

January 12, 2015

Clarke County Board Of Supervisors
Organizational Meeting and Work Session
Meeting Room AB

10:00 a.m.

At the Organizational Meeting and Work Session 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 Monday, January 12, 2015.

Board Members Present

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

Board Members Monitoring Via Telephone / Electronic Media

John Staelin

Staff Present

David Ash; Tom Judge; Brandon Stidham; Lora B. Walburn

Others Present

Alton Echols, Francis R. Nance, George "Matt" Hoff, Laure Wallace, Val Van Meter and other citizens.

Call to Order

Chairman Hobert called the organizational meeting to order at 10:04 a.m.

A. Organizational Matters

Election of Chair

Chairman Hobert turned the meeting over to David Ash, County Administrator.

David Ash solicited nominations for Clarke County Board of Supervisors Chair for 2015.

Supervisor J. Michael Hobert moved to nominate and elect by unanimous consent David S. Weiss to serve as 2015 Chair.

David Ash called to close and confirm the nomination of the 2015 Chair.

Supervisor Byrd moved to close nominations for Chair. The motion was approved by the follow vote:

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

The motion to nominate and elect David S. Weiss to serve as 2015 Chair was approved by the follow vote:

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

David Ash turned the meeting over to Chairman David Weiss.

Chairman Weiss thanked Supervisor Hobert for his dedication and service as Chair of the Clarke County Board of Supervisors from 2010 thru 2014.

Chairman Weiss then expressed his appreciation to his fellow Supervisors for selecting him to serve as Board Chair for which he was deeply humbled and honored.

Election of Vice Chair

Chairman Weiss called for nominations for Vice Chair.

Supervisor Hobert moved to nominate and elect Supervisor McKay to serve as 2015 Vice Chair.

Chairman Weiss called to close and confirm the nomination of the 2015 Vice Chair.

Supervisor Byrd moved to close the nominations for Vice Chair. The motion was approved by the follow vote:

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

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

The motion to nominate and elect Supervisor McKay to serve as 2015 Vice Chair and was approved by the follow vote:

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

Set Date, Time and Place for Regular Monthly Meeting

Supervisor Hobert moved to adopt the schedule as presented. The motion was approved by the follow vote:

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

2015 Clarke County Board of Supervisors Meeting Schedule

<i>Meeting Type</i>	<i>Day</i>	<i>Date</i>	<i>Time</i>	<i>Additional Info</i>
Committee Meetings	Monday	January 12	9:30 am	
Regular Meeting	Tuesday	January 20	1 pm	
Committee Meetings	Monday	February 9	9:30 am	
Regular Meeting	Tuesday	February 17	1 pm	
Committee Meetings	Monday	March 9	9:30 am	
Regular Meeting	Tuesday	March 17	1 pm	
Committee Meetings	Monday	April 13	9:30 am	
Regular Meeting	Tuesday	April 21	1 pm	
Committee Meetings	Monday	May 11	9:30 am	
Regular Meeting	Tuesday	May 19	1 pm	
Committee Meetings	Monday	June 8	9:30 am	
Regular Meeting	Tuesday	June 16	1 pm	

<i>Meeting Type</i>	<i>Day</i>	<i>Date</i>	<i>Time</i>	<i>Additional Info</i>
Committee Meetings	Monday	July 13	9:30 am	
Regular Meeting	Tuesday	July 21	1 pm	
Committee Meetings	Monday	August 10	9:30 am	
Regular Meeting	Tuesday	August 18	1 pm	
Committee Meetings	Tuesday	September 8	9:30 am	<i>Holiday Monday Sept 7</i>
Regular Meeting	Tuesday	September 15	1 pm	
<i>Committee Meetings</i>	<i>Tuesday</i>	<i>October 13</i>	<i>9:30 am</i>	<i>Holiday Monday Oct 12</i>
Regular Meeting	Tuesday	October 20	1 pm	
<i>Committee Meetings</i>	<i>Thursday</i>	<i>November 5</i>	<i>9:30 am</i>	<i>VACo Conference, Holiday Wed Nov 11</i>
Regular Meeting	Tuesday	November 17	1 pm	
Committee Meetings	Monday	December 7	9:30 am	
Regular Meeting	Tuesday	December 15	1 pm	

Unless otherwise noted, Regular Meetings are held in the Main Meeting Room and Committee Meetings are held in Meeting Room AB in the Berryville Clarke County Government Center, 2nd Floor, 101 Chalmers Court, Berryville, Virginia

Note: Work Sessions scheduled for Committee Meeting days on matters for which the Board has deemed additional discussion and/or information necessary.

