

June 17, 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, June 17, 2014.

Board Members Present

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

Board Members Absent

None

Staff Present

David Ash; Barbara Bosserman; Tom Judge; Tony Roper; Brandon Stidham; Lora B. Walburn

Others Present

Janet Alger; Gem Bingol; Robina Rich Bouffault; Chuyen Kochinsky; Val Van Meter and other citizens.

1) Call to Order

Chairman Hobert called the afternoon session to order at 1:02 p.m.

2) Adoption of Agenda

By consensus, the Board adopted the agenda as presented.

3) Citizens Comment Period

No citizens attending the afternoon session wished to address the Board.

4) VDOT

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

Maintenance – May / June:

- Began mowing operations along Routes 7, 340 and 255;
- Graded various non-hard surfaced roads throughout the county;
- Began dust control operations;
- Performed shoulder widening along Rt. 340 South and Business Rt. 7 in preparation for overlay;
- Considerable time was spent in cleanup and restoration of flash flood damage.

Maintenance – June / July:

- Complete primary mowing and begin on secondary's;
- Complete dust control operations;
- Repair pavement on Rt. 761 bridge;
- Begin pavement overlay on Rt. 340 South and Business Rt. 7.

Projects:

- Turning lane at Rt. 340 and Senseny: has been advertised.
- Johnson Grass: Schedule has been requested.

Supervisor Comments:

Supervisor Barbara Byrd

- Route 611: Thanked VDOT for great work on the shoulders.
- Triple J Road: Ed Carter will verify scheduled resurfacing.
- Old Charlestown Road: Ed Carter advised that repair of drop offs and washed out areas is part of reoccurring maintenance. He noted that the new bridge structure would address some exiting problems.

Vice Chairman Weiss:

- Route 612: Following discussion, **Vice Chairman Weiss moved to request the Virginia Department of Transportation to erect GPS signs, with the understanding that should the signs prove to be ineffective, the Board would ask to have the sign removed. 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

The Chair instructed David Ash to send VDOT a letter of request.

- Kimble Road: The 7-11 [former Q-Stop] has two entrances, front and back, on Kimble Road; and while it may have been designed for motorists to enter from the back entrance, they are cutting straight across off Route 7 and across Kimble into the parking lot endangering exiting motorists. Ed Carter will request traffic engineering review.

#### 5) CCPS School Board Update

Highlights of comments by Janet Alger, Russell District County School Board Member:

##### Pay and Classification Study

- The School Board's role is policy and governance, not day-to-day operations.
- Staff will further work on the study.
- The School Board understands it does not have enough current funds for implementation.
- At its Special Meeting June 13, the School Board made the following motion, *Chip Schutte, seconded by Dr. Leffel, that resolved to pay and classification study recommendations be implemented as soon as practical in FY2015.*
- The new Superintendent begins July 1 with introduction to the Supervisors on July 15.
- The School Board Chair appeared before the Supervisors to answer questions not to dispute the School Board's process and decision making.
  - The School Board accepted the report.
  - The School Board decided to let the company chose the ten comparable jurisdictions adjusted for VRS and cost of living.
  - There was a scale change after the first ten years.
  - The report is based off the BA and the masters as a supplement.
  - Clarke County has 99 masters level individuals.
  - Clarke is showing last in the ten comparables on the BA.
  - Evergreen proposes reducing the masters supplement by \$2,000 and adding masters plus 30 and doctorate level salary lanes.

Supervisor Comments / Questions:

Supervisor Byrd: Reading from the May 20, 2014 minutes, noted that School Board Member Beth Leffel had agreed to bring to the School Board the Supervisors' request

to see comparisons to Valley jurisdictions without Loudoun, Prince William and/or the City of Manassas Park.

Janet Alger responded that Dr. Leffel did ask but the feeling of the School Board was that it would not make the report significantly different. She stated that from the beginning the School Board allowed the company to pick the market comparables and did not attempt to influence the decision. She commented that the Schools had eight of ten jurisdictions used in the General Government Springsted Play and Classification Study. She opined that the School Board was looking fair labor standards issues with a target of instructional assistants. Mrs. Alger opined that it was a staggering amount of funds and a five-year implementation alternative was put forth as a solution to the challenge.

Supervisor Staelin: Noted that the Evergreen study was not based on salaries paid but upon salary scales and that according to the consultant's presentation, the difference between the scale and what is actually paid can be quite different.

Tom Judge responded that this is true and it breaks down to what is really an achievable rate of implementation. He opined that Evergreen set out the goal in its study and the challenge is how reasonable it may be to achieve that goal even in five years.

