

May 20, 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, 2<sup>nd</sup> Floor, Berryville, Virginia conducted on Tuesday, May 20, 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; Chief Deputy Travis Sumption; Brandon Stidham; Alison Teetor;  
Susanne Vaughan; Lora B. Walburn

Others Present

Beth Leffel; Robina Rich Bouffault; Gem Bingol; Val Van Meter and other citizens.

1) Call to Order

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

2) Adoption of Agenda

Chairman Hobert requested the addition of a Closed Session Pursuant to §2.2-3711-A1 Specific Employees or Appointees of the Board.

By consensus, the Board adopted the agenda as modified.

3) Citizens Comment Period

No citizens appeared to address the Board.

4) VDOT

Charlie Monroe appeared before the Board to provide the monthly update.

Maintenance – April / May:

- Shoulder repairs on Routes 608 and 611;
- Grading operations on routes 603, 605,606,621,639,652 and 663;
- Surface repairs on Rt. 604 (Rural Rustic portion);
- Swept bridges on primaries;
- Surface treatment on routes 606 and 649 (contractor);
- Began primary mowing on Rt. 340 N;
- Addressed potholes as they arose.

Maintenance – May / June:

- Continue with primary mowing;
- Conduct sweeping operations in the Town of Boyce;
- Continue with grading of non-hard surfaced routes;
- Begin A-Boom operations for brush trimming on various routes;
- Continue with pothole as they occur.

Projects: Status is unchanged

Supervisor Comments:

Supervisor Barbara Byrd

- Route 611: Thanked VDOT for the attention given to the repairs.
- Old Charlestown Road Low Water Bridge: Mr. Monroe reported that repair is on the schedule for 2017 and he was uncertain whether the fatality during last week's flooding would accelerate the process.

Vice Chairman Weiss:

- Ebenezer Road intersection with Route 7: Mr. Monroe reported that VDOT removed the sticks and debris clogging a culvert causing the area to flood.

Supervisor Beverly McKay:

- Bethel Lane: Mr. Monroe reported that VDOT graded the road last week.

#### 5) CCPS School Board Update

Highlights of comments by Beth Leffel, Buckmarsh District County School Board Member:

##### Superintendent Selection

- Selected 6 qualified applicants for interviews out of 30 respondents.
- Selected three final applicants from the six interviewed.
- The School Board is now in contract negotiations with a very qualified applicant.
- Anticipate announcement on May 28.

##### Pay and Classification Study

- Study began March 3 with results presented June 9.
- Included an internal analysis of compensation.
- Included an external analysis of compensation.
- Included job descriptions review and modification as appropriate.
- Evergreen is developing a plan to compensate those that fall far below standard.
- Preliminary evaluations looked at 40 benchmarked positions with 11 positions matched within each of the 10 market areas. One fourth of Clarke's positions matched with competitors.
- The following markets were used for comparison: City of Manassas Park Public Schools; City of Winchester Public Schools; Fauquier County Public Schools; Frederick County Public Schools; Loudoun County Public Schools; Page County Public Schools; Prince William County Public Schools; Rappahannock County Public Schools; Shenandoah County Public Schools; Warren County Public School
  - Mrs. Leffel agreed to bring to the School Board the Supervisors request to see comparisons to Valley jurisdictions without Loudoun, Prince William and/or City of Manassas Park.

##### Elementary School Renovation

- Substantial completion: July 9.
- Change Orders: 4 Major

- 1) Band Room [pre-K thru 3 music classes and assemblies] / Cafeteria
- 2) Restrooms
- 3) Kitchen Equipment: Purchased some new pieces, refurbished and/or reused some existing pieces.
- 4) HVAC: New rooftop unit purchased for renovated area.
- Funds Remaining: \$36,000 as of this morning.

Chairman Hobert thanked Ms. Leffel for a very informative update.

