

May 19, 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, 2<sup>nd</sup> Floor, Berryville, Virginia conducted on Tuesday, May 19, 2015.

Board Members Present

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

Board Members Absent

None

Staff Present

David Ash; Tom Judge; Brandon Stidham; Alison Teetor; 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 1:03 p.m.

2) Adoption of Agenda

**Supervisor Staelin 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	- Absent
John R. Staelin	- Aye
David S. Weiss	- Aye

3) Citizens Comment Period

No citizens attending the afternoon session addressed the Board.

4) VDOT

Ed Carter, with Steve Damron, appeared before the Board to provide the monthly update.

Maintenance:

- Completed skin patching routes 622, 624, 625, and 626;
- Contractor completed surface treatment on routes 608, 613, 617, 618, 620, 621 and 647;
- Repair soft spots on Rt. 340 between Boyce and Berryville;
- Performed pipe flushing at Rt. 7/340 intersection and Rt. 601 north;
- Conducted ditching operations on routes 601 and 602;
- Trimmed brush along routes 255, 627 and 658 through White Post;
- Repaired shoulder on Rt. 621 in area of boat landing;
- Completed paving of Rt. 632;
- Commenced dust control applications (40% complete) and swept all primary bridges, curb & gutter on Rt. 340 through Boyce and Berryville.
- We will be paving Rt. 657 and a portion of Rt. 636;
- Complete dust control applications on remaining non-hard surfaced roads;
- Perform skin patching on Rt. 641 and asphalt patching on routes 604, 606 and 655;
- Begin mowing on Rt. 340 between Berryville and Double Toll Gate and then move to secondary's;
- Clean concrete ditches at Rt. 7/340 interchange and perform shoulder work on Rt. 7 business between RR tracks and Rt. 613.

Supervisor McKay joined the meeting at 1:09 pm.

Board Issues:

- West Virginia All Good Music Festival – we have received promoter's traffic plan and returned our comments. We are awaiting their response. VDOT did receive comment from WVDOT.
- Waiting on Traffic Engineering layout for sign reduction at round-a-bout.

Vice Chairman McKay

- White Post Tree Trimming: Suggested meeting with area residents prior to tree trimming in future.
- Tree on Linden Lane across from Matthew Klein's property: Mr. Carter will follow up with Charlie Monroe.
- Route 624: Skin patching is the first step in the process of repaving.

Supervisor Staelin

- Route 651: Mr. Carter will check the repaving schedule.

Supervisor Byrd

- Triple J Road: Following road repair, residents are now complaining of about excessive speed. Ed Carter will provide a speed trailer when available.
- Annfield Road: Without notification to the property owners, a tree that fell damaging a fence was removed and the fence repaired.

Chairman Weiss

- Route 608 South Parshall Road: Have Mr. Monroe contact Chairman Weiss to arrange a meeting on site to discuss trouble spots.

SSYP for 2015/16 through 2020/21

Highlights of review include:

- Proposed plan for FY2015/2016 year is funded as normal and assumes receipt of revenue projections out through 2020/2021.
- Major Projects excluded from HB 2; will remain in the budget.
- Westwood Road remains a priority.
- Shepards Mill Road turn lane has no funding but is still listed.
- Unpaved Funds:
  - Allen Road and Lockes Mill Road
  - Allen Road residents on the west side want paving.
  - Allen Road residents on the east side do not want paving.

- Considering Allen Road has more houses and a higher traffic count, Chairman Weiss suggested transferring funds from the Lockes Mill to the Allen Road project.
- Allen Road residents are encouraged to attend the public hearing.

**Supervisor Byrd moved to set public hearing on the SSYP for 2016/17 through 2020/21 for Monday, June 8, 2015 at 6:30 pm or as soon thereafter as the matter may be heard.**

**Supervisor Byrd further moved to change the Work Session from 10:00 am to 6:30 pm with Public Hearing as the first item on the agenda with Personnel Committee time remaining at 9:30 am and setting the Finance Committee time at 10:00 am**

**The motion carried as follows:**

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

**5) Set Public Hearing: TA-15-01 -- Monopole Regulations**

*Proposed text amendment to amend §3-C-2-u, Monopoles for Telecommunication Antennae (Supplementary Regulations); and §6-H-12, Monopoles for Telecommunication Antennae (Design Standards) of the Zoning Ordinance. The purpose of the amendment is to add new language regarding co-location of antennas on existing monopoles in order to comply with recent changes to Federal law. The amendment would also add new and clarify existing requirement for special use permit and site plan applications for the siting of new monopoles.*

Brandon Stidham reviewed the proposed amendments to monopole regulations.

