

October 21, 2014

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, October 21, 2014.

Board Members Present

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

Board Members Absent

None

Staff Present

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

Frank Davis; Pam Hess; Angie Jones; Gary Lichliter; Allen Mason; Brian Rosenberry

Others Present

Keith Dalton; Gem Bingol; Val Van Meter and other citizens.

1) Call to Order

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

2) Adoption of Agenda

Add Miscellaneous:

- Morgan Ford - Low Water Bridge: Supervisor McKay
- Housing: Supervisor Byrd

By consensus, the Board adopted the agenda as modified.

3) Citizens Comment Period

No citizens attending the afternoon session addressed the Board.

4) VDOT

Ed Carter appeared before the Board to provide the monthly update.

Maintenance – September / October:

- Conducted pipe flushing operations with contractor at various locations;
- Removed hazardous trees over roadway and performed brush removal on Rt. 7 business;
- Addressed drainage issue on Rt. 7 business at Cattleman Lane and performed asphalt patching on Rt. 601;
- Completed 50 % of secondary mowing;
- Handled increased carcass removal.

Maintenance – October / November:

- Conduct shoulder repair on primary routes;
- Grade non-hard surfaced route;
- Perform brush removal on Rt. 657 from Rt. 634 to Frederick County line;
- Continue mowing of secondary's.

Projects:

- Rt. 340/Senseny Rd. turning lane: awaiting pavement markings to complete. Scheduled completion date is 10/31/14.
- Rt.606 stream repair: completed.
- Pipe replacement business Rt. 7 between DI's: awaiting funding approximately \$22,000.

Board Concerns:

- Awaiting final published report for Rt. 612 to post "No Thru Trucks" restriction.
- Planned music event in Jefferson County WVA. Aware of event and talking with County Administrator. No contact as of yet from Jefferson County officials.

Supervisor McKay joined the meeting at 1:10 pm.

Supervisor Comments:

Supervisor Barbara Byrd

- Triple J Road: expressed appreciation for patching.

Supervisor Staelin:

- Route 601: Ed Carter advised that he had turned in replacement of the 53 missing reflectors.
- Senseny Road Project: Ed Carter advised that the project is scheduled for completion by October 31. Speed limit will remain the same.

Vice Chairman Weiss:

- Route 612 North Hill right before Wheat Spring Branch: shoulders degraded.
- Lockes Mill Road: Recommend changing the speed limit to 25MPH. Ed Carter will request review for recommendation.

5) Clarke County Library Update

Laurine Kennedy, Director – Clarke County Library, and John Huddy, Director – Handley Regional Library, appeared before the Board to provide an update. Highlights include:

John Huddy:

- Thanked the Supervisors for the increased support for this fiscal year.
- Distributed a report titled, *Director's Report to the Board for August 2014 Submitted September 16, 2014*.
- During the last four months at the Clarke County branch, new users have gone up 10% and circulation has risen 11.5%.
- Announced that Laurine Kennedy is now a full-time employee of Handley Regional Library.

Laurine Kennedy:

- With the additional funding, Clarke County Library will increase Friday operating hours from 10 am to 1 pm to 10 am to 5 pm.
- Exploring the addition of a reading cave.
- Ebooks usage is growing but it has not cut book usage.
- Adding outreach programs at the schools.

6) Energy Management Update by Alison Teetor

Alison Teetor provided a PowerPoint presentation. Highlights include:

Accomplishments:

- Conducted energy audits on Circuit Court, District Court, and Sheriff's Building to assist with identifying energy savings opportunities during renovation.
- Contracted with Planet Footprint to track utility bills and provide information on changes in energy use within County buildings.
- Amended Comprehensive Plan to add an objective and policies outlining County initiatives toward sustainability and energy efficiency.
- Established energy management account for funding energy savings initiatives.
- Adopted stormwater regulations that enhance requirements for use of water conservation and use of native species and innovative technologies such as rain gardens.
- Completed sustainable landscape workshops for residents in the Spout Run watershed to improve understanding of native plants, watering and mowing practices to reduce use of resources.
- Established working relationship with Maintenance Supervisor to identify areas where energy saving lighting, plumbing, HVAC, insulation can be installed in County buildings to improve energy efficiency.
- Establishment of working relationship with schools to support and encourage recycling clubs, and recycling efforts.
- Obtained annual litter grant from DEQ to fund recycling bins for use by County government and Schools.
- Provided periodic reports to Board of Supervisors on energy use within buildings.
- Contracted with EnerNOC to participate in Demand Response Program for Government Center to attempt payback for electricity use reduction during peak demand periods

Recommended next steps:

- Disseminate Planet Footprint website information to department heads to provide detail on energy use of individual buildings.
- Work with Town planners to identify and promote alternative landscaping and ground cover ideas that maximize use of native and low maintenance plants and trees as attractive alternatives to current practices for residential and commercial development and adopt ordinances requiring use of identified plant material.

- Contact Frederick County and review goals set to reduce energy use by 6%.
- Re-establish web page on sustainability and reducing energy use.
- Engage department heads in identifying energy savings opportunities in individual buildings.
- Work with Health Department to review gray-water systems.
- Contact Procurement to see what steps are currently in place to analyze the value of energy modeling and commissioning (third party review for adherence to designated standards), and procurement processes that solicit and incorporate consideration of fuel and/or life cycle cost information in determining lowest cost for County vehicles and all purchases.
- Evaluate initial costs versus savings for Circuit Court
- Upgrades to existing buildings
 - Government Center - install motion switches in all bathrooms and the basement.
 - Thermostat settings in all buildings can be increased in summer 3-4 degrees and decreased in winter without effecting comfort
 - Delamping, particularly in the Government Center can reduce electric lighting needs without compromising brightness.
 - Add insulation to the attic of the Circuit Court building
 - Reglaze the windows at the District Court

Ms. Teetor put forth that she was open to suggestion and asked the Board to let her know of any items it wished her to work or report on regarding energy management.

Supervisor McKay asked about the vehicle fleet.

Ms. Teetor responded that the vehicle fleet is tracked but she did not include in the report. She advised that the fleet was primarily the Sheriff's Department and was consistent year to year.

Vice Chairman Weiss, in response to hearing that BCCGC energy costs increased in FY2014, offered to discuss the matter with the building engineer to explore possible explanations and remedies.

Chairman Hobert remarked that a number of policies had not been initiated and asked Board members to provide Ms. Teetor their comments on those policies that interested them.

- Policies Not Initiated
 - Explore the Future of Sustainable Agriculture in Clarke County (LU 1)

- Develop a County Website on Green Information (EO 1)
- Establish a Minimum Miles Per Gallon (MPG) Vehicle Standard for County Vehicles (T 2)
- Use Established Building Standards to Reduce Energy Use (EE 7)
- Use Renewable Energy Technology for County Buildings (RE 1)
- Encourage Installation of Small-Scale Renewable Energy Systems (RE 3)
- Recognize County Citizens Who Demonstrate Energy Efficiency (I 1)
- Recognize County Businesses that demonstrate Energy Efficiency (I2)
- Recognize Energy Efficient Buildings (I 3)
- Recognize the Development of Sustainable Water Practices (I 4)
- Establish Effective Performance Measures for County Employees (CM 2)
- Develop Employee Recognitions and Awards for Performance and Development of Best Sustainable Practices (CM 3)
- Maintain a LEED Accredited Professional (AP) on Staff (CM 4)

Vice Chairman Weiss thanked Ms. Teetor for her efforts.

