

December 16, 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, December 16, 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; Brandon Stidham; Lora B. Walburn

Others Present

Keith Dalton; Chuck Bishop; Chuyen Kochinsky; Gem Bingol; Val Van Meter and other citizens.

1) Call to Order

Chairman Hobert called the afternoon session to order at 1:05 p.m.

2) Adoption of Agenda

Add Miscellaneous:

- Review Proposed Amendment to Chapter 17 Fire and EMS Department Of Ambulance Transport Service Fee
- All Good Festival Update

By consensus, the Board adopted the agenda as modified.

3) Citizens Comment Period

No citizens attending the afternoon session addressed the Board.

4) VDOT

Clif Balderson, Wade Feller, and Ed Carter appeared before the Board to provide the monthly update.

Maintenance – Completed:

- Plugged deteriorated private pipe leaving R/W on Route 7 Business, in Berryville;
- Removed debris on Route 7 Business East;
- Cleaned drop inlets on primary routes;
- Flushed pipes along Route 605;
- Conducted boom-axe operations on Route 7 bypass;
- Performed grading on various non-hard surfaced roads;
- Repaired potholes on various routes;
- Mobilized and responded to weather event.

Maintenance – Planned:

- Continue with grading operations on non-hard surfaced roads, pothole repair and boom-axe operations;
- Conduct shoulder repairs on primary's and brush removal on route 657 near the County line.

Projects:

- Pipe replacement business Route 7 in Berryville – Awaiting funding.

Supervisor McKay joined the meeting at 1:09 pm.

Board Concerns:

- Rt. 612 truck restrictions – Awaiting final Traffic Engineering document.
- Millwood Enhanced Fine Areas – Statute § 46.2-878.2. *Maximum speed limits in certain residence districts of counties, cities, and towns; penalty has changed.* Mr. Carter will provide the current criteria. He noted that a speed trailer would be used to determine whether speeding is an actual problem.

Supervisor Comments:

Supervisor Barbara Byrd

- Old Charlestown Road Bridge: Mr. Carter will review and report.
- Allen Road Paving: Mr. Carter will review and report.

Vice Chairman Weiss

- Featherbed Road: Maintenance will address the pothole.

Scoring and Prioritization – Live Web Cast

On January 8, 2015, VDOT will be hosting a live statewide web cast at the Staunton Residency for localities to input into the HB2 scoring and prioritization process. The meeting is structured to aid localities in understanding how the process is evolving in terms of scoring and will provide an opportunity for localities to offer opinion and advice. Ed Carter will provide the Board the material he has on the new law and process.

HB2 is a legislative law passed last year that pooled certain highway funds. A statewide “pot” was created from approximately \$476MM pulled from incomplete projects. Criteria is being setup on a state-wide basis and the Commonwealth Transportation Board will redistribute the funds for submitted projects based on scoring on congestion, safety, environmental, and economic development. The goal is to make funding more equitable and transparent.

Chairman Hobert asked that Brandon Stidham attend the web cast in Staunton. The Board agreed that it was not necessary for one of its members to attend.

Supervisor Byrd asked for consideration of improvements on Route 7.

5) Set Public Hearing TA-14-05, Technical Amendments to the Zoning Ordinance

Proposed technical amendments to the Zoning Ordinance:

1. Amend §2-B-1-c to change the location of the Official Zoning Map from the Office of the Clerk of the Circuit Court to the Department of Planning. The purpose is to note the correct physical location of the Official Zoning Map.
2. Amend §3-A-10-a-3, Special Uses and Structures (Business Park District), to add two new special uses – “Recreation, Commercial Indoor (NAICS Code 71394)” and “Petroleum Bulk

Stations and Terminals (NAICS Code 424710).” The purpose is to reflect the recent inclusion of these two uses in the Town of Berryville Zoning Ordinance.

Brandon Stidham summarized the proposed amendment. He told the Board that the proposed amendment had received no opposition and had the unanimous recommendation of the Planning Commission. He pointed out that the proposed amendment to §3-A-10-a-3, Special Uses and Structures (Business Park District) was consistent with the Town of Berryville.

Supervisor Staelin put forth that the Industrial Park was oriented toward machinery and tools and placement of retail and recreational facilities there was avoided.

Chairman Hobert directed Mr. Stidham to contact the Town Manager explaining the Boards concerns and request comment from the Town of Berryville.

Supervisor Byrd expressed concern about the potential hazards of petroleum bulk stations and terminals.

