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April 21, 2015

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, April 21, 2015.

Board Members Present

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

Board Members Absent

None

Staff Present

David Ash; Barbara Bosserman; Len Capelli; Tom Judge; Brandon Stidham; Lora B. Walburn

Others Present

Keith Dalton; Val Van Meter and other citizens

1) Call to Order

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

2) Adoption of Agenda

Supervisor McKay moved to adopt the agenda as presented. The motion carried by the following vote:

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

3) Citizens Comment Period

No citizens attending the afternoon session addressed the Board.

Announcement

Chairman Weiss stated that Len Capelli was taking on the role of Director Economic Development and Tourism and would be working with the County and the Town. He remarked that Mr. Capelli brought a great deal of experience and passion and he was pleased to have him on board with the Town and County.

Supervisor Staelin commented that this was the first time the Town and County would be working on economic development in a joint way. He said that Mr. Capelli had long experience with the Commonwealth working for its economic development group and was a Clarke County resident. He explained that Mr. Capelli would report directly to David Ash. Supervisor Staelin stated that the focus would be on:

- The Economic Development Strategic Plan:
- Net tax revenue such as machinery and tools;
- Working with farming and tourism;
- Reaching out to local businesses and groups including the Rotary and Ruritan Clubs.

Supervisor Byrd put forth that it was important for people get to know him and come to trust him to listen.

Keith Dalton advised that he would introduce Mr. Capelli to the Berryville Town Council.

Chairman Weiss wished to reiterate that this joint effort was an exciting thing discussed for years. He noted that there was a good framework developed by John Staelin and Jay Arnold. He thanked and welcomed Mr. Capelli.

Len Capelli advised that the Virginia Economic Development Partnership would issue an announcement today to everyone in the Commonwealth involved in economic development.

PRESS RELEASE 201501PR

Len Capelli Named Director of Economic Development and Tourism for Clarke County and the Town of Berryville

The Clarke County Board of Supervisors is pleased to announce the hiring of Len Capelli as the new Director of Economic Development and Tourism serving both Clarke County and the Town of Berryville. Mr. Capelli has a broad background in Economic Development, Business Development, and Tourism. He brings an in depth understanding of the unique problems facing Clarke County in conjunction with the stated goals of Protecting and Enhancing attributes

that contribute to the rural and agricultural character of the County, while it accommodates additional people and businesses primarily in the designated growth areas.

The selection of a Director of Economic Development and Tourism is a key milestone in the continued implementation of the recommendations of the 2014 Clarke County Economic Development Strategic Plan, and is a priority action item in the Memorandum of Understanding (MOU) between the Town of Berryville and Clarke County Regarding Economic Development and Tourism.

Mr. Capelli brings over 40 years of experience in economic development, sales and marketing management. Previous roles include Business Development Manager for the Virginia Economic Development Partnership (VEDP); consultant to several Virginia communities including the City of Staunton, providing introductions to Federal agencies and contractors; and as a volunteer to Warren County Economic Development, advising startup businesses and working with the team to develop a regional assessment of skills and strengths in order to better attract new businesses and to help local entrepreneurs to start businesses.

Mr. Capelli has a BBA with a focus in Marketing and an MBA in Finance from Eastern Michigan University. Regarding this new opportunity, Mr. Capelli states,

"I am very excited about this opportunity. I have lived in Clarke County for a number of years and I look forward to getting the word out that Clarke County is Open for Business. I am confident that we can offer a lot to existing and new businesses without sacrificing our commitment to maintaining the rural and agricultural experience we all treasure."

Mr. Capelli will begin service immediately.

4) VDOT

Ed Carter, with Terry Short, District Planning Manager, and Charlie Monroe, Berryville Supervisor, appeared before the Board to provide the monthly update.