7) Set Public Hearing TA-14-03, Application Filing Deadlines for Special Use Permit, Zoning Map Amendment, Site Plan, and Subdivision Applications

A proposed text amendment to amend Article 5 (Special Use Permits), Article 6 (Site Development Plans), and Article 8 (Amendments) of the Zoning Ordinance and to amend Article 4 (Procedure for Subdivision Approval) of the Subdivision Ordinance. The purpose of the amendments is to create new and clarify existing procedures regarding the filing of applications for special use permits, zoning map amendments (rezonings), site plan reviews, and subdivision plat reviews. The proposed amendments would establish uniform provisions regarding mandatory pre-application meetings, determination of application completeness, and new deadlines for applicant submission of documentation prior to public hearings among other changes.

Brandon Stidham summarized the proposed amendments.

Following discussion of potential deadline violations, Supervisor **McKay moved to set public hearing for Tuesday, November 18, 2014 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
J. Michael Hobert	- Aye
Beverly B. McKay	- Aye

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

8) Approval of Minutes

Supervisor McKay moved to approve the minutes for September 16, 2014 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

9) Consent Agenda

A. Conservation Easement Authority: Donations, DUR Purchase, Boundary Line Adjustment

MEMORANDUM

TO: Board of Supervisors, David Ash
FROM: Conservation Easement Authority, Alison Teetor
DATE: October 3, 2014
SUBJECT: Items for Consent Agenda

The Clarke County Easement Authority has approved the following actions. The Authority requests the Board of Supervisors to authorize the Chairman of the Board of Supervisors to execute deeds, easements, and other documents necessary to the transactions, subject to the property owners and lenders signing the Deed prior to the Chair.

Easement Donation

Dietrich and Helga Westphal have applied to the easement authority for approval of an easement donation. The property is located at 2558 Bishop Meade Road approximately 1 mile south of Old Chapel. The property is 135.3 acres consisting of a mix of pasture, cropland, and woods, has an existing house built in 1983 and 4 remaining DUR's. The parcel is zoned AOC and is in use value taxation, it meets all 4 of the criteria adopted by the Authority. The parcel score is 78.89, points were given for retiring 3 DUR's, having 2 acres of wetland, being next to an existing easement, fronting on a scenic byway, and being in the same ownership for more than 30 years. The applicant is retiring 3 of the 4 remaining DUR's, it is adjacent to an existing easement, and is over 40 acres. At the September meeting

the Authority approved the donation allowing one subdivision with a pre-approval to build a one story house not to exceed a footprint of 6,500 square feet with a height restriction of 25 feet to be located within a defined building envelope.

Easement Donation

Bill Dean has applied to the easement authority for approval of an easement donation. The property is located on the south side of Roseville Run adjacent to the Town of Boyce 125 W. Main St. The parcel adjoins the Town but is in the County with 1 DUR, and is vacant. It fronts on Roseville Run for 1/10 of a mile. This is the residual from the Bill Dean subdivision in Boyce and would be gifted to the homeowners association. The parcel is zoned AOC and does not qualify for use value taxation, in accord with the Commissioner of Revenue's requirements (> 5 acres), therefore a donation may be considered if at least three of the following four guidelines are met:

Easement Donation

If the parcel is not eligible for use value taxation, then a donation may be considered if it meets at three of the four following criteria:

- 1) the parcel's Property Resource Score is at least 35;
- 2) at least one dwelling unit right is extinguished by the conservation easement;
- 3) it is adjacent to another easement;
- 4) the parcel offers protection of a locally significant natural or historic feature, as determined by the Easement Authority.

The parcel scored 35.2, primarily due to the retirement of the one existing DUR, it is less than 40 acres and not adjacent to an existing easement. It does have frontage on Roseville Run and the owner is installing a riparian buffer. The Authority approved the donation stating that the frontage on Roseville Run was a significant natural feature.

Easement DUR Purchase

Kenneth Pitta has applied to the easement authority for approval of a DUR purchase. There are two properties located on the east side of Frogtown Rd. just north of the intersection of Mt. Carmel Rd, Feltner Rd., and Frogtown Rd. The properties are vacant, consisting of 27.5 acres with 2 DUR's and 1.6 acres with 1 DUR. They are entirely wooded. Access is from Frogtown Rd. Mr. Pitta would like to merge the two parcels and retire 2 DUR's. Both parcels are zoned FOC qualify for use value taxation

The parcels were scored as one as the applicant would merge them subsequent to the easement recordation. The property resource score was 58.7, points were

given for retiring 2 DURs, being next to Appalachian Trail property, being owned by the family for more than 50 years, and have 6 acres of slopes > 25%. The property qualifies for purchase as it scored over 35 and is retiring at least 1 DUR. It is not over 40 acres and it is not next to an existing easement. The Authority approved and Mr. Pitta accepted a DUR purchase price of \$30,000/DUR retired for a total of \$60,000. VDACS will pay 50% of the purchase price.

Boundary Line Adjust

No action is required by Board. The Bauhan family has requested a boundary line adjustment between their two eased properties so as to a line the boundary with existing fence rows. The easement authority has approved this adjustment. The change adds 2.05 acres to the parcels identified as 21-((A))-19 and subtracts the same amount from the parcel identified as tax map# 21-((A))-20.

B. National 4H-Week Proclamation

NATIONAL 4-H WEEK PROCLAMATION Recognizing October 5-11, 2014 as National 4-H Week in Clarke County 2014-02P

WHEREAS, Clarke County 4-H is an admirable positive youth development program which has provided life skill learning for youth ages 5-19 in our county so that the whole child including head, heart, hands and health, might they step up to the challenges of a complex and changing world with confidence; and

WHEREAS, 4-H as part of the Virginia Cooperative Extension Program of Virginia Tech and Virginia State is a program where youth learn through opportunities that provide them hand-on experiences in 4-H's mission mandates of science, engineering and technology, healthy living and citizenship; and

WHEREAS, 4-H is the nation's largest youth development organization with more than 6 million 4-H youth in urban neighborhoods, suburban schoolyards and rural farming communities who stand out among their peers: building revolutionary opportunities and implementing community-wide change at an early age; and

WHEREAS, 4-H in Clarke County claims over 260 members in clubs and camping programs and over 100 members in 4-H special interest programs; and

WHEREAS, 4-H in Clarke County undoubtedly could not have achieved the success it has today were it not for the service of 67 volunteers, who have given generously of their time, talents, energies, and resources to the youth of the community; and

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of Clarke County does hereby proclaim October 5-11, 2014 as National 4-H Week in Clarke County and urges the people of this community to take advantage of the opportunity to become more aware of this special program that enhances our young people's interests in their futures as part

of Clarke County 4-H Youth Development and to join us in recognizing the unique partnership between our County and our State University System.

IN WITNESS THEREOF, I have set my hand and caused the seal of Clarke County, Virginia to be affixed this 8th day of October 2014.

Attest:

J. Michael Hobert, Chair

Vice Chairman Weiss moved to approve the items on the Consent Agenda. 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

10) Board of Supervisors Special Work Session October 8, 2014

A. Clarke County General Government Pay and Classification Study Update

10-08-2014 Summary: Supervisor Staelin moved to convene into Closed Session pursuant to §2.2-3711-A1 Specific Employees or Appointees of the Board. 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

John Anzivino, Senior Vice President – Springsted Incorporated, joined the Board in Closed Session.