Janet Alger opined that the School Board was realistic and the amount shocking. She reiterated that the School Board definitely felt that it needed to start with the instructional aides using the funds it had for salary increases.

Supervisor Staelin put forth that the report gave a "broad-brush statement" that Clarke salaries were 14.7% below the minimum market. However, this statement seems to take the reported figure from one data point, the starting salaries of the persons with a BA. He continued that during the Evergreen's presentation it was noted that persons with masters were close to or near market. He asked Mrs. Alger if the Schools intended to use the 14.7% data point as its base to raise all salaries.

Janet Alger responded that many beginning teachers look at the salary difference and opt to work elsewhere.

Tom Judge added that the consultant emphasized, in terms of the recommendation, the importance in having a very competitive scale in the first ten years.

Supervisor Staelin restated that the report was not clear in how it was using the 14.7% figure, and further that it was calculated on a market basket. He noted that he believed the General government separated its report into the broader market and the Valley market. He opined that Clarke County would never be as high as Loudoun County and other larger jurisdictions to the east. He questioned the cost of living index in the report that stated it was only 7.8% more expensive to live in Loudoun than in Clarke County.

Janet Alger responded that the School Board was not done with the process and she heard the Supervisors' concerns. She stated salaries had been frozen on the scale for four years with a two percent increase last year.

Supervisor Staelin stated that he had noticed the mid-point was used to set salaries for Administrators while the minimum was used for everyone else.

Janet Alger explained that the administrator scale had less of a range and more of a negotiation with less movement. She reported Evergreen asserted that most administrators stay four to five years and leave.

Supervisor Staelin opined that perception was important and such disparity between administrators and all other staff set a tone.

Janet Alger responded that this issue or policy was something the Board needed to work out.

Supervisor Staelin commented that proposed salaries, with benefits, would result in an increase in excess of a \$1,000 per student. He opined that the School Board must prioritize such things as its desire for small class size, good facilities and good pay,

Janet Alger stated that it is a process and the School Board would keep the Supervisors informed.

Vice Chairman Weiss put forth that frozen salaries over the past four years was not an accurate statement. He reminded that employees received a bonus one year, the following year they were given the 5% State mandated increase with an additional 2% from the County; and in the last fiscal year, school employees received a 2% increase. He opined that prior to that school employees also received some type of compensation increase that was not given to general government employees.

Tom Judge affirmed the accuracy Vice Chairman Weiss' statement.

Vice Chairman Weiss commented that if you chase neighbors to the east that you will never catch them and people need to make personal decisions about where they live and why they live there.

Janet Alger added that this is a commuter area and the Schools are balancing. She noted Clarke has a very high retention rate which is way above the typical average.

Supervisor McKay commented that he was pleased to see the average 10.1-year tenure.

Chairman Hobert thanked Chairperson Alger for the update.

6) Fire and EMS Update

Implementation Items -- Fire & EMS Workgroup Recommendations

*Director position*

- Advertisement period closed on June 5.
- 25 applications received
- Applications are under review by the Screening Team of David Weiss, David Ash and Brandon Stidham.
- Interview committee proposed members:
  - County Administrator: David Ash
  - Personnel Committee: Bev McKay, J. Michael Hobert
  - BoS Liaison to Fire and EMS Work Group: David Weiss
  - Two Potential Appointees to the Fire & EMS Commission: Laure Wallace  
Bryan Conrad
  - Sheriff Roper

Following discussion, **Vice Chairman Weiss** moved to appoint a panel of seven interviewers consisting of:

<b>David Ash</b>	<b>Sheriff Tony Roper</b>
<b>Bryan Conrad</b>	<b>Laure Wallace</b>
<b>J. Michael Hobert</b>	<b>David Weiss</b>
<b>Bev McKay</b>	

**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

*Fire & EMS Commission Potential Appointees*

- Laure Wallace, Fire
- Bryan Conrad, EMS
- Jacob White, Volunteer Association – Fire
- Matt Hobb, Volunteer Association – EMS

*County Code Amendment:*

- Bob Mitchell is reviewing the proposed amendment.
- Bob Mitchell has advised that adoption of the ordinance was not required prior to appointment of the Commission.
- Anticipate adoption in August.

*Fee for Service RFP*

- In advertisement phase of procurement.
- RFP Closes Thursday, June 19.
- Status update anticipated at the July Work Session.

