

CLARKE COUNTY BOARD OF SUPERVISORS
April 21, 2009 Regular Meeting 1:00 p.m.
Main Meeting Room

At a regular meeting of the Board of Supervisors of Clarke County, Virginia, held in the Main Meeting Room, 2nd Floor Berryville Clarke County Joint Government Center, 101 Chalmers Court, 2nd Floor, Berryville, Virginia on Tuesday, April 21, 2009.

Board Members Present

Barbara Byrd; A. R. Dunning, Jr.; J. Michael Hobert; John Staelin; David Weiss

Staff Present

David Ash, Chuck Johnston, Tom Judge, Alison Teetor, Lora Walburn

Others Present

Robina Rich Bouffault, Jennifer Welliver, Dr. Michael Murphy, Ed Breslauer, Wilson Kirby, Keith Dalton, Dave Tyrell, Alton Echols, Gem Bingol, Mary Rodriguez, Jennifer Seo, Chip Schutte, Tom Dunning, Harry Stimpson, Frazer Watkins, Laura Oleniacz, Layla Wilder and other citizens

Call to Order

Chairman Staelin called the meeting to order at 1:05 p.m.

Adoption of Agenda

Supervisor Byrd moved to approve the agenda as revised:

- **Add:**
 - o **Finance: Discussion Piedmont Environmental Counseling Buy Fresh Buy Local**
 - o **Miscellaneous: Discussion Boyce Volunteer Fire Company Resolution**
 - o **Miscellaneous: Discussion Shenandoah River**

The motion carried by the following vote:

John R. Staelin, Chair - Aye
J. Michael Hobert, Vice Chair - Aye
Barbara J. Byrd - Aye
A.R. Dunning, Jr. - Aye
David S. Weiss - Aye

Clarke County Public Schools Update

Dr. Michael Murphy, with Robina Rich Bouffault, appeared before the Supervisors to provide the monthly update for the Clarke County Public Schools. Highlights include:

- The Schools are still operating under a hiring freeze. Any vacancies that arise will be analyzed.
- Reviewing options for leadership at Cooley Elementary School with the announced retirement of the current principal.
- The School Board approved the FY10 budget at the April 6, 2009 meeting.
- Current enrollment is 2,156.
- School Board discontinued participation in the Mountain Vista Governor School program for FY11. The cost is approximately \$71,000 to \$98,000 for an enrollment of 8 students.
- Work continues on the master schedule for the Clarke County High School.
- Work continues on the joint technology agreement.
- The School Board approved an additional TIA to include completion of Mosby Boulevard. The TIA is to be completed by Friday, April 24, 2009.
- The three options will be cost estimated by Gannett Fleming and should be complete by next week.
- When the information is received, a special meeting is recommended for review of the TIA data to determine next steps.
- Utility costs for the new high school will be estimated and cost determination is underway.
- It is believed that the green core of the new high school will remain the same and the main rooms planned for this portion have been reviewed.
- Acknowledged that there is a great deal of misinformation regarding the new construction.
- Reviewed concerns regarding the build out of Mosby Boulevard, which is proposed to pass through school property.
- Federal stimulus money was placed in capital and operating budgets.

Approval of Minutes

- March 10, 2009 Board of Supervisors Budget Work Session
- March 17, 2009 Regular Meeting
- April 7, 2009 Board of Supervisors FY10 Budget and Tax Rate Public Hearing

Vice Chairman Hobert moved to approve the minutes of March 10, 2009 and April 7, 2009 minutes as presented and March 17, 2009 as corrected.

The motion was approved by the following vote:

John R. Staelin, Chair	- Aye
J. Michael Hobert, Vice Chair	- Aye
Barbara J. Byrd	- Aye
A.R. Dunning, Jr.	- Aye
David S. Weiss	- Aye

Consent Agenda

- Conservation Easement Approval:
 - o Robert and Donna Koon – Tax Map# 6-((A))-60, 216.3 acres
 - o Community of the Cistercians – Tax Map# 16-((A))-56 and 16-((A))-56A

Vice Chairman Hobert moved to accept the item on the consent agenda.

The motion was approved by the following vote:

John R. Staelin, Chair	- Aye
J. Michael Hobert, Vice Chair	- Aye
Barbara J. Byrd	- Aye
A.R. Dunning, Jr.	- Aye
David S. Weiss	- Aye

Vice Chairman Hobert expressed his appreciation for the dedication and diligence of Alison Teetor in her administration of the conservation easement program.

Citizens Comment Period

A.C. Echols, Berryville: spoke in support of a pending application from Methodist Housing to develop senior housing in the Berryville annexation area. He provided an update of recent activity by the Town Council and the Berryville Area Development Authority on the application. He asked the Supervisors if the vote by the BADA to table the matter could be called back so that the public hearing scheduled for May 12 could go forward.

Supervisor Byrd commented that last week at the Town Council meeting Mayor Kirby had requested that this matter be moved forward and a public hearing was set.

Vice Chairman Hobert explained that with the action by BADA to table the matter the Boards would have to overturn that decision. He expressed concern that appointed members of the BADA could make a decision of this nature.