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

10-14-2014 Summary: Chairman Hobert noted that he had not called for a roll call vote following Closed Session and requested a member of the Board make a motion to Certify the Closed Session of Wednesday, October 8, 2014.

Supervisor Staelin 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.

B. Personnel Policy Review

10-08-2014 Summary: Item not reviewed.

C. National 4H-Week Proclamation

10-08-2014 Summary: Item not reviewed.

10-21-2014 Action: See Item 9 Consent Agenda Item B.

11) Personnel Committee Items

A. Expiration of Term for appointments expiring through December 2014.

10-14-2014 Summary: The Personnel Committee recommended:

- Shenandoah Area Agency on Aging, Inc.: Reappoint Robina Rich Bouffault to a four-year term expiring September 30, 2018.
- Clarke County Industrial Development Authority: Reappoint David Juday to a four-year term expiring October 30, 2018.

Chairman Hobert instructed staff to contact the Department of Social Services and Northwestern Community Services to seek additional information on appointments.

10/21/2014 Action: Supervisor McKay moved to approve the recommendations of the Personnel Committee 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

B. Closed Session pursuant to §2.2-3711-A1 specific employees or appointees of the Board re Personnel Pay Issues

10-14-2014 Summary: Due to time constraints, the Closed Session was not held.

12) Board of Supervisors Work Session

a. CCPS Update

- Accreditation Status Update by Chuck Bishop
- Consideration of Committee Appointments to CTE Committee and Strategic Planning Committee

10-14-2014 Summary: Dr. Bishop was present to provide an update on the accreditation status of various schools within the County and to explain to the Board the multiple requirements that the Schools attempt to meet.

Dr. Bishop reiterated the invitation to have a Board member serve on the Career and Technical Education Advisory Committee and/or Strategic Planning Committee.

10-21-2014 Action: Supervisor Staelin moved to adopt the following appointments:

- Supervisor McKay to the Career and Technical Education Advisory Committee.
- Vice Chairman Weiss to the Strategic Planning Committee.

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

b. Fire and EMS Implementation Items

- a. Discussion of CC-2014-03 -- Establish Department of Fire, Emergency Medical Services (EMS), and Emergency Management

10-14-2014 Summary: Brandon Stidham, Frank Davis and Laure Wallace appeared before the Board to review the proposed ordinance.

- The Board instructed Brandon Stidham to use the originally proposed language in the Code Amendment.
- The Commission is to lean more toward strategic planning and policy development than day-to-day operations with an understanding that the Commission will assist in the development of initial policies and standard operating procedures.

- b. Discussion of Fee for Service.

10-14-2014 Summary: Highlights of review by Brandon Stidham and Frank Davis and Supervisors' discussion include:

- Exploring option of joining Frederick County's fee-for-service contract with Valley Health.
- Fee for service, pending successful contract negotiation, could be implemented within three to five months generating an estimated \$300,000 in revenue.
- Revenue would cover the cost of one employee to administer the program.
- Frank Davis will research medical transport coverage under the Affordable Care Act.

10-21-2014 Action: Mr. Davis advised that a contract with Valley Health is in the works. David Ash added that Mr. Davis provided Supervisor Byrd the

information she requested at the Work Session about medical transport coverage under the Affordable Care Act.

c. Town-County Economic Development and Tourism Memorandum of Understanding Implementation Item – Appoint County Representatives on Joint Committee

10-14-2014 Summary: Brandon Stidham provided an update. Highlights include:

- MOU executed by both parties.
- The timeline has been revised to include dates.
- Initial item on the timeline is appointment within thirty (30) days of the adoption date of the MOU (October 16, 2014) of a Joint Committee for Economic Development and Tourism.
- Supervisor Byrd suggested developing a list of available properties / facilities for commercial use.

Supervisor McKay moved to appoint John Staelin and David Ash to serve on the Berryville / Clarke County Joint Committee for Economic Development and Tourism. 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

d. Jefferson County Music Festival

10-14-2014 Summary: At the request of Supervisor Byrd, the Chair added this item. Highlights of review include:

- Supervisor Staelin suggested that Clarke County formally notify Jefferson County that due to increased demand on local services Clarke will be unable to provide emergency assistance to Jefferson as set forth in mutual aid agreement during the course proposed event.
- The County Administrator informed the Board that he will be working closely with the Sheriff, the Planning Director and Fire & EMS Director to obtain first-hand information and to develop responses and/or requests to the appropriate approving agencies in West Virginia.
- The Board asked for a written description of the event, as well as anticipated impact on Clarke County as soon as official information/response is provided by Jefferson County.

e. Morgan Ford Low-water Bridge

10-14-2014 Summary: At the request of Supervisor McKay, the Chair added this item. Supervisor McKay expressed concern about the potential additional traffic resulting from the bridge reconstruction and planned housing developments in Warren County

f. Clarke County General Government Pay and Classification Study Update

10-14-2014 Summary: Prior to entering Closed Session, Vice Chairman Weiss acknowledged members of County staff attending the meeting. Attendees included: Helen Butts, Circuit Court Clerk; Sharon Keeler, Treasurer; Donna Peake, Commissioner of the Revenue; Pam Hess, E911 Director; Travis Sumption, Chief Deputy Sheriff; Allen Mason, Deputy Sheriff/Investigations Sergeant; Gary Lichliter, Deputy Sheriff; Brandon Stidham, Planning Director; Brian Rosenberry, Court Services Sergeant; Lora Walburn, Executive Assistant / Deputy Clerk to the Board of Supervisors.

Supervisor Staelin moved to convene into Closed Session pursuant to §2.2-3711-A1 Specific Employees or Appointees of the Board. 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 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.

13) Finance Items

1. FY 14 Year-End Transfers and Supplemental Appropriations.

The following appropriation actions are recommended:

- a. Treasurer. Be it resolved that \$4,195 be transferred from the Personnel Contingency to the Treasurer to cover additional health insurance coverage.
- b. Treasurer. Be it resolved that budgeted expenditure and appropriation be increased \$2,067 in the office of the Treasurer, and that estimated revenue be increased in the same amount, all for the purpose of paying credit card fees.
- c. Assessor. Be it resolved that \$172 be transferred from the Commissioner of the Revenue advertising to the Assessor advertising.
- d. Data Processing. Be it resolved that \$5,234 be transferred from the Minor Capital Contingency to Data Processing to cover purchase of additional microcomputers necessitated by the phase out of Microsoft XP.
- e. General District Court. Be it resolved that General District Court budgeted expenditure and appropriations be increased \$1,137 to cover unauthorized increased phone lines added during the year.
- f. Victim Witness. Be it resolved that \$432 be transferred from Personnel Contingency to the Victim Witness program to cover benefit costs, and be it further resolved that \$180 be transferred from Minor Capital Contingency to cover mobile phone costs.
- g. Juvenile Detention. Be it resolved that \$1 be transferred from the Professional Services contingency to Juvenile Detention to cover a minor overage.
- h. Building Inspections. Be it resolved that \$439 be transferred from the Personnel Contingency to cover benefit costs associated with employee turnover.