7) Approval of Minutes

**Change Book 21 Page 897 Chairman Staelin to Chairman Hobert.**

**Supervisor Byrd moved to approve the minutes for May 20, 2014 Regular Meeting as modified. 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) Personnel Committee Items

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

06/09/2014 Summary: The Personnel Committee recommends:

Board of Social Services: Reappointment of Lynn Gray to a four-year term expiring 07/15/2018.

Clarke County Historic Preservation Commission: Reappointment of Robert Stieg to a four-year term expiring 05/31/2018.

Lord Fairfax Emergency Medical Services Council: Appointment of Bryan Conrad to a three-year term expiring 06/30/2017 replacing Lee Coffelt.

06/17/2014 Summary: **Vice Chairman Weiss moved to approve the recommendations of the Personnel Committee 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

B. Status Update Fire and EMS Director Position

06/09/2014 Summary: The Committee was advised that the County had received 25 applications and that the preliminary review committee consisting of the County Administrator, Planning Director and Supervisor Weiss would be provided copies of the applications by Tuesday, June 10 and would schedule the review process sometime shortly thereafter.

06/17/2014 Summary: See Item 6

C. Status Update Consultant Hiring In Connection With Fee For Service

06/09/2014 Summary: The Committee was advised that the solicitation does not close until June 19 and that there are no expressions of interest or responses as of this date.

06/17/2014 Summary: See Item 6

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

06/09/2014 Summary: The County Administrator advised that he had reviewed and revised the draft Personnel Policy and had returned it to Springsted for further comment and content modification.

06/17/2014 Summary: The County Administrator reported that Springsted Incorporated was prepared to make presentation at the July Work Session.

9) Board of Supervisors Work Session

A. Easement Heritage Child Development Center by David Ash



06/09/2014 Summary: The Board directed the County Administrator to have the County Attorney draft a revised resolution contingent upon the Child Development Center's success on renewing its lease and to further inquire if there should be any concerns regarding continued use of the right of way.

06/17/2014 Summary: David Ash reported that Bob Mitchell, County Attorney, was working on a revised resolution.

B. CC-2014-02 Chapter 40 Voting District 40-3 Polling Places Established Discussion

06/09/2014 Summary: The Registrar reviewed the proposed change with the Board. Subsequent to further discussion, the Board directed that the matter be placed on the July regular meeting agenda for public hearing.

06/17/2014 Summary: David Ash reported that action was taken at the Work Session to set the matter for public hearing.

Vice Chairman Weiss requested that the Registrar send notice of public hearing to the Berryville District.

Supervisor Byrd reported that last week Berryville Town Council visited the proposed site and received nothing but positive comments.

Keith Dalton advised that Berryville Town Council would hold public hearing on the matter next week.

David Ash informed the Supervisors that the Registrar asked permission to use the public hearing notice prepared by the County. Should the Board direct her to produce notice.

Supervisor Staelin expressed concern that such an action would set a precedent.

**Vice Chairman Weiss moved to request that the Registrar use the public hearing notice language to put into the Town water bills to notify that particular area of this public hearing concern the change of voting places.**

Barbara Bosserman put forth her understanding that the Mr. Dalton had agreed to include a written notice with the Town Water bills.

Keith Dalton countered that it was his understanding that their discussion was about including a notation on the bill. He stated that he would need to solicit approval from Council to include a written notice.

Vice Chairman Weiss revised his motion to read: **moved that the Registrar determine an effective way to send out the same notice with the same language of public hearing to those members of that precinct. 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. ERP Contract Decision

06/09/2014 Summary: Following review and discussion, **Supervisor Staelin moved to authorize the Joint Administrative Services Director to execute the ERP contract with Tyler Technologies, Inc., upon adoption of the FY2015 Commonwealth budget. 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

D. Commonwealth Budget Update

06/09/2014 Summary: Board members discussed the current situation regarding the inability of the Commonwealth to adopt a FY2015 budget and discussed the potential impacts that failure would have on County offices and departments and funded organizations should the budget not be resolved prior to the beginning of the fiscal year. The Treasurer, the Commissioner of the Revenue and the Sheriff were also present and commented on the potential impacts to their operations. Members of the Board were advised that members of the Finance Committee would be proposing specific actions in response to this situation.

06/17/2014 Summary: Tom Judge reported that the Governor received the Commonwealth budget on Monday and has seven days to act. He commented that it looked like state agencies would be severely cut.

Mr. Judge advised that the ERP contract was on hold pending approval of the Commonwealth budget.

