

July 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, 2<sup>nd</sup> Floor, Berryville, Virginia conducted on Tuesday, July 21, 2015.

Board Members Present

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

Board Members Absent

None

Staff Present

David Ash; Lisa Cooke; Frank Davis; Tom Judge; Brandon Stidham; Alison Teetor; Lora B. Walburn

Others Present

Keith Dalton; Tom McFillen; Jon Turkel; Val Van Meter and other citizens

1) Call to Order

Chairman Weiss called the afternoon session to order at 1:01 p.m.

2) Adoption of Agenda

**Vice Chairman 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

James Harper, 2383 Lockes Mill Road: spoke to the Board in reference to a house on adjoining property that has not been repaired or replaced since it burnt approximately ten years ago. He asked the Board about laws to address blighted property. He noted that Gary Pope, former Building Official, had seen to boarding up the windows and doors. Mr. Harper said that last week he started getting varmints in his yard including a possum, a raccoon, and a ground hog; and to trap these animals, he borrowed a trap from the Animal Shelter. He asked the Board to consider a blighted property law.

Supervisor Byrd asked Mr. Harper if he had contacted the Health Department.

Mr. Harper responded that the Health Department would address tall grass and weeds but not burnt-out buildings.

Supervisor McKay put forth that it was his understanding that if a house like this started attracting vermin it became a health hazard, which the Health Department could address.

Chairman Weiss interjected that he was familiar with the referenced property. He asked staff to review the matter and report to the Board in August.

Supervisor Staelin added that this was not the only blighted property in the County.

Chairman Weiss reminded that property rights were a consideration, as well as enforcement.

4) VDOT

Ed Carter, with Charlie Monroe, appeared before the Board to provide the monthly update.

Maintenance:

- Completed first round of Secondary mowing and performed brush trimming around all Primary /Secondary signage;
- Conducted pipe cleaning operations on Rt. 605;
- Graded non-hard surfaced routes and applied dust control;
- Performed asphalt patching on Rt. 655 and repaired potholes at various locations throughout the County.
- August

- VDOT will be mowing primaries which will start on July 27;
- Performing asphalt patching on routes 604 and 606;
- Repairing shoulders on Rt. 50;
- Conducting brush cutting on Rt. 632 (Crum's Church Rd.) from Rt. 656 to Rt. 761;
- Removing hazardous trees at various locations throughout the County.

Board Issues:

- Mowing/Spraying and Environmental concerns; Discussion with the Board. Highlights include:
  - VDOT has received a considerable number of emails and entered discussions about mowing and spraying. The environmental impact has become a national issue and the Federal Highway Administration has become involved.
  - Nationally highway maintenance is being review to determine how it may be impacting the ecosystem and particularly how it affects pollinators.
  - Virginia has implemented some of the recommendations coming forth from the numerous national meetings and discussions.
  - The current mowing policy will not change at this time; but, moving forward, localities may see some reduction in mowing operations or changes in times mowing operations are conducted to accommodate seasonal bloom.
  - Adjusting mowing widths while still trying to maintain a clear zone beyond the edge of pavement.
  - Nationally there are approximately 18 million acres impacted by vegetation management by local highway departments that have a significant impact on honeybees, butterflies and other pollinators.
  - This year VDOT is spot spraying for invasive species such as Johnson Grass.
  - VDOT is looking for balance.
  - Height-reducing spray used on grass is having some success allowing VDOT to defer cutting grass for some time.
  - Board Comments:
    - Supervisor Byrd stated that unkempt roadways, allowing invasive species to seed into pastures and hayfields would not promote tourism or agriculture in the County.
    - Chairman Weiss:
      - Input from the Board may be sought on the recommendations.
      - Supervisors McKay, Byrd and he would be the contact group for the pollinator issue.

- Through the process, please keep citizen safety in mind as well.
- Allen Road – Rural Rustic: Request Board to reconsider which end to start with.
  - VDOT would like to begin work on Allen Road.
  - If the budget holds true, there should be sufficient funds next year to do the entire road.
  - The east side with the most opposition to paving was the section with the most traffic and the biggest drainage issues.
  - VDOT is requesting Board direction on whether or not it can proceed with the project where it will get the best value, which would be to start on the Summit Point Road side that should result in reduction of maintenance costs and complaints.
  - VDOT would like to complete the pipe and drainage work this year to help hold the base through the winter.
  - By consensus, the Board agreed to the direction proposed by VDOT contingent upon reaching a consensus of Allen road residents. If a consensus of residents is not reached, the matter will come back to the Board for further review.
  - Supervisor Byrd will coordinate notice to Allen Road residents.
- All Good Music Festival – While there were some inconveniences to some local travelers, overall we were pleased with the results. The success of implementation and resolutions to some minor glitches is credited to local Law Enforcement and the VSP. We are planning an after event review with all parties within the next 30 days.
  - Supervisor Byrd thanked VDOT for good job noting that constituents were really pleased by how it was handled on the Virginia side.
  - VDOT received many positive comments.

Vice Chairman McKay

- Johnson Grass: Citizens are seeing improvement and appreciate VDOT's efforts.
- Route 522 Shoulders: Soft shoulders contributed to a truck accident in the southbound lane close to the County line. VDOT will follow up.

Chairman Weiss

- Route 340 Shoulder Issues: Look at shoulders in conjunction with Route 522.

Supervisors John Staelin:

- Route 601: Per Charlie Monroe, two sections are scheduled for repaving this summer and reflectors will be replaced at that time.

#### 5) Agricultural and Forestal District (AFD) Review Process

Brandon Stidham provided the Board with information on the agricultural and forestal district review process. Highlights include:

- District expires March 2016.
- Code of Virginia gives localities the option of conducting the formal review of the district prior to its expiration in order to determine whether to “terminate, modify, or continue” the District.
- Properties currently in the AFD were last added or renewed in March 16, 2010 for a six-year term.
- The last review was conducted by the Board during the latter half of 2009 and early 2010, resulting in the addition of 33 new parcels to the District and the withdrawal of one parcel for a net gain of 3,278.11 acres to the 37,051.31 acre District.
- The review process also included consideration of text amendments to County Code Chapter 48 governing the AFD program, as well as discussion of potential modifications to the County’s land use taxation program.
- Staff recommends that the Board consider initiating a review of the District for the following reasons:
  - Provides an opportunity to evaluate whether the properties currently in the District continue to be consistent with the goals of the AFD program.
  - Gives AFD landowners the chance to add new land or to withdraw from the program altogether depending upon their individual needs.
  - Through the various required public meetings and notifications, the program’s benefits can be promoted and new landowners may consider adding their properties to the district.
  - Similar to the previous review, program policies and procedures can be evaluated and potential County Code amendments can be developed.
- Should the Board wish to initiate a District review, staff recommends that a formal resolution be adopted at the August 18 Regular Meeting to forward the matter to the AFD Advisory Committee to begin the review process.
- The Board’s Personnel Committee has also been working to identify potential appointments to the AFD Advisory Committee – Staff recommends that these final appointments be made at the August 18 meeting so that the Committee may begin work in September.

