

January 19, 2016

Clarke County Board Of Supervisors
Regular Meeting
Main Meeting Room

1:00 p.m.

At a regular meeting of the Board of Supervisors of Clarke County, Virginia, held in the Berryville Clarke County Government Center, 101 Chalmers Court, 2nd Floor, Berryville, Virginia conducted on Tuesday, January 19, 2016.

Board Members Present

Barbara S. Byrd, Terri T. Catlett, Mary L.C. Daniel, Beverly B. McKay, David S. Weiss

Board Members Absent

None

Staff Present

Afternoon Session: David Ash, Deb Bean, Barbara Bosserman, Tom Judge, Brandon Stidham

Evening Session: David Ash, Tom Judge, Amanda Kowalski

Constitutional Offices

Tony Roper

Others Present

Robina Rich Bouffault, Trevor Creany, Keith Dalton, Val Van Meter and other citizens

1) Call to Order

Chairman Weiss called the afternoon session to order at 1:00 p.m.

2) Adoption of Agenda

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

Barbara J. Byrd	- Aye
Terri T. Catlett	- Aye
Mary L.C. Daniel	- Aye
Beverly B. McKay	- Aye
David S. Weiss	- Aye

3) Citizens Comment Period

No citizens appeared to address the Board.

4) VDOT

Lloyd Ingram, Land Development Transportation Engineer, appeared before the Board to provide the monthly update.

Maintenance:

- Completed the fence to fence mowing on all Primary routes;
- Performed brush cutting on Rt.7 Mountain above Rt. 606;
- Repaired potholes on various routes throughout the county and conducted grading operations on non-hard surfaced roads.
- In January, plan to perform shoulder repairs on various routes and ditching in the White Post area.
- Continue with grading and stone application on various non-hard surfaced roads and remove hazardous trees.

Projects:

- Rural Rustic: We are still waiting on the environmental clearances to begin the drainage work on Allen Road.
 - o Supervisor Byrd advised that report well received by constituents.

Board issues:

- Signage along Rt. 340 south from the West Virginia line to Berryville: We have reviewed this route and find that all the signs are required when entering Virginia from another state. The other signs are required to alert the traveling public of intersections, routes and warnings.

- Millwood Truck Restrictions: the study has been completed and Rt. 255 will be restricted to certain truck sizes. The signs have been ordered and will be installed as soon as they come in.
 - Restrict through trucks over 30 feet.
 - Will verify restriction on horse/cattle trailers to a combined length of 30 feet.
 - Restriction targets 50-foot or more commercial truck traffic.
 - Study included truck size, volume, road analysis and conditions.
- Rt. 621 Speed Study Evaluation: Traffic Engineering has evaluated this route and found that it does not meet the warrants for a speed study based on the volume of traffic and crash history.
 - Due to increasing traffic, route warrants continued monitoring.
- Rt. 642/Frederick/Clarke County: We are currently awaiting the results. A double yellow arrow will be placed at the intersection of Rt. 642 and Rt. 644.

Vice Chairman McKay

- Route 522 Intersection with flashing lights at Lake Frederick: Requested accident information and consideration of light activation. Sheriff Roper added that no record is kept of unreportable accidents.

Supervisor Byrd

- Tires on Allen Road: Per Sheriff Roper, the matter is under investigation.

5) Review of FY2015 Audit by Matthew A. McLearen, Robinson Farmer Cox Associates

Matthew A. McLearen, Robinson Farmer Cox Associates, distributed and reviewed the FY2015 audit results. Highlights include:

- No difficulties obtaining access to records.
- All adjustments have been posted and included in the audit findings.
- No disagreements in applying accounting principles.
- No significant audit findings.
- Total equity: \$13.6MM.
- Net change in fund balance reflects a minor decrease of \$39,484.

- Standard benchmark used by localities compares the ending fund balance [\$13.6MM] to total expenditures. Benchmark is between 15 and 25% of fund balance to total – Clarke’s is approximately 50%, which compares almost exactly to last year.
- Expenditures level.
- Pension liability estimate is approximately \$1.875MM. County general government pension plan is approximately 10% unfunded, which compares with other jurisdictions.

Chairman Weiss thanked Mr. McLearen and Joint Administrative Services.

