179
Government Debt Service	399,200	21,500	5.4%	420,700
School Debt Service	3,769,611	(20,971)	-0.6%	3,748,640
Joint Services Fund	538,737	9,301	1.7%	548,038
Unemployment Compensation	25,000	-	0.0%	25,000
Total	23,305,572	1,849,603	7.9%	25,155,175
BUDGET BALANCING				
GF Estimated Non-categorical revenue	22,669,276	1,159,849	5.1%	23,829,125
Rounding Adjustments	-	-	-	21
Surplus/(Deficit)	(636,296)	(689,732)	108.4%	(1,326,028)
Pay-as-you-go	647,968	717,548	110.7%	1,365,516
Surplus/(Deficit) Net of pay-as-you-go	11,672	27,816	238.3%	39,488
Pay-as-you-go Elements				
Conservation Easement	-	-	-	-
School Capital/Debt	323,984	-	-	-
Government Capital/Debt	323,984	-	-	1,365,516
Sheriff's Communications Study	-	-	-	-
	647,968	-	-	1,365,516

B. Set Public Hearing PH 14-07 2014 Tax Rate

Tom Judge reviewed the proposed tax rate increase for 2014.

- Real Estate Tax Increase: 2.5 cents.
- Personal Property Tax Relief by the Commonwealth of Virginia for vehicles valued between \$1,001 and \$20,000: Decrease from 52.3% to 48.7%.

Vice Chairman Weiss offered that based on the review of the Finance Committee, a \$.09.5 tax increase would have been required to fund all the budget requests. He stated that the Finance Committee was very cautious about using fund balance for it is dwindling as the result of being used for a number of years to cover shortfalls. He opined that the luxury of using fund balance might not be available next budget year. Vice Chairman Weiss stated he appreciated the burden it requires but the proposed budget provides services the Finance Committee believed were at the minimal level of what is necessary to operate the County.

Supervisor Staelin moved to set public hearing for Wednesday, April 9, 2014 at 7:30 pm or as soon thereafter as the matter may be heard to be held in the Main Meeting Room, 2nd Floor, 101 Chalmers Court, Berryville, VA 22611. 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

11) Joint Administrative Services Board Update

Tom Judge summarized the items of interest under review by the Joint Administrative Services Board.

- Work on the ERP continues. Due to insufficient data upon which to make decisions at its February 24 meeting, the JAS Board scheduled a meeting for March 17.
- At its February 24 meeting, the Board finalized the JAS budget that did not include a salary increase but the Joint Administrative Services Department will take part in the Schools' pay and classification study. Any need for salary increases will be determined using the same mechanism as other departments.
- Health insurance renewal: The JAS Board recommended the renewal at 6.3% increase.

Supervisor Staelin moved to approve the 6.3% renewal health insurance increase for the coming fiscal year in order that it may be incorporated into the budget for the Fiscal Year 2015. The motion was approved by the following vote:

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

- At its Monday, March 17 meeting, the JAS Board reviewed and determined which ERP modules it would implement and which it would exclude.
- Discussed a change in federal law with respect to the flexible benefits program whereby employees could choose a 90-day grace period or a \$500 carry over. A poll of the employees indicated a preference for the \$500 carry over so the JAS Board recommended implementation.

Supervisor Staelin moved to approve implementation of a \$500 carry for the employee Flexible Benefits Program. The motion was approved by the following vote:

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

- Plante Moran [consultant]:
 - o Working with Tyler Munis [vendor] to come up with a scope of work and contract terms and conditions.
 - o Comparing pricing with other communities.
 - o With the decisions made on March 17, it will redo a cost comparison between software as a service and the local hosted option.
 - o Will develop a list of events.
 - o Goal is to complete the negotiations and have a contract by May 1.
 - o Recommended implementing October 1 after the fiscal year is complete.

12) Government Projects Update

David Ash provided the monthly project update. Highlights include:

- 100 Church Street – Sheriff’s Office
 - o Cost estimates were received today and will be reviewed with the Maintenance Director and Vice Chairman Weiss.
- 101 Chalmers Court – HVAC Retrofit
 - o At the March 5 Joint Building Committee meeting, the county’s attorney was encouraged to pursue resolution of this matter.
 - o Microphone system in use is temporarily installed as part of a test for a replacement system.
- Personnel Policy and Compensation Study
 - o See Item 7 C.

13) Miscellaneous Items

None identified.

14) Summary of Required Action

<u>Item</u>	<u>Description</u>	<u>Responsibility</u>
1.	Correct, where applicable, and process approved minutes.	Lora B. Walburn
2.	Update database and generate notice of appointment.	Lora B. Walburn
3.	Execute notice of appointment.	J. Michael Hobert
4.	Develop and advertise for part-time EMT positions.	David Ash
5.	Advertise public hearing notices for PH 14-06 and PH 14-07.	Lora B. Walburn; Annette Gilley
6.	Enter into the record additional information provided for SUP-13-02 / SP-13-08.	Lora B. Walburn
7.	Add continued discussion of SUP-13-02 / SP-13-08 to the April 15 Agenda Afternoon Session	Lora B. Walburn
8.	Review all information presented and provided on SUP-13-02 / SP-13-08 and report back to the Board on April 15 with additional proposed conditions for the special use permit to mitigate as much as possible the negative impacts this proposed kennel and proposed associated activities would have on the County, public safety, property values of neighbors, and the future cost and ability of the	David Ash, Brandon Stidham

<u>Item</u>	<u>Description</u>	<u>Responsibility</u>
	County to provide septage service to County residents.	
9.	Provide a written description of the exercise yards to Planning staff.	Gina Schaecher
10.	Revise Fire and EMS Timeline.	Brandon Stidham

15) Board Member Committee Status Reports

Supervisor Barbara Byrd:

- All of her normal meetings are coming up including: School Board, Social Services, Town of Berryville and the Humane Foundation.

Vice Chairman Weiss:

- David Ash covered under Government Projects Update.

Supervisor McKay:

- NSVRC: Discussed the budget and there will be no increase to member counties/participating localities. Supervisor McKay will check state funding.

Supervisor Staelin:

- Economic Development: The recommendation is for the Town of Berryville and the Supervisors work more closely together and potentially to form a joint committee to oversee, make recommendations, and provide guidance on economic development issues. Supervisor Staelin is on the April agenda of the Berryville Town Council Meeting.

16) Closed Session

None conducted.

17) SUP-13-02/SP-13-08, Gina Schaecher (Happy Tails Development LLC) Continued Board Discussion

Chairman Hobert provided a recap of the activities to date:

- Public hearing conducted at the February 18, 2014 regular meeting went quite long.

- The public hearing was closed February 18, 2014 but the Board agreed to further discussion and questions for the applicant.
- There was request to conduct a site visit at the applicant's property, that is under contract, to see that property; and the applicant graciously agreed to provide that opportunity.
- Due to the snow, the scheduled site visits were cancelled.

Chairman Hobert explained that the meeting today was not a public hearing and the opportunity to speak would be for the applicant or the applicant's professionals, as needed, in response to questions of the Board. He advised that the Board of Supervisors was still taking written comments and would continue to do so until the time of the vote, which at this time has not been scheduled.

Gina Schaecher and Mike Williams took places at the podium.

Chairman Hobert opened up the meeting for Board member questions and/or comments.

Supervisor Staelin stated that he had questions. He said many of these things have probably been covered but he just wanted to make sure that everyone is clear and all things are reviewed. He continued it has been implied that the kennel will look generally like the rendering, that is the sketch that you provided the Planning Commission and, possibly, to the Board at its February 18 meeting. He asked if the plan was to have it covered with a natural board and wood siding.

Mike Williams responded in the affirmative.

Supervisor Staelin said that it had been stated it is your plan to have a six-foot tall fence surrounding the training areas and that you would also have an invisible fence under the wire fence. In addition, the applicant has stated there will be a second four-foot fence outside the six-foot fence to contain "climbers" that might scale the first fence. He said it seemed a big dog could jump the four-foot fence. Supervisor Staelin asked how tall a fence is required to contain a "climber" or is there no such thing.

Gina Schaecher responded that the dogs would be with somebody at all times so they will be monitored. Generally, a 6-foot fence is what we have seen in other facilities and what is used at other facilities. The concern with the dog climbing, generally, is inside a kennel run; and often times, they will have a topper on it. In my experience, that has been because the dog is left unattended in a run. That will not be the case in our outside exercise yards. So, what we are proposing is a 6-foot fence around the exercise yards; and, then, just another layer security, another 4-foot fence beyond that. I think it gives further delineation of those areas. It gives a buffer, as well where no activity will be conducted. Our main line of containment is going to be the fact that there are humans with these dogs at all times.

Supervisor McKay commented that he did not think the podium microphone was on.

Supervisor Byrd instructed the applicant to speak right into the microphone.

Chairman Hobert asked staff to contact IT.

Vice Chairman Weiss commented that the podium microphone "eats" batteries.

Mike Williams said that they could speak up.

Gina Schaecher asked if they could just speak, that helps..

Supervisor Staelin asked what is the best kind of fence to use to contain large dogs or at a dog kennel. He said that he believed American Wire was discussed at one point.

Gina Schaecher answered that is what we've been using in the past.

Mike Williams responded we use the American Wire No Climb fence. It is a 2 x 4 square. It is too small for them to get their feet in and climb up on. We've had it at our house for years and it has been successful.

Supervisor Staelin clarified that is 2 inches by 4 inches.

Mike Williams responded yes, 2 inches wide and 4 inches tall.

Supervisor Staelin said that plans show a covered exercise area. He said that he believed the applicant had stated that they weren't sure where it would be or how big it would be. I ask that you get to the Planning Staff a written description as to where it would be and the general look. He said he wasn't asking for an engineering document but it was important to know what those kinds of thing would be and to have some sort of verbal description of that.

Supervisor Staelin put forth that he believed the applicant had said in the past that all the dogs being boarded or trained on your property would be neutered with the rare exception of when you foster a pregnant rescue dog in order to whelp and/or raise the puppies. He asked if that was correct.

Gina Schaecher responded that is correct. It is a requirement. Otherwise, any dog on the facility has to be spayed or neutered.

Supervisor Staelin asked if that was her current policy.

Gina Schaecher responded yes it is.