6) Set Public Hearing CC-2014-01 Chapter 165 Taxation Article IV Tangible Personal Property

**Chapter 165 Taxation Article IV Tangible Personal Property**

The Clarke County Board of Supervisors shall consider amending the Clarke County Code Chapter 165 Taxation Article IV Tangible Personal Property §165-26 Penalty and interest on delinquent taxes add Item C as follows:

Article IV Tangible Personal Property<sup>49</sup>  
[Adopted 1-19-1988 as Secs. 11-1 through 11-4 of the 1987 Code]

§ 165-26. Penalty and interest on delinquent taxes.  
[Amended 3-19-1991; 6-27-1991; 4-20-1993; 9-20-1994; 07-07-19]

- A. Tax payments for real estate, tangible personal property, machinery and tools and merchants' capital shall be due and payable to the Treasurer of the county during the year for which the same are assessed in two approximately equal installments: 1/2 on or before June 5 and the remainder on or before December 5 of each tax year, provided that the personal property tax levied on motor vehicles, trailers and boats which shall have acquired a situs within the county after the tax day shall be due 30 days from the date of the tax bill. Such tax shall be prorated on a monthly basis, a period of more than 1/2 month counted as a full month and a period of less than 1/2 month shall not be counted, and shall be collected in the same manner as herein prescribed.
- B. A penalty of 10% of the taxes past due shall be assessed on the day after the payment of taxes is due. Interest on said delinquent taxes and penalty at the rate of 10% per annum shall commence on the first day of the month following the month in which such taxes are due, and said interest shall be added to any late tax payment and paid. For the second and subsequent years of delinquency, such interest shall be at the rate established pursuant to Section 6621 of the Internal Revenue Code of 1954, as amended, or 10% annually, whichever is

greater.

- C. **In the event an attorney (including, but not limited to, the County Attorney) or collection agency is employed by the Treasurer for the collection of delinquent taxes, penalties and interest, an additional fee equal to 20% of the taxes and other charges due and owing shall be imposed and added to cover administrative costs and reasonable attorney’s or collection agency’s fees actually contracted for.<sup>50</sup>**

Editor's Note: See ~ 58.1-3500 et seq. of the Code of Virginia, Tangible Personal Property, Machinery and Tools, and Merchants' Capital.

<sup>1</sup>Editor's Note: Pursuant to 58.1-3958

David Ash reviewed the proposed Code amendment and answered questions from various members of the Board. The Board instructed David Ash to follow up on footnote 50 and provide explanation.

Vice Chairman Weiss requested staff to send notice of public hearing to the Shenandoah Retreat Office.

**Supervisor Byrd moved to set public hearing for Tuesday, June 17, 2014 at 6:30 pm or as soon thereafter as the matter may be heard and to provide notice to the Shenandoah Retreat Office. 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) Recommendation to the Board of Supervisors on Zoning Ordinance Commercial Boarding Kennel Provisions

Brandon Stidham reviewed the following recommendation from the Planning Commission.

TO: Board of Supervisors members  
 FROM: Brandon Stidham, Planning Director  
 RE: Recommendation to the Board of Supervisors on Zoning Ordinance Commercial Boarding Kennel Provisions  
 DATE: May 12, 2014

At the February 18 meeting, the Board of Supervisors voted unanimously to request the Planning Commission to evaluate the concept of removing commercial kennels, animal shelters, veterinary services, animal hospitals, and breeding kennels uses from the AOC and

FOC Districts as a special use and establishing them as by-right uses in the Highway Commercial (CH) District. The Board requested that the Commission provide a formal recommendation on this request including review of the individual uses that are grouped within this category.

Following discussion at their March and April briefing meetings including reviewing an evaluation of similar regulations in nearby counties (see attached), the Planning Commission voted unanimously to forward the following recommendation to the Board for consideration:

**Move to recommend that the Board of Supervisors consider the following actions:**

1. *Delete "Commercial Boarding Kennels of more than five canine or feline animals" and "Animal Shelters" as special uses in the AOC District (§3-A-1-a-3-u). These two uses would become prohibited uses in the AOC District, and existing commercial boarding kennels and animal shelters would become nonconforming uses.*
2. *Delete "Commercial Boarding Kennels of more than five canine or feline animals" and "Animal Shelters" as special uses in the FOC District (§3-A-2-a-3-q). These two uses would become prohibited uses in the FOC District, and existing commercial boarding kennels and animal shelters would become nonconforming uses.*
3. *Adopt a new use in the AOC District, "Animal Shelter/Governmental," for animal shelters that are either owned and/or operated by the County government. The Clarke County Animal Shelter would be classified under this new use and would not be made nonconforming by deletion of "Animal Shelters" from §3-A-1-a-3-u*

Adopting a text amendment consistent with the Commission's motion would produce the following results:

- "Commercial Boarding Kennels of more than five canine or feline animals" and "animal shelters" would become prohibited uses in the AOC and FOC Districts.
- Existing commercial boarding kennels would become nonconforming special uses. As a nonconforming use, they would be subject to the limitations of §4-K-4-b of the Zoning Ordinance including prohibition on expansion or relocation to another portion of the property.
- Commercial boarding kennels would continue to be a by-right use in the Highway Commercial (CH) District and a special use in the Neighborhood Commercial (CN) District.
- The former "animal shelter" use would be replaced by a new use entitled, "Animal Shelter/Governmental." Such uses would have to be either owned and/or operated by the County government and would include the current Clarke County Animal Shelter. The Commission did not make a recommendation on whether this new use would be a byright or a special use.