Maintenance:

- Conducted grading operations on non-hard surfaced roads and applied stone entire length;
- Repaired breakup spots along Rt. 604, West bound ramp onto Rt. 7 from Rt. 340 and along Rt. 340 between Berryville and Boyce;
- Performed skin patching over potholes along Rt. 601 and repaired potholes on other various routes;
- Replaced Redbud tree on Rt. 601 at plane crash site and placed warning sign against mowing.
- Continue patching operations ahead of proposed surface treatment on routes 608, 613, 617, 618, 620,621 and 647;
- Continue with spot repairs along Rt. 340 between Berryville and Boyce;

- Perform brush removal on Rt. 255 and 627;
- Begin litter pickup on all Primary's and high volume secondary's;
- Begin sweeping operations of curb and gutter on Main St. and Buckmarsh through Berryville, all bridges and intersections on primary's;
- Continue grading and stone application on non-hard surfaced roads;
- Secondary paving operations are scheduled to start in April.

Other Issues:

- Music Festival in West Virginia We are still waiting on a traffic plan from the promoters.
- Warning lights at Senseny and Rt. 340 have been removed.
- Traffic Engineering is working on reducing the number of signs at the round-a-bout at Business 7 and Mosby.
- Intersection Rt. 624/626 New signage in place, waiting on proper temperatures to paint stop bars.
- Mowing Staunton District is piloting new growth retardant for grass control on 4-lane primary's; as a result, we will not be mowing those before the end of June. Will continue to mow two-lanes and secondary's. Area will be mowed if it becomes a problem affecting safety and sight.

Vice Chairman McKay

- Route 522: Thanked VDOT for picking up the trash.
- Linden Lane across from Mathew Kline's property: VDOT will follow up on leaning tree.

Supervisor Byrd

- Route 340: VDOT will follow up on vehicles parking in the right of way; however,
 VDOT noted that parking in the right of way is an enforcement issue.
- Traffic Circle by High School: Town maintains the circle.
- Patching and Pavement Senseny and Triple J: Being prepared for overlay.

VTrans2040

Chairman Weiss introduced the topic for review by Terry Short, VDOT District Planning Manager.

Terry Short informed the Board that his office was learning of the proposed program at the same pace as the public. He distributed a brochure containing the following information, which he summarized for the Board.

How it's planned

The VTrans2040 document will serve two functions, and produce two independent, but connected documents. First, the VTrans2040 Vision document will outline the policy vision for Virginia's transportation system over the next 25 years. Second, the VTrans2040 Multimodal Transportation Plan [VMTP] will serve as the guiding document for Virginia's transportation agency business plans and statewide transportation funding programs until the next update in five years. The VMTP will identify future needs for all modes of travel across the Commonwealth. The policy and recommendations of the plan will focus on corridors of statewide significance, identified regional networks, and local designated growth areas. The Virginia Office of Intermodal Planning and Investment [OIPI] has recently released the draft Vision document for public comment and will be developing the VMTP over the next 12 months, incorporating both locality and public outreach sessions.

How it's scored

House Bill 2 [HB 2] is a new state law that requires the implementation of a performance based, priority-scoring process for the evaluation of transportation projects that utilize state and federal funding [some types of projects and funding are exempt from HB 2]. The scoring process includes 5 Factors consisting of Congestion Mitigation, Economic Development, Accessibility, Safety, and Environmental Quality [Land Use will be a sixth factor in areas over 200,000 in population, but not applicable in Staunton District. Localities, regional entities, transit and rail providers will be eligible to submit candidate projects [via a webbased application] for scoring that fall within one of the three identified focus areas of VTrans2400 [corridors of statewide significance, regional networks, and urban development areas*]. The 5 Factors each carry a different percentage weight, depending on a communities designated area type. There are four area types moving from a dense urban center classification [Type A] to areas more rural in nature [Type D]. The factor weights vary from one area type to another. The final score of a candidate project will be the sum of the scores calculated from the 5 Factors, relative to cost. With the scores of candidate projects in hand, the Commonwealth Transportation Board will select projects to fund in the SYIP. *Only localities may submit for urban development areas.

How it's funded

Virginia has a nearly \$12.9 billion six year program in the Draft FY16-21 SYIP that is applied to construction, maintenance and safety programs and projects. House Bill 1887 [HB 1887] addresses the \$500 million discretionary funding that the CTB can apply to the SYIP. HB 1887 will be fully implemented in FY2021. Prior to that,

it will have a partial [early] implementation in FY18-20. Funds will be distributed in the FY17 SYIP in years FY17-22 to projects through two programs: the *High Priority Grant Program* and the *District Grant Program* [with each program subject to HB 2]:

- 50% of the funds will go to each program.
 - Projects applying for District Grant Program* funds will compete against other district projects.
 - Projects applying for High Priority Grant Program funds will compete against projects statewide.