Supervisor Staelin asked how she enforced this. He continued that there was nothing on her website that said that dogs have to be neutered. He said that he had not seen anything on the reservation form or anything else that says this.

Gina Schaecher responded that, well, currently the only work that is going to be conducted at our place is rescue work. So, we are working with organized rescue organizations. So, we have those assurances.

Supervisor Staelin stated that she advertised many more services than that.

Gina Schaecher responded: right, right, that website has been up since the very beginning when we started this project; and we are working on securing a location. It has remained up. We allow it to stay up because people are looking for us to provide rescue assistance.

Supervisor Staelin asked if a day care dog had to be neutered.

Gina Schaecher responded yes, absolutely.

Supervisor Staelin asked if she did day care today.

Gina Schaecher responded: that day care at her facility, no, not current.

Supervisor Staelin asked if the sale of dogs would be prohibited with the exception that an adoption fee may be charged for rescue dogs and that fee would go to the rescue organization.

Gina Schaecher responded that is correct; no sales of any dogs at all. The only thing permitted is adoption through the organized rescue. We are only there to facilitate. We don't take any funds for adoption.

Supervisor Staelin commented that he wanted to be sure that he was clear on the number of rescue dogs. He said he knew it was covered at the last meeting. He said that he believed she had said she would reserve 8 to 10 of the 20 runs for rescue dogs, that is dogs coming from rescue groups or an animal shelter; and the remaining 10 to 12 runs would be used for other dogs. He asked if it was correct that the applicant had said there would be up to 2 dogs in each run that would put the capacity for rescue dogs at 10 to 20 dogs.

Gina Schaecher responded that we would be aiming to have a 50% split.

Supervisor Staelin clarified that is up to 20 rescue dogs.

Gina Schaecher responded you are right, Mr. Staelin, there would be 20 runs; so, we are trying to reserve 10 runs. If we were at maximum capacity with the ability to have two dogs per run, then, we would be looking for 20 rescue dogs. That is correct.

Supervisor Staelin noted that she had said that it would be more likely that you cannot put two in a run.

Supervisor Staelin asked that the applicant wanted to have the ability to go up to 40 dogs on site and with you reserving the 8 to 10 for rescue dogs that could be dropped off at any time, how did she limit the dogs if she had these spare runs and a rescue person calls and wants to drop off a dog but you have already agreed to take day care dogs up to your proposed limit of 40?

Gina Schaecher responded that we simply say no. If we are at capacity or nearing capacity or already have spaces that are spoken for, we would do our best to facilitate through someone else or another organization; but, we know our limits and are only able to handle so many. We would simply tell those folks that we cannot help them at that time.

Supervisor Staelin said that the document she submitted in the fall said you would be providing both medical and behavioral "rehabilitation." He asked what sort of medical treatments she would be providing.

Gina Schaecher responded that we find people because of the surgical procedures often times when there is a rehabilitation period, for instance, on our own dogs they have had knee replacement surgeries that requires anywhere from 9 to 12 weeks of recovery where a dog has to be restricted – its activity needs to be restricted. So, often times, folks need help in that regard. So, a dog could come to us; and we would make sure their activity was restricted. We would take them outside for their breaks. So, someone would not have to worry while they were at work if they had a dog that was on restriction.

Supervisor Staelin asked in terms of the actual provision of medical services.

Gina Schaecher responded that they were not veterinarians and we wouldn't be providing veterinary service. It is simply providing what a veterinarian or a rehabilitation specialist or a veterinary rehabilitation person or what their exact title would be, what they have prescribed.

Supervisor Staelin asked what sort of behavioral problems they would be handling.

Gina Schaecher responded that the majority of behavioral issues that we see is shyness, fearfulness, and, once in a while, we get dogs that are just not adjusted to humans. So, we would conduct an evaluation that would follow on top of either a shelter's evaluation or an organized rescue organization's evaluation; and we would make a determination as to what a plan was for a certain animal and whether we could meet those needs.

Supervisor Staelin commented that her website had statements from people who have said they brought their dogs to you because they barked and lunged at other dogs and

things of that nature and he assumed that she would take those. He asked if she would take biters.

Gina Schaecher responded that we have in the past worked with dogs that were described as aggressive, have an inappropriate response to seeing another dog or being with another dog. We have had good success with dealing with dogs that have aggression or inappropriate response to other dogs. We have not worked on our property nor would we be inclined at a new facility to accept dogs that have bitten humans. That is an entirely different circumstances and we would not be set up to address that situation.

Supervisor Staelin clarified that she would not take in a dog that had been previously cited for being vicious by an Animal Control Officer.

Gina Schaecher responded no, not at this facility, we would not. She said she thought individually, in the past, she has helped work with, not on our property, but other properties, with dogs that have been cited. So, I have some experience with it; but it would not be our goal to work and that would not be a part of our program at this farm.

Supervisor Staelin asked if each of the dogs being trained at the facility have a written individualized training or rehabilitation plan.

Gina Schaecher responded in the affirmative.

Supervisor Staelin asked if Mrs. Schaecher created the plans.

Gina Schaecher responded in conjunction with the person that is responsible; so, if it is with a rescue organization, we would work in conjunction, we want buy in as to what we are suggesting and that they are also committed too. If working with an individual guardian, we would want their buy in, a commitment to the program.

Supervisor Staelin asked if the waste water from the dog grooming activity, the bathing, the clipping, and so on, would be put in the pump and haul tank.

Gina Schaecher responded yes, it is our understanding that the concern was that wastewater from grooming facilities because of the hair not be put in the septic system, human septic, human waste septic system. So, that grooming wastewater would be channeled into the pump and haul.

Supervisor Staelin asked about the days when the kennel facility was full how many gallons of water did the applicant expect to use in the kennel building.

Gina Schaecher responded that, excuse me, I have it. First of all, I have our designer here, Mr. Slusser, who can address that as well; but, I also have some general numbers, which I . . . Do you want to come up and speak a little bit about this too?

Supervisor Staelin asked the man to introduce himself for the record.

James Slusser, AOSE [*applicant's septic system engineer*]. . .

Tom Judge spoke up and suggested that the speakers talk right into the microphones so that everybody might be able to hear.

Gina Schaecher responded that she didn't believe the microphone was working at all.

Supervisor Byrd asked if the microphone was turned on.

Gina Schaecher responded that she didn't see a light any longer.

There was a brief period during which staff attempted to restore sound. Note: the microphones in use were part of a trial demonstration for system replacement.

Gina Schaecher stated that she may have Jim speak to that. She said that what she understood was that we calculated was a maximum peak, a normal use and we have based our sizes on the tanks based on that range of calculation. But, he is the specialist; and I'll have him answer that.

Supervisor Staelin suggested Mr. Slusser use the microphone in front of Supervisor McKay until new batteries were placed in the podium microphone.

James Slusser asked Supervisor Staelin to clarify his first question.

Supervisor Staelin responded that it had to do with how many gallons of water do you expect the kennel to use in the kennel facility for bathing, wash down, and all that kind of stuff, when you are at full capacity that would be the 40 dogs.

James Slusser responded that at 40 dogs you have several subcomponents of that question. You are breaking down the washing and that goes back to what the operator handles. Is that going to be a daily event, as far as the entire runs, etc.? I think, as Ms. Schaecher explained to me, this is going to happen I think once or twice a week.

Supervisor Byrd asked if washing the runs is only going to happen once or twice a week.

Gina Schaecher responded the entire facility.

James Slusser responded, yes, the entire facility. He said I don't want to misstate.

Gina Schaecher responded that is right.

James Slusser thanked her for the clarification. He continued that overall in as far as the design there is estimation. There is no set reg or document that is going to give you an

exact gallon per day per dog – those averages. You have two issues to contend with as far as your peak, if you use the low estimate, you will be looking at about 5 gallons a day per dog. If you look at the peak, you are going to be looking at about 10 gallons a day per dog. So, obviously, to do the math, on the low end of the range you going to be some place around 200 gallons a day; and on the high end of the range, you are going to be at 400 gallons a day.

Vice Chairman Weiss asked how large a tank.

James Slusser responded that size has not yet been determined that is obviously being taken into consideration by what the Board perceived as a safety factor as far as what you anticipated or thought was needed for potential overflow.

Supervisor Staelin clarified that you haven't submitted a specific size for that at the moment.

Gina Schaecher responded that there is no regulation with respect to the County, as you are probably well aware, animal waste is not regulated under the County ordinance. It is regulated under the state and federal ordinances. So, when we originally proposed the kennel, it was the County that came to us that said pump and haul would be a way to address any concerns about animal, that hair going into the system. So, in compliance, we suggested the pump and haul. We are open to whatever the County would think needs to be. We were proposing a system of two tanks with an alarm system so that we would have the redundancy. We would be notified when one tank was full. Make arrangements for that to be pumped; and then, if for some reason there was a delay in the pump, we would always have the additional tank. So, we were going to double up what we needed for the original, for a pump.

Supervisor McKay asked where it would be taken.

Gina Schaecher responded wherever the private contractor had arrangements. It is our understanding that it depends on the private contractor and who they have arrangements with. So, we would have control of that as well.

Supervisor Staelin said that he thought he understood.

Supervisor Staelin asked what products they planned to sell.

Gina Schaecher responded that the only thing that we were thinking about were some treat items for folks that had dogs staying with us. So, for instance, if somebody didn't bring something with them and wanted to purchase a treat item, we would provide that.

Supervisor Staelin asked what about dog food.

Gina Schaecher responded that generally most people bring their own dog food. That is always our recommendation because we don't want stomach upset or other gastrointestinal issues to develop.

Supervisor Staelin asked if the things you would sell would be things that would be used on site or are they things that would be taken off site.

Gina Schaecher responded no we were thinking of onsite; but actually, when we originally prescribed the site plan, we had envisioned trying to offer, like to local vendors, some items that they could provide for their dogs. We knew there was some resistance to any kind of retail. So, we were trying to limit that. Retail is really not what we are about. It is not an important part of this. We only wanted to be able to offer it as a convenience.

Supervisor Staelin said that he wanted to make sure he understood all the activities the applicant planned to perform at this site.

- You stated that you are going to be providing training and rehabilitation services for dogs.
- You stated that you will be providing training of dogs needing better self-control or the ability to live in their home environment.

He noted that Mrs. Schaecher was nodding on these things.