The Commission's recommendations would have no impact on veterinary services, animal hospitals, and breeding kennels. Zoning Ordinance provisions for these uses would remain unchanged.

Commission members chose not to prepare a draft text amendment this time and are providing these recommendations for the Board's consideration. Should the Board wish to develop this item as a text amendment, Staff recommends that the Board take action at the May 20 meeting to request the Planning Commission to prepare the text amendment for public hearing, provide a formal recommendation, and forward it for consideration by the Board of Supervisors. If you have any questions or concerns in advance of the meeting, please do not hesitate to contact me.

Following discussion: **Supervisor Staelin moved to direct the Planning Commission,**

- **Develop a text amendment that would prohibit commercial boarding kennels and animal shelters in the AOC and FOC Districts as recommended by the Commission.**
- **Further define the Commission's proposed "animal shelter/governmental" use as a shelter owned and/or operated by Clarke County as opposed to another governing body.**
- **Make the "animal shelter/governmental" use a special use.**
- **Evaluate the current special use for commercial boarding kennels in the Neighborhood Commercial District for possible removal.**
- **Evaluate whether to amend the breeding kennel provisions to prevent large breeding kennels.**
- **Determine whether commercial boarding kennels are allowed in the Business Park District.**

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

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

8) 2013 Annual Report – Department of Planning - Acknowledge Distribution

Brandon Stidham advised the Board that the 2013 Annual Report prepared by the Planning Department was included in the regular meeting packet.

In response to questions by Supervisor Byrd, Brandon Stidham explained that the Planning Department reviews business licenses for operators conducting business in the County but without a physical address within the County.

In response to questions by Supervisor Byrd, Mr. Stidham will correct, as necessary:

- Page 6 BSA-13-02 listed as Russell District.
- Page 17 Dorick property listed as Russell District.

By consensus, the Board acknowledged distribution of the 2013 Planning Department Annual Report.

9) Approval of Minutes

**Supervisor Staelin moved to approve the minutes for:**

- **April 9, 2014 FY2015 Budget and CY2014 Tax Rate Public Hearing as presented.**
- **April 15, 2014 Regular Meeting as presented.**
- **April 16, 2014 FY2015 Budget Work Session as presented.**

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

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

10) Personnel Committee Items

A. Expiration of Term for appointments expiring through August 2014.

05/12/2014 Summary: The Personnel Committee discussed various appointments but made no recommendations.

B. Clarke County General Government Pay and Classification Study and Personnel Policy Update by David Ash

05/12/2014 Summary: The County Administrator announced that he had just received information from the contractor but had not had an opportunity to review prior to the Personnel Committee. The County Administrator proposed to convene an ad hoc committee to assist in the review of the personnel policies and pay classification proposals.

05/20/2014 Summary: David Ash reported that he had sought clarification from Springsted and would be meeting with them to review the study prior to public disclosure.

11) Board of Supervisors Work Session

A. Stormwater Management Program Update by Brandon Stidham

05/12/2014 Summary: Subsequent to the Planning Director's presentation and discussion of the Board, **Supervisor Staelin moved to direct staff to opt out of the Stormwater Management Program until such time as the Planning Director can accurately determine if the County would be better served to adopt its own ordinance. The carried by the following vote:**

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

B. Fire and EMS Update

05/12/2014 Summary:

- Draft Ordinance: The Board discussed the draft ordinance and agreed that the subsequent terms for the three citizens at large should be for a term of three years rather than four. The Board also discussed the recommendation that the Board designate the chair upon initial appointment and allow commission members to choose the chair annually thereafter.
- Commission composition and appointment: The Board discussed the proposed composition of the commission and generally agreed upon the membership proposed in the ordinance. The Board further agreed to consider making appointments at the next Board meeting.
- Update on director hiring process: Members of the Board were informed that solicitations of interest had been published and would appear in: The Winchester Star, Northern Virginia Daily, Monstor.com, Virginia Association of Counties, and Virginia Fire Chief's Association
- Update on consultant RFP: The Board authorized the release of an RFP for an economic feasibility study on fee for service.