E. Identify CCPS Discussion Issues

06/09/2014 Summary: Members of the Board requested a presentation on the Classification and Compensation Study with a particular interest in addressing benchmark communities used with the possibility of reconfiguration similar to the General Government’s benchmark group.

The Board also expressed concern about the comparison of teachers’ compensation for beginning professionals with a BA versus comparison with teachers with Masters Degrees given the School Board’s substantial stipend for this latter group.

The County Administrator was directed to confirm with Dr. Murphy the Board’s request for a review of the compensation plan, noting its areas of particular interest.

06/17/2014 Summary: See Item 5.

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

06/09/2014 Summary: **Supervisor Staelin moved to convene into Closed Session pursuant to §2.2-3711-A1 to discuss 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 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.

10) Finance Committee Items

1. FY2015 Supplemental Appropriations.

- a. Sheriff's Office Renovation. Action: The Finance Committee recommends: "Be it resolved that FY 15 General Government Capital Projects fund expenditure and appropriations be increased \$97,420, and that the fund balance designation for Government Construction/Debt be decreased in the same amount, all for the purpose of renovating the Sheriff's Office."

06/17/2014 Summary: **Supervisor Byrd moved to accept the recommendation of the Finance Committee. 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

*Remaining Balance RDA Funds*

David Ash reported that part of the discussion for the Sheriff's Office renovation budget was a discussion of the remaining money, \$90,764.59, in the Rural Development funds. He stated that he had been in contact with RDA and it was asking the County to consider either using or returning remaining fund balance. The process would be for the County to withdraw the funds from the RDA loan and bond issue and then to immediately repay the funds to RDA so that the County complied in terms of the bond issue such action would not require bond counsel to modify the bond issue.

Mr. Ash stated that Mr. Hickman had further reminded the County that the IDA has an authorized loan in the amount of \$743,000 that had not been processed. If the Board does not intend to use the money, it must notify the IDA that it did not desire use of the \$743,000 and the IDA would cancel the bond issue.

Mr. Ash summarized that the easiest way to resolve the issue:

- Draw down the \$90,764.59 and pay back immediately.
- Notification from the Board of Supervisors to the Industrial Development Authority that it did not intend to use the authorized loan for \$743,000 with the request that the IDA notify RDA to cancel.

In response to Chairman Hobert's query, Mr. Ash advised that the funds had to be used for the authorized project.

**Vice Chairman Weiss moved to drawn down \$90,764.59 [Bond Issue 97-01] and repay those funds to RDA immediately. 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

**Supervisor Staelin moved to request that the IDA pass the appropriate resolution, with the assistance of David Ash and Perry Hickman, to communicate our decision not to proceed with borrowing those funds [RDA Loan 97-02]. The motion carried by the following vote:**

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

John R. Staelin - Aye  
David S. Weiss - Aye

- b. Park benches. Action: The Finance Committee recommends: "Be it resolved that the Parks Administration budgeted expenditure and appropriations be increased \$1,010, and that donation revenue of \$1,010 be recognized in the same amount, all for the purpose of replacing park benches in the Chet Hobert Park."

06/17/2014 Summary: **Vice Chairman Weiss moved to accept the recommendation of the Finance Committee. 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

- c. Josephine City Historic District Nomination. Action: The Finance Committee recommends that this loss in expected Commonwealth funding be partially offset by increasing the Clarke County local tax funding for the project from \$4,000 to \$6,850 as follows: "Be it resolved that \$2,850 be transferred from the contingency for professional services to the Historic Preservation Commission/or the purpose of completing the Josephine City Historic District Nomination."

06/17/2014 Summary: **Supervisor Byrd moved to accept the recommendation of the Finance Committee. 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

2. Notice of Grant Application to Dominion Foundation to Study Nitrogen in Streams.

06/09/2014 Summary: The Natural Resources Director is applying for a grant from the Dominion Foundation to study Nitrogen in streams. This grant will be administered by the Downstream Project, but will require approximately \$2,000 of in-kind support from the Natural Resources Director.

3. Fiscal Policy Update Amending Grants.

06/09/2014 Summary: The Finance Committee recommends approval of the policy amendment as revised June 9, 2014.

