

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

3) Organizational Matters

Election of Chair

Chairman Hobert turned the meeting over to David Ash, County Administrator.

David Ash solicited nominations for Clarke County Board of Supervisors Chair for 2013.

Supervisor Weiss moved to nominate J. Michael Hobert to serve as Chairman of the Board of Supervisors for 2013.

Supervisor Byrd moved to close the nominations and elect Mr. Hobert Chairman for 2013 by consensus. The motion was approved by the follow vote:

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

David Ash turned the meeting over to Chairman Hobert.

Election of Vice Chair

Chairman Hobert called for a motion to select the Vice Chair.

Supervisor Staelin moved to nominate and elect David Weiss to serve as Vice Chair of the Board of Supervisors for 2013.

Chairman Hobert requested a motion to close the nominations and elect Mr. Weiss by consensus to serve as Vice Chair of the Board of Supervisors for 2013. **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

Set Date, Time and Place for Regular Monthly Meeting

Following discussion, **Supervisor McKay** moved to approve the schedule as provided. The motion was approved by the follow vote:

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

2013 Clarke County Board of Supervisors Meeting Schedule

<i>Meeting Type</i>	<i>Day</i>	<i>Date</i>	<i>Time</i>	<i>Additional Info</i>
Regular Meeting	Tuesday	January 15	1 pm	
FY2014 Budget Staff Revenue Review	Monday	January 14	2 pm	
FY2014 Budget Finance Committee	Tuesday	January 22	5 pm	Revenue Review
FY2014 Budget Finance Committee	Tuesday	January 29	5 pm	Agency Presentations
FY2014 Budget Work Session	Monday	February 4	10 am	County Administrator presentation
FY2014 Budget Finance Committee	Wednesday	February 6	8 am	School Finance Invitation [at 309 West Main]
Committee Meetings	Monday	February 11	9:30 am	
FY2014 Budget Work Session	Monday	February 11	10 am	Direction to County Administrator
FY2014 Budget Finance Committee	Thursday	February 14	5 pm	
Regular Meeting	Tuesday	February 19	1 pm	
FY2014 Budget Finance Committee	Wednesday	February 20	8 am	School Finance Invitation [at 309 West Main]
FY2014 Budget Finance Committee	Thursday	February 21	5 pm	
FY2014 Budget Work Session	Tuesday	March 5	7 pm	School Board Presentation
FY2014 Budget Finance Committee	Thursday	March 7	5 pm	
Committee Meetings	Monday	March 11	9:30 am	
FY2014 Budget Work Session	Monday	March 11	10 am	
FY2014 Budget Finance Committee	Thursday	March 14	5 pm	
Regular Meeting	Tuesday	March 19	1 pm	
Regular Meeting Evening Session	Tuesday	March 19	6:30 pm	FY2014 Budget – Final Number

<i>Meeting Type</i>	<i>Day</i>	<i>Date</i>	<i>Time</i>	<i>Additional Info</i>
FY2014 Budget and Tax Rate Public Hearing	Wednesday	April 10	7:30 pm	
Committee Meetings	Monday	April 8	9:30 am	
Regular Meeting	Tuesday	April 16		
FY2014 Budget Work Session	Wednesday	April 17	6:30 pm	Adopt Budget and Appropriations
Committee Meetings	Monday	May 13	9:30 am	
Regular Meeting	Tuesday	May 21	1 pm	
Committee Meetings	Monday	June 10	9:30 am	
Regular Meeting	Tuesday	June 18	1 pm	
Committee Meetings	Monday	July 8	9:30 am	
Regular Meeting	Tuesday	July 16	1 pm	
Committee Meetings	Monday	August 12	9:30 am	
Regular Meeting	Tuesday	August 20	1 pm	
Committee Meetings	Monday	September 9	9:30 am	
Regular Meeting	Tuesday	September 17	1 pm	
Committee Meetings	Monday	October 7	9:30 am	
Regular Meeting	Tuesday	October 15	1 pm	
Committee Meetings	Wednesday	November 13	9:30 am	*Staff Recommendation
Regular Meeting	Tuesday	November 19	1 pm	
Committee Meetings	Monday	December 9	9:30 am	
Regular Meeting	Tuesday	December 17	1 pm	

Rules of Procedure

Supervisor Staelin called for discussion on modification of the Rules of Procedure Change Article IV —Conduct of Business Section 4-1. Order of Business to move the afternoon Citizen Comment Period to Item C immediately following Item B Adoption of Agenda.

Following discussion, Supervisor Byrd moved to approve the Rules of Procedure as amended as suggested by Supervisor Staelin. The motion was approved by the following vote:

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

4) Clarke County Sheriff's Office Update

Sheriff Tony Roper appeared before the Supervisors to provide updates on the following matters.

Developments with Sheriff's Office construction

- A construction time line has been established and shall be provided to the Board of Supervisors.
- Sheriff Roper will be supervising the renovation project. Bobby Levi is actively involved. The project architect is Michael Proffit.
- Project has not gone out to bid
- Project scope is still being defined. Remodeling the cells is an area for consideration.
- HVAC issues have been identified and boiler replacement is recommended.
- By consensus, the Board agreed that David Ash and David Weiss (Grounds and Maintenance Committee) will work closely with the Sheriff to finalize planning of the project and oversee implementation upon approval of the Board of the agreed upon project scope and budget.