Gina Schaecher responded yes, yes.

Supervisor Staelin said that is fine.

- You stated that you would be providing overnight boarding for dogs receiving those kinds of services.

Gina Schaecher responded yes.

Supervisor Staelin continued:

- You have stated that you will be providing training for pet owners to teach them how to be better handlers of their dogs.

Gina Schaecher responded yes.

Supervisor Staelin continued:

- You are going to have this limited retail sales you just described.
- You plan to have events to raise money for rescue groups but not to raise money for your business.

Gina Schaecher responded that's correct.

Supervisor Staelin continued would you be boarding dogs simply because the owner is gone for the weekend.

Gina Schaecher responded yes.

Supervisor Staelin continued you mentioned training volunteers and students at one point and asked Mrs. Schaecher to describe what she was talking about in that area.

Gina Schaecher responded that in the past we have done programs with students – educational programs. I think we were most recently in front of the 4-H and talked about livestock guardian dogs with the 4-H Club here in Clarke County. In the past, I think I've spoken of about where we've had a student organizational club that came out and made weekly visits while we had some puppies. So we tracked the development and talked about the different stages of development training. Those kids ultimately helped us find homes. We conducted events off site at business locations that agreed to participate and the students participated in those programs as well. Those are the kind of things we envision.

Supervisor Staelin asked if it would just be students, noting that she had talked about volunteers and things of that nature.

Gina Schaecher said that we've had interest in folks that wanted to work with rescue dogs and volunteer. To the extent that we could offer those opportunities, we would like to; I think it is another educational opportunity.

Supervisor Staelin asked if there were any other services she thought she would provide at this site.

Gina Schaecher responded that she was not listening as he spoke. She said that our written narrative, that we submitted early on, I think we intended to be comprehensive.

Supervisor Staelin said that he believed that he had used that for most of this line of questions.

Gina Schaecher so those would be the services that were anticipated.

Supervisor Staelin said that the narrative was done a long time ago and he wanted to make sure it had not changed.

Gina Schaecher responded that we have not changed the narrative.

Supervisor Staelin asked if she thought her facility would be eligible for tax-free status with regard to real estate taxes.

Gina Schaecher responded no, I do not.

Supervisor Staelin asked how many paid employees do you plan to have.

Gina Schaecher responded that she believed we've said five, whatever was in the narrative.

Supervisor Staelin asked what would be the maximum working at any one time, all five?

Gina Schaecher responded yes sir.

Supervisor Staelin asked if she planned to have volunteers or pet owners doing any of the activities on site, besides taking a class where they will learn, or did she see them performing duties there.

Gina Schaecher responded no, we do not anticipate using volunteer support for the operations. Volunteers would be simply educational opportunities. We intend to have a professional staff employed to take care of all aspects of the kennel operation.

Supervisor Staelin asked that at any one time did she expect any owners, guardians, or volunteers to be on that site.

Gina Schaecher responded no, not unless we were having an event. Often times, we work with guardians in their home environment after a dog has stayed with us so that we can help transfer the skills to the home environment. That is where we tend to work with the guardians.

Supervisor Staelin asked that whenever any of the dogs is being trained or rehabilitated, whenever they are placed in one of your fenced-in areas outside, be it for training or exercise, will there be a paid employee inside that same fenced in area with the dogs at all times, such that no dog would be left outside unattended and there would be a paid employee right there with them?

Gina Schaecher responded that is correct.

Supervisor Staelin asked the maximum number of dogs that would be with a handler in a fenced in area.

Gina Schaecher responded that generally we break into groups of six. If the dogs are conducive to a group of six.

Supervisor Staelin asked if that was a sort of maximum.

Gina Schaecher responded I would say that the maximum we would ever do, because of the number, the way it would break down, if you had 40 dogs, you had five handlers, and

you could potentially have eight dogs. But, most times, we break into organized groups of six so you would be rotating through. So, for instance, if you had overflow and you were broken into groups of 6 and you a total of 40 dogs, you would have smaller component groups; but those groups would still always be rotated outside with a handler. Our plan is that the dog will only be unattended individually if the dog is securely in a run inside.

Supervisor Staelin recapped there are five people working there so you have five handlers. You said the maximum number of dogs you would ever have outside is 40.

Gina Schaecher responded that she would never have 40 dogs outside at one time. Groups are rotating through. So, if we had a number of exercise yards, I tend to leave the middle yard open, you would have a group exercising in one yard and another group exercising in another. Each would have their own handler. Then, they would rotate yards; so we keep an empty space. So, if there were 4 exercise yards, you would have 12 dogs, potentially, outside at one time, a group of 6 with a handler in those 2 yards.

Supervisor Staelin clarified that she would never have more than two groups of dogs outside at any one time.

Gina Schaecher responded that she could not remember if we had four or five exercise yards out there; I think one was a pen for some sheep to be on there. So, I would tend to rotate. I like to keep the one yard open between the groups.

Vice Chairman Weiss commented that the applicant was using both the numbers six and eight and suggested that she should probably stick with eight if that was her maximum. He asked again, how many dogs Mrs. Schaecher would have out at one time with a handler.

Gina Schaecher responded oh as a maximum with one handler. If we are at maximum capacity and had five people working, then the maximum we could do would be eight. You are right.

Supervisor Staelin asked what noises were used in the outdoor training: guns, whistles, horns, bells, clapping, yelling, etc.

Gina Schaecher responded that we do use voice commands. We have called dogs; but generally speaking, we have someone with the dogs. So, if a dog is called, for whatever reason, and does not respond, then, the handler goes and gets the dog. We do not use whistles, bells, absolutely don't use guns. We have used electronic training collars on some dogs in the past on our farm when we have worked with dogs with remote recall.

Supervisor Staelin said that he recognized that in some ways all kennels are 24-hour-per-day operations; but for those activities, feeding, cleaning, grooming, people coming and going, being outdoors, those types of activities, what are the hours of operation that you are requesting.

Gina Schaecher responded the hours of operation were stated in the report for the length of our day. The reality of our day is that if people are needing to drop off; then, we either go get dogs or bring dogs at between 7 and 8 am. Our day winds down around 5 or 6 because that would be the evening feeding time and so structured activities would tend to wind down as well. Then, our plan would be that we wouldn't be having training activities in the evening that would just simply be taking dogs out for break.

Chairman Hobert asked if that was 7 am to 6 pm and what the applicant meant by "winding down?"

Gina Schaecher responded that it means that as we plan our day we rotate dogs through stations so they are always kind of doing something throughout the day. When we are getting ready for an evening meal, then, we start to wind down. So, they would not be having organized activities. They would be in their kennel runs and taken out to go to the restroom or giving an exercise break and brought back in.

Supervisor McKay asked if she was starting the wind down at 6 pm and someone has their dog there, she could conceivably have people picking up their dogs as late as 7 pm or 8 pm if you are starting to wind down at 6 pm.

Gina Schaecher responded yes, that is correct. Someone may want to come and pick up their dog.

Supervisor McKay added at 7 or 8.

Supervisor Staelin clarified that the applicant said putting dogs out in the evening and he assumed the dogs would be out with people.

Gina Schaecher responded absolutely, always out with people.

Supervisor Staelin asked how late at night dogs would be outside.

Gina Schaecher responded, right, not in their exercise groups, brought out in ones or twos to relieve themselves; and then, brought back in in the evening.

Vice Chairman Weiss stated that he thought it would be helpful to the applicant to be very specific and asked how late they would be taking out the dogs.

Gina Schaecher responded that she did not want to be evasive but what she wanted to avoid is that if she had a situation where basically they wound down between 6 to 7 in the evening and she had a dog that needed to go outside at 8 o'clock at night, she did not want them to be accused of not being honest about that because there would be a situation like that. She said they would not have organized rally or games where there would be more noise in the evenings. Their idea would be that they would be winding down so the activities would simply be dogs relieving themselves or just wondering around

outside and brought back in. But, they would always be with a handler then. So, the hours of operation we've requested were pursuant to what was allowed here; but the reality of our operation is once we start to feed in the evening that is the winding down time and we wouldn't be having groups outside for play times.

Supervisor McKay asked if they were winding down from 6 to 7 it looked like they might still have people coming and going at 8 to 9 in the summer.

Gina Schaecher responded possibly.

Supervisor Byrd read from the section on the doggie day care function "would be permitted outdoors for exercises and activities in the fenced exercise area. Dogs would be divided into groups of 6 to 8 and supervised by a staff member at all times and would be rotated." She asked if the doggie day care clients would be loose when turned out for exercise.

Gina Schaecher responded that doggie day care clients were no different than anything she had already described. She said they were not making a distinction and that the only difference would be a dog that was not staying overnight. What they would most likely propose is that dog is picked up with a group of dogs; it stays with that group throughout the day; and then, it is delivered back home in the evening.

Supervisor Byrd asked about the boarding dogs reading, "dogs are boarded would be provided outdoor exercise as noted above."

Gina Schaecher responded that is correct.

Supervisor Byrd clarified that doggie day care and dogs that are boarded, like over a weekend or while their owners were away on vacation or dogs there for training, would be turned out where they could get exercise – not on a leash.

Gina Schaecher responded that is correct – in the exercise yard with a handler.

Supervisor McKay clarified that the day begins a 7 am and whether that would be as early as anyone could bring a dog.

Gina Schaecher responded that when they were running a test model of this plan they had drop off at 7 am. What they have provided in the past is if that did not work for someone, they would make arrangement to pick up that dog. So, they had clients, for instance, that would provide them with key or code into their house; and they would go pick that dog up.

Supervisor Staelin said you stated that your plan is to pick up and drop off the dogs receiving day care training services in one or more of your vehicles. He asked if it was a hard and fast rule or would people be allowed to drop off and pick up their dogs.

Gina Schaecher responded that if a dog is going to be there for day care and the guardian, for whatever reason, wants to drop off we would want them dropped off in the morning when we are starting our day.

Supervisor Staelin clarified that they would be allowing the average person to come and drop off their dog. He noted that some times the applicant had said everybody would be getting picked up or dropped off in your vehicles and sometimes not and he said he was trying to understand what your model is.

Gina Schaecher responded that her model would be if you were approved for services for that dog then you would have to be approved for us to come. So, I would know that you were coming that morning and at what time you were coming. It would not be a situation where we said to a guardian, "okay, we'd love to help you with your dog during the day"; and that person could just show up unannounced any day and demand services. We are by appointment only. That pertains to boarding, day care and with respect to any rescue animals.