- Staff has drafted a timeline for the review process including action items and required public meetings.
- Chairman Weiss asked Board members to review the list of AFD Advisory Committee members prior to the August 18 meeting and to help the Personnel Committee, where possible, to determine if the individuals currently on the Committee were interested in continuing to serve.

6) Approval of Minutes

**Vice Chairman McKay moved to approve the minutes for June 16, 2015 Regular Meeting 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

7) Consent Agenda

Resolution in Appreciation of Service 2015-09R

Resolution in Appreciation of Service  
Alvin M. Feltner  
1999 - 2015

WHEREAS, Alvin M. Feltner began his career in law enforcement in Elizabeth City, North Carolina in 1973 working in various jurisdictions over the years until joining the Clarke County Sheriff's Office on August 23, 1999; and,

WHEREAS, in 2006 Mr. Feltner was promoted to Sergeant in which capacity he served until his retirement June 30, 2015.

NOW THEREFORE BE IT RESOLVED, by the Clarke County Board of Supervisors that Sergeant Deputy Sheriff Feltner be recognized and congratulated on achieving sixteen years of continued service to the citizens of Clarke County and that he be congratulated on his successful career in Clarke County, and on the positive influence he has had on Clarke County;

BE IT FURTHER RESOLVED, that his dedication, loyalty, and service to the Citizens of Clarke County be hereby memorialized and that a suitable copy of this resolution be presented to Mr. Feltner as a token of the respect and high esteem in which he is held by the Clarke County Board of Supervisors 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 in regular session on the 21st day of July 2015.

Attest:

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

**Supervisor Hobert moved to approve the item on the consent 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

8) Personnel Committee Items

A. Expiration of Term for appointments expiring through October 2015

07-13-2015 Summary: Meeting Cancelled

9) Board of Supervisors Work Session Items

A. Shenandoah Valley Chief Elected Officials Consortium Agreement

07-13-2015 Summary: Sharon Johnston was present to explain the changes in the Work Force Investment Board and to answer questions from Board members regarding the anticipated activities. The Board recommended approval of the amended agreement and resolution.

07-21-2015 Action: **Supervisor Staelin moved to approve the agreement. 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

**Resolution In Support of Renaming the Shenandoah Valley Workforce Investment Area to the Shenandoah Valley Workforce Development Area and Renaming the Shenandoah Valley Workforce Investment Board to Shenandoah Valley Workforce Development Board**

**2015-10R**

**WHEREAS**, the Clarke County Board of Supervisors desires to create a positive business environment and has been a strong supporter of workforce development and education initiatives;

**WHEREAS**, on April 17, 2012, the Clarke County Board of Supervisors approved the Shenandoah Valley Chief Elected Officials Consortium Agreement, which established the Shenandoah Valley Workforce Investment Area for the purpose of planning, establishing and operating a local workforce services delivery system;

**WHEREAS**, in accordance with Public Law 113-128, the Workforce Innovation and Opportunities Act of 2014, Section 106, the Shenandoah Valley Workforce Investment Area has been renamed the Shenandoah Valley Workforce Development Area and the Shenandoah Valley Workforce Investment Board shall be renamed the Shenandoah Valley Workforce Development Board;

**THEREFORE BE IT RESOLVED**, that the Clarke County Board of Supervisors does hereby support these changes and approves this resolution accordingly.

Adopted this 21<sup>st</sup> day of July, 2015

Attest:

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

Consortium Agreement  
Shenandoah Valley Workforce Development Area

*The purpose of this Agreement is to formalize the creation of the Shenandoah Valley Workforce Development Area, the Shenandoah Valley Chief Elected Officials Consortium, and the Shenandoah Valley Workforce Development Board in accordance Public Law 113-128, the Workforce Innovation and Opportunity Act of 2014, Section 106. It is Made and Entered into by and between Augusta County, Bath County, the City of Buena Vista, Clarke County, Frederick County, the City of Harrisonburg, Highland County, the City of Lexington, Page County, Rockbridge County, Rockingham County, Shenandoah County, the City of Staunton, Warren County, the City of Waynesboro, and the City of Winchester.*

WHEREAS, the respective Boards of Supervisors of the Counties of Augusta, Bath, Clarke, Frederick, Highland, Page, Rockbridge, Rockingham, Shenandoah and Warren, and the City Councils of the Cities of Buena Vista, Harrisonburg, Lexington, Staunton, Waynesboro and Winchester have adopted resolutions authorizing the execution of this Consortium Agreement;

NOW THEREFORE THIS AGREEMENT FURTHER WITNESSTH: That for and in consideration of the promises and of the mutual benefits to be derived hereunder, that each and all of the jurisdictions enumerated immediately above, do hereby reciprocally agree as follows:

## SECTION 1: CREATION OF THE CONSORTIUM

THERE IS HEREBY CREATED, BY THE UNDERSIGNED Chief Elected Official of the Counties and Cities, the Shenandoah Valley Chief Elected Officials Consortium (Consortium), which shall exist under and be subject to the terms and conditions of this Consortium Agreement (Agreement), and which constitutes the agreement by the listed participating political subdivisions of the Commonwealth of Virginia. The purpose of the Consortium shall be to plan, establish, and operate a Local Workforce Development Area (LWDA) and Workforce Development Services Delivery System according to the provisions of the Workforce Innovation and Opportunity Act of 2014, and the Federal Regulations issued by the U.S. Department of Labor for the implementation of the Act together with any and all other subsequent and relevant federal and Commonwealth of Virginia statutes, policies and interpretations.

## SECTION 2: AREA TO BE SERVED

The Local Workforce Development Area to be served shall be known as the Shenandoah Valley Workforce Development Area, and shall include the jurisdictions of Augusta County, Bath County, the City of Buena Vista, Clarke County, Frederick County, the City of Harrisonburg, Highland County, the City of Lexington, Page County, Rockbridge County, Rockingham County, Shenandoah County, the City of Staunton, Warren County, the City of Waynesboro and the City of Winchester.