Chairman Staelin advised that the matter was on the Supervisors' agenda and Chuck Johnston would be providing an update later in the afternoon.

VDOT

Jeff Lineberry, accompanied by Bob Childress and Charlie Monroe, provided the monthly update.

- Brush clearing activities on Route 601.
- Removed dangerous tree on Route 340 near Route 643.
- Pothole repairs are being performed throughout the county.
- Pipe replacement was completed on Route 604.
- Removing trash and dead animals with the assistance of the adopt-a-highway program.

Update Calmes Neck Intersection Issue Bond

John Staelin advised that the matter was progressing.

VDOT Secondary Six Year Plan Discussion

Jeff Lineberry briefly reviewed the Secondary Six-Year Plan specific to funding of unpaved roadways. He advised that what remained on the Route 604 project was the most expensive portion; and if the project did not move forward within a specified period of time, the right of ways would become null and void.

Bob Childress emphasized that VDOT did not want to drop the Route 604 project noting that a great deal of time and money had already been spent. He advised that one property owner did not wish to relinquish a right of way for the proposed improvement; however, many other residents had donated rights of way and had been waiting patiently for years.

Bob Childress also noted several possible improvements on Route 621.

Supervisor Dunning requested that VDOT provide the dollar amounts spent on unpaved roads by district.

By consensus, the Supervisors agreed to continue the regular meeting to Monday, May 4, 2009 at 5:00 pm to further discuss priorities.

Vice Chair Hobert moved to set the Secondary Six-Year Plan for public hearing on May 19, 2009 at 6:30 pm.

The motion was approved by the following vote:

John R. Staelin, Chair	- Aye
J. Michael Hobert, Vice Chair	- Aye
Barbara J. Byrd	- Aye
A.R. Dunning, Jr.	- Aye
David S. Weiss	- Aye

High School Construction Update

Jeff Lineberry updated the Supervisors on the revised scope for the TIA for a roundabout, entrance configuration, and that portion of Mosby proposed for build out.

Supervisor Byrd asked if the Westwood Road funding could be used for the roundabout or the Mosby stub. Jeff Lineberry stated it could be used for road improvements; however, it cannot be used for any portion of a school entrance going into parking areas or a bus loop.

Subsequent to discussion, it was confirmed that VDOT was no longer able to provide preliminary project engineering.

Revenue Sharing

Keith Dalton asked about progress on the revenue sharing project for sidewalk paving on Page Street. Mr. Childress stated that the necessary documentation should be ready next week and he assured that no further action was required from the Supervisors on this matter.

Continued Public Hearing PH 09-07 SUP-08-01 [Georgetown]

Chuck Johnston told the Supervisors that Georgetown University continued to work on their application and were requesting additional time.

David Weiss put forth that he had been studying the application and was struggling with his decision. He stated that it was his belief that this application was a more intense use than would otherwise be admitted in the district, that it did not comply with the comprehensive plan and was an inappropriate use in this area. He concluded that he wished to communicate his position to vote against acceptance.

Allan Brangman, Georgetown University, advised that Georgetown was continuing studies on the property and would be meeting on April 27 with the historic preservation community to determine whether the house could remain. He said that at the last meeting he had been given some hope that if the house remained the project would be acceptable. Mr. Hobert encouraged Mr. Brangman to move forward with the proposed meeting.

Supervisor Dunning moved to continue the public hearing until May 19, 2009.

The motion was approved by the following vote:

John R. Staelin, Chair	-	Aye
J. Michael Hobert, Vice Chair	-	Aye
Barbara J. Byrd	-	Aye
A.R. Dunning, Jr.	-	Aye
David S. Weiss	-	Aye

Senior Housing Update

Chuck Johnston stated that Mr. Echols had already provided an update on the progress of the Methodist senior housing project. He advised that the Town Council had set the matter for public hearing for May 12. He further advised that he believed that the unanimous vote to table the matter made by the BADA was due to a lack of clarity on the project.

Christy Dunkle advised the Supervisors that she had received a new submission for the project at 1:30 today, which she had not had an opportunity to review. She, too, advised that the Town Council had set public hearing; but the BADA will not move forward with a recommendation.

Alton Echols explained that the original application in December was for approximately 11 acres that excluded acreage zoned DR-4 and a stormwater pond from a previous subdivision. He said that many of the other resubmittals were to address concerns raised during the application process to address compliance with the master plan and proffers. He described the process as "a moving thing" and that changes are a natural part of the process.

Chairman Staelin advised that the Supervisors had no power or position in this matter.

Committee Action

Personnel

Appointment to Authorities, Boards and Commissions

<i>Committee/Board</i>	<i>Appointee</i>	<i>Expiration Date</i>
Lord Fairfax Emergency Medical Services Council <i>Mr. Armbrust was appointed to fill the unexpired term of Matt Hoff.</i>	Wayne Armbrust	6/30/2010
Clarke County Historic Preservation Commission <i>Mr. Bieschke was reappointed to serve a four-year term.</i>	John Bieschke	5/31/2013
Planning Commission <i>Dr. Caldwell was reappointed to serve a four-year term.</i>	Anne Caldwell	4/30/2013
Conservation Easement Authority <i>Ms. McKelvy was reappointed to serve a one-year term.</i>	Pat McKelvy	4/30/2010

Supervisor Byrd moved to approve the appointments as presented.

