

CLARKE COUNTY BOARD OF SUPERVISORS
May 19, 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, May 19, 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, Dr. Michael Murphy, Keith Dalton, Robert Steig, Pat McKelvy, Lauren McKay, Val Van Meter, Layla Wilder and other citizens

Call to Order

Chairman Staelin called the meeting to order at 1:04 p.m.

Supervisor Byrd joined the meeting at 1:06 p.m.

Adoption of Agenda

Vice Chairman Hobert moved to approve the agenda as modified:

- **Add to Miscellaneous**
 - o **Continued Discussion of Tax Base Enhancement Report**

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:

- Displayed for the Supervisors winning works of art from the Valley Region Student Art held in Page County.
- Supervisor Dunning commended the softball and baseball teams. He also commended the principal and all those involved with the planning of the Boyce Elementary 100th anniversary event.
- Steve Geyer appointed principal of the joint campus of Cooley and Primary.
- Robert Carter appointed last evening as assistant principal of Berryville Primary.
- Continue to operate under a hiring freeze with very few resignations.
- On track for expenditures year to date and are expecting carry-over for next year.
- Tom Judge will conduct weekly budget work sessions with administrative staff to increase understanding.
- Plans are underway for summer expenditures, as well as next year's capital improvements. Bobby Levi doing a phenomenal job, as always.
- Commended Gary Lichliter, Deputy Sheriff and School Resource Officer, for his assistance with discipline issues.
- Summer school is off to a late start and details are still be worked out.
- Level II staff training will take place this summer for most of IB and AP teachers.
- Coaches training will take place this summer as required by VHSL.
- 30% review of new high school is on hold; still at the 29.5% stage.
- Construction cost containment is a major concern.
- Road issues may finally have closure depending on VDOT and the Secondary Six-Year Plan.
- Water line is still an issue and collaboration will be requested from the Town to find an acceptable solution.
- Still working to stay within the 140,000 square foot limit for education specifications. The "green room" and dressing rooms still need tweaking.
- Supervisor Dunning urged the School Board to move forward opining that time was of the essence and the matter needed to be closed.

- Sketch plan meeting is set for next Wednesday at the Joint Government Center.
- Supervisor Byrd commended efforts to conduct joint meetings between the Schools, Town, County, engineers and VDOT.
- Supervisor Byrd distributed a prepared statement with questions regarding the new proposed high school site.
- Supervisor Weiss commented that Supervisor Byrd's comments were reasonable but construction was the School Board's responsibility. He stated that one of the problems has been that everyone has their own ideas and it appears that they keep leaping from idea to idea.
- Supervisor Byrd stated that the Supervisor's are the stewards of the taxpayers' money; and if it is seen as being improperly spent, it is their responsibility.
- Dr. Murphy expressed his belief that the many outstanding issues could be mitigated.
 - Possible to reduce parking space or to fully build out at a later date.
 - Concerns are valid but how do we address these concerns and mitigate and have an effective, attractive building that makes sense.
- Supervisor Dunning expressed concern for the 80-year old water line noting that replacement was not included in the Town's capital improvement plan. He opined that the Schools could not afford to build a waterline for the Town stating that it was the Town's responsibility to replace the line. Supervisor Dunning said that he would like to see the school moved away from the water line noting that replacement would add a half a million more to construction cost. He also stated that he did not support extending Mosby.
- Keith Dalton took the floor:
 - He stated that he was disgusted by Supervisor Dunning's comments. He declared that any delay in school construction was not the fault of the Town for they had only been dealing with the matter since mid 2008.
 - He stated that the collector road had been part of the Town's comprehensive plan since the 1990's; and as for safety concerns about students crossing the road, the students in every plan will have to cross a road to attend sporting events.
 - He insisted that the water line was working perfectly fine but each of the six school designs reviewed had challenges. He stated that the Schools knew the line was there when they purchased the property. He argued that line replacement was only necessary due to the location of the school on top of the water line or, as in another design, the large amount of soil being placed over the line. He opined that it was the relocation of the school that precipitated the requirement to replace the line not the Town.
- David Weiss reminded that VDOT had stated that an entrance off Route 7 was acceptable. He stated that the water line issue could be resolved; however assigning blame was counterproductive and causing delays.