**Supervisor moved to set public hearing on TA-15-01 Monopole Regulations for Tuesday, July 21, 2015 at 6:30 pm or as soon thereafter as the matter may be heard. 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

**6) Set Public Hearing: TA-15-02, Farm Breweries and Farm Wineries Regulations**

Proposed text amendment to amend §3-A-1, Agricultural-Open Space-Conservation District (AOC); §3-A-2, Forestal-Open Space Conservation District (FOC); §3-C, Supplementary Regulations; and §9-B, Definitions, of the Zoning Ordinance. The purpose of the amendment is to create a new permitted use, "farm breweries," in the AOC and FOC Districts, and to establish supplementary regulations for the new permitted use. The text amendment also adds language to require zoning approval and issuance of a business license prior to operating a farm brewery or farm winery including provision of approved private well and onsite septic system permits issued by the Virginia Department of Health. Wineries, breweries, cideries, and distilleries would be specifically excluded from the special use, "Processing of Agricultural Products not totally produced in Clarke County," in the AOC and FOC Districts.

Brandon Stidham reviewed the proposed amendment. He will follow up with the Health Department on Supervisor McKay's question regarding use of process water for irrigation.

**Supervisor McKay moved to set public hearing on TA-15-02 Farm Breweries and Farm Wineries Regulations for Tuesday, July 21, 2015 at 6:30 pm or as soon thereafter as the matter may be heard. 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

7) Set Public Hearing: Recreation Component Plan

Alison Teetor reviewed the plan developed by the Recreation Component Plan Committee and thanked the members for their contribution; members include: Robina Rich Bouffault, Randy Buckley, Anne Caldwell, Scott Kreider, Frank Lee, Gwen Malone, George Ohrstrom, and Jon Turkel. Goals of the Committee included:

- 1) Meeting the recreation needs of the community
- 2) Increasing awareness of all recreational activities
- 3) Assisting in maximizing the recreation value of existing assets
- 4) Promoting connectivity among the County's active and passive recreation resources
- 5) Updating the Recreation Plan on a 5-year cycle

Vice Chairman McKay suggested review of the description of Long Branch.

Supervisor Hobert suggested inclusion of the Barns of Rose Hill under Berryville activities.

Supervisor Staelin suggested adding some language about consideration of traffic issues when accessing the river.

**Vice Chairman McKay moved to set public hearing on Recreation Component Plan for Tuesday, July 21, 2015 at 6:30 pm or as soon thereafter as the matter may be heard. 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

Alison Teetor informed the Board that she participated today in a cooperative effort with the Schools and Blandy in the planting of 30 more trees along the bike path bordering the School's property.

8) Theodore Dortch Will

*"At the end of twenty-one (21) years, this trust shall cease and determine and the principal thereof, less ordinary and necessary expenses, shall be paid to the County of Clarke, Virginia, in memory of Nina E. Dortch. This trust shall be in memory of my mother, Nina E. Dortch, and shall be so designated and known."*

David Ash reviewed that portion of the will pertaining to Clarke County informing them that approximately \$40,000 in principal was payable to the Board.

The Board concurred that they would prefer something concrete.

Supervisor Hobert suggested that Chairman Weiss discuss the matter with the School Board Chair.

9) Conflict of Interest Act 2015 Changes; Statement of Economic Interest Semi-annual Filing

Highlights of review by David Ash include:

- Statement of Economic Interest Semi-annual filing due June 15, 2015 for the six-month period from November 1, 2014 – April 30, 2015.
- Elected officials must file the Statement of Economic Interest locally with County Administration.
- Distributed to each Supervisor at the beginning of the meeting a Statement of Economic Interest form, as well as a copy of their previous filing.
- Supervisors should direct requests for clarification to the Commonwealth Attorney.

10) Approval of Minutes

**Supervisor Byrd moved to approve the minutes for April 21, 2015 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

11) Finance Items

1. Hurricane Sandy Grant

05-11-2015 Summary: Please find information on this grant attached. The Finance Committee recommends the following action: *"Be it resolved that FY2016 General Government Capital Projects Fund Expenditures and Appropriations be increased \$70,000, and that revenue from federal government be estimated in the same amount, all for the purpose of stabilizing structures at Greenway Court."*

05-19-2015 Action: **Supervisor Hobert moved to approve. 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. CLG Grant

05-11-2015 Summary: The Finance Committee recommends the following: "Be it resolved that the Planning Department be authorized to pursue two CLG grants as described in the memorandum from Alison Teetor attached."

05-19-2015 Action: **Supervisor Hobert moved to approve. The motion carried as follows:**

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

3. Conservation Easement Fund Supplemental.

05-11-2015 Summary: The Finance Committee recommends the following: "Be it resolved that FY 15 Conservation Easement Fund budgeted expenditure and appropriation be increased \$25,000, to be funded from the balances of that fund."