## SECTION 3: STRUCTURE, DUTIES AND RESPONSIBILITIES OF CONSORTIUM

### 3.01: MEMBERSHIP

The voting members of the Consortium shall be the Chief Elected Official of each jurisdiction that is a party to this agreement, or that official's duly appointed designee. The Chair of the Shenandoah Valley Workforce Development Board (SVWDB), formerly the Shenandoah Valley Workforce Investment Board, or the Chair's duly appointed designee, shall serve as a voting member of the Consortium.

### 3.02: TERMS OF OFFICE

The term of office for a Consortium member or designee shall coincide with the member's term as chief elected official for the member jurisdiction.

### 3.03: OFFICERS

The Consortium shall elect from its membership a Chair, a Vice-Chair and such other officers as may be provided in the Consortium by-laws to serve for a term as may be prescribed in the By-Laws.

### 3.04: VOTING RIGHTS

Each member jurisdiction shall have one (1) vote on all matters considered by the Consortium.

### 3.05: MEETINGS

The Consortium shall hold meetings as prescribed in the By-Laws. A quorum is required for the Consortium to conduct business. A simple majority of the membership of the Consortium constitutes a quorum. Actions of the Consortium shall be approved by a simple majority of the members present at the meeting.

### 3.06: DUTIES AND RESPONSIBILITIES

- A. The Consortium shall collectively perform the following functions established for the Chief Elected Official, as specified in Public Law 113-128:
- (1) Shall, at its annual organization meeting, designate a member jurisdiction to serve as local grant recipient for the WIOA funds, and further may designate another entity to serve as fiscal agent for the Consortium;
  - (2) Receive member nominations and make appointments of members to the SVWDB in accordance with State criteria. Each member jurisdiction of the Consortium shall recommend nominees and coordinate with other member jurisdictions to ensure appropriate geographic representation. Diversity considerations should be given when appointing members to the SVWDB to ensure racial, ethnic, and cultural diversity, as well as the diversity of individuals with disabilities from labor markets within the LWDA;
  - (3) Set policy for the local workforce development system in partnership with the SVWDB;
  - (4) Collaborate with the SVWDB to provide oversight of local Youth, Adult and Dislocated Worker programs and regional workforce development initiatives;
  - (5) Approve the budget developed by the SVWDB;
  - (6) Perform other duties as may be prescribed from time to time for Chief Elected Officials (CEO) under the Act or as prescribed by the Commonwealth of Virginia; and,
  - (7) Establish such by-laws and such other rules as it deems necessary to govern its operations.
- B. In partnership with the SVWDB, the Consortium shall develop, approve and submit all workforce development plans for the Shenandoah Valley Workforce Development Area.

## SECTION 4: THE SHENANDOAH VALLEY WORKFORCE DEVELOPMENT BOARD

The Consortium hereby establishes the Shenandoah Valley Workforce Development Board. The Shenandoah Valley Workforce Investment Board (SVWIB) shall take the necessary steps to change its name to the Shenandoah Valley Workforce Development Board (SVWDB), incorporated under the laws of the Commonwealth of Virginia as a private, non-profit corporation.

### 4.01: APPOINTMENT OF MEMBERS TO THE SVWDB

- A. The Consortium shall appoint at least one representative from each of the following public sector categories to the SVWDB:
- (1) Economic and Community Development Entities;
  - (2) Department of Aging and Rehabilitative Services
  - (3) Eligible providers administering adult education and literacy activities under title II, including a representative from a secondary public school's Career and Technical Education program;
  - (4) Community Colleges

- (5) Virginia Employment Commission
- (6) Labor Organizations
- (7) Training Director or labor representative from a joint labor-management apprenticeship program

- B. Not less than 20 percent of the members shall be from categories A(6) and A(7) above, or from community based organizations that have a demonstrated experience and expertise in addressing the employment needs of individuals with barriers to employment, including organizations that serve veterans or provide or support competitive integrated employment for individuals with disabilities or in addressing the employment, training, or education needs of eligible youth, including organizations that serve out-of-school youth.
- C. The Consortium shall appoint a sufficient number of private industry members to the SVWDB to ensure that the total membership shall be comprised of at least a 51% majority of private industry members, who are owners, chief executives or operating officer with policy making or hiring authority. These businesses, including small businesses, provide employment opportunities that include high-quality, work relevant training and development in high demand industry sectors or occupation in the local area. The Consortium shall appoint members in compliance with Section 107 (b) (2) (A) of the Workforce Innovation and Opportunity Act. In order to maintain a majority of private industry members, it may be necessary for some jurisdiction members to have more than one private industry member. In determining the allocation of additional private industry members the Consortium shall consider the relative populations of the member jurisdictions and Sub-Regions.
- D. Subject to the limitations imposed by the mandatory representation outlined above, the Consortium may appoint representatives of other agencies or community based organizations providing regional planning, housing assistance, public assistance, educational services, employment training services, and other services and other individuals as the chief elected officials may determine to be appropriate.

#### 4.02: DUTIES AND RESPONSIBILITIES

The SVWDB shall perform such duties and responsibilities as required under the Workforce Innovation and Opportunity Act and other laws and regulations promulgated by the Commonwealth of Virginia. The SVWDB shall carry-out its functions in a collaborative manner with the Consortium. The duties and responsibilities of the SVWDB include, but are not limited to:

- A. Establish such by-laws and such other rules as it deems necessary to fulfill its responsibilities under the Workforce Innovation and Opportunity Act.
- B. Select eligible providers of services for adults and dislocated workers.
- C. Select eligible providers of youth services with consideration of recommendations from the Youth Council.
- D. Select training providers.
- E. Assist the Governor in developing a statewide employment statistics system.

- F. Link private sector employers with local and statewide workforce activities in collaboration with local offices of economic development and secondary education, and institutions of higher education.
- G. Hire staff as necessary, and as funding permits, to support the program of the SVWDB.
- H. Direct the disbursement of all funds dispersed under the ACT for the Shenandoah Valley Workforce Development Area and the subsequent dispersion of such funds to designated service providers and/or subcontractors in accordance with the approved Workforce Development Plan.
- I. Prepare and recommend the following for consideration and approval of the Consortium:
  - (1) A local strategic workforce plan.
  - (2) Selection of the One Stop Operator or a One-Stop Consortium
  - (3) An annual local operating budget
  - (4) Local performance measures for approval by the Governor
  - (5) Candidates for a Youth Council to serve as a subgroup of the SVWDB
  - (6) A youth work plan
- J. Work collectively with the Consortium to monitor and evaluate all programs initiated under this agreement.