- i. Maintenance. "Be it resolved that Maintenance budgeted expenditures and appropriations be increased \$36,545 to cover costs associated with: new compressor and pump at 101 Chalmers; utility costs associated with an especially cold winter; and, a large and lengthy water line break at the Swimming Pool, and that the fund balance designation for government savings be reduced in the same amount".
- j. Board of Zoning Appeals. Be it resolved that \$116 be transferred from the Legal Services Contingency to the Board of Zoning Appeals to cover legal costs associated with a property owner challenge concerning the number of DURs associated with a given property.
- k. Planning Commission. Be it resolved that \$5,210 be transferred from the contingency for Legal Services to the Planning Commission to cover legal costs associated with a property owner challenge to a decision regarding a kennel.

10/21/2014 Action: Vice Chairman Weiss moved to approve items a thru k . 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. FY 15 Supplemental: Historic Driving Brochure.

Please find a memo from the Planning Director attached. The Finance Committee recommends the following: *"Be it resolved that budgeted expenditure and appropriation of the Historic Preservation Committee be increased \$2,500, and be it further resolved that the contingency for government savings be reduced in the same amount, all for the purpose of funding the Historic Driving Brochure."*

10/21/2014 Action: Supervisor Staelin moved to approve the Finance Committee's recommendation. The motion carried as follows:

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

3. Social Services FY 15 Supplemental Appropriation Request.

Please find an expression of need from the Social Services Director for a new vehicle based on unexpended FY 14 funds of \$60,733. The Finance Committee recommends the following

action pending clarification of the precise dollar need: *"Be it resolved that the FY 15 Social Services Fund budgeted expenditure and appropriations be increased \$27,000, and the designation for government savings reduced in the same amount, all for the purpose of purchasing a new four wheel drive vehicle."*

10/21/2014 Action: Tom Judge informed the Board that the Finance Committee asked him to ascertain the amount for the new vehicle, which is roughly \$25,700.

Supervisor Byrd moved to approve the Finance Committee's recommendation with funding modified from \$27,000 to \$25,700.

Vice Chairman Weiss asked for clarification of the unexpended FY2014 funds in the amount of \$60,733.

Angie Jones, DSS Director, explained that Social Services had a couple of staff vacancies and differences in salary hirings with the main reason being the federal reimbursement rate was approximately 31% higher.

Tom Judge put forth that the federal government was reimbursing more than budgeted freeing up local funds.

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. General Government Capital Projects Carryover.

Please find this proposal attached [see regular meeting packet]. "Be it resolved that budgeted and appropriated expenditure of \$1,808,310 carryover from the FY 14 to FY 15 General Government Capital Projects Fund to be funded with estimated revenue of \$472,483, \$177,514 in ending fund balance, and \$1,158,313 in transfer from the General Fund."

5. School Board Capital Projects Carryover.

Please find this proposal attached [see regular meeting packet]. "Be it resolved that budgeted and appropriated expenditure of \$2,180,570 carryover from the FY 14 to FY 15 School Capital Projects Fund to be funded with estimated revenue of \$295,619, and \$1,884,952 in transfer from the General Fund."

6. Conservation Easement Fund Carryover.

"Be it resolved that ending balances of local tax funding (\$176,543), Donations (\$92,358), and Commonwealth Stewardship funds (\$55,132) in the Conservation Easement Fund be carried forward as unappropriated balances in that fund for FY 15 for use in funding Conservation Easement purchases for which a local match is required, and related activities of the Conservation Easement Authority".

10/21/2014 Action: Supervisor Staelin moved to approve the Finance Committee's recommendations for Items 4, 5 and 6. 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. Fund Balance Designations.

Please find attached [see regular meeting packet] a draft of the Fund Balance Designations. These designations should be considered and established in November, when no possibility of further auditor adjustment exists, but prior to Financial Report production.

10-21-2014 Action: Tom Judge provided an historical overview of the Board's treatment of fund balance designations. He summarized fund balance designations.

Chairman Hobert commented that fund balance designations would be brought before the Finance Committee and the Board of Supervisors in November.

8. Acceptance of Bills and Claims

10/21/2014 Action: Tom Judge advised that he had answered questions raised by the Chair in advance of the meeting.

Vice Chairman Weiss moved to accept the September 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

14) Joint Administrative Services Update

Tom Judge summarized the matters before the Joint Administrative Services Board. Highlights include:

- Travel Policy:
 - JAS has worked for a couple of months addressing issues with regard to travel policies primarily difficulties getting receipts for meals associated with credit cards.
 - The Board believed that citizens would like to have receipts as evidence of what was expended.
 - Policy is being drafted that will establish a maximum per diem rate and will require receipts. Emily Johnson, Accounts Payable Coordinator, will make additional recommendations for JAS Board review.
 - Once approved by the JAS Board, it will come before the governing bodies for approval.
- ERP Update:
 - Project progressing.
 - New chart of accounts loaded into the software.
 - Some financial history has been converted and loaded.
 - In November analysis of how to set up modules will begin.
 - Authorization structure for approvals is under review.
 - County Information Technology Director Gordon Russell is learning the software, how to create users and set up user permissions.
 - Training will begin January 2015.

15) Government Projects Update

Bev McKay and David Ash provided the monthly project update. Highlights include:

- Bev McKay:
 - 34 West Main Street
 - Conducted on-site inspection.
 - Recommended repair of damaged boards prior to painting.
 - Bobby Levi concurred with Supervisor McKay's recommendation.
 - Timing of repairs and painting is contingent upon inclusion in the capital improvements budget.

- David Ash will ask Bobby Levi to provide a cost estimate.
- Unauthorized power wash of the building created the current paint problem.
- Sheriff's Office Renovation
 - Progress meeting today.
 - Adequate HVAC unit for the second floor is on location. The old unit is being dismantled and the new unit is being installed.
 - The IT room has a new AC system.
 - Second floor closet has been installed to handle the new rear HVAC system and is to be inspected today.
 - Most of the new registers have been cut through the 7" concrete cell floors.
 - Handi-cap 1st Floor restroom has been demolished.
 - The sewer line is being replaced on the side.
 - A new attic hole has been installed.
 - Things are on schedule at this time.
- Park Property
 - Barn and corn crib sold for \$25 today.
 - Winner bidder will disassemble and remove, which is approximately \$18,000 in avoided cost for the County.
- David Ash
 - 101 Chalmers Court – BCCGC HVAC Retrofit Project
 - Robert Mitchell has returned from vacation but has not yet provided a firm response.
 - Contacted the contractor engineer and advised him to have information ready to meet with Mr. Mitchell upon his return.
 - Vice Chairman Weiss confirmed that County Administrator David Ash was pushing to get results and the lack of progress was not for lack of effort.

16) Miscellaneous Items

White Post Dairy:

Alison Teetor provided an update on the White Post Dairy spill. Highlights are as follows:

- Received a copy of DEQ's revised consent order yesterday.

- Actions include operator training, development of a response plan, as well as a \$1,500 fine.

Morgan Ford Low-water Bridge

Supervisor McKay said that he did not believe that the County could tell Warren County and VDOT not to rebuild the bridge. He speculated that Clarke could tell Warren County and VDOT that they need to look at how to get traffic off of the bridge. He informed the Supervisors that a 600-house development was planned in the area. Supervisor Weiss opined that Clarke had an absolute obligation to the constituents living at that end of the County to ask that a traffic flow plan be developed that does not route traffic down Route 624. He expressed concern for safety noting sharp turns and hills on Route 624.