Brandon Stidham advised that while these facilities are a potential hazard it falls under the building code to ensure that the storage areas be properly sited.

Supervisor Staelin interjected that propane was currently located in the Park, the County and all over the country.

**Vice Chairman Weiss moved to set public hearing for Tuesday, January 20, 2015 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

At 1:45 pm, following Keith Dalton’s arrival, Supervisor Staelin addressed Mr. Dalton on the proposed change reminding that this was a change from the original intent.

Brandon Stidham provided that the Town changed its ordinance in 2010.

Mr. Dalton stated that he would need to research the matter and consult with Christy Dunkle, Town Planner.

- 6) Set Public Hearing Watermelon Park / Shepherds Ford Productions, LLC Multi-Year, Multi-Event Application [Watermelon Park Fest, River and Roots Festival]

David Ash reviewed the proposed special event permit for three events at Watermelon Park. He advised that the application was complete with a single-day event date still to be determined.

The Board discussed potentially approving an event with no specific date.

Supervisor Staelin pointed out that the Board has had experience with events that have changed dates through rescheduling and cancelation. He further noted that Watermelon Park has a long history of conducting these types of events.

Supervisor McKay concurred with Staelin noting that in the last five years they have received no complaints on permitted events. He opined that with that kind of track record the Board should allow some flexibility.

Vice Chairman Weiss commented that Watermelon Park was in his district and he had received no complaints. He suggested a 90-day notification of the date for the single-day event.

Frazer Watkins responded that County Code Chapter 57 allowed for advance notice. He assured that his application met all standing criteria.

Chairman Hobert opined that it was not inappropriate for the Board to remain in contact with the event promoter until an event date was determined.

Frazer Watkins added that he had attempted to put all the events in one application to tie together the anniversary dates for application.

**Supervisor McKay moved to set public hearing for Tuesday, January 20, 2015 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

7) Establish Day, Date and Time for 2015 Board of Supervisors Organizational Meeting

Following discussion, **Vice Chairman Weiss moved to set the organizational meeting for 9:30 am, Monday, January 12, 2015. 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 informed the Board that he would be out of town for the January 12, 2014 Work Session but could participate by phone if acceptable.

8) Approval of Minutes

Page 42: Supervisor Byrd requested that a "Curve at McKay Farm" be change to read, "Curve at Cave Farm on Route 7".

**Vice Chairman Weiss moved to approve the minutes for November 18, 2014 Regular Meeting as amended. 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

9) Consent Agenda

Bowen Easement Donation

MEMORANDUM

TO: Board of Supervisors, David Ash  
 FROM: Conservation Easement Authority, Alison Teetor  
 DATE: December 15, 2014  
 SUBJECT: Item for Consent Agenda –Bowen Easement Donation [Revised]

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 Donation**

William and Heather Bowen have requested the Easement Authority to consider acceptance of their property (Tax Map# 29-((3))-4) for easement donation. The parcel is 20 acres and located at 858 Nelson Road approximately 3/10's of a mile north of the intersection with Berrys Ferry Road.

The following guidelines for accepting properties for easement donation were established by the Easement Authority:

- 1) the parcel's Property Resource Score is at least 35;
- 2) at least one dwelling unit right is extinguished by the donated 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 Authority requires that a property meet at least two of the four guidelines for acceptance.

In reviewing the parcel, three of four criteria have been met. The Property Resource Score is 47.78, the parcel is adjacent to an existing easement, the owner would like to retire the one remaining DUR, the parcel is not larger than 40 acres in size.

The property is adjacent to land held in VOF easement on two sides. The property is in landuse, and is primarily open pasture. It shares 1,700 feet of property boundary with Blandy Farm. Nelson Road is a scenic byway and the parcel has approximately 1/10th of a mile frontage on the Road. It is also within the Greenway Historic District.

**Supervisor Staelin moved to approve the item 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

10) Personnel Committee Items

A. Expiration of Term for appointments expiring through February 2015

12-08-2014 Summary: The Personnel Committee recommends:

- Reappoint Bryan Conrad to the Economic Development Advisory Committee to a four-year term expiring December 31, 2018
- Reappoint John Milleson to the Economic Development Advisory Committee to a four-year term expiring December 31, 2018
- Reappoint Eric Myer to the Economic Development Advisory Committee to a four-year term expiring December 31, 2018
- Reappoint Paul Jones to the Parks & Recreation Advisory Board to a four-year term expiring December 31, 2018
- Appoint Norma Slattery to Northwestern Community Services Board to a three-year term expiring December 31, 2017. Ms. Slattery fills the seat held by Robert Stieg, who served the full three-term limit.