#### 4.03: TERMS

Beginning with program year July 1, 2015, the term of appointment for SVWDB members shall be four (4) years, with terms ending on June 30 of the year the term ends. Members may be eligible to serve two full consecutive terms,

#### 4.04: VOTING RIGHTS

Each SVWDB member shall have one (1) vote on all matters before the SVWDB. Members shall be present to vote and voting by proxy shall not be permitted.

#### 4.05: OFFICERS

The officers of the SVWDB shall include Chair, Vice Chair, and Secretary/Treasurer. Each officer shall serve for one (1) year; and, may be eligible for re-election. Only private industry members shall be eligible for election to the office of Chair and Vice Chair.

#### 4.06: MEETINGS

The SVWDB shall hold regular or called meetings at such times, dates, and places as may be established in the by-laws of the SVWDB.

### SECTION 5: LIABILITY

#### 5.01: LIABILITY

In accordance with the Workforce Innovation and Opportunity Act, the Consortium shall be liable for any misuse of funds received under this agreement. Designation of a member jurisdiction or other entity as local grant recipient or fiscal agent does not relieve the member jurisdictions of the Consortium from liability for any misuse of WIOA grant funds. Each consortium member jurisdiction shall be liable only for its share of any loss equal to its respective share of WIOA funding.

#### 5.02: INSURANCE REQUIREMENT

The Board shall procure and maintain *Directors and Officers Liability Insurance* sufficient to safeguard the Consortium, member jurisdictions, SVWDB officers and members, and SVWDB employees from errors, omissions, and misuse of funds received and held by the Consortium, its grant recipient, fiscal agent, and the SVWDB.

#### SECTION 6: TERMINATION

This Agreement shall be terminated upon the repeal of the Workforce Innovation and Opportunity Act or successor legislation pertaining to Workforce Development or upon mutual consent of at least two-thirds (2/3) of the members of the Consortium.

#### SECTION 7: ADDITION TOWITHDRAWAL FROM CONSORTIUM MEMBERSHIP

##### 7.01: NEW MEMBERS

A political subdivision or municipal corporation of the Commonwealth of Virginia may petition the Consortium for membership provided that such local jurisdiction is part of the LWDA, as designated by the Governor in accordance with the provisions of the Workforce Innovation and Opportunity Act.

##### 7.02: WITHDRAWAL

Any party to this Agreement shall have the right to withdraw from the Consortium after providing at least ninety (90) days written notification to the Consortium.

#### SECTION 8: AMENDMENT

This Agreement may be amended with the approval by resolution of the governing body of two-thirds (2/3) of the members of the Consortium.

#### SECTION 9: SEVERABILITY

If any of the provisions of this Agreement shall be found void or unenforceable for whatever reason by any court of law or equity, it is expressly intended that such provision(s) be severable and the remainder of the Agreement shall remain in force and effect.

#### SECTION 10: EFFECTIVE DATE

This amended Agreement shall become effective July 1, 2015.

This agreement is approved by resolution by the following member jurisdictions of the Commonwealth of Virginia:

Augusta County Board of Supervisors  
By \_\_\_\_\_  
Title \_\_\_\_\_

Bath County Board of Supervisors  
By \_\_\_\_\_  
Title \_\_\_\_\_

City of Buena Vista, Virginia  
By \_\_\_\_\_  
Title \_\_\_\_\_

City of Harrisonburg, Virginia  
By \_\_\_\_\_  
Title \_\_\_\_\_

Highland County Board of Supervisors  
By \_\_\_\_\_  
Title \_\_\_\_\_

City of Lexington, Virginia  
By \_\_\_\_\_  
Title \_\_\_\_\_

Page County Board of Supervisors  
By \_\_\_\_\_  
Title \_\_\_\_\_

Rockbridge County Board of Supervisors  
By \_\_\_\_\_  
Title \_\_\_\_\_

Rockingham County Board of Supervisors  
By \_\_\_\_\_  
Title \_\_\_\_\_

City of Staunton, Virginia  
By \_\_\_\_\_  
Title \_\_\_\_\_

City of Waynesboro, Virginia  
By \_\_\_\_\_  
Title \_\_\_\_\_

City of Winchester, Virginia  
By \_\_\_\_\_  
Title \_\_\_\_\_

Clarke County Board of Supervisors  
By David S. Weiss  
Title Chair [Approved 07-21-2015]

Frederick County Board of Supervisors  
By \_\_\_\_\_  
Title \_\_\_\_\_

Shenandoah County Board of Supervisors  
By \_\_\_\_\_  
Title \_\_\_\_\_

Warren County Board of Supervisors  
By \_\_\_\_\_  
Title \_\_\_\_\_

The Shenandoah Valley Workforce Development Board at its meeting on \_\_\_\_\_, 2015 considered the duties and responsibilities outlined in this agreement and consents to perform such duties and responsibilities in accordance with this agreement.

Shenandoah Valley Workforce Development Board  
By \_\_\_\_\_  
Title \_\_\_\_\_

**B. Board of Supervisors' Prior Goals FY2016 Discussion**

07-13-2015 Summary: The Board reviewed the current list of goals and priorities, along with several proposed additions. The County Administrator was asked to edit the existing document and to draft the specific language of the goals and priorities identified.

07-21-2015 Action: David Ash advised that he would present the revised draft at the Board's August meeting.

C. Discussion of Working Draft Personnel Policies

07-13-2015 Summary: The Board discussed among themselves, with the Sheriff, Treasurer, and the Commissioner of the Revenue, the current draft. While there was general agreement, the group asked to see a final draft subsequent to legal review before committing to detail.

07-21-2015 Action: David Ash informed the Board that Chairman Weiss and he did meet with the attorney, Jim Klencar, who will be conducting the legal review. Following the meeting, additional information was forwarded to the attorney.

D. Closed Session On Monopole Text Amendment -- 2.2-3711(A)(7) Legal Matters

07-13-2015 Summary: **Supervisor Staelin moved to convene into Closed Session pursuant to §2.2-3711-A7 to discuss the Monopole Text Amendment. 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 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 Hobert 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 Hobert 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.

10) Board of Supervisors Finance Items

1. FY2016 Salary Increase

07-13-2015 Action: The Finance Committee recommends the following adjustments to the FY2016 Salaries adopted last month:

- a. Barbara Bosserman, Voter Registrar: \$49,923.
- b. Britteney Duncan, Communication Specialist: \$30,806.
- c. Jillian Wright, Communication Specialist: \$30,806.

