

November 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, November 18, 2014.

Board Members Present

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

Board Members Absent

None

Staff Present

David Ash; Frank Davis; Tom Judge; Jesse Russell; Brandon Stidham; Lora B. Walburn

Others Present

Keith Dalton; Gem Bingol; 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

Add Miscellaneous:

- Legislative Priorities Process and Meeting with Legislative Delegation
- Conflict of Interest Questions from Board – as necessary
- Discussion FY2015 Raises
- Housing – Supervisor Byrd

By consensus, the Board adopted the agenda as modified.

3) Citizens Comment Period

No citizens attending the afternoon session addressed the Board.

4) VDOT

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

Maintenance – October / November:

- Conducted grading operations on Rt. 605;
- Performed patching operations along Rt. 632;
- Completed brush and hazardous tree removal along business 7 with contractors; Address numerous pothole complaints;
- Continued secondary mowing and completed replenishment of chemical stores;
- Numerous carcass pickups and disposal.

Maintenance – November / October:

- Complete secondary mowing;
- Continue with grading operations on non-hard surfaced roads;
- Repair low shoulders on various primary roads;
- Conduct A-Boom operations on primary routes.

Projects:

- Rt. 340/Senseny Rd. Turning lanes – Completed.
- Triple pipe repair on Rt. 340 – Completed, contractor put in new liner.
- Pipe replacement business 7 in Berryville – Awaiting funding.

Board Concerns:

- Rt. 612 truck restrictions – waiting on final engineering recommendation.
- Johnson Grass – Funds made available for an additional 10 miles of shoulder spraying in 2015.
- Morgan Ford Bridge replacement:
 - Current traffic calming from approaches will not be affected by the bridge replacement.

- VDOT has no future plans for changing road classification through Clarke County. Majority of road in Warren County is in VOF easement; and by law, VDOT cannot do anything with this roadway in this classification.
 - One thousand eight hundred and seventy five persons use the road and bridge daily and that number is expected to grow. However, VDOT will not aid in promoting that increase.
- Jefferson County Music Festival: Chairman Hobert requested an update.

Ed Carter advised that there had been no discussion with colleagues as of yet. He informed the Board that he had spoken with David Ash, was monitoring event information posted online, and had discussed options with the legal department. He advised that at this time, without any further detail, VDOT could not identify anything that would allow prohibition of traffic through Virginia to access the event.

Supervisor Staelin contributed that it appears that Jefferson County's postings will direct traffic through Clarke and asked if VDOT's legal staff could review and provide direction on anything that could be done to restrict stacking in another jurisdiction while prohibiting in your own.

Supervisor Byrd put forth that now might be the time to issue an official communication to affected constituents.

Ed Carter agreed that official communication was appropriate but more detail was needed. He advised that based on the limited information VDOT now has legal is saying that the localities are in a better position than VDOT because under State law VDOT cannot prohibit a licensed driver from using Virginia roads.

Supervisor McKay asked if VDOT or the Sheriff's Department could require payment for services from the event organizer.

Ed Carter responded that because it is in another state legal has advised that VDOT cannot require payment. He reminded that VDOT has no control over an event held in West Virginia. He assured that VDOT would continue to monitor developments.

Supervisor Comments:

Supervisor Barbara Byrd

- Curve by Cave Farm on Route 7: An Angus cow was killed and no one will claim the cow. She stated that for several years she has tried to get a guardrail in this area and asked VDOT to review the matter. Mr. Carter will look into the matter.

Supervisor Staelin:

- Route 611 Reflectors: VDOT held a meeting yesterday with traffic and they are looking for places where reflectors are missing; also, the pavement schedule was pushed out.
- Senseny Road Project: Mr. Carter advised that there was no plan to remove the flashing lights but he can have traffic review for removal.
- Millwood: Residents at a recent meeting expressed interest in creating an additional fine area. Mr. Carter will provide the statutory authority for creation of an additional fine area.

Keith Dalton, Berryville Town Manager, put forth that VDOT conducted traffic studies when Berryville created several additional fine areas.

Following discussion, by consensus, the Supervisors agreed to request a speed trailer in the Millwood area.

Route 723 Bridge Replacement

VDOT is ready to move forward with the Old Winchester Road Route 723 bridge replacement. VDOT is required either to hold a public hearing or to post a willingness to hold a public hearing; and with consensus of the Board, VDOT can post willingness. VDOT will advertise in the paper and place signs on either side of the bridge for a 30-day period with project and contact information; and if citizens request it, VDOT will hold a public hearing. However, if no one requests a public hearing, it is not held saving approximately two months' time.

The consensus of the Supervisors was to hold public hearing and it was accordingly requested.