6) Approval of Minutes

Supervisor Byrd moved to approve the minutes for December 15, 2015 Regular Meeting with corrections to the voting record reflecting the absence of Supervisor Hobert and Vice Chairman McKay and January 11, 2016 Organizational Meeting and Work Session as presented. The motion carried by the following vote:

Barbara J. Byrd	- Aye
Terri T. Catlett	- Aye
Mary L.C. Daniel	- Aye
Beverly B. McKay	- Aye
David S. Weiss	- Aye

7) Set Public Hearing: Special Event Permit Application: Pasture Palooza 3-Year Large Event 2016, 2017, 2018

Applicant / Event Director: The Lot Presents, LLC / Trevor Creany; Special Event Permit Application Large [1,500] Multi-year: Pasture Palooza Music and Arts Festival at 339 Minniewood Lane, Berryville July 14 – 16, 2016 and years 2017 and 2018

David Ash reviewed the permit application advising that this was an ongoing event and that Mr. Creany was seeking to expand from a medium event [500 to 999] to a large event of 1,500.

Trevor Creany invited comments from the Board.

Supervisor Byrd commented that constituents conveyed to her that they believed the event was much better this year; however, constituents had also opined that the dust was awful. She asked Mr. Creany to contract for dust control services.

Mr. Creany stated that he was planning to treat the entire road for 2016 informing the Board that only part of the road was treated with calcium chloride for the 2015 event.

Supervisor Byrd moved to set public hearing for February 16, 2016 at 6:30 pm or as soon thereafter as the matter may be heard. The motion carried by the following vote:

Barbara J. Byrd	- Aye
Terri T. Catlett	- Aye
Mary L.C. Daniel	- Aye
Beverly B. McKay	- Aye
David S. Weiss	- Aye

8) Set Public Hearing: TA-15-03, Rear Yard Setback -- Rural Residential (RR) District

Description: Proposed text amendment to amend §3-A-3-c, Minimum Yard Requirements -- Rural Residential District (RR), of the Zoning Ordinance. The purpose of the amendment is to reduce the required rear yard setback for structures on parcels 15,000 square feet or greater in area from 35 feet to 25 feet.

Brandon Stidham reviewed the proposed amendment and answered questions from the Board.

Supervisor Daniel moved to set public hearing for February 16, 2016 at 6:30 pm or as soon thereafter as the matter may be heard. The motion carried by the following vote:

Barbara J. Byrd	- Aye
Terri T. Catlett	- Aye
Mary L.C. Daniel	- Aye
Beverly B. McKay	- Aye
David S. Weiss	- Aye

9) Set Public Hearing: TA-15-04, Board of Zoning Appeals – Code of Virginia Amendments

Description: Proposed text amendment to amend Article 7 (Appeals, Variances, Interpretations, and Modifications) of the Zoning Ordinance. The purpose of the amendment is to implement new and amend current requirements regarding the administrative procedures and standard of review for variances and appeals by the Board of Zoning Appeals (BZA) in order to comply with recent amendments to the Code of Virginia.

Brandon Stidham briefed the Board on the proposed amendment advising that Robert Mitchell, legal counsel, had reviewed the amendment and briefed the Board of Zoning Appeals.

Vice Chairman McKay moved to set public hearing for February 16, 2016 at 6:30 pm or as soon thereafter as the matter may be heard. The motion carried by the following vote:

Barbara J. Byrd	-	Aye
Terri T. Catlett	-	Aye
Mary L.C. Daniel	-	Aye
Beverly B. McKay	-	Aye
David S. Weiss	-	Aye

10) Set Public Hearing: TA-15-05, Forestal-Open Space-Conservation District (FOC) Development Regulations – Zoning and Subdivision Ordinance Amendments

Proposed text amendment to amend the following sections of the Zoning and Subdivision Ordinances:

Subdivision Ordinance

- Article 4 (Procedure for Subdivision Approval) – Adding a new Subsection N, Applications for Subdivisions in the Forestal-Open Space-Conservation (FOC) District, to create subdivision regulations specific to the FOC District.