07-21-2015 Action: Chairman Weiss explained that at the time the FY2015 salary adjustments were made the two Communications Specialists had worked for the County less than six months and did not meet the criteria for upgrade. Now that these persons do qualify, the Finance Committee felt that their salaries should be adjusted to the minimum. He also explained that omission of the Voter Registrar was an oversight.

**Supervisor Hobert moved to approve the salary adjustments. 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

2. FY2015 and FY2016 Budget Amendments for NRADC Salary adjustments

07-13-2015 Action: The Finance Committee recommends approval of the following:

- a. "Be it resolved that the FY2015 Regional Jail Budget be increased \$4,654, and the same appropriated, for the purpose of funding Salary Survey increases, and that the designation from government savings be reduced in the same amount".
- b. "Be it resolved that the FY2016 Regional Jail Budget be increased \$5,346, and the same appropriated, for the purpose of funding Salary Survey increases, and that the designation from government savings be reduced in the same amount".

In addition, the Finance Committee directed the County Administrator to express the concern of the Clarke County Board of Supervisors regarding the issue of off budget salary increases at the next meeting of the NRADC Finance Committee.

07-21-2015 Action: **Supervisor Hobert moved to approve the Finance Committee recommendations. 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. Acceptance of Bills and Claims

07-13-2015 Summary: The Finance Committee recommends acceptance of June Bills and Claims.

07-21-2015 Action: **Supervisor Hobert moved to accept the June 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

11) Government Projects Update

David Ash provided the monthly project update. Highlights include:

- Sheriff's Office Renovation
  - o Complete with the exception of the pavement.
- 101 Chalmers Court – BCCGC
  - o Bob Mitchell will provide copies of several documents being prepared for opposing counsel.
- Convenience Center
  - o Asked the County's engineer this morning to provide a task order for design and specification work necessary to complete design of the convenience center for this fiscal year for construction to begin July 2016.

12) Miscellaneous Items

Cancellation August 10, 2015 Board Meetings

In recognition of the scheduling conflict with the Clarke County Fair, by consensus, the Board agreed to cancel the meetings scheduled for Monday, August 10. Following up includes:

- Update the County calendar to reflect meeting cancellation.
- Supervisors should provide their comments on priorities and goals to David Ash.
- Schedule Building Committee review of Dunn Land Survey's request to extend the lease on 106 North Church.

13) Summary of Required Action

<u>Item</u>	<u>Description</u>	<u>Responsibility</u>
Board of Supervisors Meeting Minutes For July 21, 2015 – Regular Meeting		

<u>Item</u>	<u>Description</u>	<u>Responsibility</u>
1.	Review blighted property and report to Board.	David Ash
2.	Notify residents on Allen Road of paving project.	Supervisor Byrd
3.	Agricultural and Forestal District (AFD) Review Process add to August agenda.	David Ash, Brandon Stidham
4.	Review list of current appointees to Agricultural and Forestal District (AFD).	All Supervisors
5.	Process approved minutes.	Lora B. Walburn
6.	Process 2015-09R.	Lora B. Walburn
7.	Present 2015-09R.	David Weiss
8.	Process 2015-10R and forward Consortium Agreement	Lora B. Walburn
9.	Add FY2016 BoS Goals review to August agenda.	David Ash
10.	Cancel August 10 Board meetings.	David Ash
11.	Schedule review of Dunn Land Survey request to extend lease at 106 North Church Street with the Building Committee.	David Ash
12.	Add Recreation Component Plan: Review Parks and Recreation Advisory Committee Recommendation to August Agenda.	David Ash

14) Board Member Committee Status Reports

Supervisor J. Michael Hobert:

- CEA:
  - o Entertaining several proposals.
  - o Technical glitch in deed preparation and another change made to the Master's property. **Supervisor Hobert moved to authorize the Chair to execute deed. 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

- The photo contest is complete; 100 entries received.
- Parks and Recreation: Unable to attend the meeting.
- Josephine Street Community: Street group did not wish to pursue CDBG.

Vice Chairman Bev McKay:

- NSVRC:
  - Reviewed and approved the 2016 budget.
  - Reviewed nominating committee report and reappointed same.
  - Reviewed work program.
  - LFSWCD provided a report.
  - No meeting scheduled for July.
- Career and Technical Committee: No meetings this summer.
- Building and Grounds:
  - Reviewed issues with drive through windows and discussed funding allocation. David Ash confirmed that the Town would cover the expense to upgrade or replace its equipment.
  - Developing budget for BCCGC.
  - Phyllis Nee will meet with the BCCGC JBC in September to discuss design of a joint seal.
  - Keith Dalton would like to consider replacing meeting room blinds with plantation blinds and blinds currently in the meeting room could be reused elsewhere in the building.

Chairman David Weiss:

- Fire and EMS Commission:
  - Going well and nearing completion of strategic plan, which it will presented in September.
  - Clarification on Board action is needed.
- Schools: Strategic Plan Committee: Plan completed and presented to the School Board.

Supervisor Barbara Byrd

- Juvenile Jail: All going well.
- Regional Jail: Considering new security system.
- Social Services: Held annual luncheon. Did not have a quorum for its last meeting.
- Humane Foundation: Planning October fundraiser.
- Town Council: Supervisor Hobert attended in her place.

Supervisor John Staelin

- CCSA:
  - o Selected Alexander Mackay-Smith Chair and Rod DeArment Vice Chair.
  - o Discussed with Bob Mitchell creation of exclusive water and sewer districts.
  - o Leak on Virginia Avenue: used equipment from the Town of Berryville to trace the leak back to an area near the railroad track. It appears that the water followed the fiber optic path.
  - o Millwood water tower project progressing.
  - o Talk to Mrs. Shields – identified four structures that need strengthening.
- Economic Development
  - o Selected a clerical assistant who will work part-time up to eight hours a week.
  - o Working on website development.
  - o Working on social media issues.
- Economic Development Advisory Committee
  - o Attended the meeting.
- Planning Commission
  - o CCSA site plan approval.
  - o Will be working on AFD review process in the fall.

15) Closed Session

At 2:50 pm, **Supervisor Hobert moved to convene into Closed Session pursuant to §2.2-3711-A4 Personnel Matters. 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 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 Hobert 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 Hobert 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.

**16) Citizens Comment Period**

Tom Parker, 222 Stringtown Road, encouraged the Board to move forward on broadband access throughout the County. He also asked the Board to consider writing a letter or sending a resolution to the Jefferson County Commissioners asking them to

reconsider approval of the All Good Music Festival and/or limiting music hours, noting that he could hear the music in his home until 3:00 am.

Vice Chairman McKay briefly shared his exploration into broadband service expansion opining that the carriers did not seem to be interested in expanding in rural areas due to the limited revenue potential.