- Supervisor Byrd reminded Mr. Dalton of a conversation they had shared when the former school board was pursuing the 71-acre site. She said that they had both agreed that the Echols site was the best location for the high school. She asked Mr. Dalton to use her written comments as a basis to start the conversation.
- Chairman Staelin reminded Mr. Dalton that decisions for that area had been made years before when it was not anticipated that a school would be located on that site.
- Chairman Staelin urged the School Board to be decisive. He said that while there was no ideal solution, they must press ahead to accomplish the task of meeting the needs of the students, teachers and community and to do so within the budget.

Approval of Minutes

- April 14, 2009 Budget Work Session
- April 21, 2009 Regular Meeting

Supervisor Byrd moved to approve the minutes of April 14, 2009 and April 21, 2009 minutes 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.	- Abstain
David S. Weiss	- Aye

Consent Agenda

- A. Maral Kalbian FY10 Contract
- B. Authorize Status of Boyce Volunteer Fire Company, Inc. Loan
- C. Appointment of Steven I. Wampler, Wampler-Eanes Appraisal Service as Clarke County Assessor for the Current Reassessment

David Ash requested that Item C be pulled from the agenda pending further review.

Supervisor Byrd moved to accept items A and B 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

Citizens Comment Period

Robina Rich Bouffault, White Post District School Board Member, Boyce: spoke in reference to comments made by Berryville Town Manager Keith Dalton. She put forth that in his comments Mr. Dalton promulgated an erroneous view that inclusion in a comprehensive plan constitutes a legal obligation. She noted that traffic counts performed for the Schools' TIA found traffic counts significantly less than projected in the plan suggesting that it is out of date and obsolete. In consideration of current traffic and revised use, she opined that it was not necessary to build out Mosby; and while build out may have been included in the plan, it was not an absolute legal requirement. She, again, reminded that VPSA funding could not be used to build roads other than those actually needed by the school such as entrances and access roads.

Ms. Bouffault, in response to comments regarding relocation and replacement of the Town's water lines and to address the considerable confusion surrounding the issue, informed the Supervisors that the School Board had originally placed the school in another location on the site; and that until last month, the Town's water line was not a problem. She stated that the Town had established a 150-foot set back from Main Street for the proposed building. While she did note that VDOT had requested a 20-foot setback and the Town wanted additional footage for a walking trail, the Town normally requires only a 25-foot set back; and if the Town relaxed the 150-foot setback requirement, it would eliminate the need to move and replace the Town's aging water line using school construction funds. She said that she believed the School Board intended to ask Town Council to relax the setback requirement.

Ms. Bouffault brought to the Supervisors attention the many side meetings being conducted under the guise of staff meetings from which it appeared that conflicting information from numerous sources had and continued to create confusion between the varied parties and, in particular, the architect. She proposed a joint meeting between the School Board and the Board of Supervisors to discuss funding noting that there has been an increase of over \$1.8 million in the proposed construction budget since the School Board asked for additional funds last summer, due mainly to the changes required by the Town.

Chairman Staelin thanked Ms. Bouffault for her comments and assured that the Supervisors were always willing to meet with the School Board.

VDOT

Jeff Lineberry, Resident Engineer, with Bob Childress, appeared before the Supervisors to provide the monthly update.

- Route 612, Route 340 and Route 608: patching operations being conducted.
- Primary Routes: mowing should be complete by Memorial Day.
- Route 625: brush cutting in progress.
- Route 340 through the Town: slurry seal treatment, as well as additional pavement markings, is being performed.
- Secondary Six Year Plan: public hearing at 6:30 pm this evening.
- Route 601: Parking issue to restrict commercial parking was reviewed.
- Pierce Road: Supervisor Byrd thanked VDOT for assisting with the placement of signs.
- Current Westwood Road project: Jeff Lineberry said that it was his intention to keep the same project coding. He also said that he believed VDOT should be able to perform the preliminary work.
- Proposed High School: VDOT is still reviewing the TIA. Jeff Lineberry put forward that, assuming Mosby is to be completed and connected, he felt that a roundabout could work. He did acknowledge concern regarding pedestrian traffic but said it could be accommodated.
- Coleman Lane: Supervisor Byrd noted that it was not included in the build out plans. Jeff Lineberry stated that so far plans show that access will continue to be provided.
- Ginns Road: Supervisor Dunning requested culvert cleaning.
- Salem Church Road: Supervisor Dunning said that he has been working with property owners to secure easements.