Also, in the FY17 SYIP, the FY21 and FY22 funds from HB 1887 will be distributed as follows:

- 45% State of Good Repair
- 27.5% High Priority Projects
- 27.5% District Grant Program*
 *the Staunton District portion is 7.8%

VDOT Staunton District Project Funding Primer

The purpose of this primer is to assist local governments, staff and the public in understanding the different pieces of new policy and legislation, which will guide transportation project *planning, scoring & selection,* and *funding* in the Commonwealth beginning with the Six-Year Improvement Plan [SYIP] on July 1, 2016. The vision document, planning and projects ultimately make their way from an idea, to an actual funded transportation project. This primer will be revised as policies, reports and guidance documents are updated.

Changes to Local Road Funding:

To minimize disruptions to the existing SYIP, between FY16 and FY20, construction funds will be allocated via a hybrid transitional formula. HB 1887 repeals the primary, secondary and urban construction programs and establishes a new formula effective July 1, 2020 [FY21]. The new program contains a "pop-up penalty", which requires that the CTB set aside of up to 20% of State of Good Repair funds if VDOT doesn't meet the secondary pavement targets. Funds provided to each district are based on equitable-needs as determined by mileage, condition and cost. The CTB must set-aside up to \$25M annually for the unpaved roads program. For a local road to be funded, a project must be: (1) Submitted by a local jurisdiction, (2) Meet a need as addressed in VTrans20, (3) Scored under the HB 2 process.

Schedule and Resources:

The Secretary of Transportation is committed to ensuring that the VTrans2040, HB 2 and HB 1887 processes are transparent, inclusive and that the application process is not burdensome to local governments. VDOT residency and District staff will be available to assist localities as necessary to navigate this new process.

Discussion highlights include:

- VDOT released for comment the Vision document that is available on line.
- Supervisors would like to know the impacts to the County.
- Growth is an attribute that is being integrated into the Vision document.
- The House bills were unanimously approved by the legislature.
- This will be the last year using the current SYIP approach. Supervisors may wish
 to move funds to projects that could be completed prior to implementation of the
 new plan.
- The Supervisors want descriptions of the four area types.
 - Staff supports reclassification from a Type B area to a Type D.
 - Staff has solicited comments and documentation from Shenandoah County that is requesting reclassification to Type D.
 - By consensus, the Board directed Brandon Stidham to further research and draft a letter requesting reclassification to Type D. It further agreed to authorize the Chair to execute the letter on behalf of the Board.

5) Approval of Minutes

Supervisor Byrd requested a change to Book 22 Page 171 McKay from Aye to Absent.

Supervisor Byrd moved to approve the minutes for:

- March 17, 2015 Regular Meeting as corrected
- April 7, 2015 FY2016 Budget and Tax Rate Public Hearing as presented
- April 14, 2015 FY2016 Budget Work Session as presented

The motion carried by the following vote:

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

6) Personnel Committee Items

A. Expiration of Term for appointments expiring through May 2015

04-13-2015 Summary: The Personnel Committee recommends:

 Reappoint Jason Burns to serve on the Lord Fairfax Emergency Medical Services Council for a term expiring June 30, 2018.

<u>04/21/2015 Action</u>: Supervisor McKay moved to approve the recommendation of the Personnel Committee. The motion carried as follows:

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

B. Personnel Policy Review Update

<u>04-13-2015 Summary</u>: The Personnel Committee discussed the current status of the personnel policy update.

7) Board of Supervisors Work Session

A. Special Education Update by Chuyen Kochinsky

<u>04-13-2015 Summary</u>: Mrs. Kochinsky reviewed the special education program costs and participation in the County schools. She noted that CSA and school expenditures for special education needs are linked; and when CSA costs go down, school expenses go up.