Proposed Fiscal Policy Amendment

6. Intergovernmental and other Aid Grants. The County should routinely identify intergovernmental aid grant funding possibilities. However, before applying for or accepting intergovernmental aid grants, the County will assess the merits of a particular program as if it were funded with local tax dollars. Local tax dollars will not be used to make up for losses of intergovernmental aid grants without first reviewing the program and its merits as a budgetary increment. Therefore:

- The County Administrator must approve all grant applications.
- The County Administrator must inform the Finance Committee of such grant applications in a timely way to permit the Board of Supervisors the opportunity to withdraw grant applications.
- The Board of Supervisors must approve appropriations for grants subsequent to approval of such applications.
- No grant will be accepted that will incur management and reporting costs greater than the grant amount.
- In cases where a resolution of the Board of Supervisors is required by the granting agency prior to submission of the grant application, the matter shall be brought to the Finance Committee for recommendation to the Board of Supervisors. If, subsequent to Board approval of the application and/or appropriation, the substantive Board approved terms of the grant are revised by the grantor, the matter shall be resubmitted to the Finance Committee for recommendation to the Board.
- Approval of a grant does not imply approval of additional grant(s) for the same project.

06/17/2014 Summary: Following discussion, **Vice Chairman Weiss moved to approve the Fiscal Policy Amendment 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 |

#### 4. FY2015 Commonwealth Appropriations

06/09/2014 Summary: The Commonwealth is faced with two problems: a very large revenue shortfall, and a stalemate on the adoption of the budget. The two matters are intertwined, and it is complicated to speak of the local response to the situation without mixing the two. It is further complicated by the fact that certain FY 14 Clarke revenues are FY 15 Commonwealth expenditures (ex. PPTRA and Compensation Board). However, the following actions are recommended to manage the situation:

- a. Social Services. FY 15 began June 1 for this agency, but there are no appropriations for the Commonwealth until the budget is adopted. However, the Secretary of Finance assures localities that they will be reimbursed for any local amounts fronted for June (see attached). When a budget is adopted it may include reductions to Clarke County DSS. *Recommended action: Send letter to Social Services advising a vacancy freeze, and deferral of nonessential expenditure in anticipation of budget cuts.*
- b. Regional Organizations. *Recommended action: Review the list of these organizations to determine which must be funded (such as the Regional Jail), and notify the rest in July that their allocations will be withheld as of August 1 if there has been no resolution of the Commonwealth budget.*
- c. All departments and boards funded by the Supervisors. The attached document shows in italics the Commonwealth funding for the various agencies funded by the Board of Supervisors. The total Commonwealth funding equals \$1,170,000 per month. The Board could choose to continue operations with \$11,000,000 in fund balance designations in hopes of reimbursement after Commonwealth budget adoption. However, deep Commonwealth budget cuts should be expected due to their revenue shortfall. Alternatively, the Board could order revenue increases (ex. supplemental real estate tax) or expenditure decreases in an amount equal to the monthly revenue loss, with the risk of a windfall if the Commonwealth does reimburse. *The following steps are recommended (exceptions to all noted):*
  - i. *Vacancy freeze and defer expenditure immediately, with exceptions subject to review by the County Administrator.*
  - ii. *Restricted expenditure for FY 15 part-time salaries.*
  - iii. *Defer capital projects including ERP, Sheriff's renovation, and others, if no budget adoption.*
  - iv. *Determine which departments and boards must continue operating and at what level in advance of August 1.*
  - v. *After August 1, save as much as possible through these measures each month that the budget remains unresolved, and joint local funds for the rest.*
  - vi. *Prepare to furlough employees if the budget is not adopted by August 1.*



These actions will prepare the County for a Commonwealth government shutdown. Actions taken in items i, ii, and iii will anticipate the budget shortfall that will likely hit localities when the budget is ultimately adopted.

06/17/2014 Summary: Tom Judge reported that the budget was awaiting the Governor's approval. He stated that the Finance Committee would need to determine how to address cuts to Commonwealth agencies.

5. Acceptance of Bills and Claims

06/09/2014 Summary: The Finance Committee recommends acceptance.

06/17/2014 Action: **Supervisor McKay moved to accept the May 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

6. Standing Reports

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

11) Joint Administrative Services Board Update

Tom Judge summarized the items of interest under review by the Joint Administrative Services Board. He reminded that the Board reviewed the ERP recommendation at its June 9 work session.

12) Government Projects Update

David Ash provided the monthly project update. Highlights include:

- 101 Chalmers Court – HVAC Retrofit
  - o Retrofit in the system adjustment and balance phase.
  - o Susanne Vaughan is converting temperature and humidity charting information.
- Sheriff's Office Renovation

- Early in the regular meeting, the Supervisors approved the budget to complete renovation.
- Working with Levi and Profitt to get items out to bid and scheduling work to be done by contractors and county employees
- Parks & Recreation
  - Developing plans to demolish the house and barns including use as a training tool for local fire department. May attempt to reclaim lumber from the barn and corncrib.
  - Parks have an agreement with a civic organization to use that area for a pavilion / bandstand; and depending on how much money available may have restrooms and kitchen available.