Recent horse seizure case

- Two horses were seized from the same location / owner.
- Supervisor Byrd provided a great deal of assistance in this endeavor that occurred during the holiday.
- The euthanized horse has been picked up by Valley Protein. The County is responsible for the fee.
- The other horse is currently staying at a local veterinary clinic for evaluation and a daily board fee is being applied.
- A court hearing is scheduled for Wednesday, January 9 and Supervisor Byrd will be in attendance.
- Suni Mackall, Commonwealth Attorney, is handling the criminal case.
- Sheriff Roper will advise Ms. Mackall that the Supervisors are requesting that an Order be entered granting reimbursement to the County for expenses associated with the matter. Chairman Hobert suggested an Order or Judgment could be a lien on the real property of any responsible party.
- Supervisor Byrd will attempt to determine the value of the remaining horse.

Status report on new 911 phone system

- Funding is in place.

- System should be up and running in the next few months.

5) Legislation Before the General Assembly

Expansion of Farm Act

Chairman Hobert reviewed the following proposed resolution opposing HB1430.

Supervisor McKay suggested that the next to the last line be changed from “may potentially” to “will” threaten . . .

Following discussion, **Supervisor Staelin moved to adopt the resolution as amended by Supervisor McKay and forwarded to the appropriate distribution. The motion carried by the following vote:**

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

Resolution Expressing Opposition To HB1430 2013-01R

Whereas, Clarke County has a well-documented history of vigorously supporting its agricultural industry and the rights of its farming community, and

Whereas, HB 1430, introduced by Del. L. Scott Lingamfelter, proposes to curtail local zoning authority to regulate commercial activities in agricultural areas by extending Virginia Right to Farm Act protections to retail-based activities accessory to agricultural operations that include sale of art, literature, artifacts, furniture, food, beverages, and other items, and

Whereas, HB 1430 would also impose penalties on county elected officials and employees who attempt to enforce local zoning ordinances that may conflict with this proposed regulation by holding such officials personally liable for such enforcement actions, and

Whereas, Code of Virginia regulations currently do not consider such retail-based activities as exclusively agricultural in nature and currently allow local governments to determine their permissible use in agricultural areas in conjunction with zoning and land use powers, and

Whereas, HB 1430 fails to express a compelling public need that would be addressed by permitting this expansion of the Right to Farm Act and also fails to provide clear delineation of how these uses must be related to the agricultural operation in order to achieve the intended protections.

Now therefore be it resolved that the Clarke County Board of Supervisors expresses its unequivocal opposition to HB 1430 on grounds that it represents an unsupported erosion

of local zoning authority and lacks clear language and explanation as to its relationship to the preservation of agriculture in the Commonwealth.

Be it further resolved that the Board is concerned that any expansion of the Right to Farm Act beyond traditional agricultural protections and into unrelated commercial activities will threaten the viability and legitimacy of the Act into the future.

Unanimously adopted this 7th day of January 2013.

Attest:

J. Michael Hobert, Chair

Chairman Hobert thanked Brandon Stidham for his efforts in this matter.

State Proposed Pay Increase for Education Employees

Supervisor Staelin requested Board discussion on the Governor's proposed pay increase for education employees. He put forth that in FY2012 Clarke County had given an additional 2% above the state-mandated 5% increase. He stated that while he did not support mandating salary increases if it were passed than there should be some consideration given for raises given within a specified period such as the biennium.

Following discussion, by consensus, the Board agreed to task Chairman Hobert with preparing a letter expressing the County's position and to share the letter with VACo.

Annual Code of Virginia Distribution:

2.2-3700 The Virginia Freedom of Information Act

Supervisor Staelin drew the Supervisors attention to the following bullet on page 53 of the meeting packet.

2012 FOIA LEGISLATIVE UPDATE

- *Provides that a member of a public body shall be permitted to attend a closed meeting held by any of its committees or subcommittees, provided such member does not participate in any discussions held by the committee or subcommittee conducting the closed meeting. The bill requires that the minutes of the committee or subcommittee include the identity of such member who attended the closed meeting. HB 480 (Albo) amending § 2.2-3712;*

Specific Code Cite: § 2.2-3712. Closed meetings procedures; certification of proceedings. Virginia Freedom of Information Act (FOIA); attendance by certain members in a closed meeting. Provides that a member of a public body shall be

permitted to attend a closed meeting held by any of its committees or subcommittees, provided such member does not participate in any discussions held by the committee or subcommittee conducting the closed meeting. The bill requires that the minutes of the committee or subcommittee include the identity of such member who attended the closed meeting.

HB 480 (2012 Acts of Assembly, c. 428).

Following discussion, by consensus, the Board agreed, if they had any doubt, to refrain from attending closed sessions until legal opinion was rendered; and further, the Board requested clarification from the County Attorney as to the applicability of this legislation, particularly with regard to Board members serving as "liaison" to a committee, board or authority.

42.1-76 Virginia Public Records Act

Information only.

2.2-3100 State and Local Government Conflict of Interests Act

Information only.

6) Adjournment

There being no further business to be brought before the Board at 10:54 am 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, January 15, 2013 at 1:00 p.m. in the Main Meeting Room, 101 Chalmers Court, 2nd Floor, Berryville, Virginia.

ATTEST: January 7, 2013

J. Michael Hobert, Chair

David L. Ash, County Administrator

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