12/16/2014 Action: **Supervisor Staelin 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. Senior Planner / Zoning Administrator Position**

12-08-2014 Summary: David Ash advised that interviews would be conducted December 10.

**C. Personnel Policies**

12-08-2014 Summary: The County Administrator was asked to contact Board members in an effort to establish a committee of the whole meeting to begin discussion and revision of the personnel policies.

11) Board of Supervisors Work Session

**A. Legislative Priorities Discussion with the Senator Jill Vogel, Delegate Randy Minchew, and Delegate Dave LaRock**

12-08-2014 Summary: The Board met with its legislative delegation to discuss 2015 Legislative Priorities and to hear from the legislators their views on the probable emphasis on the general assembly at the upcoming session. Board members were requested to immediately notify members of the delegation should they become aware of proposed legislation that would adversely affect Clarke County.

**12-16-2014 Action: Supervisor Staelin moved to approve the December 3, 2014 draft of 2015 Legislative Priorities 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

2015 Legislative Priorities and Positions for Clarke County



Draft as modified on 12/03/2014  
Approved 12/16/2014

- Issue: Sales Tax Collection from Out-of-State Providers  
Clarke believes that in this modern era of Internet sales the Commonwealth should do everything it can to collect sales tax from as many Internet sales companies as possible. All of our General Assembly representatives in Virginia should be working to convince Congress, especially our Virginia delegation, of the need to level the playing field. This kind of fairness is a core principle of this country, supporting both state and federal interests. To fail to recognize this and correct this unfair taxing structure will result in the imposition of an increased gas tax in Virginia and a policy that will continue to overwhelmingly disadvantage small businesses of the Commonwealth.
- Issue: Education  
Clarke County supports full funding of Virginia's Standards of Quality as recommended by the Board of Education. The Commonwealth should shoulder its share of the true cost of K-12 public education without reducing other parts of the budget affecting local government or shifting costs from the Commonwealth to localities.
- In addition to meeting its obligations to fully fund instructional staff, Clarke County believes the Commonwealth should meet its obligation to fully fund the support side of K-12. Full restoration should be made of the cuts made in since 2009 in areas related to support staff funding including the elimination of the funding cap on support positions, reinstatement of the Cost of Competing funds for support staff, etc.
- Clarke County supports legislation to adjust the calculation of the local Composite Index to base its Real Estate value calculations on use-value instead of true value in localities that have adopted use-value taxation.
- Issue: Water Quality  
Clarke County supports cost effective measures aimed at reducing loadings of pollutants in state waters from both point and non-point sources but urges the Commonwealth to consider the impacts of such measures will have on both local governments and agriculture. Further, Clarke believes reliable forms of financial and technical assistance will be required to help localities and agriculture meet the Commonwealth's goals with regard to water quality.
- Issue: Wireless and Broadband Access  
Widespread deployment of broadband should be a top priority for the Commonwealth to ensure economic advantages, educational opportunities, the expansion of telemedicine and other modern initiatives. It is clear that Verizon Wireless, AT&T and the other internet, broadband and cellular providers will not provide wireless communication broadband service to rural areas unless they are given incentives or a mandate to do so. Clarke County asks that the Commonwealth take steps to encourage or require rural access to modern broadband and cellular technology to rural areas just as was done years ago when electrical and telephone service became important technologies.