The motion was approved by the following vote:

John R. Staelin, Chair	-	Aye
J. Michael Hobert, Vice Chair	-	Aye
Barbara J. Byrd	-	Aye
A.R. Dunning, Jr.	-	Aye
David S. Weiss	-	Aye

Personnel Committee Agenda Topic: Vacancy Update—replacement options

Description: We have recently received the resignation of an animal control officer. I will fill this position on a part-time/temporary basis until such time as the details of the Humane Foundation proposal to fund a management positions has been completed and considered by the Board.

Personnel Committee members requested that a policy statement providing for negotiation of temporary changes in hours, pay and employment status with current employees where such accommodations are mutually beneficial.

Work Session

Agenda Topic: VDOT Secondary Six Year Plan Discussion

Summary of Discussion: VDOT representatives presented the information available regarding funding for the Secondary Six Year Plan. The Board discussed several options for changing the scope or location of projects on the priority list in addition to the option of leaving the priorities as is. Board members agreed that they would consider the options discussed and make an effort to identify projects that could be funded given the restrictions now in place.

The Board authorized the Chair to contact the School Board to request that raw data collected by the Schools for use in the TIA be released to VDOT for the purpose of assisting the Board in its consideration of revising the Westwood Road Project.

The proposal to set public hearing was postponed until the regular meeting to ensure that an opportunity to review options was maintained.

The VDOT representatives were asked to return for the regular meeting in April to continue discussion of the Secondary Six-Year Plan options.

On a motion by Supervisor Byrd, the Board approved resolution 09-05R supporting the continued operation of the Luray Residency Offices. The motion was approved on the following vote:

<i>Chairman Staelin</i>	-	<i>Absent</i>
<i>Supervisor Byrd</i>	-	<i>Aye</i>
<i>Supervisor Hobert</i>	-	<i>Aye</i>
<i>Supervisor Dunning</i>	-	<i>Absent</i>
<i>Supervisor Weiss</i>	-	<i>Aye</i>

No action was taken on the routine reports and questions

Attendance at the VDOT videoconference was not discussed.

Special Use Revocation Discussion

Attached is information regarding the special uses previously identified as no longer occurring as permitted and subject to revocation pursuant to revised ordinances. Chuck will update the Board on the nature of the discontinued, uses, the responses of the property owners affected and a proposal to begin the process of revocation.

Summary of Discussion: The Board discussed the issues and directed that a draft revocation letter be prepared for discussion at the April Board meeting. The Board discussed what action would be appropriate for those situations in which the owners

requested continuance of the Special Uses. Additional advice has been requested from the County Attorney.

At the regular meeting, Chuck Johnston updated the Supervisors on the changes to state law effective July 1 specific to country inns that will extend the time period to 2014.

In response to Supervisor Dunning's request for follow up on the airstrip special use, Chuck Johnston relayed that contact with the property owner had been made and this special use is being reviewed.

Chuck Johnston explained that the Supervisors were being asked to approve the resolutions that refer the revocations to the Planning Commission for recommendation.

Vice Chair Hobert moved to adopt the series of resolutions as shown on pages 76 through 98 of the Supervisor's packet, which will initiate revocation of special use permits for the listed properties.

The motion was approved by the following vote:

John R. Staelin, Chair	-	Aye
J. Michael Hobert, Vice Chair	-	Aye
Barbara J. Byrd	-	Aye
A.R. Dunning, Jr.	-	Aye
David S. Weiss	-	Aye

David Weiss stated that it was important to note that all of the property owners had been contacted and had agreed to the revocation.

SPECIAL USE PERMIT REVOCATION
THELMA GARRISON, TAX PARCEL NOS. 13-A-43, 13-A-44 RESOLUTION
09-09R

WHEREAS, Section 5-C of the Zoning Ordinance provides that the Board of Supervisors may initiate the revocation of a Special Use Permit; and

WHEREAS, Section 5-C provides that a Special Use Permit may be revoked if the use pursuant to the approved Special Use Permit has been discontinued for one year.

WHEREAS, the Zoning Administrator has reported to the Board that an investigation has indicated that the special use provided for under the Special Use Permit approved on April 4, 1978 (applicant Thelma Garrison), for Tax Parcel Nos. 13-A-43, 13-A-44 (1370-1394 Senseny Road), for use of the property as rest home facilities, has been discontinued for more than one year.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors hereby initiates the revocation of this Special Use Permit for Tax Parcel Nos. 13-A-43, 13-A-44, and hereby refers this matter to the Planning Commission for a recommendation.

Attest:

David L. Ash, Clerk
Clarke County Board of Supervisors

SPECIAL USE PERMIT REVOCATION
DAVID POTTER, TAX PARCEL NO. 7-6-2 RESOLUTION
09-10R

WHEREAS, Section 5-C of the Zoning Ordinance provides that the Board of Supervisors may initiate the revocation of a Special Use Permit; and

WHEREAS, Section 5-C provides that a Special Use Permit may be revoked if the use pursuant to the approved Special Use Permit has been discontinued for one year.