Supervisor McKay suggested writing a letter to the Commonwealth Transportation Board and Warren County expressing Clarke's concerns regarding traffic flow.

Supervisor Staelin put forth that it might be an appropriate time to remind that Clarke is not going to change its policy on roads because of an improvement in Warren County, who did have other routing options.

Chairman Hobert instructed Brandon Stidham to draft a letter for Board review and discussion. He further requested that Mr. Stidham discuss the matter further with Supervisor McKay and Staelin. He invited other Board members to share their thoughts with Mr. Stidham. Chairman Hobert asked Mr. Stidham to pull information from Warren's transportation plan so that the Board could get a better understanding.

Housing

Supervisor Byrd put forward that recently a constituent spoke to her about derelict housing. She reported that this constituent asked her to look into finding the disposition of these houses. She asked if the County would consider addressing blighted properties that present health hazards and negatively affect property values. Supervisor Byrd suggested consideration be given to examining the title of some of these properties.

Vice Chairman Weiss opined that such matters were more appropriately dealt with by and between property owners and the Supervisors should avoid entering into these situations.

17) Summary of Required Action

<u>Item</u>	<u>Description</u>	<u>Responsibility</u>
1.	Follow up on increased energy costs at the BCCGC in relation to litigation.	David Ash
2.	Develop notice and advertise public hearing for TA-14-03.	Lora B. Walburn
3.	Process approved minutes.	Lora B. Walburn
4.	Process 2014-02P.	Lora B. Walburn
5.	Update database and draft letters of appointment.	Lora Walburn
6.	Execute letters of appointment.	J. Michael Hobert
7.	Provide email notice of appointment to Town Manager Keith Dalton.	Lora B. Walburn
8.	Provide email notice of appointment to CCPS Superintendent.	Lora B. Walburn
9.	Contact Bobby Levi for porch repair estimate at 34 East Main Street.	David Ash
10.	Draft letter re Morgan's Ford Road.	Brandon Stidham
11.	Update County Code with CC-2014-03.	Lora B. Walburn
12.	Develop exhibits 1 thru 3.	Lora B. Walburn
13.	Coordinate BoS direction with Springsted.	David Ash

18) Board Member Committee Status Reports

Supervisor Barbara Byrd:

- Humane Foundation: The Fall Fling for Furry Friends this past Saturday was well attended and included a barbeque dinner, 4H club pony rides, camel rides, and rabies shot supplied by Roseville Veterinary Clinic, who gave a total of 103 shots - 81 dogs; 22 cats.
- Social Services: Meets tomorrow morning.
- Clarke County Library: Update provided earlier in the meeting by Mr. Huddy and Ms. Kennedy.
- Town of Berryville: New parking meters will increase from \$0.10 to \$.25 and fines will rise from \$3 to \$5.

Supervisor Bev McKay:

- NSVRC: Met last week and given a presentation by DEQ from the water withdrawal committee. He expressed a desire for DEQ to make presentation to the Supervisors.

Supervisor John Staelin:

- IDA: Approved bonds. A request for a resolution of support will come to Supervisors in November.

Vice Chairman David Weiss:

- CEA: Donating and purchase persons continue to come forward.
- EMS Commission: Conducted its first meeting last week. Frank Davis is doing and good job and is making headway.

Chairman J. Michael Hobert

- Parks and Recreation Advisory Council:
 - After school program: Currently have 54 children and charge \$45 per week for licensed childcare.
 - Little League Light Project: David Ash and Bobby Levi are working with Little League. Little League continues money raising efforts.
 - Auction for barn and outbuilding conducted today.
 - Rotary Club has committed \$25,000 to \$30,000 to apply towards the shelter and bandstand that is being discussed.

19) Closed Session

At 2:45 pm, **Supervisor Byrd moved to convene into Closed Session pursuant to §2.2-3711-A1 Specific Employees or Appointees of the Board. 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 3:35 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 McKay 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.

Chairman Hobert recessed the meeting at 3:36 pm.

Chairman Hobert reconvened the meeting at 6:30 pm.

Chairman Hobert requested the addition of a Closed Session pursuant to §2.2-3711-A1 Specific Employees or Appointees of the Board.

Brandon Stidham requested that Item 24 PH-14-13 be moved to Item 22.

By consensus the Board approved the approved the agenda as modified.

20) Citizen's Comment Period

No citizens attending the evening session wished to address the Board.

21) PH 14-14: CC-2014-03: Establish Department of Fire, Emergency Medical Services (EMS), and Emergency Management

Proposed amendment to add a new Chapter 17, Department of Fire, Emergency Medical Services (EMS), and Emergency Management; and to amend Chapter 93, Fire Prevention to the Code of Clarke County. The purpose of the amendment is to create a new Department for the management of Fire, EMS, and Emergency Management; to establish the roles and responsibilities of the Department director, County staff, and the Fire and EMS Commission; and to identify the County's providers of fire and emergency medical services and their relationship to the Department. The amendment also clarifies the role of the senior officer in charge of an incident as established by the Code of Virginia.

Brandan Stidham summarized the proposed amendment to County Code adding Chapter 17 and amending Chapter 93.

At 6:37 pm, Chairman Hobert opened the public comment portion of the public hearing. There being no persons present wishing to speak, Chairman Hobert closed the public hearing and he called for comment from the Supervisors.

Supervisor Staelin thanked David Weiss, Laure Wallace, Brandon Stidham and all those that worked on the proposed amendment.

Supervisor Staelin moved to adopt the proposed text amendment CC-2014-03, establishing a Department of Fire, Emergency Medical Services (EMS), and Emergency Management, including the changes requested by the Board of Supervisors and the Fire & EMS Commission as presented in staff's supplementary report. 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

Vice Chairman Weiss thanked all those involved with the creation of the new department.

Chairman Hobert reminded that Enders Fire Chief Harold Rohde was instrumental in getting the process started.

Supervisor Byrd said she was glad to see it come to fruition.

Supervisor McKay expressed his pleasure with the new organization.

COUNTY CODE TEXT AMENDMENT (CC-2014-03)
Establish Department of Fire, Emergency Medical Services (EMS), and Emergency
Management
(as adopted by the Board of Supervisors on October 21, 2014)

Amendment Text (Chapter 17 is a new County Code section. Adopted changes to Chapter 93 are shown in bold italics with strikethroughs where necessary.):

CHAPTER 17 FIRE, EMERGENCY MEDICAL SERVICES (EMS), AND EMERGENCY
MANAGEMENT, DEPARTMENT OF

Code of Virginia References (§18.2-414.1; §27-14, 15.1, and 23.6; §44-146.19)

§17-1 Establishment of the Department of Fire, Emergency Medical Services (EMS), and
Emergency Management

- A. In order to help ensure the protection of citizens, visitors, and property of Clarke County, the firefighting, emergency medical services (EMS), and emergency management services are organized under a Department of Fire, Emergency Medical Services (EMS), and Emergency Management ("the Department"). These services shall be provided by using both County-employed and volunteer company firefighters and EMS personnel. As such, the County-recognized volunteer fire-fighting and EMS entities shall be deemed an instrumentality of the County and shall receive the full benefit and protections of the law while acting in that capacity.
- B. In order to effectively carry out the provisions of Subsection A of this section, the Department shall be organized to coordinate all fire, EMS, and emergency management and preparedness services within the County.
- C. The Department shall be composed of the County officials and County-employed staff ("the Staff") of the Department, and the volunteer fire and EMS companies. The volunteer fire and EMS companies are recognized as entities of the Department and are an integral part of the County's public safety program.