- Issue: Land Conservation            Clarke County supports the Purchase of Development Rights program, the Tax Credit program for the donation of easements, the transferability of tax credits.
- Issue: Funding for State Mandated Positions and Jails            Clarke County urges the Commonwealth to meet its full funding obligations for Constitutional Officers and their state mandated positions. In addition, Clarke requests that the FY2015 state budget be amended to fully fund local and regional jails based on actual costs as determined by the Annual Jail Cost Report, published by the Compensation Board.
- Issue: Local Ordinance Violations            Clarke County requests the repeal of budget language enacted by the 2012 General Assembly that required the deposit of local ordinance violation collections from General District Courts, Juvenile and Domestic Relations Courts, Combined District Courts and the Magistrate System to the State Treasury. This legislative action removed a source of local revenue for many localities. For other jurisdictions, it is added state bureaucracy that is unnecessary but results in localities and law enforcement spending extra time checking to make sure the funds that are destined for the locality are properly returned from Richmond and credited.
- Issue: Ethics Rules            Clarke welcomes a review of the Commonwealth's Ethics Rules but believes that the rules that affect local jurisdictions and their Boards, Commissions, Authorities and Committees are strong enough today. Clarke cautions that any increase to the ethics rules affecting localities could prove detrimental to getting people to serve in local government positions. On the State level, Clarke supports the idea of recording the votes of individual members of the General Assembly at all subcommittee meetings.
- Issue: State Tax Reform, Cost and Revenue Shifting and State Year-end Surplus Funds            Clarke County calls upon the Commonwealth to restructure state income, sales and use taxes to address anachronistic tax policies. Tax reform is required to help buttress the Commonwealth's General Fund, which finances most core government functions and must be stabilized to meet current and foreseeable core service demands. Failure to address this need has resulted in the unfair gradual shifting of costs and the outright reduction in aid to localities to balance the state budget. With each passing year Clarke County has been required to raise real estate taxes in order to incrementally subsidize a variety of traditionally state funded (or state shared) costs (Compensation Board, Registrar, Cooperative Extension, Line of Duty, Social Services and the court system for example). This cost shifting places a tremendous burden on a regressive real estate tax system. Cost shifting must stop and the tax system must be reformed to reduce the burden on the real estate tax. Action must be taken to restore "Aid to Localities".

At a minimum tax reform should meet the following criteria:

- Reduction of local dependence on the real estate tax.
- Offset any change that reduces or eliminates an existing local funding source by a new or expanded source. Clarke County opposes repeal of the machinery and tools tax or the BPOL tax unless such offset is guaranteed.
- Grant counties equal taxing authority with towns and cities.
- Protection of the commonwealth's general fund and preservation for core government functions such as public education, health and human services, public safety, natural resources and environmental services. Transportation maintenance and improvements should be paid by user fees.

**B. Resolution of Recognition and Appreciation 2014-15R**

12-08-2014 Summary: Supervisor Staelin moved to approve the 2014-15R 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

**Resolution of Recognition and Appreciation of John R. Riley, Jr.  
2014-15R**

**WHEREAS**, John R. Riley Jr., in his 32 years as Frederick County's Administrator, has regularly assumed significant roles in regional and multi-jurisdictional organizations, lending his intelligence, common sense and leadership abilities to Clarke County, as well as the City of Winchester, and Frederick County;

**WHEREAS**, he has regularly made available the expertise and assistance of his staff to Clarke County on many matters of mutual concern; and

**WHEREAS**, he has promoted collaborative efforts among the localities to address common challenges, including the Northwestern Regional Adult and Juvenile Detention Centers, the Regional Landfill and shared Convenience Centers; the Winchester Regional Airport; facilities for solid waste and sewage disposal, and the need for regional solutions to improving water quality and availability.

**NOW THEREFORE BE IT RESOLVED**, the Clarke County Board of Supervisors recognizes and congratulates John R. Riley, Jr. for his lengthy and important service to the region and in particular for the impact his work has made on Clarke County;

**BE IT FURTHER RESOLVED**, that his dedication, loyalty, and service be hereby memorialized and a suitable copy of this resolution be presented to Mr. Riley as a token of the respect and high esteem in which he is held by the Clarke County Board of Supervisors, Constitutional Officers, and the staff of Clarke County.

**APPROVED AND ORDERED ENTERED** in the official records by the unanimous vote of the members of the Clarke County Board of Supervisors assembled on the 8<sup>th</sup> day of December 2014.

Attest:

\_\_\_\_\_  
J. Michael Hobert, Chairman

C. 2014 Conflict of Interest Filing Status Update by David Ash

12-08-2014 Summary: David Ash notified the Board that we were in receipt of approximately 53% and that seven calendar days remained prior to the December 15 deadline.

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

12-08-2014 Summary: Frank Davis provided the Board an update on the status of fee for services activities. The Board encouraged him to bring forward the enabling ordinance and proposed contract documents for Board review as soon as possible.

E. Clarke County General Government FY2015 Salary Increase Authorization

12-08-2014 Summary: Supervisor Staelin moved to approve the proposed salaries for 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

The Board acknowledged the partial distribution by Clarke County Department of Social Services pending review by the Commonwealth and directed the County Administrator to resolve any remaining issues with the part-time compensation adjustments.

12) Finance Items

- Items from Brandon. Please find attached three items from the Planning Director:

a. Planning Fee Schedule.

The attached revisions [*in 12-16-2012 Regular Meeting Packet*] to the Re-advertising Fee and Resubmission Fee are recommended by the Finance Committee.