5) Approval of Minutes

Page 955 Miscellaneous, Housing, Supervisor Byrd clarified that a county citizen asked her to look into derelict houses. She noted that the availability of low-income housing in Clarke had been questioned and some of these houses, with some work on them, could be made useable for families to rent. Unfortunately, many family members own many of these houses and a lawyer is needed to find out who really owns the house. She opined that there were probably several houses in the community that could be rehabbed and used for occupancy.

Vice Chairman Weiss commented that he had understood Supervisor Byrd's comments but he stood behind his statement.

Supervisor Byrd remarked that this is something the County could look into and find an answer.

Supervisor Byrd requested that the minutes be amended to include: *Supervisor Byrd suggested consideration be given to examining the title of some of these properties.*

Supervisor McKay asked if the matter could be settled by determining who paid the property taxes.

Chairman Hobert noted that paying the taxes does not establish property ownership.

Supervisor Staelin added that in addition to lawyers, in some cases a genealogy is needed.

Supervisor Byrd added that derelict housing also presents a safety issue.

Page 1006 PH 14-13: 2014 Clarke County Economic Development Strategic Plan: Supervisor Byrd asked the minutes be amended to include: *Supervisor Byrd expressed concern regarding the implications of adding housing to the community; and when it comes to housing, the County ought to stick with the Comprehensive Plan.*

Page 1009 PH 14-12: TA-14-04, Commercial Boarding Kennels and Animal Shelters: Supervisor Byrd requested the addition of her statement:

Supervisor Byrd said that as all of this begins in the Planning Office she wanted to make sure that the Planning Commission was alerted to these things going on in the office.

Brandon Stidham responded that he did have a report once it reaches a second stage and they communicate this now to the Planning Commission.

Supervisor Staelin moved to approve the minutes for October 21, 2014 Regular Meeting as modified with the three additions made by Supervisor Byrd. 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) Consent Agenda

A. Lord Fairfax Health District 2014-2015 Locality Agreement

COMMONWEALTH OF VIRGINIA
DEPARTMENT OF HEALTH

STATEMENT OF AGREEMENT WITH the Board of Supervisors of Clarke County

Under this agreement, which is created in satisfaction of the requirements of § 32.1-31 of the *Code of Virginia* (1950), as amended, the Virginia Department of Health, over the course of one fiscal year, will pay an amount not to exceed \$243,560 from the state general fund to support the cooperative budget in accordance with appropriations by the General Assembly, and in like time frame, the Board of Supervisors of Clarke County will provide by appropriation and in equal quarterly payments a sum of \$159,779 local matching funds and \$45,221 one-hundred percent local funds for a total of \$205,000 local funds. These joint funds will be distributed in timely installments, as services are rendered in the operation of the Clarke County Health Department, which shall perform public health services to the Commonwealth as indicated in Attachment A(1.), and will perform services required by local ordinances as indicated in Attachment A(2.). Payments from the local government are due on the third Monday of each fiscal quarter.

The term of this agreement begins July 1, 2014. This agreement will be automatically extended on a state fiscal year to year renewal basis under the terms and conditions of the original agreement unless written notice of termination is provided by either party. Such written notice shall be given at least 60 days prior to the beginning of the fiscal year in which the termination is to be effective. Any increase or decrease in funding allocation shall be made by an amendment to this agreement.

The parties agree that:

1. Under this agreement, as set forth in paragraphs A, B, C, and D below, the Commonwealth of Virginia and the Virginia Department of Health shall be responsible for providing liability insurance coverage and will provide legal defense for state employees of the local health department for acts or occurrences arising from performance of activities conducted pursuant to state statutes and regulations.
 - A. The responsibility of the Commonwealth and the Virginia Department of Health to provide liability insurance coverage shall be limited to and governed by the Self-Insured General Liability Plan for the Commonwealth of Virginia, established under § 2.2-1837 of the Code of Virginia. Such insurance coverage shall extend to the services specified in Attachments A(1.) and A(2.), unless the locality has opted to provide coverage for the employee under the Public Officials Liability Self-Insurance Plan, established under § 2.2-1839 of the Code or under a policy procured by the locality.
 - B. The Commonwealth and the Virginia Department of Health will be responsible for providing legal defense for those acts or occurrences arising from the performance of those services listed in Attachment A(1.), conducted in the performance of this contract, as provided for under the Code of Virginia and as provided for under the terms and conditions of the Self-Insured General Liability Plan for the Commonwealth of Virginia.