Zoning Ordinance

- §3-A-2-b, Lot Requirements (FOC District) -- Limits area reductions of a residual open space parcel to a maximum of 10% of the total parcel area and prohibits the dwelling unit right from being transferred.
- §3-A-2-f, Vegetated Property Buffers and Clearing Limits (FOC District) – Clarifies and strengthens existing requirements including applying such restrictions to vacant parcels created on or before the established effective dates and removes the requirement that a Planning Commissioner grant written approval of buffer clearing under limited circumstances in conjunction with the Zoning Administrator.
- §3-A-1-f, Vegetated Property Buffer (AOC District) -- Removes the requirement that a Planning Commissioner grant written approval of buffer clearing under limited circumstances in the AOC District in conjunction with the Zoning Administrator.
- §3-C-2-k, Forestry Uses & Structures -- Eliminates time-based restrictions on the filing of a subdivision application before or after a timber harvest and on the filing of a Pre-Harvest Plan after approval of a subdivision plan.
- §3-C-2-y, Propane Tanks -- Allows screening to be used as an alternative to underground installation of propane tanks 500 gallons or larger in all zoning districts. Article 9, Definitions – Adds new definitions for “clear cut” and “no-clear area.”

Brandon Stidham briefly reviewed the proposed amendment.

Supervisor Catlett moved to set public hearing for February 16, 2016 at 6:30 pm or as soon thereafter as the matter may be heard. The motion carried by the following vote:

Barbara J. Byrd	- Aye
Terri T. Catlett	- Aye
Mary L.C. Daniel	- Aye
Beverly B. McKay	- Aye
David S. Weiss	- Aye

11) Set Public Hearing: CC-2016-01 Chapter 48, Agricultural & Forestal District Agricultural & Forestal District Six-Year Review

This agenda item is a request for the Board to schedule the required Public Hearings to consider two items – the renewal of the County’s Agricultural & Forestal District for a new six-year term and a text amendment to Chapter 48 of the County Code to incorporate a new annual review process for new applications among other changes.

Vice Chairman McKay moved to set public hearing for February 16, 2016 at 6:30 pm or as soon thereafter to hear Renewal of the Clarke County Agricultural & Forestal District. The motion carried by the following vote:

Barbara J. Byrd	- Aye
Terri T. Catlett	- Aye
Mary L.C. Daniel	- Aye
Beverly B. McKay	- Aye
David S. Weiss	- Aye

Vice Chairman McKay moved to set public hearing for February 16, 2016 at 6:30 pm or as soon thereafter to hear Chapter 48 – Agricultural & Forestal District County Code Text Amendment (CC-2016-01). The motion carried by the following vote:

Barbara J. Byrd	- Aye
Terri T. Catlett	- Aye
Mary L.C. Daniel	- Aye
Beverly B. McKay	- Aye
David S. Weiss	- Aye

12) Discussion Board of Supervisors Priorities and Positions – 2016

The Board briefly reviewed the 2016 priorities and positions.

13) Board of Supervisors Organizational Meeting & Work Session

For summary of action, see January 11, 2016 Board of Supervisors Organizational Meeting and Work Session Minutes.

A. Organizational Items: Action: Information Only

- Elect Chair
- Elect Vice Chair
- Set Meeting Date, Time and Location
- Adopt Rules of Procedure
- Adopt Chair Appointments

B. Transit Discussion: Action: Information Only [01-19-2016: See Virginia Regional Transit information in Reports Section of the January 19, 2016 packet.]

14) Board of Supervisors Personnel Item

A. Expiration of Term for appointments expiring through March 2016

01-11-2016 Summary: The Personnel Committee recommended the following:

- Appoint Tom Cammack to the Barns of Rose Hill Board of Directors to a term expiring December 31, 2018.
- Reappoint Joseph Blatz to the Board of Septic and Well Appeals to a term expiring February 15, 2020.
- Board of Septic & Well Appeals: Update database to reflect reappointment of George Ohrstrom, II, Planning Commission Chair and Anne Caldwell, Planning Commission Vice Chair.
- Warren-Clarke County Microenterprise Assistance Program Management Team: With two meetings remaining for this team, no replacement selected.

01-19-2016 Summary:

Supervisor Byrd moved to approve the Personnel Committee recommendations. The motion carried by the following vote:

- | | |
|------------------|-------|
| Barbara J. Byrd | - Aye |
| Terri T. Catlett | - Aye |
| Mary L.C. Daniel | - Aye |
| Beverly B. McKay | - Aye |

David S. Weiss - Aye

15) Board of Supervisors Finance Items

1. FY2017 Budget Calendar

Highlights of review include:

- Using same sequence as previous years.
- Change budget meeting scheduled for March 1 to March 7 at 7:00 pm. This would be in addition to the meeting scheduled for Monday, March 7, at 10:00 am.

2. Fiscal Policy Amendments

The Board had no questions regarding the proposed policy amendments.

3. School Carryover Request

This item is scheduled for public hearing at the evening session.

4. Dorsch [Dortch] Scholarship

This item is scheduled for discussion at the evening session.