Agenda Items / Packet Material due Monday by 5 pm one week prior to the scheduled meeting.

Revised 12/11/2014

Rules of Procedure

David Ash reviewed for the Board of the addition of Section 1-12 Electronic Participation in Meetings from Remote Locations.

Supervisor Byrd moved to adopt the Rules of Procedure Revision 11 as presented. The motion was approved by the following vote:

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

Section 1-12.
Electronic
Participation in
Meetings from
Remote Locations

Pursuant to Code of Virginia:

§ 2.2-3708 Electronic communication meetings; applicability; physical quorum required; exceptions; notice; report.

§ 2.2-3708.1 Participation in meetings in event of emergency or personal matter; certain disabilities; distance from meeting location for certain public bodies.

§ 2.2-3710. Transaction of public business other than by votes at meetings prohibited.

Except as provided hereafter, the Board of Supervisors shall not conduct any meeting wherein the public business is discussed or transacted through telephonic, video, electronic or other communication means where the members are not physically assembled.

A. Quorum Physically Assembled

A Board of Supervisor member may participate in a meeting through electronic communication means from a remote location that is not open to the public:

1. If, on or before the day of a meeting, the Board member notifies the Board of Supervisors Chair that he or she is unable to attend the meeting due to an emergency or personal matter and identifies with specificity the nature of the emergency or personal matter, and the Board of Supervisors:
 - Approves the member's participation by a majority vote of the members present at a meeting; and,
 - Records in its minutes the specific nature of the emergency or personal matter and the remote location from which the member participated.

In deciding whether or not to approve a Board member's request to participate from a remote location, the Board shall not consider the identity of the member making the request or the matters that will be considered or voted on at the meeting.

If a Board member's participation from a remote location is disapproved, such disapproval will be recorded in the minutes with specificity.

Such participation by a Board member shall be limited each calendar year to two [2] meetings or 25 percent of the meetings of the Board of Supervisors, whichever is fewer.

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2. If a Board member notifies the Chair that he or she is unable to attend a meeting due to a temporary or permanent disability or other medical condition that prevents the member's physical attendance and the Board records this fact and the remote location from which the member participated in its minutes.

A Board member may participate in a meeting by electronic means pursuant to this section only when:

- A quorum of the Board is physically assembled at the primary or central meeting location; and
- The Board makes arrangements for the voice of the remote participant to be heard by all persons at the primary or central meeting location.

B. Quorum Not Physically Assembled

The Board of Supervisors may meet by electronic communication means without a quorum physically assembled at one location when the Governor has declared a state of emergency in accordance with Va. Code § 44-146.17, provided

- The catastrophic nature of the declared emergency makes it impracticable or unsafe to assemble a quorum in a single location, and
- The purpose of the meeting is to address the emergency.

If it holds a meeting pursuant to this section, the Board shall:

- Give public notice using the best available method given the nature of the emergency contemporaneously with the notice provided members of the Board;
- Make arrangements for public access to the meeting;
- Make available to the public, at the time of the meeting, agenda packets and all materials, unless exempt, that will be distributed to members of the Board and that have been made available to the Board's staff in sufficient time for duplication and forwarding to all locations at which public access will be provided;
- Record minutes of the meeting in accordance with policy; and
- Record in the minutes votes taken by name in roll-call fashion.

The nature of the emergency, the fact that the meeting was held by electronic communication means and the type of electronic communication means by which the meeting was held shall be stated in the minutes of the meeting.