Supervisor McKay commented that she used the word guardian and he was suspicious about word usage. He asked what separates a dog guardian from a dog owner.

Gina Schaecher responded it is the term I prefer to use.

Supervisor McKay requested clarification.

Gina Schaecher responded the term I prefer to use. I am talking about the human animal that is responsible for that animal, that dog.

Supervisor McKay clarified that the guardian is the owner of the dog.

Gina Schaecher responded would be the legal owner of the dog. Yes.

Vice Chairman Weiss commented that he assumed it was a term of the industry.

Gina Schaecher responded rescue industry.

Supervisor Byrd asked if she was correct that Great Pyrenees are known as guardian dogs, nocturnal, and used to kill bears, wolves, coyotes, other marauding dogs, etc. to protect sheep or goats.

Gina Schaecher responded livestock guardian dogs, yes, that is an accurate description.

Supervisor Byrd asked to clarify that Great Pyrenees were not herding dogs.

Gina Schaecher responded that is correct.

Supervisor Byrd commented that Great Pyrenees do not like herding dogs because they chase livestock.

Gina Schaecher responded that actually, she would not agree with that because when working with a flock she had seen situations where herding dogs and livestock guardian dogs worked together beautifully. But, a livestock guardian dog is doing its job most of the time it is turned out with the flock in the evening to protect from predators. Our dogs, on our property, are not left out overnight. The only exception was when we had lambs. Our dogs will be with the sheep during the day. Our sheep are brought up to be near the house in the evening and the dogs are brought in so they don't bark at night. The kennel dogs would not be left out overnight.

Supervisor Staelin asked how many trips per day were expected from the pick-up and drop-off of day care dogs.

Gina Schaecher responded when we tested our model, we used our van; and it was one trip meaning that we would pick up several dogs in our van. Those day care dogs would be brought back; and the reason why we were able to control those trips was we worked in an area. We had folks that were in the District of Columbia that wanted to provide services for their dogs so we would go pick them up in the District of Columbia. They would stay for the day and those dogs were brought back in our vans. I think that is the only way that it would work for use would be to coordinate geographic areas. So, we would have a van or two. Now, there may be a situation where someone is going to call and ask can I bring my dog; and if we approved it, we would allow that guardian to bring that dog for the day.

Vice Chairman Weiss asked the applicant to clarify that her previous model did have private drop off.

Gina Schaecher responded it did; it just didn't, just that many people really didn't want to do it. We were able to coordinate and just do pick up. The folks that use the service like the pickup.

Vice Chairman Weiss clarified that the majority in the other model you picked up and delivered.

Gina Schaecher responded that's right. Because we were small scale that is basically the way we had to work it.

Chairman Hobert asked why the applicant would think that the model that worked in and for clients in the District of Columbia would be applicable where you have the facility in a more rural community.

Gina Schaecher responded that she thought that the nature of our clients that are going to be pay-for-service clients is going to remain generally the same. It is people that are in an

urban area that for whatever reason need more training and assistance or space with their dog.

Chairman Hobert said that he understood that the client might have the same kind of needs but he was confused as to why she would think that you would have a model that would rely so extensively on picking up of animals and bringing them to the site as opposed to people driving to the site.

Gina Schaecher responded that because they were by appointment, they were able to coordinate; so, they offer the services. She said that it had just been, in her experience, it has been what most people have liked and wanted because they work.

Chairman Hobert asked if she thought the guardians would still be in urbanized areas.

Gina Schaecher responded some will be yes. She said she thought that there would be others out here that will want the service. She said we would prefer to be able to coordinate, what they have done in other places, at a local business. We meet at that business, often times a dog-related business, which is good for them and good for us. That is where we meet as a point of picking up of dogs. We have also gone to guardians homes.

Supervisor Byrd informed Mrs. Schaecher that the Animal Shelter had a grinder pump to address hair problems before entering the sewer. She asked what the applicant had to address hair problems and to prevent clogs.

Gina Schaecher responded no, the whole reason for the holding tanks is the hair concern. So, it is going to go to the holding tank, which is contained. It never touches the ground.

Supervisor Byrd advised that hair can clog up the pipes and we have had to clean them out several times.

Gina Schaecher responded, yes, and they would have filters.

Vice Chairman Weiss clarified that when Supervisor Byrd uses "we" she meant the County's Animal Shelter.

Gina Schaecher responded that she understood.

Supervisor Byrd asked if she would be selling things at fundraising events to make money for the people for whom the money was being raised.

Gina Schaecher responded right. When she has had these in the past at her farm, there have been vendors that have offered dog-related items. Yes, typically, what the vendors have done is donated a portion of the proceeds from that day to the charitable organization.

Supervisor Byrd, noting that Mrs. Schaecher spoke about youth working at her shelter, asked if she had any age regulations or age limits. She advised that the County and state have regulations specific to children working in shelters. She also explained that insurance was necessary should there be an incident.

Gina Schaecher responded that they would not have any children providing services for the kennel. She said they would have educational opportunities but they would not actually be providing services for the kennel.

Supervisor Byrd asked for clarification that Mrs. Schaecher was planning to have 4-H children volunteering.

Gina Schaecher responded right but they would not be working. So, she thought it was a different situation because they are not using volunteer labor at all. But, if somebody asked a group, said we wanted to have, say for instance, a seminar on grooming, so those kids came and we had a safe group of dogs where they could practice brushing out a dog; that is the type of educational where the benefit would be the dogs are getting groomed and learning to be accepting of grooming but she is not requiring it as a part of the services they are going to provide to people that she have children that are going to groom dogs. I would not be relying upon that.

Supervisor Byrd clarified that they would be specifically clients and not there to volunteer helping out with the shelter.

Gina Schaecher responded that what she would like to do is to get volunteer opportunities so that children can receive community service hours.

Supervisor Byrd asked again if Mrs. Schaecher had an age regulation.

Gina Schaecher restated, do I have an age regulation, no, the only. . .

Supervisor Byrd asked if this was covered by her insurance.

Gina Schaecher responded that volunteer services are covered by her insurance, yes.

Supervisor Byrd asked if she required all dogs that come to the facility have all their inoculations.

Gina Schaecher responded yes that they have an intake form and they do require veterinary records to demonstrate that the dog is up to date on all required vaccines. She said they required bordetella, as well, as one of them.

Supervisor Byrd thanked Mrs. Schaecher.

Supervisor McKay returned to the subject of the holding tank. He asked what provision was in the tank to prevent hair and solids, the solids fall to the bottom and the hair and crap floats on top. He said he had a lot of experience with this; and asked how they were going to clean out the stuff that settles to the bottom. He also asked how they would prevent, if they had two tanks, they would have to have a pipe between the two. He asked how they would keep the pipe from becoming stopped up with the layer of the stuff that settles on top. He stated that it would get stopped up; and in fact, that was why cattle systems have grinders and pumping under pressure; and still, they have to be maintained. He asked how the applicant proposed to solve those problems.

Gina Schaecher responded that she would have Jim Slusser answer. She said there was one thing she wanted to remind everyone is that solids are not entering the system at all.

Supervisor McKay questioned this statement.

Gina Schaecher responded solids, solid waste. She said solid waste was going to be picked up and containerized.

Supervisor McKay stated that she would have some solids that would settle to the bottom; it just happens from wash water, from washing walls, etc.

Gina Schaecher responded that she was sorry; she was meaning solid waste products.

Supervisor McKay explained that she would have some solids try as she might. He commented that she would find things in there that she would have no idea where they came from.

James Slusser responded that as far as the design standard, Supervisor McKay had kind of answered his own question. He said that they could have a baffle, or table has as we call it; and you are going to have stratification in the tank. You are going to have floatables and solubles that will float and you will have settlers. The idea is that the first tank, as far as cleaning the bottom to get the solids out, that is truly of the task of the pumper. Again, this is no different than having your home or residential tank cleaned. That is up to their contractor when they come out. Obviously, you pump it down; they clean it. They have standards by which they go. He said that he would not perceive this as a concern. But, as far as the hair and the solids, it would function no different. He said you put a baffle in the tank and the idea is to have the baffle in the middle of the good clear liquid zone.

Supervisor McKay commented that the problem you have is the crud floating on top and the solids on the bottom eventually meet in the middle.

James Slusser responded that that would be years down the pipeline for that to happen.

Supervisor McKay responded that it does happen.

James Slusser responded if they were looking at a pump interval, having it maintained on a monthly basis, from past experience, he could not see building that capacity for the size of tanks. He said he didn't know what the Board's experience was or the tanks they have used; but, again, you are not talking a typical 1,000 or 1,200-gallon tank. You are talking tanks whether it be 5,000, 6,000 or 7,000-gallon range. It is up there in scope.

Supervisor McKay said he thought that at the Planning Commission they were talking about 800-gallon tank or 1,250. He said if you look on the site plan it looked like the tank for the dog waste is the same size as the septic tank, which is 1,250 gallons.

James Slusser responded yes sir and that was on their place, "Correct me if I am wrong Gina," at the request of either the local Planning Commission, Mr. Russell or the Health Department. They did not have any specs on the tank; and in order to get the plans in, they had to identify what they were going to use. So, it was my understanding, that yes, the site engineer just placed a 1,200/1,250 gallon tank on there.

Supervisor McKay clarified that we have nothing that says how large the tank will be.

James Slusser responded not at this time.

Vice Chairman Weiss said but your comment is that you think that two 5,000-gallon tanks are appropriate. Is that what you just said?

James Slusser responded that it depends on what the intention of, originally, the Planning Committee and this Board felt. There has been insistence upon additional protection or security and the issue there is it just depends on how much protection you feel comfortable with. Maybe, there is not a level we can reach. I mean, if we want to go 10,000-gallon tanks, we can go 10,000. I mean, they make them. We can go 20,000-gallon tanks; but the idea is to help everything in perspective. Accomplished goals protect public health, safety and welfare and allow the operation to function at a normal level.

Vice Chairman Weiss asked if he was anticipating buried tanks.

James Slusser responded yes sir.

Supervisor Staelin asked if all the doors, windows and other possible openings like skylights and so on would be kept closed at all times.