WHEREAS, the Zoning Administrator has reported to the Board that an investigation has indicated that the special use provided for under the Special Use Permit approved on 8/17/78 (applicant David Potter), for Tax Parcel No. 7-6-2 (10636 Harry Byrd Highway), for use of the property as daycare center, has been discontinued for more than one year.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors hereby initiates the revocation of this Special Use Permit for Tax Parcel No. 7-6-2, and hereby refers this matter to the Planning Commission for a recommendation.

Attest:

David L. Ash, Clerk
Clarke County Board of Supervisors

SPECIAL USE PERMIT REVOCATION
DAVID W. CARTER, TAX PARCEL NOS. 27-A-1, 28-A-1-28 RESOLUTION
09-11R

WHEREAS, Section 5-C of the Zoning Ordinance provides that the Board of Supervisors may initiate the revocation of a Special Use Permit; and

WHEREAS, Section 5-C provides that a Special Use Permit may be revoked if the use pursuant to the approved Special Use Permit has been discontinued for one year.

WHEREAS, the Zoning Administrator has reported to the Board that an investigation has indicated that the special use provided for under the Special Use Permit approved on 8/17/78 (applicant David W. Carter), for Tax Parcel Nos. 27-A-1, 28-A-1-28 (307 Chrismore Road), for use of the property as Air Trac storage and maintenance, has been discontinued for more than one year.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors hereby initiates the revocation of this Special Use Permit for Tax Parcel Nos. 27-A-1, 28-A-1-28, and hereby refers this matter to the Planning Commission for a recommendation.

Attest:

David L. Ash, Clerk
Clarke County Board of Supervisors

SPECIAL USE PERMIT REVOCATION
WILLIAM BURCHETTE, TAX PARCEL NO. 9-A-49 RESOLUTION
09-12R

WHEREAS, Section 5-C of the Zoning Ordinance provides that the Board of Supervisors may initiate the revocation of a Special Use Permit; and

WHEREAS, Section 5-C provides that a Special Use Permit may be revoked if the use pursuant to the approved Special Use Permit has been discontinued for one year.

WHEREAS, the Zoning Administrator has reported to the Board that an investigation has indicated that the special use provided for under the Special Use Permit approved on 1/15/80 (applicant William Burchette), for Tax Parcel No. 9-A-49 (860 Lord Fairfax Highway), for use of the property as an antique shop, has been discontinued for more than one year.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors hereby initiates the revocation of this Special Use Permit for Tax Parcel No. 9-A-49, and hereby refers this matter to the Planning Commission for a recommendation.

Attest:

David L. Ash, Clerk
Clarke County Board of Supervisors

SPECIAL USE PERMIT REVOCATION
FRANCES CRAWFORD, TAX PARCEL NO. 6-A-24 RESOLUTION
09-13R

WHEREAS, Section 5-C of the Zoning Ordinance provides that the Board of Supervisors may initiate the revocation of a Special Use Permit; and

WHEREAS, Section 5-C provides that a Special Use Permit may be revoked if the use pursuant to the approved Special Use Permit has been discontinued for one year.

WHEREAS, the Zoning Administrator has reported to the Board that an investigation has indicated that the special use provided for under the Special Use Permit approved on 12/22/82 (applicant Frances Crawford), for Tax Parcel No. 6-A-24 (117 Moose Rd.), for use of the property as an 8 stall kennel, has been discontinued for more than one year.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors hereby initiates the revocation of this Special Use Permit for Tax Parcel No. 6-A-24, and hereby refers this matter to the Planning Commission for a recommendation.

Attest:

David L. Ash, Clerk
Clarke County Board of Supervisors

SPECIAL USE PERMIT REVOCATION
ALLTRAN, INC., TAX PARCEL NO. 6-A-22 RESOLUTION
09-14R

WHEREAS, Section 5-C of the Zoning Ordinance provides that the Board of Supervisors may initiate the revocation of a Special Use Permit; and

WHEREAS, Section 5-C provides that a Special Use Permit may be revoked if the use pursuant to the approved Special Use Permit has been discontinued for one year.

WHEREAS, the Zoning Administrator has reported to the Board that an investigation has indicated that the special use provided for under the Special Use Permit approved on 9/20/83 (applicant Alltran, Inc.) , for Tax Parcel No. 6-A-22 (29 Moose Rd.), for use of the property as an antique shop, has been discontinued for more than one year.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors hereby initiates the revocation of this Special Use Permit for Tax Parcel No. 6-A-22, and hereby refers this matter to the Planning Commission for a recommendation.

Attest:

David L. Ash, Clerk
Clarke County Board of Supervisors

SPECIAL USE PERMIT REVOCATION
CLARKE COUNTY ANIMAL SHELTER TAX PARCEL NO. 15-A-9 RESOLUTION
09-15R

WHEREAS, Section 5-C of the Zoning Ordinance provides that the Board of Supervisors may initiate the revocation of a Special Use Permit; and

WHEREAS, Section 5-C provides that a Special Use Permit may be revoked if the use pursuant to the approved Special Use Permit has been discontinued for one year.