Update Calmes Neck Intersection Issue Bond

John Staelin advised that the matter could be removed from the agenda until further assistance was requested.

Set Public Hearing: Special Event Permit Application 2009 Hunt Country Cluster Dog Show
September 25, 26, 27 at Historic Long Branch

David Ash reviewed the permit application for the 2009 Hunt Country Cluster Dog Show.

Following discussion on the matter and timing of the public hearing for the afternoon or evening session, **Supervisor Dunning moved to set the public hearing on June 16, 2009 at 6:30 pm or as soon thereafter as the matter might be heard. 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

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

Chairman Staelin acknowledged a misunderstanding that had given rise to an expectation that the public comment portion of the public hearing would be reopened; and in consideration, he would allow public input.

Alan Brangman, architect, said that he hoped that Georgetown University had addressed all the questions posed to them over the past few months.

At 2:15 pm, Chairman Staelin reopened the public comment portion of the public hearing.

Frank Cefalu, 19595 Overlook: spoke in support of approving the special use permit. He opined that change is a constant and Georgetown would be good change for the mountain as opposed to a subdivision.

Mary Ruos, 140 Paris Heights Lane: spoke against approving the special use permit. She read a prepared statement written by the president of the Blue Ridge Mountain Civic Association on behalf of its members that urged the Supervisors to deny the permit claiming that approval would set a dangerous precedent.

Lynn Kendall, 19515 Blue Ridge Mountain Road: spoke in support of approving the special use permit. She asserted that Georgetown had a 400-year reputation behind their assurances.

Richard Marks, 19575 Blue Ridge Mountain Road: spoke against approving the special use permit. He congratulated Georgetown for saving Hohenheim House but urged the Supervisors to keep the mountain rural and residential.

Judy Whitehouse, 51 Stonecrest Lane: spoke against approving the special use permit. She opined that the mountain should remain residential.

Carol Haines, 184 Eagle Rock: spoke against approving the special use permit. She opined that the use was inconsistent with the area, unsuitable and an ill-conceived idea with an unfenced campus, risk of forest fire and the noise from the number of guests.

Steve Stiles, 184 Eagle Rock: spoke against approving the special use permit. He identified himself as a neighbor of the project. He opined that the density was too high for the area and an overuse of the land, sewer in particular.

Robert Stieg, President of the local chapter of Preservation Virginia: spoke in support of approving the special use permit. He advised that Georgetown had been responsive to concerns raised and had agreed to save and utilize the Hohenheim House. He said that reasonable limits had been established that fit this residential neighborhood. He put forward that the proposed use would keep mountain land from being subdivided.

Kenneth Lawson, mountain resident: spoke in support of approving the special use permit. He told the Supervisors that he had retired to the mountain and believed that having Georgetown was a positive for the area opining that it was better than a subdivision.

At 2:26 pm there being no additional persons desiring to speak Chairman Staelin closed the public comment portion of the public hearing.

Alan Brangman addressed concerns raised by those mountain residents in opposition to the proposed project. He assured that there had been full review by the Planning Commission and the Health Department, who determined that there was sufficient sewage to accommodate the planned use.

Supervisor Dunning asked for input from Chuck Johnston regarding issues brought up by speakers.

Chuck Johnston advised that the Planning Commission had approved the special use permit by a 7 / 4 vote and the saving of Hohenhiem House could very well have affected the vote for there was some opposition to the proposed destruction in the initial application. He informed the Supervisors that currently there are six dwelling unit rights on the property that the Planning Commission thought that use would be comparable for sewage and trips per day to the proposed use. Mr. Johnston asserted that the planned use was consistent with regulations and the Comprehensive Plan.

Supervisor Byrd read from a prepared statement outlining her opposition to the special use permit expressing her belief that it violated the Comprehensive Plan.

Supervisor Dunning asked Chuck Johnston if the approval violated the Comprehensive Plan. Chuck Johnston responded that it was a permitted use and expressed his belief that the use was consistent with the Comprehensive Plan.

Supervisor Dunning expressed his support for the project and the organization. He commended the effort put forth to save Hohenhiem House. He likened the project to the monastery and reminded those present that it has been a good neighbor and an asset.

Vice Chairman Hobert added that he believed it was clear that it was consistent with the Comprehensive Plan and was permitted use in a forestal zone. He expressed his fear that saying no to this application would say yes to residential development on the mountain. He noted the tax deficit associated with residential housing. He further noted the concessions made by Georgetown to save Hohenheim, pay taxes and limit use. He concluded by stating

that he believed that the mountain should remain a place for contemplation and that Georgetown would be a good neighbor.