05-19-2015 Action: **Supervisor Hobert moved to approve. The motion carried as follows:**

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

4. FY2016 Salary Increases

05-11-2015 Summary: The Finance Committee directed staff to develop a salary increase proposal for consideration at the June meeting showing an effective date of July 1.

05-19-2015 Action: Tom Judge reviewed the Finance Committee's direction to staff.

5. FY2015 Budget Situations

05-11-2015 Summary: The Finance Committee was made aware of the potential for budget overages in part time salaries and JAS as a result of mid-year salary increases.

05-19-2015 Action: **Vice Chairman McKay moved to approve. 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

6. FY2016 Budget Error

05-11-2015 Summary: The final version of the FY2016 budget added \$965 expenditure to School Food Service without the corresponding estimate of revenue: "Be it resolved that FY 16 Food Service estimated revenue be increased \$965".

05-19-2015 Action: Following review by Tom Judge, **Vice Chairman McKay moved to approve. 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

7. Acceptance of Bills and Claims

05-11-2015 Summary: The Finance Committee recommends acceptance of April Bills and Claims.

05-19-2015 Action: **Supervisor Hobert moved to accept the April 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

8. Standing Reports

Reconciliation of Appropriations, General Fund Balance, Expenditure Summary

12) Joint Administrative Services Board Update

Highlights of Tom Judge's update include:

- ERP financial piece activated May 4.

- There have been bandwidth issues at the Courthouse.
- Some larger departments are using daily.
- Smaller departments not using as frequently.
- Began process for inclusion of payroll and human resources.
- Some vendors are able to view remotely the County's system.

13) Government Projects Update

David Ash provided the monthly project update. Highlights include:

- Sheriff's Office Renovation
  - o Door knobs for interior doors delivered
  - o Concrete today.
  - o Insulation to be installed in crawl space.
- 101 Chalmers Court – BCCGC
  - o Bob Mitchell requested invoices, which were received from Joint Administrative Services yesterday.

14) Miscellaneous Items

The Board added no items to the agenda.

15) Summary of Required Action

<u>Item</u>	<u>Description</u>	<u>Responsibility</u>
1.	Draft, process, advertise VDOT public hearing for June 8.	Lora B. Walburn
2.	Update meeting times on County website.	Susanne Vaughan
3.	Draft, process and advertise public hearings for July 21: TA-15-01, TA-15-02, and Recreation Component Plan.	Lora B. Walburn
4.	Schedule meeting with School Board Chair and Superintendent to discuss Dortch will.	David Ash, David Weiss
5.	Process approved minutes.	Lora B. Walburn

16) Board Member Committee Status Reports

Supervisor Barbara Byrd:

- Social Services: Lunching this month with staff.
- Juvenile Jail: Approved budget; reducing fund balance
- Tick Awareness Program: Coming together for June 4 meeting. Currently, securing medical professionals for presentations.
- Berryville Town Council: Thanked all the officers involved in solving the murder of late Councilwoman Gail Smith.
- Addiction Action Committee: Held May 4 and included an informative presentation.

Supervisor J. Michael Hobert:

- CEA: Meets later this week.
- Parks and Recreation: Did not meet.

Vice Chairman Bev McKay:

- NSVRC: Lord Fairfax Soil and Water attended last meeting. Spring dinner is Thursday.
- Career and Technical Committee: Making progress. Want to place students with local businesses.
- BCCGC Joint Building Committee: Proposed seal did not appeal to members. Looking now at alternatives.

Supervisor John Staelin:

- CCSA: Met this morning.
- EDAC: Joint meeting tomorrow.
- Visitor Center: Received approval for signage

Chairman David Weiss:

- EMS Commission: Plan will be ready in June for review by fire companies.
- SPC: Moving forward.

17) Clarke County Public Schools Facility Update by Chuck Bishop

Superintendent Chuck Bishop reviewed the PowerPoint presentation provided to the School Board last Monday evening. Highlights include:

- Presentation covered large and small capital projects; list does not include routine items.
  - The FY2018 \$560,000 estimate covers roof replacement only at Cooley upper campus.
- School Administrative Facilities:
  - Do not anticipate significant expenditure to move to temporary housing at Cooley upper campus.
  - Anticipate being in this location for a few years.
  - Utility costs for the current facility were lumped with Primary.
  - Relocation will eliminate utility costs.
- Primary School:
  - Currently being used to house:
    - Alternate education program
    - Technology in half the basement area
    - Clarke County Education Foundation in the old office space
  - Utility costs:
    - Need to enter into a memorandum of understanding with CCEF to cover utility costs.
    - Utility costs will remain at current levels.
    - Facility is not zoned for heating and cooling.
    - Heat with gas.
  - Does not meet ADA compliance.
  - Roof should last until 2027.
  - Department of Education [DOE] facility study report is available on the Schools' website.
  - DOE recommended that the facility be converted to office space or other useable space.
  - RRMM Architect, Ben Motely, during a recent tour, indicated that structure was in great shape.
  - Will use \$50,000 set aside in capital to begin planning the renovation of Primary.