- C. Services listed in Attachment A(2.), any services performed pursuant to a local ordinance, and any services authorized solely by Title 15.2 of the Code of Virginia, when performed by a state employee, are herewith expressly excepted from any requirements of legal defense or representation by the Attorney General or the Commonwealth. For purposes of assuring the eligibility of a state employee performing such services for liability coverage under the Self-Insured General Liability Plan of the Commonwealth of Virginia, the Attorney General has approved, pursuant to 3 2.2-507 of the Code of Virginia and the Self-Insured General Liability Plan of the Commonwealth of Virginia, the legal representation of said employee by the city or county attorney, and the Board of Clarke County hereby expressly agrees to provide the legal defense or representation at its sole expense in such cases by its local attorney.
 - D. In no event shall the Commonwealth or the Virginia Department of Health be responsible for providing legal defense or insurance coverage for local government employees.
2. Title to equipment purchased with funds appropriated by the local government and transferred to the state, either as match for state dollars or as a purchase under appropriated funds expressly allocated to support the activities of the local health department, will be retained by the Commonwealth and will be entered into the Virginia Fixed Asset Accounting and Control System. Local appropriations for equipment to be locally owned and controlled should not be remitted to the Commonwealth, and the local government's procurement procedures shall apply in the purchase. The locality assumes the responsibility to maintain the equipment and all records thereon.
 3. Amendments to or modifications of this contract must be agreed to in writing and signed by both parties.

Marissa J. Levine, MD MPH, FAAFP
State Health Commissioner
Virginia Department of Health

Local authorizing officer signature

Authorizing officer printed name

Authorizing officer title

Date

Date

- B. 2014-14R - Resolution Of The Board Of Supervisors Of Clarke County Approving A Financing To Be Undertaken By The Industrial Development Authority Of Clarke County, Virginia, For The Benefit Of A Multifamily Rental Residential Facility Consisting Of 60 Units Designed For Persons And Families Of Low And Moderate Incomes

RESOLUTION OF THE BOARD OF SUPERVISORS OF CLARKE COUNTY APPROVING A FINANCING TO BE UNDERTAKEN BY THE INDUSTRIAL DEVELOPMENT AUTHORITY OF CLARKE COUNTY, VIRGINIA, FOR THE BENEFIT OF A MULTIFAMILY RENTAL

RESIDENTIAL FACILITY CONSISTING OF 60 UNITS DESIGNED FOR PERSONS AND FAMILIES OF LOW AND MODERATE INCOMES 2014-14R

WHEREAS, the Industrial Development Authority of Clarke County, Virginia (the "Authority"), on October 15, 2014, adopted a resolution (the "Authority Resolution") authorizing the issuance and sale of its Multifamily Revenue Bonds, Series 2014, in a principal amount not to exceed \$4,300,000 (the "Bonds"), for the benefit of Berryville United Methodist Housing, L.P., a Virginia limited partnership (the "Borrower"), to finance the costs of acquiring, rehabilitating, equipping and furnishing Mary Hardesty House, a multifamily rental residential facility consisting of 60 dwelling units designed for persons and families of low and moderate incomes (the "Project");

WHEREAS, Section 147(f) of the Internal Revenue Code of 1986, as amended (the "Internal Revenue Code") and Section 15.2-4906 of the Code of Virginia of 1950, as amended (the "Virginia Code"), require that the governmental unit on whose behalf the Bonds are issued approve the issuance of such Bonds;

WHEREAS, Section 147(f) of the Internal Revenue Code requires that any such approval by the applicable governmental unit be given after a public hearing following reasonable public notice, which hearing may be held by the public authority issuing the Bonds;

WHEREAS, on October 15, 2014, in accordance with the requirements of Section 147(f) of the Internal Revenue Code and Section 15.2-4906 of the Virginia Code, the Authority held a public hearing and adopted the Authority Resolution approving the issuance of the Bonds;

WHEREAS, a copy of the Authority Resolution, a record of the public hearing and a fiscal impact statement with respect to the issuance of the Bonds have been filed with the Board of Supervisors (the "Board of Supervisors") of Clarke County, Virginia (the "County");

WHEREAS, the Borrower has requested the Board of Supervisors to approve the issuance of the Bonds to comply with Section 147(f) of the Internal Revenue Code and with Section 15.2-4906 of the Virginia Code; and

BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF CLARKE COUNTY, VIRGINIA:

The Board of Supervisors hereby approves the issuance of the Bonds by the Authority for the benefit of the Borrower, as required by Section 147(f) of the Internal Revenue Code and by Section 15.2-4906 of the Virginia Code.

The approval of the issuance of the Bonds does not constitute an endorsement of the Bonds or the creditworthiness of the Borrower. As required by Section 15.2-4909 of the Virginia Code, the Bonds shall provide that the County will have no obligation to pay the Bonds or the interest thereon or other costs incident thereto.

All acts and doings of the officers of the County and the Board of Supervisors that are in conformity with the purposes and intent of this resolution shall be, and the same hereby are, in all respects approved and confirmed.

The Board of Supervisors' approval of the issuance of the Bonds is conditioned upon the issuance of the Bonds by October 14, 2015.

This resolution shall take effect immediately.