Supervisor Weiss stated that he did not believe that the proposed center was comparable in size to the monastery. He voiced concern that the intensity of use would be greater than normal residential and expressed his belief that the planned use was not consistent with the Comprehensive Plan. He said that, while he respected the applicant, the Supervisors must look at the use, which he could not support.

Chairman Staelin stated that he believed that Georgetown was a contributor to the nation as a whole; however, the decision before the Supervisors was a land use issue. He, too, questioned the intensity of the land use, which he asserted was his only issue and one that he was unable to support.

Vice Chairman Hobert stated that he also believed that he and Supervisor Dunning were talking about the land use stating that the restrictions were strenuous. He then spoke to the construction of houses and the intensity of residential use.

Supervisor Byrd put forth that the contemplative center was a de factor conference center.

Chuck Johnston told the Supervisors that legal opinion had been sought regarding the description; and per County Attorney Robert Mitchell, it was a reasonable interpretation of the ordinance that the special use was for a school.

Supervisor Dunning moved to approve as presented subject to the condition statements of March 10, 2009. The motion failed by the following vote:

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

Set Public Hearing - Special Use Revocation

The Clarke County Board of Supervisors will consider the initiation of the revocation of the following Special Use Permits as they were not established within two years of approval or have been discontinued for more than one year:

<i>Property Owner</i>	<i>Location</i>	<i>Tax Map Parcel</i>	<i>Use</i>	<i>Date Est.</i>
Thelma Garrison	1370-1394 Senseny Rd.	13-A-43, 13-A-44	rest home	4/ 4/78
Kevin Anderson	10636 Harry Byrd Hwy.	7-6-2	daycare center	8/17/78
Ralph Shiley	307 Crismore Rd.	27-A-1, 28-A-5	air trac storage	8/17/78
Mark Houliston	860 Lord Fairfax Hwy.	9-A-49	antique shop	1/15/80

Bennie McClellan	117 Moose Rd.	6-A-24	8 stall kennel	12/22/82
Elizabeth Gatterdam	29 Moose Rd.	6-A-22	antique shop	9/20/83
Town of Berryville	362 Parshall Rd.	15-A-9	animal shelter	3/15/83
James N. Church	5260 Harry Byrd Hwy.	15-2-4	seasonal bakery	5/21/85
Thomas H. Hill	184 Huntover Ln	37-A-6	vet services	11/22/88
Albert Anderson	12001 Lord Fairfax Hwy.	21-A-54a	auto sales	8/16/94
Cecil Crouch	114 Pine Grove Rd.	26-A-99	woodworking/ storage	9/17/96

Chuck Johnston reviewed the proposed revocations advising that all property owners have been notified and have responded

Supervisor Weiss moved to set the public hearing on June 16, 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.	-	Nay
David S. Weiss	-	Aye

Shenandoah River Update

Alison Teetor, Natural Resource Planner, appeared before the Supervisors along with Jeff Kelble – Shenandoah River Keeper; Charles Van der voort – member Friends of the Shenandoah River; and Bud Nagelvoort - Lord Fairfax Soil and Water Conservation District. All three men presented information and answered questions. Highlights include:

- All three men are actively engaged in working for river conservation and cleaning.
- He opined that the river was at greatest risk from development.
- There is a sense of great hope for the River due in part from interest generated by the recent documentary, as well as EPA and Virginia agencies working in conjunction with Chesapeake Bay initiatives.
- Positive steps include formation of a regional water commission, new stormwater regulations affecting new development in the valley, new construction regulations, new poultry litter regulation, better cost sharing programs, better farming practices.
- Clarke County Supervisors were commended for research conducted on water issues.
- Clarke is doing a good job in land use, as well as planning decisions.
- Surrounding jurisdictions have not engaged in the same conservation thereby they are not protecting their constituents.
- The Town of Strasburg recently requested to double its water draw from the North Fork of the Shenandoah.

- Current socio-economic conditions are not conducive for farming and proposed actions are not intended to make farming more difficult.
- Briefly covered the many reasons that can cause water foaming.