WHEREAS, the Zoning Administrator has reported to the Board that an investigation has indicated that the special use provided for under the Special Use Permit approved on 3/15/83 (applicant Clarke County), for Tax Parcel No. 15-A-9 (362 Parshall Rd), for use of the property as animal shelter, has been discontinued for more than one year.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors hereby initiates the revocation of this Special Use Permit for Tax Parcel No. 15-A-9, and hereby refers this matter to the Planning Commission for a recommendation.

Attest:

David L. Ash, Clerk
Clarke County Board of Supervisors

SPECIAL USE PERMIT REVOCATION
PEGGY KITCHEN TAX PARCEL NO. 15-2-4 RESOLUTION
09-16R

WHEREAS, Section 5-C of the Zoning Ordinance provides that the Board of Supervisors may initiate the revocation of a Special Use Permit; and

WHEREAS, Section 5-C provides that a Special Use Permit may be revoked if the use pursuant to the approved Special Use Permit has been discontinued for one year.

WHEREAS, the Zoning Administrator has reported to the Board that an investigation has indicated that the special use provided for under the Special Use Permit approved on 5/21/85 (applicant Peggy Kitchen), for Tax Parcel No. 15-2-4 (5260 Harry Byrd Highway), for use of the property as a seasonal bakery, has been discontinued for more than one year.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors hereby initiates the revocation of this Special Use Permit for Tax Parcel No. 15-2-4, and hereby refers this matter to the Planning Commission for a recommendation.

Attest:

David L. Ash, Clerk
Clarke County Board of Supervisors

SPECIAL USE PERMIT REVOCATION
JOAN GOOD AND RUTH PEYTON TAX PARCEL NO. 14B-A-1 RESOLUTION
09-17R

WHEREAS, Section 5-C of the Zoning Ordinance provides that the Board of Supervisors may initiate the revocation of a Special Use Permit; and

WHEREAS, Section 5-C provides that a Special Use Permit may be revoked if the use pursuant to the approved Special Use Permit has been discontinued for one year.

WHEREAS, the Zoning Administrator has reported to the Board that an investigation has indicated that the special use provided for under the Special Use Permit approved on 4/15/86 (applicants Joan Good and Ruth Peyton), for Tax Parcel No. 14B-A-1 (6807 Harry

Byrd Highway), for use of the property as a retail shop, has been discontinued for more than one year.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors hereby initiates the revocation of this Special Use Permit for Tax Parcel No. 14B-A-1, and hereby refers this matter to the Planning Commission for a recommendation.

Attest:

David L. Ash, Clerk
Clarke County Board of Supervisors

SPECIAL USE PERMIT REVOCATION
HUNTOVER LP TAX PARCEL NO. 37-A-6 RESOLUTION
09-18R

WHEREAS, Section 5-C of the Zoning Ordinance provides that the Board of Supervisors may initiate the revocation of a Special Use Permit; and

WHEREAS, Section 5-C provides that a Special Use Permit may be revoked if the use pursuant to the approved Special Use Permit has been discontinued for one year.

WHEREAS, the Zoning Administrator has reported to the Board that an investigation has indicated that the special use provided for under the Special Use Permit approved on 11/22/88 (applicant Huntover LP), for Tax Parcel No. 37-A-6 (184 Huntover Lane), for use of the property as veterinary services, has been discontinued for more than one year.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors hereby initiates the revocation of this Special Use Permit for Tax Parcel No. 37-A-6, and hereby refers this matter to the Planning Commission for a recommendation.

Attest:

David L. Ash, Clerk
Clarke County Board of Supervisors

SPECIAL USE PERMIT REVOCATION
BEN DIVAC TAX PARCEL NO. 21-A-54a RESOLUTION
09-19R

WHEREAS, Section 5-C of the Zoning Ordinance provides that the Board of Supervisors may initiate the revocation of a Special Use Permit; and

WHEREAS, Section 5-C provides that a Special Use Permit may be revoked if the use pursuant to the approved Special Use Permit has been discontinued for one year.

WHEREAS, the Zoning Administrator has reported to the Board that an investigation has indicated that the special use provided for under the Special Use Permit approved on

8/16/94 (applicant Ben Divac), for Tax Parcel No. 21-A-54a (12001 Lord Fairfax Highway), for use of the property as auto sales, has been discontinued for more than one year.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors hereby initiates the revocation of this Special Use Permit for Tax Parcel No. 21-A-54a, and hereby refers this matter to the Planning Commission for a recommendation.

Attest:

David L. Ash, Clerk
Clarke County Board of Supervisors

SPECIAL USE PERMIT REVOCATION
JAMES COSTELLO TAX PARCEL NO. 26-A-99 RESOLUTION
09-20R

WHEREAS, Section 5-C of the Zoning Ordinance provides that the Board of Supervisors may initiate the revocation of a Special Use Permit; and

WHEREAS, Section 5-C provides that a Special Use Permit may be revoked if the use pursuant to the approved Special Use Permit has been discontinued for one year.