Members present at the meeting: Barbara Byrd; J. Michael Hobert; Bev McKay; John Staelin; David Weiss

Members absent from the meeting were: None

Members voting in favor of the foregoing resolution were: Barbara Byrd; J. Michael Hobert; Bev McKay; John Staelin; David Weiss

Members voting against the foregoing resolution were: None

Members abstaining from voting on the foregoing resolution were: None

WITNESS MY HAND and the seal of the Board of Supervisors of Clarke County, Virginia, this 18th day of November, 2014.

[SEAL]

David L. Ash - Clerk, Board of Supervisors of Clarke County, Virginia

C. Acceptance Abstract of Votes Election 2014

ABSTRACT of VOTES

Cast in CLARKE COUNTY, VIRGINIA
at the 2014 November General Election held on November 04, 2014 for,

United States Senate

NAMES OF CANDIDATES ON THE BALLOT

*TOTAL VOTES RECEIVED
(IN FIGURES)*

Ed W. Gillespie - Republican	2893
Mark R. Warner - Democrat	1954
Robert C. Sarvis - Libertarian	143
Total Write-In votes [From Write-Ins Certifications] [Valid Write-Ins + Invalid Write_ins = Total Write In Votes]	3
Total Number of Overvotes for Office	0

We, the undersigned Electoral Board, upon examination of the official records deposited with the Clerk of the Circuit Court of the election held on November 04, 2014, do hereby certify that the above is a true and correct Abstract of Votes cast at said election for the United States Senate.

Ed W. Gillespie - Republican

ABSTRACT of VOTES

Cast in CLARKE COUNTY, VIRGINIA
at the 2014 November General Election held on November 04, 2014 for,

Member House of Representatives

District: 10

NAMES OF CANDIDATES ON THE BALLOT	TOTAL VOTES RECEIVED (IN FIGURES)
Barbara J. Comstock - Republican	3079
John W. Foust - Democrat	1721
William B. Redpath - Libertarian	99
Brad A. Eickholt - Independent	61
Dianne L. Blais - Independent Green	24
Total Write-In votes [From Write-Ins Certifications] [Valid Write-Ins + Invalid Write_ins = Total Write In Votes]	1
Total Number of Overvotes for Office	0

We, the undersigned Electoral Board, upon examination of the official records deposited with the Clerk of the Circuit Court of the election held on November 04, 2014, do hereby certify that the above is a true and correct Abstract of Votes cast at said election for the Member House of Representatives.

Barbara J. Comstock - Republican

ABSTRACT OF VOTES

cast in the County/City of CLARKE, Virginia
at the November 4, 2014 Special Election, for:

PROPOSED CONSTITUTIONAL AMENDMENT

QUESTION: Shall Section 6-A of Article X (Taxation and Finance) of the Constitution of Virginia be amended to allow the General Assembly to exempt from taxation the real property of the surviving spouse of any member of the armed forces of the United States who was killed in action, where the surviving spouse occupies the real property as his or her principal place of residence and has not remarried?

	TOTAL VOTES RECEIVED (IN FIGURES)
Yes	<u>4343</u>
No	<u>564</u>
Total Number Of Overvotes For Question	<u>0</u>

ABSTRACT of VOTES

Cast in the Town of BOYCE in CLARKE COUNTY, VIRGINIA
at the 2014 November General Election held on November 04, 2014 for,

Member Town Council - Special

District: BOYCE

NAMES OF CANDIDATES ON THE BALLOT

*TOTAL VOTES RECEIVED
(IN FIGURES)*

Dennis S. Hall	90
Ruth A. Hayes	68
Total Write-In votes [From Write-Ins Certifications] [Valid Write-Ins + Invalid Write_ins = Total Write In Votes]	5
Total Number of Overvotes for Office	0

We, the undersigned Electoral Board, upon examination of the official records deposited with the Clerk of the Circuit Court of the election held on November 04, 2014, do hereby certify that the above is a true and correct Abstract of Votes at the said election and do, therefore, determine and declare that the following person(s) has received the greatest number of votes cast for the Member Town Council - Special .

Dennis S. Hall

D. Conservation Easement DUR Purchase

MEMORANDUM

TO: Board of Supervisors, David Ash

FROM: Conservation Easement Authority, Alison Teetor

DATE: November 10, 2014

SUBJECT: Item for Consent Agenda

The Clarke County Easement Authority has approved the following actions. The Authority requests the Board of Supervisors to authorize the Chairman of the Board of Supervisors to execute deeds, easements, and other documents necessary to the transactions, subject to the property owners and lenders signing the Deed prior to the Chair.

Easement DUR Purchase

Glen Masters has applied to the easement authority for approval of an easement DUR Purchase. The property consists of 2 parcels located at 1004 Pyletown Road 1 mile west of Route 340. The parcel identified 21-((A))-18A is 11.8 acres with an existing house. Parcel 18B is 6.4 acres with 1 DUR. The parcels will be merged prior to easement recordation and therefore are treated as one for this application. A site visit was conducted October 15th.