Charles Van der voort – member Friends of the Shenandoah River added the following remarks:

- The Shenandoah River is still categorized as the fifth most endangered river in the United States.
- Many volunteers are used to monitor the numerous sites twice a week.
- Analysis is very expensive and contributions are appreciated.
- Problems:
 - Nitrogen - primarily from run off of fertilizer from farm fields. Feeds aquatic plants causing an overabundance that dies off and depletes oxygen. Nitrogen levels drop through Warren and Clarke County.
 - Turbidity [cloudiness] - primarily street run off, plants, farming. Makes water warmer, which fish do not like and causes damage to gills and eyes.
 - Growing population and urbanization are hindering the process.
 - Large fluctuations in the average of nitrates.
- Dog Run, Sprout Run and Lewis Run are some of the worst areas and plans are underway to address problems such as crop rotation, different fertilizers, vegetative buffers,
- Greater public support for efforts to preserve the river.

Bud Nagelvoort Lord Fairfax Soil and Water Conservation District Board stated that he had been involved with environmental issues since 1949. He provided the following:

- For the past two years the district had been No.1 in State for best management practices.
- Agriculture is the primary source of the pollution. He noted that the Cheasepeake Bay program talks about it that way and the General Assembly looks at it that way.
- By end of 2010 all treatment facilities in the Valley will have nutrient caps and will be required to have upgraded treatment plants.
- Detailed some of the problems Chapel Run is facing, particularly cattle in the stream.
- Suggested using the same model as Chapel Run for identification of non-point source pollution. LFSWCD would work with property owners to remedy.

Alison Teetor briefly reviewed the list of goals she developed in conjunction with organization representatives.

David Weiss stated that he believed that there was room within the requirements to work with farmers. He commented that LFSWCD had adopted more purist ideas and supported regulations that are too stringent. He opined that local farmers were willing work with the

various organizations and regulatory bodies but needed consideration and were asking for them to work with the farmer.

Supervisor Dunning suggested additional discussion on goals between Alison Teetor, David Weiss and he. Chairman Staelin concurred advising that there had been insufficient time for Supervisors to review the materials.

Mr. Kelble assured that he was willing to work with the locality and to focus first on the most pressing issues and address agricultural issue over time

By consensus, the Supervisors agreed to add further discussion to the June work session agenda.

Committee Action

Personnel

Appointment to Authorities, Boards and Commissions

<i>Committee/Board</i>	<i>Appointee</i>	<i>Expiration Date</i>
Clarke County Historic Preservation Commission <i>Mr. Baker is reappointed to serve an additional four-year term.</i>	H. M. Baker	5/31/2013
Lord Fairfax Emergency Medical Services Council <i>Jason Burns, a first term appointee, will serve a three-year term.</i>	Jason Burns	6/30/2012

Supervisor Weiss moved to approve the appointments as presented. The motion was approved as follows:

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

Agricultural and Forestal District renewal discussion.

The Agricultural and Forestal District Advisory Committee is appointed by and serves at the pleasure of the Board and must be comprised of four land-owners engaged in agricultural or forestal production, four other land-owners of the locality, the commissioner of revenue and

one member of the governing body. (an expiration date has been assigned to the term in order to generate the report.)

Committee Recommendation: The discussion of this matter is continued to the Work Session agenda.

Green Committee—Extension of Charge.

It appears that the Green Committee will not complete its recommendations as quickly as initially thought. I have discussed this with Alison and she believes the project will require an additional three to four months and recommends extending the charge of the Committee for a like period.

Committee Recommendation: The Committee recommended extending the charge of the committee in order to provide sufficient time to complete the report and to present it to the Board. I suggest extending the charge to 12/31/2009 in order to allow Board consideration and dialogue on the final report.

Sheriff--request to fill vacant positions.

The Sheriff will be present to discuss several scenarios that he has prepared providing for the filling of two vacancies in his office. He is seeking comment and concurrence in implementing one of the options presented.

Committee Recommendation: The Committee recommends consent to the hiring of two deputies as requested subject to the action being cost neutral or having a finance committee recommendation on any action for which additional funding is required. The Sheriff was asked to seek information from Joint Administrative Services to confirm the recommendation.

At the regular meeting, Tom Judge advised that Mike McWilliams had been unable to get back with him on whether the increase would be revenue neutral.

Supervisor Weiss moved to approve, pending determination by the County Administrator that the action creates no more expenditure of local funds on personnel over the next 14 months than previously budgeted, maintaining a flat budget through FY2010.