- Estimate renovation at \$3.5MM to \$4MM but this amount is not based on any detailed study and is probably high.
- Sketches provided show accessibility including ramping and elevator.
- Sketch depicts a grandiose entrance, which is probably not needed and the glass panels would be hot in the summer and cold in the winter.
- Annex
  - Heating system does not work much of the time.
  - Needs a new roof.
- Space Utilization
  - Currently 107 Kindergarten students.
  - Elementary capacity exceeds projected enrollment.
  - Anticipate 122 Kindergarten students; to date, 95 pre-registered.
  - Enrollment trending down in elementary school
  - Held off hiring new elementary staff.
  - Losing students presents a challenge to a division.
  - Cooley upper campus: currently using nine rooms with a number of empty classrooms that cost the exact same amount to heat and cool.
  - School Board suggested looking at what useable space might be available at the upper campus for temporary Administrative office space and then begin the process of working on Primary.
  - With enrollment levels trending down, at this time, it does not make sense to consider construction at the lower campus and the renovation of Primary. Enrollment trend could affect upper campus in future.

Chairman Weiss thanked Superintendent Bishop for the update and called for questions.

Supervisor Staelin encouraged the Superintendent to continue to monitor Johnson Williams Middle School noting that it had the tightest enrollment to actual capacity ratio.

Superintendent Bishop affirmed noting that JWMS enrollment is also trending down.

Supervisor Staelin asked about electricity usage for school purposes versus office space.

Superintendent Bishop advised that an evaluation was conducted.

Superintendent Bishop confirmed for Supervisor Byrd:

- Cooley upper campus: 4 vacant rooms

- Cooley lower campus: relocate pre-school [3 rooms] leaving 8 vacant rooms

Chairman Weiss opined that Superintendent Bishop had answered the Supervisors' questions that were reflective of citizen's concerns. He applauded the efforts of the Superintendent and the School Board.

18) Shenandoah Instream flow reports, speak about our findings, and share about the USGS Toxics program endocrine disruption chemical and fish health work by Jennifer L. Krstolic, BioGeographer, GIS Specialist, U.S. Geological Survey | Virginia Water Science Center

Jennifer Krstolic provided a PowerPoint presentation. Highlights of comments include:

- Study area includes the North Fork, South Fork and Main Stem of the Shenandoah River.
- Project is an update of the fish habitat study.
- Worked with VCU and VT on fish habitat study.
- Goal of study was to gain a better understanding of how stream flow impacts fish habitat
- Recreation is a focus in this area. Recreational use requires higher flows.
- As long as flow is above the minimum level going into a drought, withdrawals did not have a substantial impact. It was noted that further up the river there was a greater impact
- The North Fork is more challenged than the Main Stem particularly near Woodstock.
- Increased demand downstream worsens conditions.
- Fish in the river are still inedible.
- A toxicity study goes hand-in-hand with other studies on the Shenandoah River.
- Research being done here makes this a very attractive science and research area.

Supervisor Byrd requested a copy of the presentation.

Chairman Weiss thanked Ms. Krstolic for a great presentation and thanked her and other members of the team for their work.

19) Closed Session

At 2:20 pm, **Supervisor Hobert moved to convene into Closed Session pursuant to §2.2-3711-A4 Privacy of individuals in personal matters; and §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 3:06 pm, the members of the Board of Supervisors being assembled within the designated meeting place, with open doors and in the presence of members of the public and/or the media desiring to attend, **Supervisor Staelin moved to reconvene in open session. The motion carried as follows:**

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

**Supervisor Staelin further moved to execute the following Certification of Closed Session:**

**CERTIFICATION OF CLOSED SESSION**

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

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

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

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

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

No action was taken on matters discussed in Closed Session.

## 20) Adjournment

At 4:50 pm, **Supervisor Staelin moved to adjourn the meeting. The motion was approved by the following vote:**

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

## Next Regular Meeting Date

The next regular meeting of the Board of Supervisors is set for Tuesday, June 16, 2015 at 1:00 p.m. in the Berryville Clarke County Government Center, Main Meeting Room, 101 Chalmers Court, Berryville, Virginia.

ATTEST: May 19, 2015

\_\_\_\_\_  
David S. Weiss, Chair

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

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