WHEREAS, the Zoning Administrator has reported to the Board that an investigation has indicated that the special use provided for under the Special Use Permit approved on 9/17/96 (applicant James Costello), for Tax Parcel No. 26-A-99 (114 Pine Grove Road), for use of the property as woodworking storage, has been discontinued for more than one year.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors hereby initiates the revocation of this Special Use Permit for Tax Parcel No. 26-A-99, and hereby refers this matter to the Planning Commission for a recommendation.

Attest:

David L. Ash, Clerk
Clarke County Board of Supervisors

Agenda Topic: Barns of Rose Hill –Stan Kerns

Description: Mr. Kerns will be present to discuss options to access the Barns from the Joint Administrative Center Parking Lot and to seek the Board's comments and approval to proceed. A large size plat of the revised plans will be available at the meeting. As of the time of this agenda, electronic versions were not available for distribution.

Summary of Discussion: Mr. Kerns provided the Board with an updated drawing depicting a revised location for access and reported that construction was anticipated to begin in July/August. The Board considered the proposal presented by Mr. Kerns, giving conceptual approval with the understanding that the Town of Berryville would be

responsible for technical review and with the request that effort be made to insure the proposed access blends well with the setting and that the Barns of Rose Hill work closely with the Building Committee to insure that all parties remain in agreement with the plans as they become more detailed.

Tax Base Enhancement Opportunity Report

The final report on tax base enhancement opportunities has been delivered by the consultant and distributed to the Board of Supervisors and to members of the IDA and Economic Development Advisory Committee. The Board of Supervisors should consider the desirability of convening a meeting for the purpose of discussing the contents of the report and developing a strategy for implementing desired activities. Potential dates, attendees and agenda items need to be considered.

Summary of discussion: The Board discussed the possibility of meeting with representatives of the EDAC, IDA, the Farm Bureau, and the Towns of Berryville and Boyce to discuss the report content and potential action. The next regular work session (May 11) was suggested as a possible date. Action was deferred until the regular meeting to allow for additional discussion.

Following discussion at the regular meeting, by consensus, the Supervisors agreed to meet at 5:00 pm on Monday, May 18, 2009 to review the Economic Development Tax Base Expansion Report with representatives from the Economic Development Advisory Committee, Industrial Development Authority, the Farm Bureau, the Town of Berryville and the Town of Boyce.

Chuck Johnston notified the Supervisors of the upcoming Summits on Economic Interest hosted by Christy Dunkle:

- Thursday, April 30 – Business and Commercial
- Thursday, May 14 – Agriculture
- Thursday, May 28 – Arts and Historic Preservation

Agenda Topic: Revised FWSA Septage Agreement

Attached is a copy of the revision to the FWSA/Clarke County Agreement. The Board of Supervisors approved this agreement at a prior meeting. The changes are not significant according to our attorney. A copy of the revision is provided. Unless the Board disagrees with Mr. Mitchell's opinion on the changes, the Board should authorize the Chair and/or the Administrator to execute this amended agreement.

Supervisor Weiss moved to authorize the Chairman and/or the Administrator to execute the Septage Agreement with the revisions as presented in the work session agenda packet. Motion carried, with the vote as follows:

Chairman Staelin - Absent

Supervisor Byrd - *Aye*
Supervisor Hobert - *Aye*
Supervisor Dunning - *Absent*
Supervisor Weiss - *Aye*

Finance Committee

Minor Budget and Expenditure Issues

The Administrative Services Director will update the Finance Committee on a number of Budget related issues or concerns the resolution of which may require a decision of the Board regarding FY09 or FY10 expenditures.

Included:

- *Funding formula requirements affecting the Library. Some information is attached. The Library has been asked to provide specific information by the time of the Finance Committee meeting.*
- *A fiscal year shift in required training for the Registrar. For some inexplicable reason the required training for the Voter Registrar has been rescheduled three weeks early, resulting in the activity occurring twice in the same fiscal year. Because the overall budget is small, the cost will have to be approved by the Board.*
- *The County currently carries maximum liability coverage of two million dollars. Increasing the coverage to five million will cost about \$4,000 and will be more than offset by the return of dividends anticipated in the next fiscal year.*
- *The Town has received notice that the Revenue Sharing proposal from VDOT has been funded. The local match is being provided by Berryville. Berryville is asking for assurance that the County will process the grant documents on the Town's behalf without delay and that any authorizations necessary for the Chairman to sign the documents be made.*

At the regular meeting, Tom Judge summarized the updates, including the request from Piedmont Environmental Council for funding by the locality of the Buy Fresh Buy Local brochure program.

Following discussion, **Vice Chair Hobert** moved to authorize transfer of funds for the **Voter Registrar** that would allow expenditure in this fiscal year.

The motion was approved by the following vote:

John R. Staelin, Chair - Aye
J. Michael Hobert, Vice Chair - Aye
Barbara J. Byrd - Aye
A.R. Dunning, Jr. - Aye
David S. Weiss - Aye

Following discussion, Vice Chair Hobert moved to authorize David Ash to expend up to \$1,000 of Economic Development funds for the Buy Fresh Buy Local Brochure Program.