B. FY2015 Salary Increase 1% Distribution Social Services

<u>04-13-2015 Summary</u>: Following discussion, Supervisor Staelin moved to approve the 1% salary distribution to Social Services employees as proposed by the director. The motion carried by the following vote:

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

C. Closed Session Pursuant to:

§2.2-3711-A7 Consultation with legal counsel and briefings by staff members or consultants pertaining to actual or probable litigation, where such consultation or briefing in open meeting would adversely affect the negotiating or litigating posture of the public body; and consultation with legal counsel employed or retained by a public body regarding specific legal matters requiring the provision of legal advice by such counsel.

§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

04/13/2015 Summary: Supervisor McKay moved to convene into Closed Session pursuant to §2.2-3711-A7 and §2.2-3711-A29. The motion carried as follows:

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

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

Barbara J. Byrd - Absent
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 - Absent
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.

8) Finance Items

1. Supplemental Appropriation Request

<u>04-13-2015 Summary</u>: The Sheriff presented a supplemental appropriation request related to replacement staffing for an employee out on Workers Compensation leave. Attached is the funding received from our Workers Compensation carrier for this event. The Finance Committee recommended the following: "Be it resolved that Communications FY 15 budgeted expenditure, and appropriations be increased \$5,928, and that revenue from VaCorp Workers Compensation be recognized in the same amount."

<u>04-21-2015 Action</u>: Following review by Tom Judge, **Supervisor McKay moved to** approve the Finance Committee 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

2. Salary Increases

<u>04-13-2015 Summary</u>: The Sheriff spoke in favor of staff salary increases that would be administered in such a way as to relieve "compression" issues. Subsequently committee discussed the timing of the salary increase and the manner of its administration. The following statement of General Assembly action is from VACO's newsletter in early March. VACO will distribute their legislative summary in time for the meeting:

The Report earmarks \$113.9 million, contingent on specific revenue requirements, for compensation actions for state employees and state supported local employees and to increase the retirement contribution rates for the state employee, SPORS, Val ORS, and JRS plans up to 90% of the Board certified rates. Specifically, state supported local employees salaries shall be increased by two percent on September 1, 2015. These positions include a. Locally elected constitutional officers; b. General Registrars and members of local electoral boards; c. Full-time employees of locally elected constitutional officers and, d. Full-time employees of Community Services Boards, Centers for Independent Living, secure detention centers supported by Juvenile Block Grants, juvenile delinquency prevention and local court service units, local social services boards, local pretrial services act and comprehensive community corrections act employees, and local health departments where a memorandum of understanding exists with the Virginia Department of Health.

The Committee recommends that the \$77,000 included in the budgeted contingency for an increase for Government, JAS, and Social Services, be distributed September 1 in accordance with the pay and classification plan, in amounts to be determined, and subject to decision by the Commonwealth regarding its funding its share of the increase. Staff was directed to formulate an implementation plan and present it at a future meeting.

Note that the contingency amount was based on 1.5% of salary effective July 1, the last from the state is based on 2% of salary effective September 1, and distribution based on the pay plan would result in yet another percentage of salary that would vary by employee.

<u>04-21-2015 Action</u>: Tom Judge provided an overview of the Board's April 13 discussion.

3. Acceptance of Bills and Claims

<u>04-13-2015 Summary</u>: The Finance Committee recommends acceptance of March Bills and Claims.

<u>04-21-2015 Action</u>: Supervisor Hobert moved to accept the March 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

4. Standing Reports

Reconciliation of Appropriations, General Fund Balance, Expenditure Summary, Capital Projects

9) Joint Administrative Services Board Update

Highlights of Tom Judge's update include:

- ERP
 - Financial component goes live May 4
 - Currently conducting end-user training

10) Government Projects Update

David Ash provided the monthly project update. Highlights include:

- Sheriff's Office Renovation
 - Minor work remains outside including pavement, and landscaping.
 - Supervisors Staelin and Byrd toured the facility. Supervisor Byrd opined that it
 was an excellent job, excellent use of the Board's former meeting room space and
 an informative tour guided by Travis Sumption.

Park Property

- Contractor is leveling out area to the west side of the Park.
- Contractor will fill in the former Park Office foundation.
- The training fire consumed approximately 90% of the former Park Office leaving very little waste requiring removal.
- The nearby tree was protected during the burn by a new foam product.
- 101 Chalmers Court BCCGC
 - Bob Mitchell verified that he did make a settlement request.
 - The BCCGC Joint Building Committee will meet May 6.