Mike Williams responded that the building was going to be an 8-inch solid concrete structure with glass blocks. The glass blocks do have a small panel that can be opened for ventilation; but, we have agreed to keep the windows and doors closed during the operations. I don't know if we will ever have a chance to use the little opening windows because we've agreed to the Planning Commission to not leave doors and windows open. Maybe when all the dogs are out and are cleaning, we may leave something open for ventilation; but, the doors are going to be insulated steel doors. The building is going to be

solid concrete. You are not going to be able to hear the dogs on the other side of the building when everything is closed up and the dogs are inside.

Supervisor Staelin commented that it had been previously said there would not be more than 12 dogs outside so you would never have all the dogs outside unless you only had 12 or fewer in the kennel.

Gina Schaecher responded there could potentially or we could be empty opening for ventilation and cleaning something like that.

Supervisor Staelin said at the Planning Commission, it indicated the building materials would be made consistent with the chart presented by the applicant. It indicated if 24 large, loud dogs were all barking in the building at the same time, the noise would only be 30 dB of sound as measured at the closest property line. Are you committing to your materials meeting that standard?

Mike Williams responded yes sir. He said the building has an STC of about 30, which means whatever noises are inside it is going to drop by 30 dB from outside. So, if it was 60 outside, it is going to be 30, I'm sorry, if it is 60 inside, it is going to be 30 outside; and then, you go the 500 or 1,000 or 1,500 feet from the property line you will have that reduction value as well.

Supervisor Staelin asked if the training classes that are being held for the humans be held entirely inside the building?

Gina Schaecher responded that she would anticipate using outside training yards if the weather was conducive.

Supervisor Staelin asked if the classes were one-day events or is a class like every Thursday night for six weeks? What is a class?

Gina Schaecher responded that what she has done before is had, for instance, a training class for people that had young dogs that were already in our program and they wanted to work in a group setting. So, we could have that either in a training yard or in the inside. In the plan for the facility itself, there is an open space on one end of the building; so, it is an open space that could either be play area or training classes. We would anticipate that those classes would be a weekly meeting for an identified period of time.

Supervisor McKay said that he did not think people in the back could hear Mrs. Schaecher very well. He asked if the training classes would be held on the weekends or would they be during the week or in the evenings.

Gina Schaecher responded she guessed it would depend. She said she did not have a training class set up and she didn't have anything scheduled.

Supervisor McKay asked her to repeat.

Gina Schaecher responded she didn't have anything scheduled currently. If that was a concern and there needed to be conditions placed on it, we are happy to agree to what works for people.

Supervisor Staelin asked Mrs. Schaecher how many class days she expected to have during the year.

Gina Schaecher responded that they had not done a lot of classes in the past. So, usually, what she has seen at other places and what I know we have thought about here, would be, it would go for a number of weeks – three or four weeks – one visit a week.

Supervisor Staelin asked in terms of the whole facility for a year, how many class days would you expect to have?

Gina Schaecher responded you know, I don't know. As I stand here and have to think about what we could potentially offer, what would be reasonable? I guess, I don't know that the demand is such that if they would require it. If there would be no interest, we wouldn't propose it.

Supervisor Staelin asked how many people she would see as the maximum number of people in the class.

Gina Schaecher responded if we were to do classes, she thought that we would probably be limiting to under a dozen people at the most.

Supervisor Staelin said that there had been some talk of fund raising events last time. He asked how many fund raising events was she looking to have because she had requested one thing and at the Planning Commission stated another. What are you looking to have?

Gina Schaecher responded that she thought previously she had requested two and later on made a mention of three. It would be great if we could have three. But, if it is a condition that we only have two, that would be fine with us. We think it helps our mission if we are able to do that. It is just something we'd like to be able to offer. We have done them in the past on our existing farm and if we could continue to do so. So, I don't want that to be something that is a concern or makes people uncomfortable. We are flexible with respect to that.

Supervisor Staelin continued that Mrs. Schaecher had said that all the dogs would be on leashes at all times unless they are in the kennel or in the fenced in yards including events.

Gina Schaecher responded yes, that is correct. In the past, when we have had events at our farm, the dogs are on leashes. At our farm, we have a fenced pond area; and dogs are allowed to swim in groups. That would not be the situation here.

Supervisor Staelin said that he thought she had stated that no dog, other than her three personal pets, and those involved in events – two or three times per year, would be permitted outside the buildings or those fenced in areas surrounding the buildings. He asked if he was correct, that if a neighbor were to look over and see dogs outside that area, other than on event days and other than the personal pets, would she consider it a violation of the special use permit?

Gina Schaecher responded that she understood that a condition that had been placed, that had been suggested, is that dogs that are attending the facility would only be in the kennel facility and the exercise runs other than being transported on a leash, yes, we are agreeable to that.

Supervisor Staelin said that he understood the leash issue. He asked if a neighbor were to look over the fence and see, and it is not an event day and it is not you or your husband with your personal dogs, people and dogs, would you consider yourself in violation of the special use permit?

Gina Schaecher responded that she would have to say under those circumstances, yes.

Supervisor Byrd asked if they would have a perimeter fence around the property noting that an active dog can jump four or five feet. She asked if there would be an open wire fence or something around the outside of your property just encase, to slow the dog down before going onto a neighbors' property.

Gina Schaecher responded that eventually. That is what the perimeter fence is to use as a buffer.

Supervisor Byrd noted that it was just right around the six-foot fence.

Gina Schaecher responded we have a buffered zone outside of it so a dog would have to actually evade a human, be able to get over or under a six-foot fence, and then, also run a buffered area, then, escape over a four-foot fence.

Supervisor Byrd asked if a dog gets out of a six-foot fence what would stop it from getting out of a four-foot fence.

Gina Schaecher responded we would.

Mike Williams responded that he thought one of the reasons they had the secondary fence is we have a 80-foot buffer, he believed, that is large enough that if the dog should evade a human and climb a 6-foot fence while being supervised, he would not be motivated to go

at a bee line to the nearest fence. He would have acres this way and acres this way and he would be contained. He said that his experience is that the dogs do not seek out fences to go climb.

Gina Schaecher responded that eventually we would like to fence the entire property because she thought that part of their farm plan is to incorporate some animals as well. Therefore, that would be part of our long-term plan. As the site plan is submitted today, she does not have perimeter fencing around the entire area.

Supervisor Staelin asked for the maximum number of people and the maximum number of dogs they would see at an event.

Gina Schaecher responded that she thought what they said last time in our experience we have had like 75 to 100 people maximum throughout a several hour period throughout a day. But, I don't see that we would have events larger than that; and like I said, I am not, we are not, really, we are flexible on whatever event conditions would want to be placed on us. It is not our main function.

Supervisor Staelin asked the number of dogs at an event.

Gina Schaecher responded that she guessed you could assume two people per dog is generally what shows up.

Mike Williams responded but we don't allow more than one person to have more than one dog.

Gina Schaecher responded that is right.

Mike Williams continued because we want them to keep their dogs under control. So, if there are two people, we have actually turned them away if they show with three dogs.

Gina Schaecher continued in the past, when we have done these on our farm in Loudoun, we have had to apply for a special event permit and had to, and stayed with the restrictions would be, and we would expect to be held to those.

Supervisor Staelin asked Mrs. Schaecher to describe the average day. He noted that she had mentioned earlier that people and employees arrive at 7.

Gina Schaecher responded that how it has worked in the past, for instance, I have a resident manager and my father that would be living in the house. So, my sister, as the resident manager, would probably take a van to go make the run to pick up day care dogs. During that period of time, while she is gone, then, another person would come then to fill that void to make sure there is always two people on property for those dogs. We have staffed in the past depending on how many dogs. If there are only so many dogs, I am not going to have people coming to work for those days. So, it depends on who is scheduled

for that day. The average day would be that there be a combination, so, if we have 10 runs, you would have, arguable, let's say, half and half, half boarding dogs and half day care dogs, if they were both there during the day, they would all be organized into social groups and rotated through stations throughout the day. Day care dogs would then be taken home by our transportation or otherwise picked up. Boarding dogs would be staying over. The other side of the kennel would be intake for rescue dogs. So, we would have handlers that would be working with intake, assessment, and training programs for rescue dogs.

Supervisor Staelin asked after the dogs finish eating and you have brought the other dogs in, how does it all work then, until they go home? What would be the schedule of events?

Gina Schaecher asked for the evening then?

Supervisor Staelin responded after they have eaten in the morning and you have brought all the dogs in between 7 am and 8 am, what happens then?

Gina Schaecher responded then the dogs are organized into social groups; and then, they would be taken through various stations. So, they would either have free play inside or outside with a handler or then rotated to a station perhaps that would be working on agility skills, where they would have agility equipment that they could be trained on. We would have another station that would be promoting, probably, obedience or rally skills, typically dog obedience training where they would be working in a group with a trainer. We could do scent work in another area outside where we would be placing scent letting those dogs find scented objects. Anything to enhance or to stimulate their environment. Then, they would go inside for a rest break, probably a treat, have some water, let them relax to keep the energy down, and then, taken back out to rotate through the stations. They do that throughout the day until it would be the evening feeding time; and before that, typically, day care dogs are taken out to be taken home. The boarding dogs are put in their kennels given a rest break before they would eat. They would stay in there for a rest break after eating; and then, they would be taken out in small groups in order to relieve themselves, and back inside.

Supervisor Staelin asked if they would continue to provide dog-related services at their current location.

Gina Schaecher responded yes and we are planning on expanding, actually, we are in the process of doing that when we learned of this property. We would probably work to do special cases, geriatrics and other special cases at our current property.

Supervisor Staelin said that she had stated on her website and written materials that they would not be open to the general public. He noted that it stated by appointment only and he saw that as currently the case with her website. He said that at this time her marketing tag is, "Where dogs can be dogs" and all the pictures she has depict dogs with no leashes playing in open areas. He said her current website talks about a pond and wondering

around 23 fenced in acres, swimming and so on. He continued that her current website invites people to have private parties or events at the farm. He asked if she thought these sorts of activities would be allowed on the parcel in Clarke.

Gina Schaecher responded that she was not proposed that those types of activities if they are outside the stated narrative that we provided. We are not looking to do those types of activities on this property.

Supervisor Byrd noted that on the applicant's current website they were offering goats for herding. She asked if anything had ever had attack her goats.