The motion was approved by the following vote:

John R. Staelin, Chair	-	Aye
J. Michael Hobert, Vice Chair	-	Aye
Barbara J. Byrd	-	Aye
A.R. Dunning, Jr.	-	Aye
David S. Weiss	-	Aye

Following discussion, Supervisor Dunning moved to increase insurance coverage to three million dollars.

The motion was approved by the following vote:

John R. Staelin, Chair	-	Aye
J. Michael Hobert, Vice Chair	-	Aye
Barbara J. Byrd	-	Aye
A.R. Dunning, Jr.	-	Aye
David S. Weiss	-	Aye

Rental Space termination:

The leased space located at 18 North Church Street has been vacated and returned to the owner. No known outstanding issues with that facility remain.

Old Library Vacancy

The prior location of the library is soon to be vacated. The library will conduct a sale of any surplus equipment and subsequent to that the building will need to be secured until such time as other use is determined.

Summary of discussion: The committee requested that information on possible uses of the space be confirmed and that options be presented at the next meeting.

At the regular meeting, David Ash advised that the Schools have expressed interest in the building and would like to further explore the option for use as School Board and Administrative offices.

Bills And Claims

Supervisor Byrd noted that every department was over budget in the dues and memberships line item. She also observed that many maintenance contracts were over budget as well. She asked Tom Judge to follow up on the swimming pool services.

Supervisor Byrd moved to accept the report for the March 2009 General Government Bills and Claims.

The motion was approved by the following vote:

John R. Staelin, Chair	-	Aye
J. Michael Hobert, Vice Chair	-	Aye
Barbara J. Byrd	-	Aye
A.R. Dunning, Jr.	-	Aye
David S. Weiss	-	Aye

Government Projects Update

David Ash advised that the architect is now working on plans to renovate the Circuit Courthouse. Currently, he is waiting on documentation regarding the possible reallocation of space within the courthouse.

Miscellaneous

Ag-District Discussion

Chuck Johnston advised that review the countywide ag district was approaching. He suggested that the Board consider preliminary discussion and solicitation of comment from persons currently in the ag district.

Chairman Staelin requested Chuck Johnston to make presentation on the rules and regulations of ag districts at the May 11 Work Session.

Discussion Boyce Volunteer Fire Company Resolution

Noting that he had only received notice of the matter today, Chairman Staelin tabled the matter pending further review.

Discussion Shenandoah River

Supervisor Dunning expressed his concern for the Shenandoah River subsequent to viewing a documentary produced by George Orhstrom. He asked the Supervisors to consider developing a resolution stating their position regarding protection of the river.

Chairman Staelin instructed staff to have Alison Teetor, Natural Resources Planner, prepare a report and to schedule a presentation by Friends of the Shenandoah River for the May 19 meeting.

Summary Of Required Action

<u>Item</u>	<u>Description</u>	<u>Responsibility</u>
1.	Correct 3/17/09 minutes and process all approved sets.	Lora Walburn
2.	Meeting continued to May 4 to further discuss the Secondary Six-Year Plan with VDOT.	David Ash
3.	Advertise public hearing for May 19, 2009 at 6:30 pm for the Secondary Six-Year Plan.	VDOT
4.	Add discussion of PH 09-07 SUP-08-01 [Georgetown] to May 19 agenda.	David Ash
5.	Update the Appointments database and provide notice of appointment.	Lora B. Walburn
6.	Coordinate Economic Development Tax Base Expansion meeting set for Monday May 18.	David Ash
7.	Title, number and prepare Special Use Permit Revocation resolutions.	Lora B. Walburn
8.	Follow up on the swimming pool services line item for the March 2009 Bills and Claims report.	Tom Judge
9.	Provide a presentation on the rules and regulations of ag districts to the May 11 Work Session.	Chuck Johnston
10.	Boyce Volunteer Fire Company Resolution matter tabled pending further review.	David Ash
11.	Prepare a report and schedule a presentation by Friends of the Shenandoah River for the May 19 meeting.	Alison Teetor
12.	Arrange a meeting between David Ash, Mr. del Re, and Mr. Strawsnyder.	David Ash
13.	Provide notice of approval of the 2009 Hot Air Balloon and Wine Festival to applicant and adjoining property owners.	Lora B. Walburn
14.	Provide notice of approval of the 2009 Watermelon Park Fest to applicant and adjoining property owners.	Lora B. Walburn

At 4:00 pm Chairman Staelin recessed the meeting until 6:30 pm.

At 6:32 pm Chairman Staelin reconvened the meeting.

Citizens Comment Period

John del Re, Salem Church Road: appeared before the Supervisors to provide an update on the clay pit operation on the neighboring property owned by the Landfill. He reminded that he had requested that the Landfill cease removal of the buffer and to replace that, which had been previously removed.

David Ash advised that subsequent to Mr. Del Re's request the County had sent a representative to visit the property and measure the buffer. Also, he had spoken with Ed Strawsnyder, Jr., Director of Public Works, regarding replacement of the buffer wherever it is less than 75 feet. Due to the lack of rainfall, Mr. Strawsnyder has requested to wait until autumn to replace trees.