05/20/2014 Summary: Brandon Stidham's provided the following update:

At the May 12 worksession, the Board of Supervisors discussed the selection process for the Fire & EMS Director position. Staff had proposed the following three-step process that reflected the Board's desire to involve members in the to-be-established Fire & EMS Commission in the review of applications:

- Applications are evaluated by the Board Personnel Committee, the County Administrator, and Planning Director. A short-list of preferred candidates to be offered interviews would be developed.
- Members of the to-be-established Fire & EMS Commission would conduct initial interviews of the preferred candidates and would rank the candidates based on their performance.
- Within one week of the initial interviews, a round of final interviews would be conducted with the Board of Supervisors or the Board Personnel Committee and County Administrator.

Following the discussion, Staff was directed to prepare the following two-step alternative that would include a single interview process among other changes.

- Applications are evaluated by a review committee appointed by the County Administrator consisting of the County Administrator, Planning Director, and Board Liaison to the Fire & EMS Workgroup. A short-list of preferred candidates to be offered interviews would be developed.
- Candidate interviews would be conducted by a panel of six (6) reviewers including potential appointees to the Fire & EMS Commission (2), the County Administrator the Board of Supervisors Personnel Committee (2), and the Board Liaison to the Fire & EMS Workgroup. The interview panel would then select the preferred candidate to be offered the position.

This two-step process provides a more streamlined approach and would enable interviews to be scheduled more efficiently. The process also maintains the Board's desire to include potential members of the Fire & EMS Commission in the evaluation process. If you have any questions or concerns in advance of the meeting, please do not hesitate to contact me.

Chairman Hobert noted that Supervisors Staelin and Byrd were not included in the selection process and asked if either had any objection to this.

Supervisor Byrd requested to be kept informed regarding candidates and the selection process because of the importance of this decision and in order to be able to respond promptly and clearly to her constituents.

In conclusion, Chairman Hobert advised that he hoped the County would be able to finalize and confirm in June.

C. Sheriff's Office Renovation Project Update on Cost Estimates

05/12/2014 Summary: The Board recommended that the architect be requested to prepare bid specifications for selected contracts and acknowledged that the Maintenance Director, Bobby Levi, would be acting as owner's representative, as well as completing a portion of the work with County employees. The County Administrator and Mr. Judge were asked to develop a project budget.

05/20/2014 Summary: David Ash reported that he was trading information on cost estimates with the Finance Director and Maintenance Director and he believed that there would be a significant reduction in estimated project cost.

D. Occupancy Agreements with CCPS for: Maintenance Facility; Transportation and Purchasing Facility

05/12/2014: This Occupancy Agreement covers relocation of the County Maintenance and staff to the old Ag Shop building at the D.G. Cooley campus. Board members discussed the Occupancy Agreement between the Schools and the County and expressed some concern with its ambiguity. The Joint Administrative Services Director was asked to review the document and edit for clarity and/or provide the Board with an adopting resolution that would clarify the ambiguous terminology.

05/20/2014 Summary: David Ash reported that he had received recommendations from one member of the Board, which he returned to the Superintendent for his review and comment.

E. Identify CCPS Discussion Issues

05/12/2014: The Board asked the County Administrator to request the School Board to provide updates on and to convey the Board's understanding that one or more of the topics may not be appropriate for public discussion and may therefore be omitted from the discussion.

- A. Update on pay and classification study
- B. Selection of Superintendent
- C. Renovation status

05/20/2014: See Item 5 CCPS School Board Update.

F. Information Only

- ✓ Set Public Hearing for CC-2014-01 Chapter 165 Taxation Article IV Tangible Personal Property is scheduled for the May 20 Regular Meeting.
- ✓ Public Hearing PH 14-08 Secondary Six-Year Plan for 2014/2015 - 2019/2020 has been advertised for the May 20 Regular Meeting at 6:30 pm.

G. Closed Session Pursuant to §2.2-3711-A1 Specific Employees or Appointees of the Board.

**Supervisor McKay moved to convene into Closed Session pursuant to §2.2-3711-A7 Consultation with legal counsel and briefings by staff members or consultants pertaining to actual or probable litigation, where such consultation or briefing in open meeting would adversely affect the negotiating or litigating posture of the public body; and consultation with legal counsel employed or retained by a public body regarding specific legal matters requiring the provision of legal advice by such counsel. The motion carried as follows:**

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

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

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

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

**CERTIFICATION OF CLOSED SESSION**

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

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

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

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

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

No action was taken on matters discussed in Closed Session.