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.	- Nay
David S. Weiss	- Aye

Animal Control Update.

A second animal control officer has resigned creating two vacancies in the animal control operation. The Clarke County Humane Foundation is prepared to subsidize the employment of a Shelter Manager who will be charged with facilitating volunteer activities.

Committee Recommendation: The committee was informed that a second employee at the animal shelter had resigned without notice leaving only one employee. The Humane Foundation has agreed to fund a shelter manager/volunteer coordinator for a period of one year and to subsidize the difference between the salary paid the shelter manager and the amount of the now vacant senior employee for three additional years, in addition to continuing subsidy of the now vacant attendant position at the current rate of pay. I hope to have a draft of the proposed agreement available by the date of the Board meeting. In an effort to expedite the hiring process, the positions have been advertised. Any offer of employment is dependent on Board action and agreement between the Board and the Humane Foundation.

Vice Chairman Hobert said that he would prefer to see a contract between the County and the Humane Foundation referencing set annual funding amounts.

Supervisor Dunning moved to approve the hire of a Shelter Manager at a higher level of pay.

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

Individual employee compensation Negotiation Policy.

Update on status: Assistance for drafting this policy statement has been requested from the County Attorney.

Supervisor Weiss moved to approve the Personnel Committee recommends for:

- **Agricultural and Forestal District renewal discussion continuation to the June Work Session;**
- **Extend the charge of the Green Committee to 12/31/2009;**

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

Work Session

Georgetown Project Update.

Representatives from Georgetown have requested an opportunity to update the Board on the status of the proposed Contemplative Center.

Summary: Mr. Brangman provided the Board with additional materials and a proposed revision of the site plan depicting the continued use of the existing structure and a revised computation of the number of participants and number of days use proposed for the facility. The Board did not act further on the presentation.

Agricultural and Forestal District renewal discussion. Action: See Personnel Committee

Attached is information regarding the process for renewing the Agricultural and Forestal Districts in the County. Planning staff is requesting discussion and direction for beginning the renewal process.

Summary: The Board discussed the process for renewing the Agricultural and Forestal Districts in the County and the options available in structuring the program including fees, length of term and eligibility for participation in use value taxation. The Board requested additional information on participation in the current programs and surveys of other localities to provide information on how other communities are structuring the programs, along with any additional, up-to-date information available to explain the program benefits and participation requirements to the public.

At the regular meeting, Chairman Staelin requested that members provide input in the selection of committee members for appointment at the next regular meeting. He also instructed Chuck Johnston to provide a list of required actions from the Supervisors.

Update on construction status. Action: Update by County Administrator

Finance Committee

A. FY 09 Budget Issues. The Finance Committee recommends the following:

***Parks Concession Stand.** The new concession stand operation at the swimming pool was not budgeted for FY 09: "Be it resolved that FY 09 Parks Swimming Pool expenditure be increased by \$6,934, and that the same be appropriated, and that revenue in the amount of \$8,688 be recognized.*

Supervisor Dunning moved for approval of the Finance Committee recommendations for the Parks Concession Stand.

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

B. FY 10 Budget Issues. The Finance Committee recommends the following:

- 1. The final **Regional Jail** budget was decreased from \$414,298 to \$397,675 a savings of \$16,623. "Be it resolved that the Regional Jail FY 10 budget be amended to decrease expenditures \$16,623, and to appropriate the same".*
- 2. The **Social Services** budget should be increased \$7,167 to correct an error in the operating budget cuts that were distributed to the various agencies. "Be it resolved that the Social Services FY 10 budget be amended to increase expenditure \$7,167, and to appropriate the same".*
- 3. **Parks Concession Stand.** The new concession stand operation at the swimming pool was not budgeted for FY 10: "Be it resolved that FY 10 Parks Swimming Pool expenditure be increased by \$19,822, and that the same be appropriated, and that revenue in the amount of \$27,750 be recognized.*

Supervisor Dunning moved for approval of the Finance Committee recommendations for FY10 Budget Issues listed in B. 1, 2, and 3 above.

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

C. Letter From Social Services Board.

Please find attached a letter from Jonathan Bunker, Chair of the Social Services Board regarding FY 10 funding.

At the regular meeting, Tom Judge advised that the Finance Committee had not recommended additional funding.

D. FY 10 Revenue Estimate.

The committee reviewed this report showing the general fund deficit reduced due to the June personal property tax collection at a higher rate, and therefore the prospect that FY 09 will close with a modest deficit.