Chairman Staelin instructed David Ash to provide Mr. del Re updates as available.

Mr. del Re said that there had also been the sound of heavy machinery, as well as gunfire, and as many as fifty cars at one time. David Ash put forth that law enforcement training is conducted on this property.

Mr. del Re also noted that he had heard rumor that biosolid application was proposed on the property.

He concluded by commenting on the considerable trash along the roadway and asked if the Landfill could assign one of their employees to clean up that side of the roadway.

Chairman Staelin requested that David Ash arrange a meeting with Mr. del Re and Mr. Strawsnyder.

A.C. Echols, Berryville: spoke further on the subject of the Methodist senior housing project. He distributed and reviewed a second report.

Chuck Johnston responded to Mr. Echols' comments providing historical detail as to the zoning of the area in question.

PH 09-09: SUP-09-02

The Town of Berryville requests approval of an amendment to the Special Use and Site Plan for the Town Wastewater Treatment Plant so as to expand and upgrade the facility located at 362 Parshall Road, Tax Map Parcel 14-A-68, Battletown Magisterial District, zoned Agricultural-Open Space-Conservation.

Chuck Johnston reviewed the request of the Town of Berryville to amend the Special Use and Site Plan for the Town Wastewater Treatment Plant.

At 6:52 pm, Chairman Staelin opened the public comment portion of the public hearing. There being no persons desiring to address the Supervisors on this matter the public comment portion of the public hearing was closed.

Chuck Johnston reviewed the three conditions of approval. Dave Tyrell advised that two of the three had already been completed.

Vice Chair Hobert moved to adopt and approve the subject amendment Special Use and Site Plan with the three conditions set forth as recommended by Planning staff:

- 1. Site flows over the proposed 3:1 slope are provided and permanent grades and stabilization for this same area are addressed;**
- 2. The compound weir wall is revised so as to carry the 100-year storm event flow by raising the wall to a topographical elevation greater than 525 feet; and**
- 3. Earthwork activities be inspected by a full-time qualified and experienced geotechnical engineer.**

The motion was approved by the following vote:

John R. Staelin, Chair	- Aye
J. Michael Hobert, Vice Chair	- Aye
Barbara J. Byrd	- Aye
A.R. Dunning, Jr.	- Aye
David S. Weiss	- Aye

PH 09-10: Special Event Permit Application for 2009 Hot Air Balloon & Wine Festival; October 16, 17, 18, 2009 at Historic Long Branch, Millwood

David Ash briefly reviewed the special event permit application for 2009 Hot Air Balloon & Wine Festival scheduled for October 16, 17, 18, 2009 at Historic Long Branch, Millwood. He advised that the application was complete.

At 6:57 pm, Chairman Staelin opened the public comment portion of the public hearing. There being no persons desiring to address the Supervisors on this matter the public comment portion of the public hearing was closed.

Supervisor Dunning commented that at 50,000 attendees the event was nearing its limit as to the maximum the neighbors would accept.

Supervisor Byrd asked for the items that had been changed since last year. Mary Rodriguez stated that the primary change would be that the majority of the balloons would be tethered on the property. Also, Long Branch was planning to have some special shapes, as well as balloons that would take passengers.

Supervisor Dunning moved to approve the special event permit for the 2009 Hot Air Balloon and Wine Festival scheduled for October 16, 17, 18 and 2009 at Historic Long Branch.

The motion was approved by the following vote:

John R. Staelin, Chair	- Aye
J. Michael Hobert, Vice Chair	- Aye
Barbara J. Byrd	- Aye
A.R. Dunning, Jr.	- Aye
David S. Weiss	- Aye

PH 09-11: Special Event Permit Application for 2009 Watermelon Park Fest September 24, 25, 26, 2009 at 3322 Lockes Mill Road, Berryville

David Ash reviewed and advised the Supervisors that the permit application for the 2009 Watermelon Park Fest September 24, 25, 26, 2009 at 3322 Lockes Mill Road, Berryville was complete. Frazer Watkins, applicant, was present.

At 7:06 pm Chairman Staelin opened the public comment portion of the public hearing. There being no persons desiring to address the Supervisors on this matter the public comment portion of the public hearing was closed.

Supervisor Weiss moved to approve the special event permit for the 2009 Watermelon Park Fest on September 24, 25, 26, 2009

The motion was approved by the following vote:

John R. Staelin, Chair	- Aye
J. Michael Hobert, Vice Chair	- Aye
Barbara J. Byrd	- Aye
A.R. Dunning, Jr.	- Aye
David S. Weiss	- Aye

Adjournment

There being no further business to be brought before the Board at 7:07 pm Chairman Staelin adjourned the meeting until 5 pm on May 4, 2009.

Next Regular Meeting Date

The regular meeting of the Board of Supervisors is tentatively set for Tuesday, May 19, 2009 at 1:00 p.m. in the Board of Supervisors / Main Meeting Room, 101 Chalmers Court, 2nd Floor, Berryville, Virginia.

ATTEST: April 21, 2009

John Staelin, Chair

David L. Ash, County Administrator

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