§17-2 Appointment of a Director of Fire and Emergency Medical Services (EMS)

- A. The County Administrator shall appoint a Director of Fire and Emergency Medical Services (EMS) ("the Director") to head the Department and to carry out the responsibilities set forth in §17.5. The Director shall report to the County Administrator and the Department Staff shall report to the Director.

§17-3 Appointment of a Coordinator of Emergency Management

- A. The County Administrator shall serve as the County's Coordinator of Emergency Management. The responsibilities of the Coordinator of Emergency Management may be delegated to the Director at the discretion of the County Administrator.
- B. The Coordinator of Emergency Management shall provide general management of the planning, preparation, and response for any disaster which impacts the County and requires implementation of the County's emergency operations plan.

§17-4 Responsibilities of the Department

- A. The Department shall be responsible for coordinating and managing the services and functions as described above in §17-1 and in the sections below.
- B. The Department may employ Staff to perform a variety of functions to support fire, EMS, and emergency management services. These functions include but are not limited to firefighting, emergency medical services/EMT, volunteer recruitment/retention, grant writing, and administrative services. The Director shall manage and oversee the Staff unless otherwise designated by the County Administrator.

§17-5 Responsibilities of the Director

- A. The Director shall carry out the responsibilities and general management of the Department, shall establish and enforce Departmental policies, procedures, and guidelines consistent with this Chapter for the administration and operation of the Department. The Director's specific responsibilities shall be as assigned by the County Administrator.
- B. The Director shall have management oversight of the Department's Staff. Management oversight of the volunteer companies and volunteer staff shall be the responsibility of the chiefs of the individual companies and their respective governing boards.
- C. The Director shall make periodic recommendations to the County Administrator and Board of Supervisors on how to effectively provide the best fire and emergency services available based on risk management principles within the parameters established by the Board for fiscal management and emergency response service level objectives. Any recommendations proposed by the Director that will have a substantive impact on the County's emergency response system or infrastructure impacting service delivery shall be reviewed by the Fire and EMS Commission prior to presenting the recommendations to the Board of Supervisors. The results of the Commission's review shall also be provided to the Board of Supervisors.
- D. The Director shall serve as a senior officer for fire and/or EMS and shall have the authority to take command of an incident on an as-needed basis in the absence of a volunteer chief. The Director shall possess the skills, training, and certifications necessary to serve as a senior fire officer, senior EMS officer, or both.

§17-6 Fire and EMS Commission

- A. The Board of Supervisors shall appoint a Fire and EMS Commission ("the Commission") to provide planning-level oversight of the Fire and EMS systems in the County; to oversee strategic planning efforts; and to provide a mechanism for collaboration and coordination among the Director, the County Sheriff, volunteer companies, and the Board of Supervisors on issues impacting fire, EMS, and emergency management services. The Commission shall work in coordination with the Director on these issues, and the Director shall provide staff support to the Commission.
- B. Membership Composition; Term. The Commission shall consist of seven (7) members including one (1) member of the Board of Supervisors; the Clarke County Sheriff; two (2) representatives recommended by the Clarke County Fire and Rescue Association to represent Fire and EMS services respectively; and three (3) citizens-at-large representing consumers of fire and EMS services. The two (2) Fire and Rescue Association representatives shall serve one-year terms. The three (3) citizens-at-large shall be appointed for initial terms of one (1) year, two (2) years, and three (3) years and thereafter for four (4) year terms. The Sheriff shall serve a term coterminous with the term of office. The Board of Supervisors shall appoint a representative annually at or shortly after their annual organizational meeting to serve a one-year term.
- C. Responsibilities of the Commission. The Commission shall have the following specific responsibilities to be completed in cooperation with the Director:
 - 1. Develop and maintain a Fire & EMS Strategic Plan.
 - 2. Annually review the Emergency Operations Plan (EOP) and provide recommendations on changes to the Board of Supervisors.
 - 3. Review and advise on implementation strategies for policy and protocol changes for Fire & EMS operations.
 - 4. Provide platform for resolving policy and protocol disputes among the companies, the career staff, and/or with the emergency communications center.
 - 5. Review and provide recommendations on budgetary matters including recommending the use of funding and service agreements.
 - 6. Evaluate compliance with established performance objectives and develop recommendations to address deficiencies.
 - 7. Support and promote annual emergency preparedness exercises.
 - 8. Evaluate other related issues as requested by the Board of Supervisors.

The Commission shall also review and provide recommendations on any proposals by the Director that will have a substantive impact on the County's emergency response system or infrastructure impacting service delivery.

§17-7 Recognition of Providers of Fire and Emergency Services

- A. Volunteer organizations. The following volunteer organizations are hereby recognized as entities of the Clarke County Department of Fire, Emergency Medical Services (EMS), and Emergency Management and are hereby permitted to provide fire and EMS services in Clarke County:
 - 1. John H. Enders Fire Company and Rescue Squad

2. Boyce Volunteer Fire Company
 3. Blue Ridge Volunteer Fire and Rescue Company 8
- B. Other organizations and groups. The following organizations and groups are hereby recognized as nonjurisdictional entities that are hereby permitted to provide fire and EMS services in Clarke County:
1. Mount Weather Emergency Operations Center.
 2. Entities responding to Clarke County emergencies in accordance with mutual aid agreements.
- C. Response areas. Each of the organizations listed in §17-7(A) shall be assigned response areas that provide the best services to the citizens of the County. Response areas shall be determined among the volunteer companies and a written copy of the response areas shall be provided to the Director, who shall maintain the copy and make it available to the Emergency Communications Center, Commission, and the general public. Response areas may be reviewed and updated periodically. Nonjurisdictional entities listed in §17-7(B) may be assigned a response area if determined to be appropriate by the volunteer companies.

§17-8 Entities of County Fire and EMS Division responsible to the Department

- A. Each of the organizations listed in §17-7(A) and (B) shall coordinate their operations and activities with the Department and shall carry out their assigned tasks to the best of their ability.
- B. Each volunteer organization listed in §17-7(A) shall appoint a chief who shall be responsible for the overall direction and control of fire and EMS activities using federally-mandated NIMS protocols within the organization's respective first due response areas. Additionally, the chief shall ensure that the organization complies with all of the provisions of applicable laws, ordinances, and standard operating procedures/guidelines in coordination with the Department and shall advise and communicate the organization's operations and activities with the Director.
- C. The fire and EMS Staff, when responding to calls, shall follow all applicable federal, state, and local regulations and will function under the same standards incorporating NIMS as noted in subsection B above.

§17-9 Personnel Responsibility and Authority

- A. All officially recognized members of the organizations listed in §17-7(A) and (B) shall perform their respective duties, as outlined in the standard operating procedures/guidelines and applicable laws and ordinances, to the best of their ability.