Jon VanSice, Wrestling Coach Clarke County Public Schools, thanked the Board for taking the time and the effort to recognize the recent state wrestling championship. He further thanked the Board for the commemorative plaque commenting that knowing community leaders were behind them made it even more rewarding.

Chairman Weiss thanked Coach VanSice. He reiterated the citation and expressed the Board's pleasure with the team and the coaches. He remarked that coaching was about more than just what happens on the mats it was also about making better the athletes better individuals and better citizens.

#### 17) PH 15-07 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 requirements for special use permit and site plan applications for the siting of new monopoles.

Brandon Stidham, Planning Director, reviewed the proposed text amendment. He noted that the Planning Commission, following public hearing on May 1, 2015, voted 8-0-3 to recommend adoption contingent upon staff verifying with the County Attorney that the proposed setback revision complied with Federal regulations. He informed the Board that County Attorney Bob Mitchell advised that, while retaining the setback provision may present a disputable legal issue, there were public policy rationales that provided a basis for including the setback provision, which include: safety rationales for setbacks from property lines and public rights of way, as well as protection of sensitive lands including open-space easements, the Appalachian Trail, the State Arboretum, and state-designated scenic byways. Mr. Stidham concluded that for these reasons staff was recommending retaining the requirement of continued compliance with setback requirements in the text amendment and had no outstanding issues with amendment adoption.

At 6:47 pm, Chairman Weiss opened the public comment portion of the public hearing.

Frank Stearns, attorney for Verizon Wireless: thanked staff for their efforts trying to bring the ordinance into compliance with federal law. He commented that there was a great demand for data services, either by wire or wireless; and in rural areas, wireless was

really the only hope. Wire, such as FIOs and ComCast, were far to the east and would not be available any time soon. He told the Board that on July 8 the Greater Piedmont Area Association of Realtors held a conference on providing broadband attended by over 80 persons. At the conference, reasons broadband was not available were discussed; and while providers were most often blamed, providers are facing regulatory hurdles dictating how they have to build their network. He opined that providers can disguise facilities or locate in out-of-way places but they cannot change radio engineering that requires them to locate and build to a certain height facilities that will properly function.

Mr. Stearns offered to work with the Board and staff to develop an ordinance that meets the communities needs to protect the community and at the same time recognizing the need for flexibility so that providers can build working networks. He noted that most Verizon facilities he had worked on over the past several years were between 120 to 155 feet and limiting height to 100 feet would require more facilities to fill in the gaps. He further noted that facilities must be above the tree line to function. Mr. Stearns opined that setbacks place further limits based on height. He asked the Board to enact the legislation because the administrative approval on co-location meets the threshold is exactly what the federal government was asking to be done to help expedite deployment of broadband.

Mr. Stearns remarked that facilities cost millions of dollars and providers will direct their money to places they are most welcome and can build quickly. He told the Board that poles could be located on stadium lights, which could provide money to school systems. He also noted that the ordinance had no provision for a use known as a telecommunications hub. He put forth that 40% of today's homes are wireless; and now wireless devices, outnumbering the persons in a home, are placing ever-greater demands on the spectrum.

At 6:50 pm, being no further persons desiring to address the Board on this matter, Chairman Weiss closed the comment portion of the public hearing.

Brandon Stidham advised that the newly formed Planning Commission subcommittee to further review the ordinance would hold its first meeting on Wednesday, August 12. The subcommittee would review ordinances from other jurisdictions and GIS maps of existing structures within the county including water towers and other structures where telecommunications antennae are located.

Supervisor McKay asked the subcommittee to review data caps.

Supervisor Staelin encouraged the subcommittee to look at conditions that may make it allowable for higher poles.

**Supervisor Staelin moved to approve TA-15-01 - Monopole Regulations as shown. 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

**Zoning Ordinance Amendment Text (proposed changes in bold italics with strikethroughs where necessary):**

3-C-2-u Monopoles for Telecommunication Antennae:

4. Height

- a. A monopole shall be the minimum height necessary to provide adequate service, based on the best available technology, and environmental and topographical constraints. However, in no instance shall the maximum height of a monopole exceed 100 feet ***with the exception of co-location of antennas in accordance with Federal law as set forth in Subsection 7 below;***
- b. In addition, a monopole and its attachments shall not be more than 15 feet taller than the average height of the tree canopy within 100 feet of the perimeter of the area to be cleared for the monopole (see Section 6-H-12);
- c. The height of the monopole shall be reduced if the average height of trees within 100 feet of the perimeter of the area to be cleared for the monopole is reduced as a result of natural or man-made circumstances; and
- d. Determination of monopole height shall include any attachments to the monopole.

***7. Notwithstanding any provision of this Ordinance related to special use permit requirements and procedures on any specific special use condition placed on an approved monopole, the Zoning Administrator shall administratively approve an amendment to the previously approved site development plan for a monopole to allow collocation, removal, or replacement of transmission equipment, as required by Federal law, that meets all of the following standards:***

- a. The collocation, removal, or replacement of equipment does not result in the monopole failing to meet the requirements of §6-H-12-b and §6-H-12-e of this Ordinance.***
- b. Installation of the proposed equipment does not increase the height of the monopole by more than 10% of the original approved height or by the height needed to provide 20 feet of separation from the closest antenna array location on the monopole, whichever is greater, except that the mounting of the proposed equipment may exceed these limits if***

**necessary to avoid interference with equipment existing on the monopole. For any request to exceed height limits to avoid interference with existing equipment on the monopole, the applicant shall provide a report by a licensed engineer to justify the request. Such report shall be evaluated by the County's engineering consultant and the applicant shall be responsible for reimbursing the County for all costs associated with the consultant's review.**

- c. Installation of the proposed equipment would not involve the installation of more than the standard number of new equipment cabinets for the technology involved, not to exceed four, or more than one new equipment shelter. New equipment shelters and cabinets shall be located within the existing approved compound.**
- d. Installation of the proposed equipment would not involve the adding of any appurtenance that would protrude from the edge of the monopole more than 20 feet or protrude more than the width of the largest existing appurtenance, whichever is less. Mounting of the proposed equipment may exceed the foregoing size limits if necessary to provide shelter from inclement weather or to connect the equipment to the monopole via cable.**
- e. Installation of the proposed equipment would not involve excavation outside the boundaries of the monopole site depicted on the original approved site development plan.**