E. Energy Audit.

Please find two proposals for an energy audit of three government buildings, along with a recommendation of the Green Advisory Committee. The Finance Committee recommends award of the contract to EMO at a cost of \$7,500, and a transfer of funds from the General Fund Contingency to the Government Capital Projects fund.

Supervisor Dunning moved for approval Finance Committee recommendation for an energy audit.

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

F. Credit Card Program with BB&T.

The Joint Administrative Services Board is expected to approve a credit card program with BB&T at their meeting on May 18th. This agreement has been negotiated with BB&T by Archana McLaughlin and Tom Judge to ensure that the County's interests are protected. Ms. McLaughlin recommends formal approval by the Board of Supervisors for legal reasons. Terms and Conditions can be discussed if desired.

Supervisor Weiss moved for approval of the credit card program with BB&T.

The motion was approved by the following vote:

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

Bills And Claims

Supervisor Dunning moved to approve the report for the April 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 stated that projects at General District and the Circuit Courthouse were delayed slightly but still on track.

Continued Discussion – Use of Main Meeting Room for Special Summer Reading Programs by the Clarke County Library

Barbara Byrd told the Supervisors that she had spoken with Trish Ridgeway about the program and suggested to her that in the long term The Barns of Rose Hill would be the perfect place for the children's summer reading program.

Following discussion, Supervisor Dunning moved to approve subject to availability with first priority given to government meetings; adequate supervision; adults only shall use the seating; children shall sit on the floor on blankets or pillows provided by the Library; further, understanding by the Library that if there is any damage resulting from this use the Library shall be fully responsible for the complete repair or restoration of the damage and use of the meeting space shall cease; and as soon as available, the children's summer reading program shall be moved to the Barns of Rose Hill.

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

Miscellaneous

Tax Base Enhancement Report

Subsequent to discussion, the following items were identified for further review:

- Explore county-wide internet access: Gordon Russell could lead this endeavor and David Ash has found a provider in the County that is interested in expanding his business.
- Explore providing grants to groups that need small seed money: internet, tourism, independent senior housing – not assisted living; Berryville redevelopment in general.
- Explore expansion of water and sewer to Double Tollgate.
- Explore expansion of Business Park zoning.
- Relying on the Economic Development Advisory Committee for assistance in developing target areas and action plans.
- Select a group with members of the EDAC, IDA and representatives from the Farm Bureau to come up with specifics.
- Review at June Work Session to establish individual action plans.

Supervisor Dunning left the meeting at 4:55 p.m. to tend to an emergency.

Summary Of Required Action

<u>Item</u>	<u>Description</u>	<u>Responsibility</u>
1.	Process approved minutes.	Lora B. Walburn
2.	Coordinate execution of Maral Kalbian's FY10 Contract	Chuck Johnston
3.	Authorize Status of Boyce Volunteer Fire Company, Inc. Loan.	John Staelin
4.	Investigate time of appointment of Steven I. Wampler, Wampler-Eanes Appraisal Service as Clarke County Assessor for the Current Reassessment.	David Ash
5.	Remove Calmes Neck Intersection Issue from future agendas pending further developments.	David Ash
6.	Advertise 2009 Hunt Country Cluster Dog Show public hearing.	Lora B. Walburn
7.	Notify 2009 Hunt Country Cluster Dog Show applicant of public hearing.	Lora B. Walburn
8.	Advertise for public hearing Special Use Revocation.	Lora B. Walburn

<u>Item</u>	<u>Description</u>	<u>Responsibility</u>
9.	Add to the June Work Session additional review of the materials presented on the Shenandoah River.	David Ash
10.	Provide notice of appointment and update database.	Lora B. Walburn
11.	Provide Sheriff with notice of personnel action.	David Ash
12.	Provide Bobby Levi with notice of personnel action re hiring of animal control shelter manager.	David Ash
13.	Follow up with contractual issues with the Humane Foundation regarding staffing at the Shelter.	David Ash
14.	Add to the June Work Session discussion of the Agricultural and Forestal District renewal.	David Ash
15.	Pursue candidates for the Ag District committee.	Supervisors
16.	Provide list of actions and timing for Ag District. Get from other counties bail out procedures, number requirements	Chuck Johnston
17.	Place on Building Committee agenda discussion of Supervisors approval of use of the Main Meeting Room by the Clarke County Library for the Children's Summer Reading Program subject to availability, adequate supervision, understanding by the Library that if there is any damage to the meetings use will cease and as soon as available, shall be moved to the Barns of Rose Hill.	David Ash
18.	Add to the June Work Session discussion of Tax Base Enhancement Report and development of committee and action plan.	David Ash
19.	Seek legal opinion regarding the requirement by the Town to construct the road or fund replacement of the water line.	David Ash
20.	Ask Chester to provide a cost estimate for review of high school construction plans / preliminary engineering.	David Ash
21.	Execute and forward 09-22R VDOT SSYP Resolution.	David Ash
22.	Provide a sample agreement for VDOT project management.	VDOT
23.	Investigate the possibility of VDOT conducting preliminary engineering for high school construction project.	VDOT