- B. All officially recognized members of the organizations listed in §17-7(A) and (B) shall be subject any procedures and practices established by the Board of Supervisors.
- C. While performing in their official capacity, each of the members of the organizations and groups listed in in §17-7(A) and (B) shall have the authority to carry out their respective assignments as provided for in applicable laws, ordinances, and standard operating procedures/guidelines.
- D. While performing in their official capacity and acting within the guidelines of the Department, each of the members of the organizations and groups listed in in §17-7(A) and (B) shall be afforded all of the privileges, rights, and remedies available to them under the law.

§17-10 Obedience to orders of the senior officer in charge at the scene of accidents, disasters, and other fire, medical, and rescue oriented incidents

Every person present at the scene of any fire, medical, or rescue emergency shall be obedient to the orders of the senior officer in charge in any matter related to fire/medical/rescue matters; freedom of fire and EMS company, personnel, and apparatus to perform their duties or to function properly; and the maintenance of order at or near the scene of the emergency. It shall be unlawful for any person to disobey any such order of the senior officer in charge. The senior officer in charge shall have the authority to cause the arrest of persons who disobey such orders and to hold them in custody until the incident or danger is abated, at which time the violator shall be dealt with according to law.

Chapter 93 Fire Prevention

Article I Conduct at Fire Scenes Open Burning Restrictions

[Adopted 1-19-1988 as § 5-1 of the 1987 Code]

~~**§ 93-1.**~~ ~~**Obedience to and authority of officers.**~~ ~~*Every person present at the scene of a fire or explosion shall be obedient to the orders of firemen and law enforcement officers in any matter relating to extinguishing the fire, removal and protection of persons and property endangered by fire, explosion, smoke or water, freedom of Fire Department and medical personnel and apparatus to perform their duties or to function properly and the maintenance of order at or near the scene of a fire or explosion, and it shall be unlawful for any person to disobey any such order of a fireman or law enforcement officer.*~~

~~**§ 93-2.**~~ ~~**Authority of Fire Marshal.**~~⁴ ~~*The Fire Marshal shall have the authority, pursuant to § 27-34.2-1, Police powers of fire marshals, of the Code of Virginia, to arrest persons who disobey such orders and to hold them in custody until the fire has been extinguished or the danger of explosion abated, at which time the violator shall be dealt with according to law.*~~

~~**§ 93.3 1.**~~ ~~**Open**~~ a. The Board of Supervisors shall impose such restrictions as it shall deem necessary to limit or prohibit open burning that will be offensive or

Burning
Restrictions.

objectionable due to smoke or odor emissions or when atmospheric conditions or local circumstances make such fires hazardous.

- b. The Board of Supervisors may delegate to the County Administrator the authority to promulgate, impose, or rescind, any such regulations or permits as may be consistent with the Board's action in limiting or banning open burning.
- c. Violation of any restriction, regulation or ban imposed by this section shall be considered a Class 1 misdemeanor.

~~⁴ Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).~~

22) PH 14-13: 2014 Clarke County Economic Development Strategic Plan

The Strategic Plan is a new implementing component plan recommended by the 2013 Comprehensive Plan and is the County's first Plan that focuses on economic development. The Strategic Plan is action-oriented and contains specific strategies and action items to help implement the Comprehensive Plan's recommendations on economic development. The recommended strategies and action items are designed to accomplish the following:

- Help diversify the County's tax base without undermining the rural, agricultural character; and
- Support the County's strong and venerable growth management program; avoid unduly increase in the cost of providing public services.

The economic development strategies support the County's other Comprehensive Plan components and balance the fundamental goal of land preservation with the important need for economic vitality and a healthy business tax base.

Brandon Stidham introduced Milton Herd, consultant. Mr. Herd provided a PowerPoint presentation covering goals, strategies, actions and next steps.

Mr. Herd answered questions from the Board and the Board discussed housing consistent with growth management goals and promotion of diverse, walkable, well-connected housing stock in and around towns.

Milt Herd remarked that Clarke County is known throughout the state for its agricultural management.

At 7:04 pm, Chairman Hobert opened the public comment portion of the public hearing. There being no persons present wishing to speak Chairman Hobert closed the public hearing and called for comment from the Supervisors.

Supervisor Byrd expressed concern regarding the implications of adding housing to the community; and when it comes to housing, the County ought to stick with the Comprehensive Plan.

Vice Chairman Weiss moved to adopt the Clarke County Economic Development Strategic Plan as recommended by the Planning Commission. 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

23) PH 14-11: TA-14-02, Administrative Land Divisions

Proposed text amendment to amend §2-B, Definitions; §3-A-2, Administration by Planning Commission; §4, Procedure for Subdivision Approval; and §10, Special Regulations of the Subdivision Ordinance. The purpose of the amendment is to define a division of land into two or more parcels with each parcel being a minimum of 100 acres as an “administrative land division.”

The amendment would establish additional regulations for review of such divisions including compliance with private access easement and utility installation requirements, and would require compliance with water and sewage disposal requirements for parcels forty (40) acres or larger that are reduced below forty (40) acres via boundary line adjustment. The amendment would also create a definition for the term “residual lot” and would require Planning Commission review for merger, boundary line adjustment, or administrative land division of a residual lot that was the subject of an administrative land division within the previous two (2) years.

Brandon Stidham summarized the proposed amendment.

At 7:17 pm, Chairman Hobert opened the public comment portion of the public hearing. There being no persons present wishing to speak, Chairman Hobert closed the public hearing and called for Supervisor comment

Supervisor Staelin moved to approve TA-14-02 as presented. 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

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

Additions to Section 2-B, Definitions (addition of two new definitions will require this section to be renumbered):

ADMINISTRATIVE LAND DIVISION. A division of land into two or more parcels with each parcel being a minimum of 100 acres. Such divisions shall not be considered a major or minor subdivision and shall be acted upon administratively by the Zoning Administrator.

LOT, RESIDUAL (or RESIDUAL PARCEL): The portion of a lot of record that remains after the creation of a new lot or lots.

SUBDIVIDE (2/16/01): To divide any tract, parcel, or lot of land into two or more parts, with the following exceptions:

2-B-50-(a) Boundary Line Adjustments (see Special Regulations, Article 10-D).

2-B-50-(b) The use of one of the parcels will be public utility uses and not more than (6/21/05) two parcels would result from the division of land.

2-B-50-(c) All persons proposing to divide and/or merge land who contend such (6/13/89) division is exempted from the provisions of this Ordinance under (2/20/90) subsections (a) or (b), above, shall submit to the Zoning Administrator a (7/20/93) plat of the proposed division, or other documents, plats, or evidence (6/21/05) satisfactory to the Zoning Administrator, and if in the opinion of the Zoning Administrator the division is accepted, he shall so certify on said plat or on the deed of conveyance by which the property is to be divided. The Zoning Administrator's certificate shall state that the division is accepted under (a) or (b), above, and shall be signed by the Zoning Administrator. No person shall record a plat or conveyance for the division of land without complying with the provisions of this Ordinance or without the Zoning Administrator's certificate as aforesaid.

***2-B-50-(d) Administrative Land Divisions
Addition to Section 3, Administration***

3-A-2. The Commission may act through its Zoning Administrator and/or Planning Staff duly appointed as provided in Section 15.2-2217 of the Code of Virginia, to the extent that the Commission finds appropriate for the administration of this Ordinance; provided, however, that no person may act for the Commission in approving, conditionally approving, or disapproving any Preliminary Plat or Record Plat ***of a major or minor subdivision. , except t***The Zoning Administrator shall act for the Commission in approving, conditionally approving, or disapproving any ***Preliminary Plat or Record Plat in which all lots proposed are 100 acres or greater in area of an administrative land division.***

Addition to Section 4, Procedure for Subdivision Approval

4-M. Administrative Land Divisions.