#### 6-H-12 Monopoles for Telecommunication Antennae

##### 6-H-12-a

- 1. The visual impact of a monopole and any associated facilities (including attachments, security fencing, utilities, and equipment shelters) shall blend with the natural and built environment of the surrounding area using mitigation measures such as: architecture, color, innovative design, landscaping, setbacks greater than the minimum required, materials, siting, topography, and visual screening. The number of existing monopoles in an area shall also be considered when determining visual impact of a new monopole. Monopoles shall not be located along ridge lines, but down slope from the top of ridge lines.**
- 2. An application for a monopole special use permit and site plan application shall be signed by the owner(s) of the property on which the monopole is to be sited and by the telecommunications provider or developer of the monopole site.**

3. ***Applicants requesting a special use permit to construct a new monopole shall submit the following information:***
  - a. ***A site development plan consisting of a scaled plan and a scaled elevation view and other supporting drawings, calculations, and other documentation, signed and sealed by a licensed professional engineer, showing the location and dimensions of all improvements, including topography; existing zoning; existing tree coverage and vegetation; proposed tree plantings and landscaping; height requirements; setbacks from property lines; access drives; fencing; distances to adjacent uses and adjacent buildings, and the general location of all residences and structures within two thousand (2,000) feet of the proposed monopole.***
  - b. ***A statement justifying the need for the project by a licensed telecommunications provider. In the event that none of the applicants are a telecommunications provider, a letter of intent from a licensed telecommunications provider to operate on the proposed monopole upon its completion shall be provided.***
  - c. ***A figure depicting the radio frequency coverage (or propagation map) of the proposed facility and all nearby facilities. Propagation maps shall show a minimum of three (3) signal intensities in milliwatts.***
  - d. ***At least 2 (two) actual photographs of the site that include simulated photographic images of the proposed monopole. The photographs with the simulated image shall illustrate how the facility will look from adjacent roadways, nearby residential areas, or public buildings such as a school, church, etc. The zoning administrator reserves the right to select the location for the photographic images and require additional images. The applicant at the zoning administrator's request shall conduct a balloon test to demonstrate the height of a proposed monopole and provide adjoining property owners with a 48-hour notice of the test.***
  - e. ***The zoning administrator may require other information deemed necessary to assess compliance with this ordinance.***
4. ***At time of submission of a monopole **special use permit and** site plan application, the applicant shall document that it considered at least two alternative sites, and set forth its reasons for selecting the site proposed. After a public hearing on an application, an applicant may be requested to consider alternate sites that in the opinion of the reviewing body will better comply with the regulations and standards for monopoles.***

- 6-H-12-b The monopole shall be located in a wooded area of dense tree cover. This dense tree cover shall have a minimum depth of ~~100~~ **120** feet as a radius around the perimeter of the area to be cleared for the monopole. All trees within ~~100~~ **120** feet of the perimeter of the area to be cleared for the monopole must be retained, unless specifically approved for removal on the site plan.
- 6-H-12-c The monopole shall have the minimum diameter necessary to support the proposed attachments. Attachments to the monopole shall be the same color as the monopole. Attachments to the monopole shall ~~be flush-mounted and~~ have the minimum dimensions and protrusion for the monopole based on the best available technology or shall be enclosed within the pole. A lightning rod may be mounted as an extension of a monopole and shall be included in determining the height of the monopole. ***The Board of Supervisors may require attachments to the monopole to be flush-mounted as a means of reducing visibility of the monopole from surrounding properties.***
- 6-H-12-f Monopoles, antennas, and equipment mounted to or located at the base of the monopole shall either maintain a flat, non-glossy, non-reflective galvanized steel finish or be painted a neutral color so as to reduce visual obtrusiveness.***
- 6-H-12-g To ensure the structural integrity and wind load capacity of monopoles, the monopole owner shall ensure that it is designed and maintained in compliance with standards contained in applicable building codes and regulations.***

18) PH 15-08 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.

Vice Chairman McKay asked how breweries handled spent grain.

Brandon Stidham responded that while not specifically listed or discussed he believed it would be part of the agricultural process.

Supervisor Byrd asked for an explanation of cideries.

Brandon Stidham responded that cideries are treated the same as a farm winery. He said that State rules would apply and the State does not establish a threshold as to how much product used in the process must be grown on site.

At 7:06 pm, Chairman Weiss opened the public comment portion of the public hearing. Being no persons present desiring to address the Board, Chairman Weiss closed the public comment portion of the public hearing.

Chairman Weiss commented that he hoped breweries, like wineries, would be cognizant of their neighbors and willing to work within and respect those confines.

**Supervisor Staelin moved to approve TA-15-02 -- Farm Breweries and Farm Wineries Regulations of 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

**Zoning Ordinance Amendment Text (proposed changes in bold italics with strikethroughs where necessary):**

3-A-1 Agricultural-Open Space-Conservation District -- AOC

3-A-1-a Permitted Uses and Structures

1. Principal Uses and Structures
- f. Wineries, Farm

**g. Breweries, Farm**

3. Special Uses and Structures (AOC District)

- m. Processing of Agricultural Products not totally produced in Clarke County  
***(excluding wineries, breweries, cideries, and distilleries)***

3-A-2 Forestal-Open Space-Conservation District -- FOC

3-A-2-a Permitted Uses and Structures (FOC District)

1. Principal Uses and Structures
- f. Wineries, Farm

**g. Breweries, Farm**

3. Special Uses and Structures (FOC District)
- k. Processing of Agricultural Products not totally produced in Clarke County (**excluding wineries, breweries, cideries, and distilleries**)

3-C Supplementary Regulations

**3-C-2-b Breweries, Farm**

**1. Permitted Activities. A Farm Brewery may include the following activities:**

- a. ***The production and harvesting of barley, other grains, hops, fruit, or other agricultural products and the manufacturing of beer;***
- b. ***The on-premises sale, tasting, or consumption of beer during regular business hours within the normal course of business of such licensed brewery;***
- c. ***The direct sale and shipment of beer in accordance with Title 4.1 and regulations of the Alcoholic Beverage Control Board;***
- d. ***The sale and shipment of beer to licensed wholesalers and out-of-state purchasers in accordance with Title 4.1, regulations of the Alcoholic Beverage Control Board, and federal law;***
- e. ***The storage and warehousing of beer in accordance with Title 4.1, regulations of the Alcoholic Beverage Control Board, and federal law; or***
- f. ***The sale of beer-related items that are incidental to the sale of beer.***

**2. Zoning Approval for Farm Breweries. Prior to commencing operations, the owner of a farm brewery shall obtain zoning approval from the Department of Planning and a business license from the Commissioner of Revenue. As a prerequisite for zoning approval, the owner shall provide copies of approved private well and onsite septic system permits issued by the Virginia Department of Health for both domestic and process operations.**