Gina Schaecher responded no, we have not. She said our experience, I'm not a herding trainer, my experience has been with livestock guardian dogs. So, typically, our goats have, and we no longer have our goats, unfortunately, we were very unlucky. I think we have the most expensive goats ever.

Supervisor Byrd asked if she had lost all her goats.

Gina Schaecher responded that they only had two goats at the time. She said they now have a flock of sheep.

Supervisor McKay opined that he did not believe the people at the back of the room could hear.

Gina Schaecher said that she didn't believe the microphone was working.

Several Supervisors stated that the microphone did work but you had to stand very close to it and talk directly it.

Gina Schaecher responded that right now, we have a flock of sheep and what we do with our sheep is we test livestock guardian dogs with our sheep. We do a similar thing; eventually we will have chickens, so we can test livestock guardian dogs with chickens. She said she was not proposing that at the new spot but we do it at our current location.

Supervisor McKay asked if she would anticipate that in the future guardian dogs with the sheep and with the chickens.

Gina Schaecher responded on my current property in Loudoun County. I am not proposing that for the new property.

Supervisor McKay clarified that they were not proposing that for here.

Vice Chairman Weiss commented that in their narrative and their comments today they talked of lots of things they would like to do. He asked her to describe the core activities. He said he was basing his question on the intensity of the use, 40 dogs and the other

things mentioned, opining that it was quite high for Clarke County. He said it would be helpful to him if the applicant could clarify their real mission.

Gina Schaecher responded that their core mission was to provide boarding and day care services, which allows us to work with dogs throughout the day; and that fuels the rescue effort. Those are our core services. We want to be able to serve people that are adoptive guardians that have problems with their existing dogs or need an outlet for their existing dogs or need training throughout the day. We refer to that as rehabilitation services for whatever reason a dog needs something; so, hence, the motto, "where dogs can be dogs." We have found if let them have the outlet where they have a place to run they are physically and mentally stimulated we have a dog that is more receptive to training and better able to control itself. That is our mission with respect to training. We have worked with rescue guardians to provide those services in the past. Our model would then be to use the payment for those services to fuel the rescue side, which is to provide the same types of services, rehabilitation services, for rescue dogs so it makes them more adoptable and easier to be placed in forever homes. That is our core work. The events and classes, things that we think are beneficial for the community and also for outreach in educating kids and adults about animals, so, we like to be able to do those but it is not our core.

Vice Chairman Weiss summarized that those other activities could be done at other sites as you have probably done now or are doing now.

Gina Schaecher responded we invite that. We would love to have businesses that want to work and partner with us because I think it gives us greater exposure as well. It is a lot of fun for people. We do rescue events at other sites. We have done training events at other sites. Yes.

Vice Chairman Weiss said that he believed part of the problem with the site was the access to it at the end of the road. The problem is with private drop off and these other types of events that are problematic for us and, particularly, for the neighbors. He opined that he believed a limitation on the scope would be good.

Gina Schaecher responded I know you have a question and we would also like to be able to respond as well.

Supervisor McKay said he understood the applicant had talked with VDOT about accessing the site from another point other than Bellevue Lane. He stated that he believed they were proposing accessing through the field; and if he remembered correctly, this same access point was denied in the original application for the subdivision. He asked what VDOT had indicated it would allow them to do there.

Gina Schaecher responded that they met with VDOT last week and Michael could speak to that directly.

Mike Williams responded that we had requested permission to use that front entrance. We listened to the neighbors' concerns and we feel there will be additional traffic on Bellevue Lane no matter what gets built there, whether it be two houses, a kennel or a horse barn. So, to help alleviate that concern, we met VDOT out there; and they said there is more than enough site line. The driveways are not too far apart. They actually provided us a copy of the plans and the site plans. So, we have the revised entrance if we need to do that. It is a little more work on our part but it would enable us not to drive on Bellevue Lane at all if we put in this additional access. VDOT, I met with them. This is their plans for the commercial entrance that would be the biggest hurdle on our behalf because we would have to pay for a commercial entrance. But, they said the site plan and the turning distance and the stop distance, there is no problem with that. So, they have no problem with us putting that new drive lane in from Route 723. Would you like a copy of the plans? [Mr. Williams provided copies for the record of a document titled, "*Alternative Entrance Plan Happy Tails Boyce Clarke County, Virginia*" by Jordan Land Design LLC 18267 Channel Ridge Court, Leesburg, Virginia 20176 dated 03/14/14 Sheet 4 of 8.]

Mike Williams continued here is a conceptual drawing where the road is coming off of Route 723 here. We would come up and we could avoid, we'll have to put in a, basically, a small bridge to cross the creek; but, we actually have engineered drawings for that so that is not a problem for us.

Vice Chairman Weiss asked if he would respond to his overall question about events being an onsite and offsite use such for your mission.

Gina Schaecher responded I guess I hear you stating a concern. I don't, maybe you could rephrase so I know exactly what you are . . .

Vice Chairman Weiss responded that it went to the point of what things are you willing not to do in order to still do your core mission.

Gina Schaecher responded special events we could remove from that site if that is a concern for folks. We could do those on our existing property. Training classes we could do on our existing property if you would like, if it is necessary.

Chairman Hobert asked if there were other comments. He asked if he was correct that there was no question in the applicant's mind that this is a commercial enterprise.

Gina Schaecher responded part of it, yes. It is a pay-for-service enterprise to fund the rescue, yes.

Chairman Hobert asked what her understanding of how a commercial enterprise could be permitted where there is a property that has an easement that prohibits commercial enterprises except as specifically stated. He asked her to explain where her enterprise might fall in the exceptions to that section.

Gina Schaecher asked if he was referring to the conservation easement.

Chairman Hobert responded in the affirmative.

Gina Schaecher responded which is why we asked for the letter to allow us within that because our venture is to fund the rescue effort. They have also, as I understand; VOF has adopted a larger definition of agricultural activity as well.

Chairman Hobert clarified that her response was that she believed that because it is a non-profit oriented enterprise in part and because it is related to agriculture that VOF believed it was appropriate to allow it and not to consider it as a violation of the easement.

Gina Schaecher responded I am not going to speak on behalf of VOF. I will give you my interpretation of what I think; and then, I would rely on the letter provided by VOF. [*For ease of reference, staff inserted the referenced letter below.*]

VIRGINIA OUTDOOR FOUNDATION

September 6, 2013

Mr. Carl Hales
P.O. Box 3625
Winchester, Virginia 22604
By email: carlh@mrisc.com

Re: VOF Open-Space Easement # CLA - VOF- 1630

Dear Mr. Hales:

As you are aware, in March 2013, the Virginia Outdoors Foundation reviewed the request of your potential buyers to have a dog kennel on the 91-acre parcel of the easement property. Yesterday, Jesse Russell, Clarke County Zoning Administrator requested a written response as to whether the proposed kennel complies with the VOF open-space easement governing the property. According to Mr. Russell's email dated 9/4/2013 and the documents submitted to the County by the prospective buyer, the kennel building will be 3,200 sq. ft. in ground area and will have a one bedroom apartment on the 2nd floor. The exercise and training areas will be fenced areas that do not require outdoor kennels. A proposed sign of 4 ft. by 4 ft. to describe the kennel operation and located on a post at Rt. 723.

The easement on the property contains the following relevant provisions, which provide, in part:

"2. Signs . . . No such sign shall exceed nine square feet in size".

"4a. Riparian Buffer. There shall be no plowing, cultivation, or similar earth disturbing activity within 35 feet of each bank of the tributaries that flow through the Property. "

"6. Building and structures: No permanent or temporary building or structure shall be built or maintained on the Property other than: (i) two single family dwellings ... and non-residential outbuildings or structures ... (ii) two secondary dwellings not to exceed 600 sq. ft. of livable space and non-residential outbuildings or structures ... (iii) farm building or structures, provided that farm buildings or structures exceeding 4, 500 sq. ft. in ground area may not be constructed on the Property unless prior written approval for said building or structure is obtained in writing from Grantee ... "

7. Industrial or Commercial Activities: ... other than the following are prohibited: (i) agriculture, viticulture, aquaculture, silviculture, horticulture, and equine activities, ...

This letter is to advise you that VOF approves the kennel and apartment as described above as one of two allowed dwellings (identified as either the single family dwelling if over 600 sq. ft. in living area or the secondary dwelling if under 600 sq. ft. in living area) on this parcel of the easement and a farm building of less than 4,500 sq. ft. in ground area. As far as the operation of the kennel itself, VOF has taken a broad view of activities allowed under commercial agricultural uses. Livestock on farms may include a variety of animals and the boarding or breeding of dogs is an acceptable and compatible use.

However, the proposed sign of 16 sq. ft. is bigger than the allowed maximum (9 sq. ft.) under the easement and must be downsized accordingly. In addition, please remember that there are riparian buffers that must be maintained on the property as outlined in the Special Conditions Map provided with your 2012 Stewardship Field Report.

Please remember that the VOF easement does not permit any use of the property that is otherwise prohibited by federal, state, or local law or regulation. If you have any questions or concerns, please do not hesitate to contact me at (540) 347-7727 ext. 229 or by e-mail at erichardson@vofonline.org

Sincerely,
Erika Richardson
Stewardship Manager

Gina Schaecher continued the other point I would make is this is a very small portion of the overall plan for this particular property that we are talking approximately 2 to 3 acres of a 91-acre property. The vast majority is going to be farmed so that is part of our plan as well.

Chairman Hobert stated that he was asking for the applicant's interpretation and why she believed that conservation easement does not prohibit a commercial enterprise in the middle of the 91-acre parcel.

Gina Schaecher responded I would say, for exactly the reason I just said, is that the pay-for-services are going to fund the rescue not-for-profit organizations to provide services for charitable organizations; and that also, it is a very small part of the overall plan for that parcel that the primary use on that parcel is agriculture.

Supervisor McKay asked what kind of agricultural uses were being considered. He said that he believed he had heard that the applicant was thinking about doing community agriculture.

Gina Schaecher responded we have been in discussion with some local farmers that wanted to lease the property for crops. So, we have been in negotiations ...think about whether we can have it leased and initially farm for crops.

Supervisor McKay recapped that it would not be for activities like local pick your own, community garden sort of agriculture, which would increase the traffic and the intensity. He asked if she was talking about field crops.