5. Acceptance of Bills and Claims

Supervisor Byrd moved to accept the December Bills and Claims. The motion carried by the following vote:

Barbara J. Byrd	- Aye
Terri T. Catlett	- Aye
Mary L.C. Daniel	- Aye
Beverly B. McKay	- Aye
David S. Weiss	- Aye

6. Standing Reports

Reconciliation of Appropriations, General Fund Balance, Expenditure Summary/YTD Budget Reports, Capital Projects

16) Joint Administrative Services Update

Highlights of Tom Judge's review include:

- Board did not meet in December.
- Munis Update
 - Department Heads, Principals and Account Managers trained on budget input and FY2017 requests were entered in Munis.
 - General Billing and Accounts Receivable:
 - Conducted training in December with the Treasurer's Office, targeted School employees, and Joint Administrative Services.
 - Currently, the revenue system is separate from the expenditure system.
 - Will launch mid-February.
 - Code Enforcement Module:
 - Gordon Russell is gathering the central property file list of approximately 9,000 land parcels
 - This file will be the base for the code enforcement module.
 - Working with the Planning and Building Departments on design.
 - Set up scheduled for January 29.
 - Training scheduled for February.
 - Module will integrate many functions of the Planning and Building Departments.
 - Utility Billing:
 - Clarke County Sanitary Authority [CCSA] and Treasurer's Office have started review.
 - Scheduled for launch in October.
 - Citizen Self-Serve:
 - This element is available but has not yet been discussed.
 - Lack of broadband access in the County does affect the usefulness of this module.
 - Broadband presentation made to the CCSA this morning about feasibility of providing broadband.
 - In lieu of cash, the carrier suggested providing free service to the CCSA.

17) Government Projects Update

David Ash provided the monthly project update. Highlights include:

- BCCGC:
 - o Settlement has been turned over to Keith Dalton, 2016 and 2017 BCCGC Building Manager.
- Chet Hobert Park lighting project:
 - o Still a large gap in what is available and what is needed to complete the project.
 - o Changes were made to the project scope to maximize the dollar value of the donated labor and services.
 - o Donors / volunteers have agreed to a general contractor to bid the project.
 - o Ordinance Amendment:
 - Working with Planning Commission on amending the ordinance that currently does not allow the proposed lighting.
 - Must stay within the Dark Sky initiative.
- Convenience Center:
 - o Met with engineer of Anderson and Associates last week and asked for total cost estimate for design and site plan.
 - o Litter Committee would like to review current design.

18) Miscellaneous Items

No miscellaneous items.

19) Summary of Required Action

<u>Item</u>	<u>Description</u>	<u>Responsibility</u>
1.	Update budget calendar.	Tom Judge
2.	Process approved minutes.	Lora B. Walburn
3.	Advertise public hearings.	Lora B. Walburn
4.	Provide contract for dust control services.	Trevor Creany
5.	Clarify response from Virginia Regional Transit.	David Ash

<u>Item</u>	<u>Description</u>	<u>Responsibility</u>
6.	Verify change of email address for BoS Liaison with CCSA,	David Ash

20) Board Member Committee Status Reports

Supervisor Barbara J. Byrd

- Berryville Town Council: Coach Parker and two state-recognized players were recognized by Council.
- Conservation Easement Authority: Meets at the same time as the Jail Board.
- Humane Foundation: Meeting in February.
- Juvenile Jail: Attended the meeting.
- Litter Committee: Looking into reactivating this committee.
- Regional Jail: Meeting scheduled for this Thursday.
- Social Services: Director will be working with Joint Administrative Services on financial issues.

Supervisor Terri T. Catlett

- School Board:
 - Attended the December meeting.
 - Discussed teacher concerns and the exchange program.

Supervisor Mary L.C. Daniel

- NSVRC: Alternate.
- Berryville Town Council: Alternate.

Vice Chairman Beverly B. McKay

- NSVRC: Attended December meeting. Inland Port Authority staff attended.
- Career & Technical Committee:
 - Students placed in hospital's nursing program.
 - At the next meeting, will suggest assigned action to aid in implementing the various ideas advanced.
 - Need to address how to match placement availability with student interest.