**2. Special Events Conducted at Farm Breweries. The owner or occupant of the property shall obtain such permit as required by Clarke County Code Chapter 57 (unless exempt under the provisions of §57.3.2) for an activity/event that is not primarily the on-premises sale, tasting, or consumption of beer during regular business hours within the normal course of business of the farm brewery, but which constitutes a Special Event as defined in §57.2.**

3-C-2-nn Wineries, Farm

1. **Permitted Activities. A Farm Winery may include the following activities:**

- a. the production and harvesting of fruit and other agricultural products and the manufacturing of wine;
- b. the on-premises sale, tasting, or consumption of wine during regular business hours within the normal course of business of the licensed farm winery;
- c. the direct sale and shipment of wine by common carrier to consumers;
- d. the sale and shipment of wine to the Alcoholic Beverage Control Board, licensed wholesalers, and out-of-state purchasers;
- e. the storage, warehousing, and wholesaling of wine;
- f. the sale of wine-related items that are incidental to the sale of wine;

**2. Zoning Approval for Farm Wineries. Prior to commencing operations, the owner of a farm winery shall obtain zoning approval from the Department of Planning and a business license from the Commissioner of Revenue. As a prerequisite for zoning approval, the owner shall provide copies of approved private well and onsite septic system permits issued by the Virginia Department of Health for both domestic and process operations.**

**2 3. Special Events Conducted at Farm Wineries.** The owner or occupant of the property shall obtain such permit as required by Clarke County Code Chapter 57 (unless exempt under the provisions of §57.3.2) for an activity/event that is not primarily the on-premises sale, tasting, or consumption of wine during regular business hours within the normal course of business of the farm winery, but which constitutes a Special Event as defined in §57.2.

#### 9-B Definitions

**9-B-24 BREWERY, FARM: An establishment that is licensed as a limited brewery by the Commonwealth of Virginia.**

#### 19) PH 15-09 Recreation Component Plan

Alison Teetor presented the Recreation Component Plan developed by a Planning Commission subcommittee consisting of Tom McFillen, Jon Turkel; along with Peter Engel, Conservation Easement Authority; Daniel Sheets, Chair Parks and Recreation Advisory Committee, and Lisa Cooke, Director of Parks and Recreation; Lee Shafer, volunteer with Potomac Appalachian Trail Club; Brandon Stidham, Clarke County Planning Director;

Christy Dunkle, Town of Berryville Planner; and Alison Teetor, Natural Resources Planner. Highlights include:

- Subcommittee inventoried community resources.
- Plan establishes five main goals:
  - 1) Meet the recreation needs of the community
  - 2) Increase awareness of all recreational activities
  - 3) Assist in maximizing the recreation value of existing assets
  - 4) Promote connectivity among the County's active and passive recreation resources
  - 5) Update the Recreation Plan on a five-year cycle
- The strategy to implement includes:
  - Conducting needs assessments.
  - Develop and update Master Plans currently with the Park.
  - Support the Parks and current Advisory Committee.
  - Encourage partnerships with non-county, private recreational facilities.
- The Plan defines:
  - Active recreation: basically more intensive uses including ballfields, the Chet Hobart Park.
  - Passive recreation: low intensity uses including the Shenandoah River, the Outdoor Foundation Trail, hiking, etc.
- The Plan includes adjacent facilities including Lake Frederick and Sky Meadows.
- Special uses include: historical resources, museums, bike routes, the Barns of Rose Hill, Holy Cross Abbey, Long Branch and driving tourism.
- Several recommendations made at the Planning Commission's public hearing in May were included in the final draft:
  - Added reference to road access issues for both the Shenandoah River and the Appalachian Trail.
  - Updated description of Long Branch.
  - Added resources: Josephine School Community Museum, Historical Association Museum, and the Barns of Rose Hill.
  - Updated map, inventory spread sheet and web links.
- The Subcommittee solicited comments from resources included in the Plan.

- Key Points of the Plan:
  - Address existing potential recreational needs of the community.
  - Develop strategies to protect, promote, grow and enhance activities.
  - Enhance active and passive resources.
  - Work with private partners.
  - Support Parks and Recreation.
- The Planning Commission recommends adoption of the Plan as an implementing component of the Comprehensive Plan.

Supervisor Hobert put forth that due to timing the Parks and Recreation Advisory Committee was unable to meet to review the Plan prior to the Board's advertised public hearing and would be meeting tomorrow evening, July 22, 2015, to review.

Lisa Cooke, Director of Parks and Recreation, confirmed. She added that Daniel Sheetz, Chair Parks and Recreation Advisory Committee, and she were members of the Recreation Plan Subcommittee; and that copies of the Plan were emailed to Committee members. She asserted that the proposed Recreation Plan was consistent with the Parks Master Plan. Ms. Cooke opined that the inventory of recreational facilities was critical information. She concluded her comments stating that planning was a high priority for the future of the Park, as well as developing and maintaining partnerships.

At 7:16 pm, Chairman Weiss opened the public comment portion of the public hearing.

Jon Turkel, Planning Commissioner and member of the Recreation Plan subcommittee: asked the Board to recognize the work performed by Alison Teetor in developing the Plan. He opined that as a citizen and Planning Commission member one thing that was so powerful about the Plan was that it brings recreation for the entire county into focus opposed to the more fragmented approach in place before. He said that the Plan takes a more comprehensive, holistic view; and allows the County to focus on meeting community needs in a more broad perspective. He concluded that he would understand if the Board chose to wait on Plan adoption until after receiving recommendation from the Parks and Recreation Advisory Committee.

At 7:20 pm, being no further persons desiring to address the Board on this matter, Chairman Weiss closed the public comment portion of the public hearing.

Supervisor Hobert stated that the subcommittee was a great team and expressed appreciation for its work.

By consensus, the Board opted to delay vote until after review by and recommendation from the Parks and Recreation Advisory Committee.

Chairman Weiss opined that it was a good document and expressed the Board's appreciation for the subcommittee's time and effort. He carried the matter forward to the August 18, 2015 Board of Supervisor Regular Meeting.

20) Adjournment

At 7:20 pm, being no further business, Chairman Weiss adjourned the meeting.

Next Regular Meeting Date

The next regular meeting of the Board of Supervisors is set for Tuesday, August 18, 2015 at 1:00 p.m. in the Berryville Clarke County Government Center, Main Meeting Room, 101 Chalmers Court, Berryville, Virginia.

ATTEST: July 21, 2015

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

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

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