Gina Schaecher responded that currently, she thought earlier they had talked about the possibility of trying to have a children's garden, a small children's garden as an educational opportunity. We did speak at the 4-H Club last week and one of the leaders from the Future Farmers of America was there. We did say if there are ways we can work together, we would like to talk to you about that. But, we are planning to prepare a farm plan to actually farm the property. It has been in corn in the past years. We think that there are areas that would be probably more conducive to animals because of either the rockiness or in the particular area. We have had a couple of consultants come out but that is the primary use for the property is that we want to restore it to an active farm.

Supervisor McKay thanked Mrs. Schaecher.

Chairman Hobert called for questions.

Gina Schaecher responded we do have some supplemental information if we may. We were hoping to cover a little of this at a site visit; but, because the weather didn't cooperate, if we could submit some additional information, we would appreciate it.

Gina Schaecher and Mike Williams distributed several maps.

Chairman Hobert asked Mrs. Schaecher if she would like to elaborate upon what the maps show.

Gina Schaecher responded yes.

Mike Williams responded yes. He said one of the issues that has been brought up multiple times, and I just wanted to clarify, that this property does not belong in this residential neighborhood. I've printed off a map from the Clarke County mapping system. This is our property with a black arrow in the middle. As you can see, every single property around us is zoned agricultural. You have to go all the way into Boyce to get into any residential property. If I could submit that. [Mr. Williams provided for the record a document described as mapsonline.net – layers County Zoning, Towns]

Mike Williams continued I just want to clarify that.

Mike Williams continued the other issue I would like to submit is we have pulled some additional information off the Clarke County mapping system and we kind of randomly selected kennel facilities here in the County. It has been said we are going to have a detrimental effect on 50 plus properties that are within a mile of our property and I thought that may be true. But, when we compared it to the other properties in the County, our density surrounding us is the lowest of any of the kennels in the entire county. So, what I have done is, I have downloaded the information from the Clarke County mapping system. And the Ashby Gap Kennel within one mile has 156 properties within one mile compared to our 50 properties within one mile. The Sta-Can Kennel affects 107 parcels; and as you can see, and I am going to give this to you, many of those counties are in West Virginia. So, this number would actually be at a higher density; but, we did not include any West Virginia counties. The Clarke County Shelter has 482 properties within one mile – one mile of the kennel. The Green Step Kennel has 1,761 properties within one mile of the kennel. The Blue Ridge Hunt, which is the most remote of the properties, has 109 properties within one mile of the kennel; and I will remind you that ours is somewhere in the neighborhood of 50 or 51. So, I am going to submit these to you as well. [Mike Williams provided for the record documents described as: Ashby Gap Kennel Affected Parcels; Sta-Can Kennels Affected Parcels; Clarke County Animal Shelter Affected Parcels; Green Step Kennel Affected Parcels; Blue Ridge Hunt Kennel Affected Parcels.]

Supervisor Byrd said she understood that the applicant made two requests for kennels in Loudoun County and asked what happened to the two requests noting that she knew they had not been granted.

Gina Schaecher responded that's not correct. We have never been denied a request for a kennel application.

Supervisor Byrd commented that they did not go through.

Gina Schaecher responded well, they were withdrawn by the applicant, which was us. The first one being that it was a small test that we were running at our property. There were some restrictive covenants at that time that were brought up; and since that time, reached agreement by the neighbors. My neighbors and I have agreed; and, I know hold a license, as recorded in land records that allows us to conduct kennel activities on our property for as long as we own that property. The second application we submitted had to do with a property in Leesburg. It was across the street from the landfill and we had one of several properties that we wanted to have under option. We had one property that was under contract and we were in the process of negotiating options on the other contracts. The one parcel we had under contract, I think, was 12 to 13 acres. We wanted more space. We thought across the street from the landfill would be a good location, that neighbors would not object to that. As we were moving forward in the process, we ran into hurdles in negotiating options with the other neighbors; and therefore, determined that site would be

inappropriate because of the size of the single property. That application was withdrawn as well.

Supervisor Byrd requested clarification that the application was for 50 dogs.

Gina Schaecher responded the original application, yes. She said the only other items we have is . . . [Mrs. Schaecher speaking to Mike Williams asked, "did you send them this?" Mike Williams responded, "no."]

Mike Williams addressed the Supervisors stating the last bit of information I would like to submit is a, it has been said many times in this room, that this is a very quiet little neighborhood; and, these dogs are going to be extremely loud. Our sound study, which we submitted, show clearly, by far, the loudest noise recorded at the engineering study was airplanes. So, I've got a map that I would like to submit that shows that our property is directly in line, approximately three miles, from the end of the Winchester Airport. When I was out there the other day, there was a jet actually circling, preparing to land right over our properties; and that was quite loud. As I understand from my call to Winchester Airport, 80 to 100 planes land there a day; and as you can see in this picture, the Winchester Airport, you can draw a direct line. Comes right over our property. Also, this black line represents the power lines that also cross through our properties. So, I would think that would have to have effects on the properties far greater than what our kennel property would do to the neighborhood. So, I would just like to submit that so the Board can see that we are cross hair of undesirable conditions meaning the airplanes taking off and landing over our property and the high power lines over our property. When I did the studies, the airport has about 5% average cost reduction in value of properties; and power lines the studies have shown about a 6.3% reduction in property values. So, I would argue, I would submit that these two conditions, which have a cross hair right on top of our property, would be more controlling than any property values that would be affected by a few dogs barking. [Mike Williams provided for the record a document described as Map Winchester Regional Airport Flight Path.]

Gina Schaecher added then you'll need other materials that we have today as I thought there might have been some issue with forwarding the March 16 letter with respect to our response to Ms. Peake's letter because of the size of the file.

Chairman Hobert responded that the letter had been distributed to the Board of Supervisors today.

Gina Schaecher continued so that did make it, as well as my March 10th letter to Mr. Ash.

Chairman Hobert responded with the attachments.

Gina Schaecher responded with the attachments, very good. Thank you.

Chairman Hobert called for any other questions.

Vice Chairman Weiss said that he had one more question and the applicant did not need to answer. He said that they were proposing to move into an area where the neighbors did not want them. He asked what they would do about the problem if they did get to move into the area.

Gina Schaecher responded well, we continue to look for ways. I actually have contacted at least, well, I've contacted Mr. De Arment as we have gone through this process. Initially, we invited the neighbors to the property. We have made ourselves available. While we have been going through this process, I did actually contact Mr. De Arment, as he is the owner of the property right across from us; and they have been vocal in the opposition; and asked what is it we can do. I wasn't given any suggestions; but, what I will say, is that we are committed to being good neighbors. And we would also say that given the opportunity we would prove it that we will be good neighbors. With respect to the VDOT work that we just did, we decided to do that in a response to give an alternative to be a condition placed on it that we use that entrance versus Bellevue Lane. We continue to try to look for ways to be good neighbors, to be accepted within the community, and will continue to do so. We would submit that if afforded this opportunity we will prove that we're good neighbors, that their fears won't come to fruition, and that we'll all be able to live together peacefully – that's what we would want as well.

Chairman Hobert stated that he did not believe there were any other questions at this time and thanked the applicant for their time and attendance at the meeting. He noted that the Board might still want to visit the property; and, if so, they would let her know.

Gina Schaecher responded that they were always welcome by invitation.

Supervisor Staelin noted that the Board had the letter from Mrs. Peake and had seen the values. He drew the Boards' attention to the document listing assessed value of affected parcels. He explained to the Board that he had broken it down to the components to the loss in net value that would be experienced for the landowner at 15% and 25% based on land improvements total. He put forth that if the Board looked only at the adjoining properties it would be between \$300,000 and \$500,000 just for the improvements alone on loss of value, which the Board must take into consideration.

Supervisor Staelin provided to the Board copies of his written request to Donna Peake, Commissioner of the Revenue, and her response.

March 7, 2014

Dear Ms. Peake

I received your letter dated February 18, 2014. In it you state that the proposed kennel would reduce property assessments on 50+ I- parcels by 15% to 25%.

I have a few questions and ask that you clarify your letter.

1. Do you or any of your family own property near the proposed kennel site?
2. Did you discuss the proposed kennel with the County's outside assessor before making your statement?
3. If the answer to #2 is yes:
 - a. Did the outside assessor actively participate in setting the 15% to 25% range mentioned in your letter?
 - b. Am I correct in assuming that you expect that both his and your recommendation will be to reduce the assessed values of 50+ I- properties near the proposed kennel by 15% to 25% in the next reassessment if the proposed kennel is approved as currently requested?
4. Do you and the outside assessor use the same 15% to 25% range when assessing parcels near all the kennels in the County or is this range of loss specific to the attributes and location of the proposed kennel?
5. If the figures are site specific, is it possible that range of loss could be zero to close to zero for parcels neighboring some sort of kennel? That is, can you envision that there is an AOCIFOC location in the County where a kennel of some design and limited intensity of use would have limited if any impact on neighboring property values?
6. If the answer to #5 is yes, what kennel characteristics (size of operation, location, amount of natural buffers, distance from neighbors, type of use, amount of outside activity, noise, hours of operation, building design, impact on private roads maintained by others, etc.) would raise or lower the amount of loss you would attach to neighboring properties?

I would appreciate having your answers to the above by noon on March 18, 2014.

Sincerely,
John R. Staelin
Supervisor

March 18, 2014

Dear Supervisor Staelin

This is in response to your letter dated March 7, 2014.

1. My family or I do not own property near the proposed kennel site.
2. Yes
- 3A Yes, however he specified that he would need to visit the specific properties in question to be able to narrow the indicated range.

- 3B Assessed values will be established by not only sales comparison but by property owner's complaints both to the Reassessment Agency and The Board of Equalization.
4. Assessments of kennels, just as is done for all property assessments are dependent upon exact location, intensity of use and potential negative impacts in relation to surrounding properties.
- 5 .County assessments are based upon specific land and improvements of each property, as well as its location. Envisioning a theoretical location with a kennel of unspecified design and intensity of use is not a function of our office.
6. Please see response to #5 above.

If you should need more clarification please feel free to contact me.