12) Finance Committee Items

1. VRS Resolution for Government Rate.

05/12/2014 Summary: Approval of the following resolution is recommended.

**Employer Contribution Rates for Counties, Cities, Towns, School Divisions and  
Other Political Subdivisions (In accordance with the 2014 Appropriation Act Item  
468(H))  
Resolution 2014-09R**

**BE IT RESOLVED**, that the County of Clarke 55121 does hereby acknowledge that its contribution rates effective July 1, 2014 shall be based on the higher of a) the contribution rate in effect for FY 2014, or b) eighty percent of the results of the June 30, 2013 actuarial valuation of assets and liabilities as approved by the Virginia Retirement System Board of Trustees for the 2014-16 biennium (the "Alternate Rate") provided that, at its option, the contribution rate may be based on the employer contribution rates certified by the Virginia Retirement System Board of Trustees pursuant to Virginia Code § 51.1-145(I) resulting from the June 30, 2013 actuarial value of assets and liabilities (the "Certified Rate"); and

**BE IT ALSO RESOLVED**, that the County of Clarke 55121 does hereby certify to the Virginia Retirement System Board of Trustees that it elects to pay the following contribution rate effective July 1, 2014:

**(Check only one box)**

- The Certified Rate of 10.86%
- The Alternate Rate of \_\_\_\_\_%; and

**BE IT ALSO RESOLVED**, that the County of Clarke 55121 does hereby certify to the Virginia Retirement System Board of Trustees that it has reviewed and understands the information provided by the Virginia Retirement System outlining the potential future fiscal implications of any election made under the provisions of this resolution; and

**NOW, THEREFORE**, the officers of County of Clarke 55121 are hereby authorized and directed in the name of the County of Clarke 55121 to carry out the provisions of this resolution, and said officers of County of Clarke 55121 are authorized and directed to pay over to the Treasurer of Virginia from time to time such sums as are due to be paid by the County of Clarke 55121 for this purpose.

\_\_\_\_\_  
J. Michael Hobert, Chair Board of Supervisors

**CERTIFICATE**

I, David L. Ash, Clerk of the County of Clarke 55121, certify that the foregoing is a true and correct copy of a resolution passed at a lawfully organized meeting of the County of Clarke 55121 held at Berryville, Virginia at 1:00 o'clock pm on May 20, 2014. Given under my hand and seal of the County of Clarke 55121 this \_\_\_\_\_ day of \_\_\_\_\_, 2014.

\_\_\_\_\_  
David L. Ash, Clerk of the Board of Supervisors

05/20/2014 Summary: Tom Judge briefed the Board on the proposed resolution.

**Vice Chairman Weiss moved adopt 2014-09R as presented. The motion carried by the following vote:**

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

2. VRS Resolution acknowledging School Rate.

05/20/2014 Summary: Approval of this resolution, which was not available at the Finance Committee meeting, is recommended based on 5/27 action of the School Board.

**Local Governing Body Concurrence with School Division Electing to Pay the VRS Board-Certified Rate**

**Resolution 2014-10R**

**BE IT RESOLVED**, that the County of Clarke (55121) does hereby acknowledge that the Clarke County Public Schools has made the election for its contribution rate to be based on the employer contribution rates certified by the Virginia Retirement System Board of Trustees pursuant to Virginia Code § 51.1-145(l) resulting from the June 30, 2013 actuarial value of assets and liabilities (the "Certified Rate"); and

**BE IT ALSO RESOLVED**, that the County of Clarke (55121) does hereby certify to the Virginia Retirement System Board of Trustees that it concurs with the election of the Clarke County Public Schools to pay the Certified Rate, as required by Item 468(H) of the 2014 Appropriation Act; and

**NOW, THEREFORE**, the officers of the County of Clarke (55121) are hereby authorized and directed in the name of the County of Clarke to execute any required contract to carry out the provisions of this resolution. In execution of any such contract which may be required, the seal of the County of Clarke, as appropriate, shall be affixed and attested by the Clerk.