C. Reporting

1. If the Board meets by electronic means, it shall make a written report of the following to the Virginia Freedom of Information Advisory Council and the Joint Commission on Technology and Science by December 15 of each year:
 - The total number of electronic communication meetings held that year.
 - The dates and purposes of the meetings.
 - A copy of the agenda for each meeting.
 - The number of sites for each meeting.
 - The types of electronic communication means by which the meetings were held.
 - The number of participants, including members of the public, at each meeting location.
 - The identity of the members of the board recorded as absent and those recorded as present at each meeting location.
 - A summary of any public comment received about the electronic communication meetings.
 - A summary of the board's experience using electronic communication meetings, including its logistical and technical experience.
2. At any meeting at which any member of the Board participates electronically, the Board will make copies of the public comment form prepared by the Virginia Freedom of Information Advisory Council available to the public.

B. Distribution of and Request for Board of Supervisors Recommendation to Berryville Area Development Authority Re Fast Track Berryville Area Plan Amendment Section 614.3 Maximum Density with Planning Director Explanation of Regular Process

Brandon Stidham reviewed the request from Francis Nance, Vice President of Development Marlyn Corporation.

PLAN AMENDMENT REQUEST: Section 614.3- Maximum Density

- Delete limitation "(including not more than one hundred (120) multi-family units)", and
- Add New limitation "(including not more than one hundred eighty (180) multifamily units)."

Highlights of discussion and review include:

- The Berryville Area Development Authority [BADA] tabled this request and asked staff to provide more information.
- County staff recommended to the BADA that it consider the request as part of the the plan update process.
- Before this matter can be moved forward, the Plan must be amended. The Plan is currently in process of review and initial draft should be ready by the end of spring 2015.
- The initial draft completion by the end of spring 2015 does not line up with applicants time line.
- The main impediment to filing the application is the number of units.
- The Supervisors agree that the Berryville Area Plan update is a top priority for 2015.
- The Supervisors agreed to convey its position and requested David Ash, Brandon Stidham and Chairman Weiss to respond.

Mr. A. C. Echols
400 Custer Court
Berryville, Virginia 22611

Re: Berryville Area Development Authority Fast Track Request

Dear Mr. Echols,

Supervisor Weiss asked that I confirm his conversation with you following the Board of Supervisors Work Session on January 12, 2015.

During the Work Session, members of the Board reviewed the request that the Board refer the matter to the BADA with a request to "fast track" approval and to lobby the Town of Berryville to do the same.

While the Board does not oppose the project, it does not believe that changes to the Berryville Area zoning should be acted upon in a piece meal fashion. However, the Board did recognize that the revision of the Berryville Area Plan was behind schedule and asked the Planning Director to set a high priority for completion of the plan

Sincerely,

David Ash, County Administrator

C. Fire & EMS Strategic Plan, Board of Supervisor Input, and VDOT Secondary Six-Year Plan with Matt Hoff

Chairman Weiss welcomed Laure Wallace and Matt Hoff, members of the Fire and EMS Commission, and turned the floor over to Mr. Hoff.

Mr. Hoff requested Board response to the following questions. Highlights include:

1. *What is currently happening in Clarke County that will/could affect how we provide Fire and EMS Service in the future?*
 - Fee for service
 - Fire and EMS Commission
 - Growth
 - Senior housing
 - Increased expectations
 - Technological innovations
 - Volunteer availability
 - Citizen education as to fire and rescue funding
 - Student education
2. *What changes do you foresee coming, in Clarke County, over the next 5 years that will/could affect our county and the providing of Fire and EMS Services?*
 - Government regulations
 - Funding
 - Change in zoning regulation is not anticipated
 - For planning, rely on traditional growth and patterns not the growth spurt seen in the County during the early part of the 21st century.
3. *What are the most important items for the Fire and EMS Commission to consider as we design a strategic Fire and EMS plan for the future of Clarke County?*
 - Continue on current path. Recommendations and changes have been well