The parcel is zoned AOC qualify for use value taxation, in accord with the Commissioner of Revenue's requirements, therefore a DUR purchase may be considered if at least two of the following four guidelines are met:

- 1) the parcel's Property Resource Score is at least 35;
- 2) at least one dwelling unit right is extinguished by the conservation easement;
- 3) the parcel is adjacent to a parcel already under permanent conservation easement;

4) the property has a minimum area of 40 acres.

The parcels were originally scored separately but when since merger is eminent the scoring was redone to evaluate the property as a whole.

The property meets 3 of the 4 criteria, it is next to an existing easement (Bauhan), scored over 35 (57.39) and is retiring the one remaining DUR. The entire property is within the Prospect Hill Spring drainage area, and has frontage on 2 scenic byways Pyletown Road and Summerville Rd.

The Authority approved and Mr. Masters accepted a DUR purchase price of \$40,000. VDACS will pay 50% of the purchase price.

E. Appalachian Trail Community™ program

TO: Board of Supervisors, David Ash

FROM: Alison Teetor, Brandon Stidham

DATE: November 10, 2014

SUBJECT: Appalachian Trail Community™ program

In August 2014, Christy Dunkle submitted an application for Clarke County-Town of Berryville to become a Certified Appalachian Trail Community. The Appalachian Trail Community™ program is designed to recognize communities that promote and protect the Appalachian Trail (A.T.). Towns, counties, and communities along the A.T.'s corridor are considered assets by all that use the A.T. and many of these towns act as good friends and neighbors to the Trail. The program serves to assist communities with sustainable economic development through tourism and outdoor recreation, while preserving and protecting the A.T.

Designation as an Appalachian Trail Community™ and participation in the program is aimed to:

- ▣ Engage community citizens, Trail visitors and stewards
- ▣ Recognize and thank communities for their service to the Trail and hikers
- ▣ Act as a catalyst for enhancing sustainable economic development
- ▣ Aid local municipalities and regional areas with conservation planning
- ▣ Help local community members see the Trail as a resource and asset

On October 25, 2014, Ms. Dunkle, Alison Teetor, and Lee Sheaffer attended the Mid-Atlantic Appalachian Trail Conservancy Regional Partnership Committee meeting in Harrisburg, Pennsylvania and presented a Powerpoint summarizing the application. After the presentation, members voted unanimously to accept us as an Appalachian Trail Community. Next steps are to hold a public celebration of the acceptance and begin developing items for inclusion on their website. We will continue to keep the Board apprised of implementation activities including the date and location of the public celebration once it is scheduled.

Vice Chairman Weiss moved to approve the items on the Consent Agenda. 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

11/12/2014 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:

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

B. Expiration of Term for appointments expiring through January 2015

11-12-2014 Summary: The Personnel Committee recommends appointment of the following:

- Christina J. Kraybill to serve on the Economic Development Advisory Committee for the remainder of the current term expiring December 31, 2017. This appointee fills the vacancy left by Jay Hillerson.
- Edwin Ralph Pierce to serve on the Board of Social Services for a term expiring July 15, 2018.
- Gwendolyn Malone to serve on the Clarke County Planning Commission to serve the remainder of the unexpired term of William Steinmetz, II. The terms expires April 30, 2016.

In other matters, the Personnel Committee directed staff to request a presentation on the activities and status of the Warren-Clarke County Microenterprise Assistance Program Management Team.

11/18/2014 Action: Supervisor McKay 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

8) Board of Supervisors Work Session

A. Clarke County General Government Pay and Classification Study

11-12-2104 Summary: Sharon Keeler, Suni Mackall, Donna Peake, Tony Roper and Barbara Bosserman addressed the board with regard to their concerns and reservations regarding the implementation of the pay and classification system and proposed pay raises. Collectively the group believed that the grading system was based on an inaccurate interpretation of the various duties and responsibilities of the County's employees, it favored County employees over employees of Constitutional Officers, and that assigned grades unduly limited future earnings. They also expressed concern that the increases granted by the Board, along with the discretionary pool, did not adequately address the issues of salary compression and internal promotion.

The Board offered to make the consultant available to explain the classification system and to respond to their concerns.

Constitutional Officers agreed to implement the raise granted by the Board with the expectation that there would be future discussions and actions to address their concerns.

B. 2014 Conflict of Interest Filing Briefing by David Ash

11-12-2014 Summary: David Ash referred Board members to the information regarding Conflict of Interest contained in the packet noting that there still appeared to be much confusion and much uncertainty regarding specific filing requirements. He promised that any additional information or clarification received between now and the filing deadline would be distributed to affected individuals.