\_\_\_\_\_  
J. Michael Hobert, Chair Board of Supervisors

**CERTIFICATE**

I, David L. Ash, Clerk of the County of Clarke 55121 Board of Supervisors, certify that the foregoing is a true and correct copy of a resolution passed by the County of Clarke and ratified by the County of Clarke a lawfully organized meeting of the County of Clarke 55121 Board of Supervisors held at Berryville, Virginia at 1:00 o'clock pm on May 20, 2014. Given under my hand and seal of the County of Clarke 55121 this \_\_\_\_ day of \_\_\_\_\_, 2014.

\_\_\_\_\_  
David L. Ash, Clerk of the Board of Supervisors

Supervisor Staelin asked that Mr. Judge pass on the Board's encouragement to the School Board to take the same route.

**Supervisor Staelin moved to adopt 2014-10R as presented. The motion carried by the following vote:**

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

**3. FY 14 Budget Update.**

05/12/2014 Summary: We have worked with General District Court, Maintenance, and Sheriff to ensure that budget authority is adequate as the fiscal year comes to a close.

4. Acceptance of Bills and Claims

05/12/2014 Summary: The Finance Committee recommends acceptance.

05/20/2014 Action: Tom Judge briefly described overages occurred departmental accounts. **Vice Chairman Weiss moved to accept the April 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

13) Joint Administrative Services Board Update

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

- The primary focus of the last two meetings is discussion of contract negotiations conducted in closed sessions.
- Goal is to have the contract ready for Board review at its June 9 Work Session.

14) Government Projects Update

David Ash provided the monthly project update. Highlights include:

- 101 Chalmers Court – HVAC Retrofit
  - o Complete – repair in the Meeting Room wing is finished.
  - o Temperature readings are being converted to a format that can be used in arbitration. Gordon Russell is working with the County’s engineer to help convert data. This morning authorized additional man-hours to assist in conversion.

15) Miscellaneous Items

Request for approval Hurricane Sandy grant applications

Alison Teetor summarized the Conversation Easement Authority request for passage of authorizing resolutions for grant applications.

**Supervisor Staelin moved to approve Authorizing Resolutions 2014-11R and 201412R and further moved to authorize David Ash to execute the resolutions on behalf of the Board of Supervisors. 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

**Authorizing Resolution Hurricane Sandy Disaster Relief Assistance Grant Program for Historic Properties, in an amount not to exceed \$145,000  
2014-11R**

TRANSMITTAL

I, David L. Ash, Clerk of the Clarke County Board of Supervisors, Clarke County, Virginia, do hereby certify that the following resolution will be considered for adoption at a regular meeting of the Clarke County Board of Supervisors to be held on May 20, 2014, and if adopted, will be incorporated in the original minutes of said meeting, and that said resolution will not be altered, amended or revoked and is in full force and effect.

AUTHORIZING RESOLUTION

**BE IT RESOLVED:** That the Alison Teetor, Clerk, Clarke County Conservation Easement Authority, Clarke County, Virginia is hereby authorized and directed to file an application for funds from the Virginia Historic Preservation Office in accordance with the provisions of Public law 113-2 Hurricane Sandy Disaster Relief Assistance Grant Program for Historic Properties, in an amount not to exceed \$145,000, and upon approval of said request to enter into and execute a project agreement with the Virginia Historic Preservation Office for such financial assistance to Clarke County for Greenway Court Repair and Rehabilitation.

\_\_\_\_\_  
David L. Ash, Clerk of the Board of Supervisors

**Authorizing Resolution Hurricane Sandy Disaster Relief Assistance Grant Program for Historic Properties, in an amount not to exceed \$90,640**

**2014-12R**

TRANSMITTAL

I, David L. Ash, Clerk of the Clarke County Board of Supervisors, Clarke County, Virginia, do hereby certify that the following resolution will be considered for adoption at a regular meeting of the Clarke County Board of Supervisors to be held on May 20, 2014, and if adopted, will be incorporated in the original minutes of said meeting, and that said resolution will not be altered, amended or revoked and is in full force and effect.

AUTHORIZING RESOLUTION

**BE IT RESOLVED:** That the Alison Teetor, Clerk, Clarke County Conservation Easement Authority, Clarke County, Virginia is hereby authorized and directed to file an application for funds from the Virginia Historic Preservation Office in accordance with the provisions of Public law 113- 2 Hurricane Sandy Disaster Relief Assistance Grant Program for Historic Properties, in an amount not to exceed \$90,640.00 and upon approval of said request to enter into and execute a project agreement with the Virginia Historic Preservation Office for such financial assistance to Clarke County for Greenway Court Archeological Surveys.