1. If one or more of the parcels resulting from an administrative land division are to be served by a private access easement, the private access easement shall comply with all applicable design requirements set forth in §8-J.

2. Utility installation on parcels resulting from an administrative land division shall comply with all applicable design requirements set forth in §8-G. The Zoning Administrator shall have the authority to act on behalf of the Planning Commission in applying §8-G-1, §8-G-3, and §8-G-11.

Addition to Section 10, Special Regulations

10-D-6 Any boundary line adjustment shall require approval by the Zoning Administrator.

10-D-7 If a lot with an area equal to or greater than forty (40) acres is reduced in size below forty (40) acres by boundary line adjustment, the resultant lot shall comply with the water and sewage disposal system requirements set forth in §7- C-3-d.

10-F CERTAIN MERGERS, BOUNDARY LINE ADJUSTMENTS, AND ADMINISTRATIVE LAND DIVISIONS

10-F-1 Any plat depicting a merger or boundary line adjustment involving a residual lot that was the subject of an administrative land division within the previous two (2) year period shall require approval by the Planning Commission. 5

10-F-2 Any plat depicting an administrative land division involving a residual lot that was the subject of a merger or boundary line adjustment within the previous two (2) year period shall require approval by the Planning Commission.

10-F-3 A final plat showing the merger, boundary line adjustment, or administrative land division shall be filed with the Zoning Administrator and submitted to the Planning Commission for review. The Commission shall act on the plat within sixty (60) days of the filing date.

10-F-3 The final plat depicting a merger shall meet the requirements of §10-E; the final plat depicting a boundary line adjustment shall meet the requirements of §10-D; and the final plat depicting an administrative land division or divisions shall meet the requirements of §4-M except as otherwise provided herein.

24) PH 14-12: TA-14-04, Commercial Boarding Kennels and Animal Shelters

Proposed text amendment to amend §3-A-1-a-3 (Special Uses and Structures), §3-A-2-a-3 (Special Uses and Structures), §3-A-12 (Special Uses and Structures), and §9-B-12 (Definitions) of the Zoning Ordinance. The purpose of the amendment is to remove Commercial Boarding Kennels and Animal Shelters as special uses in the Agricultural-Open Space-Conservation (AOC), Forestal-Open Space-Conservation (FOC), and Neighborhood Commercial (CN) Districts. The amendment would also delete the current use and definition of "animal shelter" and create a new use and definition for "animal shelter/governmental" that is limited to a facility owned and/or operated by the Clarke County government. "Animal shelter/governmental" would be added to the list of special uses in the AOC and FOC Districts.

Brandon Stidham summarized the proposed text amendment.

At 7:21 pm, Chairman Hobert opened the public comment portion of the public hearing. There being no persons present wishing to speak, Chairman Hobert closed the public hearing and called for Supervisor comment.

Supervisor Byrd said that as all of this begins in the Planning Office she wanted to make sure that the Planning Commission was alerted to these things going on in the office.

Brandon Stidham responded that he did have a report once it reaches a second stage and they communicate this now to the Planning Commission.

Supervisor Byrd moved to approve as presented. 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

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

3 DISTRICT REGULATIONS

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

3. Special Uses and Structures

u. Veterinary Services, Animal Hospitals, ~~Commercial Boarding Kennels of more than five canine or feline animals~~, Breeding Kennels of more than 15 canine animals, ~~Animal Shelters~~ **Animal Shelter/Governmental**

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

3. Special Uses and Structures

q. Veterinary Services, Animal Hospitals, ~~Commercial Boarding Kennels of more than five canine or feline animals~~, Breeding Kennels of more than 15 canine animals, ~~Animal Shelters~~ **Animal Shelter/Governmental**

3-A-12 Neighborhood Commercial District (CN)

3. Special Uses and Structures

o. Veterinary services, animal hospitals, ~~Commercial Boarding Kennels~~, Breeding Kennels

9-B DEFINITIONS

~~**9-B-12 ANIMAL SHELTER: A facility or facilities (public, private, or non-profit), used to house or contain companion animals and operated for the purpose of finding permanent adoptive homes for such animals. Further, an animal shelter is a facility housing more than:**~~
~~**a. five companion animals older than six months, on parcels of up to five acres, or**~~
~~**b. one companion animal older than six months for each acre of a parcel, if the parcel is greater than five acres, or**~~
~~**c. 20 companion animals older than six months on parcels of 20 acres or more.**~~

ANIMAL SHELTER/GOVERNMENTAL: A facility or facilities, owned and/or operated by the Clarke County government, used to house or contain companion animals and operated for the purpose of finding permanent adoptive homes for such animals.

25) Closed Session

At 7:22 pm, **Supervisor Staelin moved to convene into Closed Session pursuant to §2.2-3711-A1 Specific Employees or Appointees of the Board. 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 8:03 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

Following Closed Session, **Supervisor Staelin moved to adopt the following resolution**

Be It Resolved that the Springsted Pay and Classification Plan Implementation with proposed ranges as shown on Exhibit 1, attached hereto and incorporated by reference, is hereby adopted; and

Be It Further Resolved further that the \$150,000 budgeted for FY 2015 for implementation of the Plan, be distributed retroactively to July 1, 2014 in accordance with the attached Exhibit 2, which reflects a 3% increase in salaries except for those employees whose salaries are increased to meet minimum of the range associated with the "Grade" for position adopted and shown on Exhibit 1;

And Further, Be It Resolved that all part time employees be granted a 3% increase in their hourly rate of compensation, effective retroactively to July 1, 2014, to be appropriated, funded and distributed from "government savings" carryover from FY2014 (an amount estimated at \$12,700); and further

Be It Resolved that the sum of \$37,000 be appropriated, funded and distributed from "government savings" carryover from FY 2014, retroactively to July 1, 2014, in accordance with the attached Exhibit 3, reflecting a 1 % increase in current payroll to be distributed to the identified "pools" for further allocation among employees in accordance with plans adopted by Constitutional Officers, the County Administrator, and the Board of Social Services based upon their employee evaluations and/or "years of service" so as to address "compression" issues, the plans for distribution being subject to final review and authorization by the Clarke County Board of Supervisors; and

Further Be It Resolved that Joint Administrative Services be granted a 4% increase in its total budgeted employee payroll, effective retroactively to July 1, 2014, to

be appropriated, funded and distributed in equal shares from "government savings" and "school savings" carryover from FY 2014 (a combined amount estimated at \$14,667), with individual employee grades and salaries to be adopted and approved subject to the plan prepared by Evergreen and adopted by the School Board and Joint Administrative Services Board.

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

26) Adjournment

There being no further business to be brought before the Board at 8:05 pm Chairman Hobert adjourned the Board of Supervisors meeting.

Next Regular Meeting Date

The next regular meeting of the Board of Supervisors is set for Tuesday November 18, 2014 at 1:00 p.m. in the Berryville Clarke County Government Center, Main Meeting Room, 101 Chalmers Court, Berryville, Virginia.

ATTEST: October 21, 2014

J. Michael Hobert, Chair

David L. Ash, County Administrator

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