C. Jefferson County Music Festival Update by David Ash

11-12-2014 Summary: David Ash reported that it appeared that the Jefferson County Board of Zoning Appeals had acted to approve the request for a large music festival located on Withers LaRue Road near the Clarke County border. Although the appeals board refused to consider the applicants request for clarification of terminology, the terms were in fact interpreted to the applicants' benefit in the subsequent order. The order included approval of a traffic management plan that appears to include utilization of public roadways in Clarke County for purposes of ingress, egress and traffic stacking. A small map was included in the order but its low resolution was not legible. Efforts are being made to obtain a legible copy and Clarke County law enforcement and emergency services will provide a response to any proposed use of public facilities or services in Clarke County.

D. Fire and EMS Implementation Items: Fee for Service Update

11-12-2014 Summary: Frank Davis, Director Fire and Emergency Medical Services, reported that he had arranged meetings with Valley Health Services to discuss details of fee for service billing training and management services. He hoped to have a more detailed recommendation at the Boards' December Work Session. The Board discussed the need to ensure that sufficient public notice, education and support was developed before adopting an ordinance implementing fee for service.

9) Finance Items

1. FY 15 Supplemental Appropriation Requests.

11/12/2014 Summary: The Finance Committee recommends the following but requests that they be considered individually.

- a. FY 14 School Operating Carryover. The School Board requests that the Board of Supervisors appropriates \$357,286 for the purposes attached. It would be necessary to hold a public hearing on the following action: "Be it resolved that the School Capital Projects Fund budgeted expenditure and appropriations be increased \$357,286, and the same appropriated, all for the purpose of funding a variety of capital projects needs including replacing HVAC equipment at Boyce Elementary, Strategic Planning, Food Service Equipment, and School Furniture."

11/18/2014 Action: Following Tom Judge's review of the School Board's request, Supervisor Staelin moved to set public hearing on Item a. FY2014 School Operating Carryover for Tuesday, December 16, 2014 at 6:30 pm or as soon thereafter as the matter may be heard. 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. School Security Grant. The School Board has made the following request: "Be it resolved that budgeted expenditure and appropriation in the School Capital Projects Fund be increased \$67,223, and that revenue from the Commonwealth be increased in the same amount, to be matched by a separate appropriation of local carryover in the amount of \$16,806, of for the purpose of improving the security of Clarke County Public Schools."

11/18/2014 Action: Supervisor Byrd moved to approve Item 1 b. 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. Parks Grounds Work. Please find the attached documentation of a need at Parks and Recreation for servicing of damaged trees. "Be it resolved that the Buildings and Grounds Maintenance budget for purchased services be increased in the amount of \$1,695, the same appropriated, and the Designation for Government Savings reduced in the same amount, all for the purpose of preserving Leland Cypress trees."

11/18/2014 Action: Vice Chairman Weiss moved for approval of Item 1 c. 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. Clifton Road Fire Bills. Please find attached two invoices totaling \$2,138 resulting from the Clifton Road Fire. "Be it resolved that that that budgeted expenditure and appropriations of the Fire Services function be increased \$2,138, and the designation for government savings reduced in the same amount, all for the purpose of covering certain expenses of the Sheriff's department related to the Clifton Road fire".

11/18/2014 Action: Supervisor Byrd moved for approval of Item 1 d. The motion carried as follows:

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

Vice Chairman Weiss noted that this matter was discussed at the Fire and EMS Commission's meeting last week; and Frank Davis will be formalizing the process and procedure to address future issues.

2. FY 15 Transfers.

11/12/2014 Summary: The Finance Committee recommends delaying the action "a" and approving action "b".

- a. "Be it resolved that \$70,820 be transferred from Emergency Medical Services to the newly created Fire Services account, representing the salary of the Director of Fire, Emergency Medical Services, and Emergency Management."

b. "Be it resolved that \$7,500 be transferred from Emergency Medical Services to Volunteer Fire Department to cover the cost of the Image Trend Fire & Rescue data management program."

11/18/2014 Action: Vice Chairman Weiss moved to adopt Item 2(b) as currently drafted. 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

3. Travel Policy Revision.

11/12/2014 Summary: The Joint Administrative Services Board and the Finance Committee recommend approval of the attached amendment to the Travel section of the Procurement Policy: "Be it resolved that the Board of Supervisors affirms its support for the Travel Policy amendment adopted by the Joint Administrative Services Board."

11/18/2014 Action: Supervisor Byrd moved to approve the recommendation of the Joint Administrative Services 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

4. Fund Balance Designations.

11/12/2014 Summary: The Committee recommends the adjustments to the General Fund Balance designations.

11/18/2014 Action: Tom Judge reviewed the adjustments made to fund balance designation following Finance Committee review.

Supervisor Staelin commented that the \$100,000 designated for the Park's Master Plan had been at the same level for many years and suggested review of current needs.

Supervisor Staelin moved to approve the fund balance designations. 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

5. Acceptance of Bills and Claims

11/12/2014 Summary: The Board should consider acceptance of the October Bills and Claims.