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David L. Ash, Clerk of the Board of Supervisors

Appointments to Board and Commissions Not Previously Recommended by the Personnel Committee

Chairman Hobert informed the Board that the term of Berryville District Planning Commissioner Tom McFillen had expired and he did not wish to be re-appointed. To fill the Berryville District seat, Chairman Hobert put forth for consideration Francis "Frank" Lee, who has served on the Berryville Area Development Authority.

Hearing no objection, **Chairman Hobert moved to appointment Francis "Frank" Lee to the Clarke County Planning Commission to serve a 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

White Post Dairy

Supervisor McKay asked for Board discussion of a response to the May 9, 2014 letter from Gary Genske, principal White Post Dairy.

By consensus, the Board agreed not to respond.

16) Summary of Required Action

<u>Item</u>	<u>Description</u>	<u>Responsibility</u>
1.	CCPS Pay and Classification Study - bring to the School Board the Supervisors request to see comparisons to Valley jurisdictions without Loudoun, Prince William and/or City of Manassas Park.	Beth Leffel
2.	Develop and advertise public hearing notice for CC-2014-01.	Lora B. Walburn
3.	Clarify footnote No. 50 on CC-2014-01.	David Ash
4.	Send public hearing notice to Shenandoah Retreat Office.	David Ash
5.	Bring to the Planning Commission the Board's recommendations on Zoning Ordinance Commercial Boarding Kennel provisions.	Brandon Stidham
6.	Review and correct, as necessary 2013 Planning Department Annual Report Page 6 BSA-13-02 listed as Russell District and Page 17 Dorick property listed as Russell District.	Brandon Stidham
7.	Process approved minutes.	Lora B. Walburn
8.	Process resolutions 2014-09R and 2014-10R.	Lora B. Walburn
9.	Process resolutions 2014-11R and 201412R.	Lora B. Walburn
10.	Update database and generate notice of appointment.	Lora B. Walburn
11.	Execute notice of appointment.	J. Michael Hobert
12.	Execute and forward SSYP FY2015 / FY2020 Construction Cost Allocations.	David Ash

17) Board Member Committee Status Reports

Supervisor McKay:

- NSVRC: Annual spring dinner tomorrow.

- Bike Events / Plan:
  - Potomac Peddlers:
    - David Ash, Tony Roper, Neil White and he met with the Potomac Peddlers Event Coordinator.
    - The Event Coordinator, new this year, went away with the understanding that participants need to abide by the law and admits that they have some problems.
  - Bicycle and Pedestrian Plan
    - Attended the May 15 public meeting.
    - Clarke County citizens need to determine whether they want to be the “hub of bicycle activities.”
    - Plan calls for 31 miles of 2- to 4-foot wide extensions on the shoulder for bicycles, which could take funds from County road improvements.
    - Brandon Stidham reported:
      - The improvements in the draft plan were provided based on specifications that VDOT recommended.
      - The County could add to its SSYP.
      - The County could direct VDOT to add in conjunction with its ongoing road maintenance.
      - The Supervisors need to have something in the local plan.
    - Supervisor Staelin added that there were some very dangerous areas particularly on the primary roadways; and safety improvements, particularly for the larger biking events, could lessen the objections.
    - Supervisor Byrd opined that it was important to have a good program for cyclists. She commented that it was a great compliment that people should want to come and experience Clarke County’s beauty and unique charm.
    - Chairman Hobert stated that it was important to read the report and study the recommendations.

Supervisor Staelin:

- CCSA: Has not met since the Supervisor’s April meeting.
- Planning Commission: Its May 2 meeting was very brief. Its recommendation on boarding kennels was reviewed earlier in the meeting.

Supervisor Barbara Byrd:

- Juvenile Jail: Meeting this week.
- Regional Jail Board: A very short meeting.
- Social Services: Attended the annual banquet held at Boyd's Nest. Board met with staff. All staff members received a hanging basket.

Vice Chairman Weiss:

- CEA: Continue to receive applications both for purchase and donation. Having difficulty finding a replacement for the current newsletter and fundraiser part-time position. Planning a retreat to help define mission and goals.

18) Closed Session

**Supervisor Byrd moved to convene into Closed Session pursuant to §2.2-3711-A1 Specific Employees or Appointees of the Board. The motion carried as follows:**

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

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

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

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

**CERTIFICATION OF CLOSED SESSION**

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

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

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

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

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

No action was taken on matters discussed in Closed Session.