**12-16-2014 Action:** Supervisor Byrd moved to approve the planning fee schedule as recommendation. 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

b. Proposed Planning District Fee increase.

The Committee received a preview of a forthcoming request of the NSVRC for an increase in the fee it charges Clarke County for participation.

**12-16-2014 Action:** Tom Judge advised that the matter would come forward during the budget process.

c. Capital Improvements Program Pilot Project.

The committee discussed the CIP pilot project, and recommended that the matter be further discussed by the Board of Supervisors as a whole.

**12-16-2014 Action:** Brandon Stidham briefed the Supervisors on the CIP pilot advising that the initial process would focus on project need.

The Board discussed at length potential problems including:

- Planning Commission duplicating review done by the Supervisors.
- Involving another group could complicate the budget process.
- Planning Commission may not have the necessary technical knowledge.
- Planning Commission may be out of its element.
- Timing of Planning Commission recommendation would come late in the budget process.

Supervisor McKay opined that with capital improvement projects being so dependent on land use it made sense to involve the Planning Commission.

Brandon Stidham clarified:

- The Planning Commission’s intent was to focus on specific tasks and provide comment.
- Pilot project was a staff recommendation.
- It is a pilot project and will be a part of the FY2016 budget.
- The Planning Commission Policy Subcommittee would perform the bulk of the work taking its recommendations to the full Planning Commission.

Following discussion, **Supervisor Staelin moved that for this year the Board of Supervisors have a presentation to the Planning Commission or to the Policy Sub Committee as to what is currently available in the County’s capital improvement plan so they can review and give its views on what is missing and what it recommends; these recommendations would be helpful in the FY2017 starting in fall; it could see what the County is doing now, what needs to be done and try to be a bit more thorough pilot.**

Chairman Hobert clarified that it needed to be understood that the motion was not what Mr. Stidham was recommending but the motion opened the door to develop a process to be in FY2017 but initially it would be a more educational process on all fronts receiving more generalized recommendations for the process rather than specifics for FY2016.

**Supervisor Staelin modified his motion adding “*Chairman of the Board of Supervisors and Chairman of the Planning Commission and Tom Judge to work together to come up with a plan that they can implement that would start the learning process this year and have them work with the Finance Committee to figure out the best way to do this.*”**

**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 |

- Budget for Department of Fire, Emergency Medical Services, and Emergency Management.

Robinson, Farmer, Cox indicates that it is common practice not to split these costs over the various component functions in smaller jurisdictions, though it would be technically correct to do so. Therefore, the Director position will be charged to Emergency Medical Services, and the function will be renamed "Fire, Emergency Medical Services, and Emergency Management."

– Aid to Localities Reductions.

Attached [*author's note: contained in 12-16-2012 Regular Meeting Packet*] is a memo from the Commonwealth requiring that we either accept revenue reductions of \$24,396, or send the Commonwealth payment of \$24,396. In the past we have done the former, and this proposed response to the Commonwealth is attached [*author's note: contained in 12-16-2012 Regular Meeting Packet*]. Also shown is a column showing the amounts left unspent in FY 14 by those departments affected by these reductions.

**12-16-2014 Action:** Tom Judge summarized the Commonwealth's reduction in aid to localities. He advised that the Finance Committee recommended past practice, which is to accept less from the Commonwealth.

**Supervisor Staelin moved to adopt the recommendations of the Finance Committee to accept less from the Commonwealth. 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

– Sheriff request for Extradition Supplemental.

The Sheriff's Office has incurred \$940.20 in extradition expense that has been reimbursed by the Commonwealth, and for which he requests a supplemental appropriation. Given the discussion last month, and after discussion with the County Administrator, it is recommended that the Sheriff utilize surplus funds budgeted in the line items for insured repairs, and that this matter only be brought forward later in the year when these and other line items have been exhausted.

– Budget Calendar.

Please find a draft budget calendar attached this can be discussed and proposed for adoption by the Board at their January organization meeting, thus permitting members to review their calendars in advance.

**12-16-2014 Action:** Tom Judge informed the Board that the Finance Committee had not made recommendation at this time but had provided the draft for comparison to current schedules. Members of the Board informed Mr. Judge of scheduling conflicts.

– Acceptance of Bills and Claims

12/08/2014 Summary: The Board should consider acceptance of the November Bills and Claims.

**12/16/2014 Action: Vice Chairman Weiss moved to accept the November 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

– Standing Reports.