11/18/2014 Action: Vice Chairman Weiss moved to accept the October 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

10) Joint Administrative Services Update

Tom Judge summarized the matters before the Joint Administrative Services Board. Highlights include:

- Travel Policy:
 - o At its October 27 meeting, the JAS Board approved and made recommendation for acceptance by the Supervisor's at the November 18 meeting.
- ERP Update:
 - o Visual demonstration provided to the Board at the October 27 meeting.
 - o Will incorporate budgets for FY2013, FY2014, FY2015 and FY2016.

11) Government Projects Update

David Ash provided the monthly project update. Highlights include:

- Sheriff's Office Renovation
 - o On schedule.

- Replacing boiler today.
- Investigating sewer lines.
- Park Property
 - Awarded barns to purchaser, who has 30 days to commence removal.
- 101 Chalmers Court – BCCGC HVAC Retrofit Project
 - Provided update to Mr. Mitchell re concerns about extra utility costs however counsel does not believe these particular costs will be viable claim.
 - Mr. Mitchell and engineer are scheduled to meet.

12) Miscellaneous Items

Legislative Priorities:

Chairman Hobert drew the Supervisor's attention to the 2014 Legislative Priorities distributed prior to the meeting and the VACo adopted priorities that were amendment by its resolutions committee. He asked that the 2015 legislative priorities be reviewed at the December 8 Work Session.

The Chair instructed members of the Board to contact Supervisor Staelin or him with additions or deletions.

By consensus, the Board instructed staff to invite Senator Jill Vogel, Delegate Dave LaRock, and Delegate Randy Minchew, to join the Board at its December 8 Work Session.

There was discussion about the possibility of inviting Congresswoman-elect Barbara Comstock to meet with the Supervisors.

By consensus, the Board authorized the County Administrator to schedule a special meeting with the legislative delegation as required to accommodate the representative's schedules.

Conflict of Interest Questions

The Supervisors had no questions.

FY2015 Salary Increase

Chairman Hobert put forth that this item involved the pay and compensation study and the fact that the prior resolution of the Board required the Constitutional Officers and certain administrators to provide the Supervisors with their recommendations.

David Ash updated the Board. Highlights are as follows:

- The Supervisors' resolution reserved the right to review and give consent to the proposed allocations of the pool.
- All Constitutional Officers have returned the forms with individual departmental allocations.
- The Department of Social Services has not returned its proposed allocations.
- Each Constitutional Officer made allocations somewhat differently.
- The one-percent allocation, by resolution of the Board, was for full-time employees only. The Commonwealth Attorney allocated to full and part-time staff. Part-time must be adjusted out and the remainder reallocated to full-time staff.
- The County Administrator will provide the County General Government allocations at the evening session.
- Payroll requires the information as early as possible to make the updates.

Supervisor Staelin suggested recessing the meeting until a later date.

Tom Judge confirmed that his department needed as much time as possible to input the data.

Supervisor Byrd commented that this morning Angie Jones presented her comments upon the proposed raises to the Board of Social Services. She told the Board that Angie Jones had said she would provide her recommendations today.

Tom Judge advised that December was an early payroll. He noted that the part time and the retroactive pieces would be complicated.

Chairman Hobert expressed his personal preference for dealing with the submissions all at the same time.

Tom Judge asked the Board to act on December 1 if it decided to approve all submissions at the same time. He restated that input would be complicated.

Chairman Hobert suggested that the Board conduct further discussion on those recommendations regarding individual positions in Closed Session. He commented that the outstanding recommendations could be reviewed as they became available.

Tom Judge requested clarification of the Board's resolution specific to part-time employees. He explained seasonal part-time employees and asked if the increase should apply only to current part-time employees rather than those that were seasonal and no longer working for the County.

Chairman Hobert stated that this was his understanding.

Supervisor Staelin remarked that it would be current employees.

13) Summary of Required Action

<u>Item</u>	<u>Description</u>	<u>Responsibility</u>
1.	Provide statutory authority for enhanced fine areas.	VDOT
2.	Process approved minutes as amended.	Lora B. Walburn
3.	Execute Lord Fairfax Health District 2014-2015 Locality Agreement.	David Ash
4.	Execute 2014-14R - Resolution Of The Board Of Supervisors Of Clarke County Approving A Financing To Be Undertaken By The Industrial Development Authority Of Clarke County, Virginia, For The Benefit Of A Multifamily Rental Residential Facility Consisting Of 60 Units Designed For Persons And Families Of Low And Moderate Incomes	David Ash
5.	Update database, draft letters of appointment, and provide notice.	Lora Walburn
6.	Execute letters of appointment.	J. Michael Hobert
7.	Develop notice and advertise public hearing for FY 14 School Operating Carryover.	Lora B. Walburn
8.	Coordinate meeting invitation with legislative delegation.	David Ash
9.	Add discussion of legislative priorities to December 8 Work Session.	David Ash
10.	Process and forward to payroll approved FY2015 pay increases.	David Ash
11.	Provide copies of the environmental scanning worksheet to Board.	Lora B. Walburn