Chairman Hobert recessed the meeting at 2:48 pm.

Chairman Hobert reconvened the meeting at 6:30 pm.

Chairman Hobert requested the addition of Appointment of Members to Boards and Committees

19) Citizen's Comment Period

No citizens appeared to address the Board.

20) PH 14-08: Secondary Six-Year Plan for 2014/2015 - 2019/2020

Clif Balderson and Steve Damron appeared before the Board to review the Secondary Six-Year Plan for 2014/2015 – 2019/2020. Highlights include:

- Failure to pass the budget could affect the current year budget.
- FY 2015 estimated construction funding: \$60,337
- CTB unpaved funding criteria has changed from qualifying roadway of 200 vehicles down to 50 vehicles that will qualify more roads statewide.

- Secondary unpaved roads was moved from 2017 - 2019 out to 2021 and beyond.
- Old Charlestown Road Route 761: Bridge replacement; Federal funds; Start date of 12/2017.
  - Supervisor Barbara Byrd, noting that this was the top priority on the plan, asked VDOT if the recent fatality would accelerate funding. Clif Balderson was doubtful given the funding mechanism VDOT uses.
- Senseny Road Route 657 Intersection Route 340: Improve intersection; Highway Safety Improvement Program Funds; Start date of 05/2015.
- Old Winchester Road Route 723: Bridge replacement; Federal funds; Particulars are included in the Frederick County Plan; Start date of 12/2017.
- Westwood Road Route 636 from Route 7 Business to Ramsburg Lane: Reconstruction; Partially funded SSYP Project; PE started and design section is working on this now; Still have funding issues in the design phase. Transferred \$205,000 from the previous project.
- Shepherds Mill Road Route 612: Safety Improvement; SSYP unfunded; Use of a 04/2015 start date in hopes of securing project funding was unsuccessful; the Board may wish to push out several years or remove.
- River Road Route 606: Washout repair; Funded; Repair should begin once weather stabilizes.
- Allen Road Route 639: Hardsurface rural rustic; Start date of 4/2018. The second portion of Allen Road remains on the unprioritized / unfunded project list.
- Lockes Mill Road Route 621: Hardsurface rural rustic; Start date of 4/2022
- Cost estimates for road construction remain unchanged from last year with rural rustics approximately \$305,000 per mile.

Vice Chairman Weiss commented on his frustration with the plan because it never moves forward. He asked why VDOT persisted in using a 6-year module that was really a 20-year.

Steve Damron responded that VDOT proposes its annual budget on what it believes future revenues will be using figures forecast by the legislature.

At 6:45 pm, Chairman Hobert opened the public comment portion of the public hearing. Being no persons present wishing to speak, he asked for comment from the Supervisors.

Supervisor Byrd opined that having a plan was good but also disappointing.

Supervisor Staelin noted that the bridge rehabilitation on Millwood Road Route 723 Route 255 to Route 340 was complete but still shown on the plan.

Steve Damron responded that the project was in the financial closure out process.

**Supervisor Staelin moved to approve the SSYP 2014/2015 – 2019/2020. 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

At 6:47, Chairman Hobert closed the public hearing.

#### Appointments to Boards and Committees

Chairman Hobert brought to the attention of the Board Berryville Town Council's appointment of Jay Arnold and Christie Dunkle to work as a team with representatives from the County to develop a cooperative agreement with respect to implementation of economic development strategies in the community. He suggested appointment of Supervisor Staelin and Brandon Stidham to represent the County in developing a memorandum of understanding about those items the entities could agree upon by way of cooperation to implement the strategies that will be discussed shortly as part of the Comprehensive Plan.

Supervisor Staelin commented that both the Town and County could see the advantages of coordinating efforts that would better use funds and eliminate bureaucracy.

**Supervisor Byrd moved to accept the nomination of Brandon Stidham and Supervisor Staelin to work with representatives from the Town of Berryville to develop a memorandum of understanding. 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

#### 21) Adjournment

There being no further business to be brought before the Board at 6:55 pm Chairman Hobert adjourned the Board of Supervisors meeting.

Approved June 17, 2014

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Next Regular Meeting Date

The next regular meeting of the Board of Supervisors is set for Tuesday June 17, 2014 at 1:00 p.m. in the Berryville Clarke County Government Center, Main Meeting Room, 101 Chalmers Court, Berryville, Virginia.

ATTEST: May 20, 2014

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J. Michael Hobert, Chair

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David L. Ash, County Administrator

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