Chairman David S. Weiss

- Fire and EMS Commission:
 - Working on strategic plan matrix for standards and response times.
 - Fee for service program is on target with projected income.
 - Improving response times.
 - Enders working with E911 on protocols and utilization of new technologies.
- Communications Committee:
 - Trying to align Sheriff's Department and the volunteer groups.
 - Sheriff has offered to conduct training with the volunteers.
- Finance Committee: Working through fund balance items.
- Economic Development and Industrial Development Authority: Did not meet.
- Shenandoah Farms Sanitary District:
 - Continue to working on structuring the new district.
 - Met with Vice Chairman McKay, David Ash, and Bob Mitchell.
 - Researching boundaries.
 - Notice to property owners is being drafted.
 - Currently, there are no funds; therefore, no activity is planned until after July 1, 2016 – the beginning of the next fiscal year.
 - Rates will be set as a part of the budget process.
 - Judge's Decision Discussion:
 - County was not a party to the request for establishment of a sanitary district.
 - Affected citizens, not the County, may petition the court to reconsider its decision.
 - Commonwealth Attorney did review signatures on the petition but it does not appear that anything was found that rose to a criminal level.
 - Bob Mitchell's advice is that the court has made a decree to the Board of Supervisors to set up a sanitary district to deal with roads and recreation areas and the Board is under an obligation to do so.
 - Working on how to set up the district, establish rates, how to assess fees, etc.
 - Board is only in the preliminary stages of implementation. At some point, a public hearing will be conducted.

21) Closed Session

No Closed Session called.

At 3:47 pm, Chairman Weiss adjourned the afternoon session.

At 6:31 pm, Chairman Weiss convened the evening session.

22) Citizens Comment Period

No citizens appeared to address the Board.

23) PH 16-01: School Carryover Request

Tom Judge reviewed the Clarke County School Board carryover funds request with the Board of Supervisors.

Supervisor Daniel made the following motion:

“Be it resolved that, from unexpended FY15 appropriations, the FY 16 School Capital Projects Budget be increased \$1,102,936, and the same appropriated, for certain capital projects to include roof replacement, HVAC upgrades, music equipment, vehicle purchase, and renovations to the Berryville Primary School.”

Supervisor Catlett questioned what music equipment upgrades entails. Dr. Bishop stated that certain equipment needs to be replaced due to age, excessive usage, etc. and that Mr. Curry has a complete list of equipment.

Supervisor Byrd questioned the amount of money needed to renovate the old Berryville Primary School. Dr. Bishop responded that the architects will hold a presentation with the School Board in March, but that tentative numbers are approximately \$3.5 to \$4 million. Chairman Weiss applauded the School Board members and Dr. Bishop on the schedule and plan that has been presented to the Board of Supervisors. School Board Chairwoman Kochinsky noted that the “must do” versus “should do” on the Berryville Primary isn’t too far apart, maybe \$200,000.

Chairman Weiss opened the public comment portion of the public hearing. Being no persons desiring the address the Board, he closed the public hearing.

The motion carried by the following vote:

- Barbara J. Byrd - Aye
- Terri T. Catlett - Aye
- Mary L.C. Daniel - Aye
- Beverly B. McKay - Aye
- David S. Weiss - Aye

24) Dorsch [Dortch] Scholarship

Mr. Judge reviewed the Dortch Scholarship and how it would be used. Chairman Weiss noted that these were suggestions for what the scholarship money could go towards.

Supervisor McKay made the following motion:

“Be it resolved that FY16 School Capital Projects Fund budgeted expenditures be increased \$39,585, the same appropriated, and that estimated donation revenue be increased in the same amount, all for the purpose of supporting the Clarke County High School Agriculture Department.”

The motion carried by the following vote:

Barbara J. Byrd	-	Aye
Terri T. Catlett	-	Aye
Mary L.C. Daniel	-	Aye
Beverly B. McKay	-	Aye
David S. Weiss	-	Aye

Chairman Weiss suggested that the Dortch family be recognized for their contribution.

25) Adjournment

At 6:46 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, February 16, 2016 at 1:00 p.m. in the Berryville Clarke County Government Center, Main Meeting Room, 101 Chalmers Court, Berryville, Virginia.

ATTEST: January 19, 2016

David S. Weiss, Chair

David L. Ash, County Administrator

Afternoon Session Minutes recorded and notes by Deb Bean, Administrative Assistant – Planning; Formatted and edited by Lora B. Walburn, Deputy Clerk, Board of Supervisors

Evening Session Minutes recorded and notes by Amanda Kowalski, Office Assistant – Economic Development; Formatted and edited by Lora B. Walburn, Deputy Clerk, Board of Supervisors