Sincerely,
Donna Mathews Peake
Commissioner of the Revenue

Supervisor Staelin moved to postpone action on this application to the Board's next regularly scheduled meeting on April 15, 2014; and further move that staff review all of the information that has been presented and provided on this application and to report back to the Board on April 15 with additional proposed conditions for the special use permit to mitigate as much as possible the negative impacts this proposed kennel would have on public safety, property values of neighbors, and the future cost and ability of the County to provide septage service to County residents.

Chairman Hobert recapped that there was a motion before the Board to postpone action on the application until the next regularly scheduled meeting; and in addition, requests staff to review the information presented, provide and report back to the Board on April 15 with additional proposed conditions for the special use permit to mitigate as much as possible the negative impacts the proposed kennel would have on public safety, property values of neighbors, future costs and the ability of the County to provide septage services to County residents. He then called for further discussion on the motion.

Supervisor Byrd asked for explanation of impacts on septage services.

Supervisor Staelin explained that this was specific to the septage contract since the special use, if granted, would be a massive increase in the volume of septage from Clarke County to Frederick County.

Supervisor Byrd asked if staff would be able to find out the cost increase.

Supervisor Staelin responded that this was not so much a matter of cost but an availability issue to provide services in the long term. He reminded that Frederick County has been

limiting its intake. He also reminded that there are other places to go as put forth by the applicant, who could deal with the hauler to go other places.

Vice Chairman Weiss asked if staff would attempt to determine the appropriate sized tank or tanks.

Supervisor Staelin opined that he believed that would be a condition. He further noted that the applicant had been asked to describe in greater depth the outside facilities. He said he hoped that it could all be done in a month.

Supervisor Byrd commented that in determining the tank size staff must consider the applicants' statement that they were only going to clean those runs one to twice a week. She put forth that most kennels clean them every day.

Gina Schaecher, and several others, spoke out stating that is not what we said.

Supervisor Byrd continued that she was talking about water usage.

Supervisor Staelin said that he understood the runs would be cleaned every day but the entire kennel would be twice a week.

Supervisor Byrd countered that she had asked the applicant and she had responded once or twice per week.

Vice Chairman Weiss added that it was once or twice per week for the entire facility. The runs were every day.

Supervisor Byrd asked if the applicant had actually said the runs every day.

Gina Schaecher responded yes.

Chairman Hobert noted that the statements would be reflected in the minutes. He asked Supervisor Staelin about the language in his motion, specifically, report back to the Board proposed conditions for the special use permit mitigate as much as possible the negative impacts of this proposed kennel and requested consideration of the addition of "proposed associated activities". He further asked if Supervisor Staelin would care to expand the motion to say "it would have on the County, public safety . . ."

Supervisor Staelin agreed to the suggestions.

Supervisor McKay remarked that the ancillary activities to the kennel were commercial.

Chairman Hobert noted that there were a number of ancillary activities and some could be considered educational.

Supervisor Byrd put forward that the business accepted money.

Chairman Hobert countered that the ancillary activities were a variety of things and they all had an impact.

Chairman Hobert called for discussion.

Vice Chairman Weiss said he shared a great many concerns with the neighbors and other Board members. He asked the Board to remember that this property could have more intensive usage under agriculture just by right than the proposed use. He said that there are boarding facilities in Purcellville that handled a far greater number of dogs that are silent when outside of them. He said his particular problem with the application was the intensity of it with the auxiliary or ancillary uses and the number of dogs. He asked staff to consider the scope of the project opining that it needed to be scaled back to be successful at all.

Brandon Stidham called for clarification of the motion deferring to the April 15 meeting that it would be the 1:00 pm Afternoon Session.

Chairman Hobert stated that he believed that was the intention.

Supervisor Staelin deferred scheduling to the Chair.

Supervisor McKay opined that the intensity of the use was more than was ever anticipated for special use permit in AOC-zoned areas and he found it difficult to envision on a parcel of this size an agricultural operation that would consistently, day in and day out, more intense.

Vice Chairman Weiss opined that a feed lot would be more intense with all the food being brought in.

Supervisor McKay responded that the operator would have to have a nutrient management plan and places to put the feed.

Supervisor Byrd reminded the Board that there were many wetlands on the property noting that the lower end of the property was virtually a marsh with rocks.

Chairman Hobert called for the vote.

Supervisor Staelin amended his motion to read: to postpone action on this application to the Board's next regularly scheduled meeting on April 15, 2014; and further move that staff review all of the information that has been presented and provided on this application and to report back to the Board on April 15 with additional proposed conditions for the special use permit to mitigate as much as possible the negative impacts this proposed kennel and proposed associated activities would have on the County, public safety, property values of neighbors,

and the future cost and ability of the County to provide septage service to County residents. The motion carried as follows:

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

Chairman Hobert recessed the meeting at 3:41 pm.

Chairman Hobert reconvened the meeting at 6:35 pm. He provided summarized the public hearing procedure.

Chairman Hobert requested the addition of Item No. 23 the Fire and EMS Recommendation.

18) Citizens Comment Period

No citizens appeared to address the Board.

19) PH 14-02: 2013 Clarke County Comprehensive Plan

Brandon Stidham provided a brief overview of the draft comprehensive plan informing the Board that Clarke County adopted its first Plan in 1974. He summarized the 2013 changes.

Chairman Hobert thanked Mr. Stidham for his presentation and the work done on the Comprehensive Plan.

At 6:43 pm, Chairman Hobert opened the public comment portion of the public hearing.

Supervisor McKay stated that this was the best he had read.

Vice Chairman Weiss stated that Mr. Stidham had done a good job.

Robina Rich Bouffault, Planning Commissioner – White Post District: voiced her support for the plan opining that it was a major improvement on the 2007 plan. She commented that the County had very skilled help in Brandon Stidham. She expressed her hope that the plan would help solidify the County's direction over the next few years.

At 6:45 pm, Chairman Hobert closed the public hearing.

Supervisor Staelin moved to approve the 2013 Comprehensive Plan with changes as recommended by staff. 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

20) PH 14-03: 2013 Clarke County Transportation Plan

Brandon Stidham provided a brief overview of the transportation plan advising that state law now require a transportation plan in conjunction with a comprehensive plan. He further summarized the 2013 changes and priority projects list.

At 6:55 pm, Chairman Hobert opened the public comment portion of the public hearing.

Supervisor McKay asked if VDOT provided the cost estimates for road improvements.

Mr. Stidham responded in the affirmative stating that VDOT provides a very useful tool for calculating road improvements.

Vice Chairman Weiss commented on Route 7 that he did not think it was a very practical thing and should be reviewed to make it a more manageable project.

Chairman Hobert concurred.

Brandon Stidham stated that in the fall the Planning Commission would be looking at the transportation priorities in detail.

At 6:45 pm, Chairman Hobert closed the public hearing.

Supervisor Byrd moved to adopt the 2013 Clarke County Transportation Plan 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

21) PH 14-04: Special Use Permit Revocation Request - Shenandoah University

Brandon Stidham provided a brief history of the revocation request.

At 7:00 pm, Chairman Hobert opened the public comment portion of the public hearing. Being no persons present desiring the address the Board, he closed the public hearing.

Vice Chairman Weiss moved to approve revocation of Special Use Permits SUP-89-01 and SUP-99-04 per section 5-C-1 of the Zoning Ordinance as requested by the property owner. 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

22) PH 14-05: Revocation of Special Use Permits TA-14-01

Brandon Stidham provided a brief overview of TA-14-01.

At 7:06 pm, Chairman Hobert opened the public comment portion of the public hearing. Being no persons present desiring the address the Board, he closed the public hearing.

Vice Chairman Weiss commented on the necessity of the proposed amendments.

Supervisor Staelin opined that they made an old clause stronger.

Supervisor McKay expressed his support.

Chairman Hobert commented that it was designed to address due process.

At 7:08 pm, Chairman Hobert closed the public hearing.

Supervisor Staelin moved to adopt the text amendment as presented.

The proposed language (bold italics) would be added to §5-C-2 as follows:

2. Repeated or continuing violations of the conditions placed on the Permit. ***Failure to comply with any one or more of the conditions of a Special Use Permit may result in the issuance of a Notice of Violation (NOV) by the Zoning Administrator. The Zoning Administrator may present a Special Use Permit to the Board of Supervisors for revocation if the NOV is not resolved as directed. Upon the issuance of a third NOV for violations of any one or more of the permit conditions, and failure of the permit holder to appeal to the Board of Zoning Appeals, the Zoning***

Administrator shall present the Special Use Permit to the Board of Supervisors for revocation.

Subsection 4 would read as follows:

4. Violations of other provisions of the Zoning Ordinance not addressed by the special use permit conditions, the Code of Clarke County, or State and Federal law related to the activities of the special use.

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

23) Fire and EMS Timeline

Brandon Stidham distributed a graphic chart of the recommendations with timeline of items presented to the Board of Supervisors at its March 10 Work Session that time prevented the Board from discussing. Bryan Conrad joined the Board for discussion. Highlights of discussion at the regular meeting include:

- Under Agenda Item 9 1, the Board approved additional funding for emergency medical services part-time salaries.
- FY2015 Budget includes additional funding.
- Time Line Changes:
 - o Authorize funding for FY14 – move to May meeting
 - o Strike Item 2 Authorize use of funding agreement to secure volunteer staffing commitments and use Item 4 Implement funding agreement with volunteer companies – move to May meeting.
- Hire Director Position:
 - o Board consensus is to hire a part-time person for a two-year period.
 - o By consensus, reconfigure timeline. 1) Establishing Fire and EMS Commission; 2) Approve Job Description and Terms of Employment; 3) Director hire process; 4) Ordinance development.
- Fire and EMS Commission:
 - o Staff was instructed to bring to the Supervisors a draft ordinance defining terms.
- Fee For Service

- FY2015 budget will cover through June 2015.
- Staff would like the Director in place prior to fee-for-service start.

Chairman Hobert expressed appreciation for the work on this project and asked staff to report back to the Board on the various tasks.

Supervisor Staelin asked Brandon Stidham to provide Laure Wallace the revised timeline.

24) Adjournment

There being no further business to be brought before the Board at 8:06 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 April 15, 2014 at 1:00 p.m. in the Berryville Clarke County Government Center, Main Meeting Room, 101 Chalmers Court, Berryville, Virginia.

ATTEST: March 18, 2014

J. Michael Hobert, Chair

David L. Ash, County Administrator

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