13) Miscellaneous Items

None

14) Summary of Required Action

<u>Item</u>	<u>Description</u>	<u>Responsibility</u>
1.	Send letter requesting evaluation and installation of GPS sign on Route 612.	David Ash
2.	Notify members of the Fire & EMS Director interview panel.	David Ash
3.	Modify and process approved minutes.	Lora Walburn
4.	Update database and draft letters of appointment.	Lora Walburn
5.	Execute letters of appointment.	J. Michael Hobert
6.	Place Springsted presentation on the July 7 Work Session agenda.	David Ash
7.	Develop advertisement and process for CC-2014-02.	Lora B. Walburn
8.	Provide public hearing notice to Berryville District registered voters.	Barbara Bosserman
9.	Proceed with draw down of bond issue 97-01.	David Ash
10.	Notify IDA of the Boards intent not to use the funds in the authorized loan and request IDA to notify RDA [RDA loan 97-02] to cancel the loan.	David Ash
11.	Notify staff and constitutional offices of the grants	David Ash

<u>Item</u>	<u>Description</u>	<u>Responsibility</u>
12.	Update County Code with CC-2014-01.	Lora B. Walburn

15) Board Member Committee Status Reports

Supervisor McKay:

- NSVRC: Attended annual spring dinner. Speaker addressed the movement of younger persons toward the cities and the decline of desire of persons to live in suburbs and rural areas.

Vice Chairman Weiss:

- CEA: A dinner at the home of George Ohrstrom is planned for June 21 and all are welcome. A brainstorming session is planned for next week.
- Historic Preservation and Josephine City: A day-long event is planned for June 21 with a dedication of the historic plaque scheduled for 11 am.

Supervisor Barbara Byrd:

- Humane Foundation: Meets tomorrow at the Shelter to continue working on plans for next year's gala and a ten-year anniversary celebration in October.
- Social Services: The Director is getting discouraged in the face of increases in need and rising drug use.
- Juvenile Jail: Jail is at capacity.

Supervisor Staelin:

- CCSA: Met this morning.
- Planning Commission: Relatively quiet. A text amendment for kennels and animal shelters has been drafted and it is hoped to have it ready for public hearing in September.
- Economic Development Strategic Plan: Draft to be ready in July.
- Economic Development Town / County Partnership: Met with Jay Arnold yesterday. Anticipate having the MOU ready for review in August.

16) Closed Session

At 3:03 pm, **Vice Chairman Weiss 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

At 3:20 pm, David Ash left the Closed Session.

At 3:30 pm, the members of the Board of Supervisors being assembled within the designated meeting place, with open doors and in the presence of members of the public and/or the media desiring to attend, **Vice Chairman Weiss moved to reconvene in open session. The motion carried as follows:**

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

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

**CERTIFICATION OF CLOSED SESSION**

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

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

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

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

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

No action was taken on matters discussed in Closed Session.

Chairman Hobert recessed the meeting at 3:31 pm.

Chairman Hobert reconvened the meeting at 6:30 pm.

17) Citizen's Comment Period

Jean Hess, Shenandoah Retreat: asked the Supervisors to pass the proposed amendment CC-2014-01

18) PH 14-09: CC-2014-01 Chapter 165 Taxation Article IV Tangible Personal Property

David Ash reviewed the proposed amendment.

At 6:32 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.

Jean Hess, Shenandoah Retreat Board member: spoke in support of the proposed amendment.

At 6:33, Chairman Hobert closed the public hearing.

**Supervisor Staelin moved to approve CC-2014-01 Chapter 165 Taxation Article IV Tangible Personal Property amendment as presented.**

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

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>***

---

<sup>49</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>50</sup> Editor's Note: Pursuant to 58.1-3958

### 19) Adjournment

There being no further business to be brought before the Board at 6:34 pm Chairman Hobert adjourned the Board of Supervisors meeting.

### Next Regular Meeting Date

The next regular meeting of the Board of Supervisors is set for Tuesday July 15, 2014 at 1:00 p.m. in the Berryville Clarke County Government Center, Main Meeting Room, 101 Chalmers Court, Berryville, Virginia.

ATTEST: June 17, 2014

---

J. Michael Hobert, Chair

---

David L. Ash, County Administrator

---

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