14) Board Member Committee Status Reports

Supervisor Barbara Byrd:

- Humane Foundation: Was unable to attend the last meeting. Will attend next week to receive a \$5,000 grant.
- Social Services: Met this morning in a called meeting and will discuss further as appropriate in Closed Session.
- Clarke County Library: Does not meeting until next month.
- Jail Boards – Juvenile and Adult:
 - Attended two meetings in one day.
 - Meetings very efficient.
 - Bid farewell to Frederick County Administrator and board member John Riley.
 - Adult Detention Center:
 - Opened a new pod at the adult detention center.
 - Contribution reduced for Clarke County as the result of funding formula.
 - Juvenile Detention Center:
 - Working out food issues; food currently prepared at the adult center kitchen.
 - Working out maintenance issues.
 - New director is impressive.

Supervisor Bev McKay:

- NSVRC: Meets this Thursday.

Supervisor John Staelin:

- CCSA: Meets tomorrow.

Vice Chairman David Weiss:

- EMS Commission: Met last week. Making progress. Frank Davis meeting regularly with community groups. Strategic plan development may take several months.
- Strategic Planning Committee: Asked staff to provide copies of the environmental scanning work sheet to Board members. Need feedback by November 28. This is a dynamic group and will be a long process possibly into the summer.
- CEA: doing good work.

Chairman J. Michael Hobert

- Community Leadership Action Summit:
 - Attended this morning.
 - Sheriff Roper attended as well.
 - This is an addiction action committee trying to address heroin and prescriptive drug abuse described as a public health problem.
 - Regional area death rate is a much higher number than anywhere else in the area.
 - Trying to build cooperation among groups to address the issues.
 - He noted funding challenges faced by the localities and the state.

15) Closed Session

At 3:14 pm, **Supervisor Byrd moved to convene into Closed Session pursuant to §2.2-3711-A1 Specific Employees or Appointees of the Board specific to FY2015 salaries. 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 3:50 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, **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.

Chairman Hobert recessed the meeting at 3:51 pm.

Chairman Hobert reconvened the meeting at 6:31 pm.

16) Citizen's Comment Period

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

Supervisor Byrd joined the meeting at 6:32 pm

17) PH 14-15: TA-14-03, Application Filing Deadlines for Special Use Permit, Zoning Map Amendment, Site Plan, and Subdivision Applications

A proposed text amendment to amend Article 5 (Special Use Permits), Article 6 (Site Development Plans), and Article 8 (Amendments) of the Zoning Ordinance and to amend Article 4 (Procedure for Subdivision Approval) of the Subdivision Ordinance. The purpose of the amendments is to create new and clarify existing procedures regarding the filing of applications for special use permits, zoning map amendments (rezonings), site plan reviews, and subdivision plat reviews. The proposed amendments would establish uniform provisions regarding mandatory pre-application meetings, determination of application completeness, and new deadlines for applicant submission of documentation prior to public hearings among other changes.

Brandan Stidham summarized the proposed amendment.

At 6:42 pm, Chairman Hobert opened the public comment portion of the public hearing. There being no persons present wishing to speak, Chairman Hobert closed the public hearing and he called for comment from the Supervisors.

Vice Chairman Weiss spoke in support of the proposed amendment opining that it would provide a more regimented system.

Supervisor Staelin moved to adopt the proposed text amendment TA-14-03 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

18) FY2015 Salary Increase

County Administrator David Ash provided the following update:

- Commonwealth Attorney: Clarified with Suni Mackall that the distribution of the additional 1%, \$915, is to be divided among her full-time staff.
- Sheriff: Divided the 1%, \$11,240, using his own methodology giving extra funds to approximately half of his employees.
- General Government Employees: Distribute the 1%, \$15,566, as 0.9903% of the mid-point of Option C Revised.
- Recommended approving the additional 1% as provided by the Constitutional Offices and general government;
- Recognizing the significant work necessary to make the changes, recommended forwarding to Payroll as soon as possible to facilitate inclusion in the December 19 payroll.

Vice Chairman David Weiss moved to approve the submissions by the County Administrator, Constitutional Officers, subject to change by the Commonwealth Attorney altering the division of funds between full-time staff, and the General Registrar contingent upon review by Joint Administrative Services. 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

19) Adjournment

There being no further business to be brought before the Board at 7:52 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, December 16, 2014 at 1:00 p.m. in the Berryville Clarke County Government Center, Main Meeting Room, 101 Chalmers Court, Berryville, Virginia.

ATTEST: November 18, 2014

J. Michael Hobert, Chair

David L. Ash, County Administrator

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