Capital Projects Status. Reconciliation of Appropriations. General Fund Balance. Expenditure Summary.

– Fiber Optic Network Contract Closed Session pursuant to §2.2-3711-A29 Discussion of the award of a public contract involving the expenditure of public funds, including interviews of bidders or offerors, and discussion of the terms or scope of such contract, where discussion in an open session would adversely affect the bargaining position or negotiating strategy of the public body.

12-08-2014 Summary: Gordon Russell, Tom Judge and David Ash joined the Board of Supervisors Finance Committee in Closed Session. **Vice Chairman Weiss moved to convene into Closed Session pursuant to §2.2-3711-A29 Discussion of the award of a public contract involving the expenditure of public funds, including interviews of bidders or offerors, and discussion of the terms or scope of such contract, where discussion in an open session would adversely affect the bargaining position or negotiating strategy of the public body. The motion carried as follows:**

J. Michael Hobert	-	Aye
David S. Weiss	-	Aye

The members of the Board of Supervisors Finance 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, **Vice Chairman Weiss moved to reconvene in open session. The motion carried as follows:**

J. Michael Hobert	-	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 Finance Committee 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 Finance Committee 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 Finance Committee 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 Finance Committee of the County of Clarke, Virginia.

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

J. Michael Hobert - Aye  
David S. Weiss - Aye

No action was taken on matters discussed in Closed Session.

**12-16-2014 Action: The Board discussed the matter during Closed Session.**

MEMORANDUM

TO: Clarke County Board of Supervisors

FR: Thomas J. Judge

OT: 12/10/2014

RE: Lease Agreement for Provision of Fiber Optic Connection among County Buildings

Gordon Russell has developed a plan for connecting County (Government, School, Volunteer Fire) buildings with Fiber Optic cable to replace and expand the existing network. This plan was discussed by the Joint Administrative Services Board in April, and grant (E-rate) funding was subsequently sought and received for the School portion of the project. Part of the grant process is to request proposals from vendors interested in providing the service, and Shentel was the only respondent.

Since then, Gordon has worked with an attorney specializing in technology contracts, as well as the IT Director for the Clarke County Public Schools and Public Safety personnel,

to develop two draft contracts: one for the Government and one for the Schools. The two contracts function independently, but are conceived as a single network. The contracts are not expected to impact the FY 15 budget.

It is desired that these contracts be executed before the end of this calendar year, and it is recommended that the contract for the government be considered in closed session by the Board of Supervisors, and that the following resolution be considered in open session: *"Be it resolved that the County Administrator be authorized to complete negotiation and execute a contract with Shentel for provision of Fiber Optic Connection among County buildings, provided that such execution only occur in conjunction with execution of the School Division's Shentel contract for similar service."*

### 13) Joint Administrative Services Update

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

- ERP Update:
  - Need to set up users.
  - Will train in January, February and March.
  - Gordon Russell working with schools to set up trailer behind primary school with computer lab.
  - Policy issues:
    - Should budgets be held to a line item level: County Administrator and School Superintendent think this is too strict; if go over could notify without blocking entering information; will learn more about right balance during training.
    - Require all departments to input invoices: JAS does now but to use system correctly want departments to input.
    - Purchasing Cards: looked into; not recommending for it will not solve problems and would be expensive.
    - Work logjam: need to have persons to fix – IT did not feel qualified; so will spread out by functional lead.
- Joint Technology Plan
  - Chairman Hobert asked staff to review and update, as applicable.
  - Gordon Russell and Ed Shewbridge will review and provide input.
  - Present potential changes in time for consider in FY2016 budget process.

### 14) Government Projects Update

David Ash provided the monthly project update. Highlights include:

- Sheriff's Office Renovation
  - o Met tomorrow at 8:00 am for progress meeting and preparation of a punch list.
- Park Property
  - o Purchaser removed barn.
  - o Maintenance Director has scheduled a meeting with the fire department for a walk through of the house to discuss a burn-training event. Members of the Board expressed concern for the potential harm to neighboring trees.
- 101 Chalmers Court – BCCGC HVAC Retrofit Project
  - o No forward motion on this project.
  - o David Weiss will contact the County's engineer.

15) Miscellaneous Items

CC-2015-01 Chapter 17 Fire, Emergency Medical Services (EMS), and Emergency Management, Department Of - amendment to establish a service fee for ambulance transport

Brandon Stidham provided the following:

- Amendment was drafted using stock language from several localities.
- Fees not included in the Code allowing any future changes to be made by resolution of the Board.
- Commission will review Fire & EMS Budget.
- Legal counsel reviewed proposed resolution and amendment.
- Fees are assessed on ambulance transport to hospital.