- received.
- Involving citizens
 - Educating citizens
 - Transparency
 - Good public relations
 - Quantifiable objectives
 - Methodology of evaluating objectives
 - Recruitment
 - Training
 - Volunteer and paid staff acting as one unit serving the citizen needs.
4. *What are some things you can think of, as a board, to assist in making Clarke County Fire and EMS Services one of the top organizations in the state over the next 5 to 10 years?*
- Continue the good work.
 - Do not be afraid to improvise or change direction.
5. *With your connection to and knowledge of your constituency, how do you think Clarke County citizens would respond to questions regarding knowledge of Clarke County Fire and EMS Services?*
- Vice Chairman McKay opined his constituents were appreciative and knowledgeable of the County's fire and EMS program.
 - Supervisor Byrd suggested that citizens become more involved with fire and EMS social and fundraising activities. She commented that Frank Davis was doing a great job. She noted that at its annual banquet the Boyce Fire and Rescue Company thanked the Supervisors for hiring Mr. Davis.
 - Supervisor Hobert opined that much of the knowledge was superficial and there was much more to be shared requiring communication and public relations. He commented that the prior to implementing the Fire and EMS Commission, the Supervisors' knowledge was limited; but, now, it was working toward process improvements.
 - Supervisor Staelin stated that Frank Davis was doing a great job. He noted that part of the County was covered by fire and EMS services from Warren County. He asked the Commission to ensure that part of county was equally served and for it to work cooperatively with Warren County.
 - Chairman Weiss commented that the Supervisors were looking toward the

Strategic Plan to help guide them in how best to assist the Commission to move the County to an higher level.

- David Ash: Invite citizens in the community, as well as those moving in, to participate; and once involved, the County and Commission must do all it can to ensure that volunteers time is well spent.

Questions Specific to Virginia Department of Transportation:

1. *Currently, what is happening with the road plan that will affect providing service:*
 - Funding constraints.
 - Rural roads: Do not anticipate any widening or dramatic changes.
 - Double Tollgate presents some concern.
 - No pave in place.
 - Secondary plan may be influenced by comments from Frank Davis regarding safety concerns.
 - Supervisors could involve Frank Davis in plan review.
2. *Do you foresee major changes:*
 - No
3. *Major changes to consider as design – anything glaring?*
 - No
4. *Anything with VDOT plan that could assist the Commission in making Clarke County the top in the state?*
 - VDOT has limited ability to fund.
 - Potential concerns: There may be accessibility issues in some areas were wineries and breweries could be established.
 - Fire and EMS Commission might want to inventory the areas difficult to access with large apparatus.

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

David Ash provided the update. Highlights include:

- Working with local agencies to secure agreements.

- Working with Valley Health to confirm need for pharmacy license.
- Preparing job description for part-time person to handle fee for service program; position to be in place prior to implementation.
- Chairman Weiss requested an update from Frank Davis at the January 20, 2015 Regular meeting.

E. Director of Economic Development & Tourism Job Description Acceptance and Authorization to Solicit Applications

David Ash informed the Supervisors that the proposed job description included comments from the Joint Committee for Economic Development and Tourism. He asked the Supervisors to approve the job description and authorize staff to proceed with solicitation of application.

Supervisor Staelin, Supervisor's representative on the Joint Committee, added that the Board could modify the job description commensurate with applicant skills. He advised that Board that the County was responsible for the hire with input from the Town.

Supervisor McKay commented that there was a strong emphasis on agri-tourism and suggested that the successful applicant be made aware of the potential traffic issues that could result from recent changes to legislation regarding breweries and wineries.

Supervisor Staelin remarked that the Comprehensive Plan took precedence over the Economic Development Plan. He stated that agriculture was the number one business in Clarke County.

Supervisor Byrd moved to accept the job description and to move forward with next steps as determined by the Joint Committee for Economic Development and Tourism. The motion was approved by the following vote:

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

- F. Closed Session Pursuant to §2.2-3711-A3 Discussion or consideration of the acquisition of real property for a public purpose, or of the disposition of publicly held real property, where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the public body.

Prior to convening in Closed Session, Supervisor Staelin disconnected.

At 11:00 am, **Supervisor Hobert moved to convene into Closed Session pursuant to §2.2-3711-A3 Discussion or consideration of the acquisition of real property for a public purpose, or of the disposition of publicly held real property, where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the public body. 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

At 11:25 am, 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
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

The Board took no action on matters discussed in Closed Session.

Adjournment

There being no further business to be brought before the Board at 11:28 pm Chairman Weiss adjourned the 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: January 12, 2015

David S. Weiss, Chair

David L. Ash, County Administrator

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