11) Miscellaneous Items

Invitation to the State of the Port Address

Russ Potts sent the following invitation to the Board:

You are cordially invited to The State of The Port Address
Presented by John F. Reinhart, CEO and Executive Director
Tuesday, April 28, 2015
Registration and continental breakfast: 8:00am
Formal presentation begins at: 8:30am

Holiday Inn & Suites Front Royal Blue Ridge Shadows, 111 Hospitality Drive, Front Royal, VA 22630 Please register for this event by Monday, April 20, 2015

David Ash asked interested Board members to contact him.

12) Summary of Required Action

<u>Item</u>	<u>Description</u>	Responsibility	
1.	Correct and process approved minutes. Lora B. Wal		
2.	Update Appointments database and send letter of appointment.	Lora B. Walburn	
3.	HB 2 research and draft letter requesting classification. Brandon Stidha		
4.	Continue to monitor transportation.	Brandon Stidham	
5.	Sewer line policy: seek legal opinion and schedule discussion at a future Work Session.	David Ash	
6.	Verify biosolids soil and water testing bill.	Alison Teetor	
7.	Contact David Ash re The State of The Port Address	Board Members	

13) Board Member Committee Status Reports

Supervisor Barbara Byrd:

- Humane Foundation: Adding a local veterinarian to the board.
- Social Services: Meets tomorrow morning. Chairman Weiss asked to be kept informed of new hires.
- NWRADC Authority: Meeting canceled.
- CCLAC: Membership is growing. 30th anniversary event held April 18.

Supervisor J. Michael Hobert:

- CEA:
 - Meeting held April 16.
 - Easements reviewed.
 - College student hired to conduct stewardship work this summer.
 - Photography contest announced.

- Parks and Recreation:
 - April 15 meeting did not have a quorum.
 - Second time this Committee has failed to have a quorum.
 - Previously, to address the problem, the Committee changed from meeting schedule from monthly to quarterly.
 - Committee is considering sending a letter to members encouraging them to make a commitment.
 - Members attending had a lengthy discussion on happenings at the park.
 - Discussed Kohn Park planning and preparation including activity types, cabin use, and impact on neighbors.

Vice Chairman Bev McKay:

- NSVRC: Reviewed the new transportation at the last meeting.
- Career and Technical Committee:
 - o Met April 20.
 - Subcommittee is developing a list of Clarke County businesses.
 - Will contact businesses on the list to assess interest in participating in student placement.
 - Applied for a Carl D. Perkins grant to fund participation in career and technical.
- Addition Action Committee: Meets April 24.

Supervisor John Staelin:

- CCSA: Met this morning. Updating policy manual. Need discussion and review on of sewer line placement policy.
- Board of Well and Septic Appeals: Meets Friday.
- PC: Set public hearing on two text amendments and recreation component plan.
- IDA and EDAC: Will meet Mr. Capelli at future meetings.
- Biosolids: General Assembly passed a rule to allow soil and water testing. Request Alison Teetor to follow up.

Chairman David Weiss:

 EMS Commission: Work continues on the strategic plan. Frank Davis will present the draft plan to fire stations for input. SPC: Group has not met for a while but school staff is working on the action plan.
 Group will meet later this month to review documents.

14) Closed Session

At 2:45 pm, Supervisor Byrd moved to convene into Closed Session pursuant to §2.2-3711-A7 Consultation with legal counsel and briefings by staff members or consultants pertaining to actual or probable litigation, where such consultation or briefing in open meeting would adversely affect the negotiating or litigating posture of the public body; and consultation with legal counsel employed or retained by a public body regarding specific legal matters requiring the provision of legal advice by such counsel. The motion carried as follows:

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

At 3:20 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:

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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.

15) Adjournment

There being no further business to be brought before the Board at 3:20 pm Chairman Weiss adjourned the Board of Supervisors meeting.

Next Regular Meeting Date

The next regular meeting of the Board of Supervisors is set for Tuesday, May 19, 2015 at 1:00 p.m. in the Berryville Clarke County Government Center, Main Meeting Room, 101 Chalmers Court, Berryville, Virginia.

ATTEST: April 21, 2015	
	David S. Weiss, Chair
	David L. Ash, County Administrator

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