Frank Davis provided the following:

- Billing only on transport to a medical facility.
- Proposal is the same as Frederick County, Virginia.
- Fees based on average.

**Supervisor McKay moved to set public hearing for Tuesday, January 20, 2015 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

Vice Chairman Weiss remarked that a fiscal policy must be drafted to deal with the funds.

Chairman Hobert commented that fiscal policy required Finance Committee review.

### All Good Festival Update

David Ash provided an update. Highlights of update and discussion include:

- Meeting held December 15, 2014 between the Clarke and Jefferson County Sheriffs and the festival promoters to review the promoter's draft transportation plan.
- Promoters are proceeding with plans at the location earlier identified.
- For the purposes of the transportation plan, the promoters have reduced the number of attendees and are expecting up to 8,000 general-admission vehicles.
- There is no mechanism in place to limit participation.
- In response to concerns raised by the Sheriffs about the reduction in earlier projections of participants, the promoters opined that the change in venue would hinder paid attendance. Further, it being a new venue, the promoters intend contract with B-level entertainers.
- Maps provided indicate that the promoters intend to use Clarke County's Summit Point Road, Allen Road and Withers LaRue Road as the general-admission access to the festival grounds.
- Promoters confirmed plans to use public roadways for traffic stacking. Tollbooth-style access points search cars
- Planning closures of roads in West Virginia to protect the public that live adjacent to the site and will distribute passes to local residents to all them unfettered access. The promoters will not provide escort or preference to local residents.
- Promoters plan for 80% of traffic to arrive on Thursday and leave on Sunday.
- Promoters will direct attendees to leave via the same route taken to enter the site.
- Issues of litigation that must be resolved but promoters are moving forward with festival plans.
- Promoters mention emergency services indicating that personnel will be on site but the plan does not appear to address the issues with emergency services.
- Promoters propose to use Jefferson County medical facilities.

- Promoter would prefer to present festival plans to Clarke County in March, after tickets go on sale in February.
- Clarke County’s Sheriff verified with the promoter their intent to use highways to queue traffic to facilitate their entrance search and registration process.
- Promoter is willing to pay for the actual cost of traffic control by law enforcement officers at control points but they are not offering to pay for any other costs to the localities of Jefferson or Clarke.
- Promoter provides security and emergency services on site.
- By consensus, the Board instructed the County Administrator to send a letter to Jefferson County officials expressing Clarke’s concerns regarding its ability to provide mutual aid.
- Clarke will continue to work with VDOT and will follow up with Ed Carter on stacking/parking vehicles on highways.

16) Summary of Required Action

<u>Item</u>	<u>Description</u>	<u>Responsibility</u>
1.	Provide material on HB2.	Ed Carter
2.	Process approved minutes as amended.	Lora B. Walburn
3.	Update database, draft letters of appointment, and provide notice.	Lora Walburn
4.	Execute letters of appointment.	J. Michael Hobert
5.	Develop notice and advertise public hearings.	Lora B. Walburn
6.	Follow up with letter to Jefferson County re mutual aid.	David Ash
7.	Follow up with Bob Mitchell on status of BCCGC.	David Ash
8.	Follow up with Bob Mitchell on the proposed Code amendment CC-2015-01.	David Ash
9.	Modify Planning Commission pilot project.	Brandon Stidham

17) Board Member Committee Status Reports

Supervisor Barbara Byrd:

- Town Council: Moved forward with parking meters.

Supervisor Bev McKay:

- NSVRC: Christmas dinner scheduled for next week. Discussed increases to per-capita fees.
- Building Grounds: Sheriff's Office moving along very well.
- Vocational Meeting: Meeting tonight. Meeting held at same time as Supervisors' meetings and Mr. McKay advised the Board he would be attending the School meeting unless the Board suggested otherwise.

Vice Chairman David Weiss:

- EMS Commission: Conducted a five-hour meeting last Friday. The group is working a development of a strategic plan.
- CEA: Moving forward.

18) Closed Session

At 3:25 pm, **Vice Chairman Weiss moved to convene into Closed Session pursuant to for- Discussion and Review pursuant to §2.2-3711-A29 Discussion of the award of a public contract involving the expenditure of public funds, including interviews of bidders or offerors, and discussion of the terms or scope of such contract, where discussion in an open session would adversely affect the bargaining position or negotiating strategy of the public body; and §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

Supervisor Staelin left the meeting at 3:55 pm. He advised that during his time in Closed Session nothing was discussed other than those items cited.

At 4:00 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 Byrd moved to reconvene in open session. The motion carried as follows:**

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

**Supervisor Byrd 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	- Absent
David S. Weiss	- Aye

Following Closed Session, **Vice Chairman Weiss moved “Be it resolved that the County Administrator be authorized to complete negotiation and execute a contract with Shentel for provision of Fiber Optic Connection among County buildings, provided that such execution only occur in conjunction with execution of the School Division’s Shentel contract for similar service.” The motion carried as follows:**

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

Chairman Hobert recessed the meeting at 4:02 pm.

Chairman Hobert reconvened the meeting at 6:30 pm.

19) Citizen's Comment Period

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

20) PH 14-16: "Be it resolved that the School Capital Projects Fund budgeted expenditure and appropriations be increased \$349,353, 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."

Tom Judge summarized the funding request. He advised that all items met the one-time expenditure test.

At 6:33 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 expressed appreciation for the specific nature of the comments.

Superintendent Bishop informed the Supervisors that radon testing would be conducted at the schools as required by law.

**Supervisor Staelin moved to adopt "Be it resolved that the School Capital Projects Fund budgeted expenditure and appropriations be increased \$349,353, 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" 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



Proposed Expenditure	Amount	Notes
HVAC	142,067	Replace Boyce Chiller and Boiler
Tractors & Trucks	5,000	Maintenance Vehicle Replacement
Security Equipment Grant Match	16,900	25% local match of equipment grant
Band Uniforms & Instruments	10,000	Steel drum purchase
Cooley Upper Landscape	5,000	Re-establish garden
School Food Service	20,000	Replace equipment as needed
Strategic Planning	20,000	Develop overall division plan
Renovation/Design	50,000	Plan for Primary school Renovation
Radon Testing/Remediation	17,450	Required action
Painting	10,000	General painting as needed.
STEM equipment	17,600	Supports STEM education
School Signage	5,000	Replace existing signs
School Furniture	30,336	Replace furniture
<b>Total Carryover Request</b>	<b>349,353</b>	

Vice Chairman Weiss complimented Superintendent Bishop on the Christmas concert at Clarke County High School.

21) Budget and Appropriation Adjustments to Conservation Easement Fund -- Pitta and Masters

*The Board has approved conservation easement purchases in October and November. Execution of these agreements is now in process, and adjustment of the FY 15 budget and appropriation is required to complete the execution of these agreements. The Board is therefore asked to consider the following resolutions:*

1. *"Be it resolved that FY 15 Conservation Easement Fund budgeted expenditure and appropriation be increased in the amount of \$60,000, that \$30,000 of Conservation Easement Fund Balance be recognized, and that \$30,000 of VDACS revenue from the Commonwealth be recognized, all for the purpose of purchasing a conservation easement on the property of Kenneth Pitta."*
2. *"Be it resolved that FY 15 Conservation Easement Fund budgeted expenditure and appropriation be increased in the amount of \$40,000, that \$20,000 of Conservation Easement Fund Balance be recognized, and that \$20,000 of VDACS revenue from the Commonwealth be recognized, all for the purpose of purchasing a conservation easement on the property of Glen Masters."*

Tom Judge summarized the request for budget and appropriation adjustments to the Conservation Easement fund.

**Vice Chairman Weiss moved to approve "Be it resolved that FY 15 Conservation Easement Fund budgeted expenditure and appropriation be increased in the amount of \$60,000, that \$30,000 of Conservation Easement Fund Balance be recognized, and that \$30,000 of VDACS revenue from the Commonwealth be recognized, all for the**

**purpose of purchasing a conservation easement on the property of Kenneth Pitta."  
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 moved to approve "Be it resolved that FY 15 Conservation Easement Fund budgeted expenditure and appropriation be increased in the amount of \$40,000, that \$20,000 of Conservation Easement Fund Balance be recognized, and that \$20,000 of VDACS revenue from the Commonwealth be recognized, all for the purpose of purchasing a conservation easement on the property of Glen Masters."  
The motion carried as follows:**

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

22) Adjournment

There being no further business to be brought before the Board at 6:38 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, January 20, 2015 at 1:00 p.m. in the Berryville Clarke County Government Center, Main Meeting Room, 101 Chalmers Court, Berryville, Virginia.

ATTEST: December 16, 2014

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

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

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