At 5:03 pm Chairman Staelin recessed the meeting until 6:30 pm.

At 6:31 pm Chairman Staelin reconvened the meeting.

Citizens Comment Period

No citizens appeared to address the Supervisors.

PH 09-14: VDOT Secondary Six-Year Plan for FY 2009/2010 through 2014/2015

Jeff Lineberry, with Bob Childress, appeared before the Supervisors to review the Secondary Six-Year Plan for FY2009/2010 through 2014/2015. He restated from his comments during the May 4 meeting that road allocations had been reduced by 52%. The remaining projects on the plan are:

- Route 636: Westwood Road the project identification number has been retained and funds were already allocated for this project.
- Route 723: Millwood Road, bridge replacement.
- Route 604: Ebenezer Road, project shortened and match up with repairs to Route 607 .35 south of Route 607, includes three major drainage structures.
- County-wide Projects in Various Locations: pipes and entrances, fertilization and seeding, traffic services, and right-of-way engineering.

Vice Chairman Hobert inquired as to the letter submit by Anne Caldwell regarding Ebenezer Road that is included in the Board of Supervisors meeting materials for May 2009. Jeff Lineberry advised that he was in receipt of the correspondence and that it was in keeping with the proposed project.

At 6:40 pm, Chairman Staelin opened the public comment portion of the public hearing. There being no persons present desiring to speak on the matter the public comment portion of the public hearing was closed.

Supervisor Byrd moved to approve the VDOT Secondary Six-Year Plan for FY 2009/2010 through 2014/2015 Resolution 09-22R 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

Virginia Department of Transportation Secondary Six-Year Plan for FY 2009/2010 through 2014/2015
Resolution 09-22R

At a regular meeting of the Board of Supervisors of the County of Clarke, Virginia, held at the Main Meeting Room, Second Floor, of the Berryville / Clarke County Government Center, on Tuesday, May 19, 2009 at 6:30 p.m.

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

On motion by Supervisor Barbara Byrd and carried unanimously:

WHEREAS, Section 33.1-23 and 33.1-23.4 of the 1950 Code of Virginia, as amended, provides the opportunity for each county to work with the Virginia Department of Transportation in developing a Secondary Six-Year Road Plan;

WHEREAS, this Board has previously agreed to assist in the preparation of this Plan, in accordance with the Virginia Department of Transportation policies and procedures, and participated in a public hearing on the proposed Plan (2009/10 through 2014/15), as well as the Construction Priority List (2009/10) on Tuesday, May 19, 2009 at 6:30 p.m. after duly advertised so that all citizens of the County had the opportunity to participate in said hearing and to make comments and recommendations concerning the proposed Plan and Priority List;

WHEREAS, Mr. J. A. Lineberry, Residency Administrator, Virginia Department of Transportation, appeared before the board and recommended approval of the Six-Year Plan for Secondary Roads (2009/10 through 2014/15) and the Construction Priority List (2009/10) for Clarke County;

NOW, THEREFORE BE IT RESOLVED that since said Plan appears to be in the best interests of the Secondary Road System in Clarke County and of the citizens residing on the Secondary System, said Secondary Six-Year Plan (2009/10 through 2014/15) and Construction Priority List (2009/10) are hereby approved as presented as the public hearing.

ATTEST:

David L. Ash, Clerk
Clarke County Board of Supervisors

High School Construction

Jeff Lineberry advised that he had not yet seen correspondence prepared by Rick Travers, Chester Engineering, pertaining to preliminary design for proposed high school roads.

Chairman Staelin provided a synopsis of Chester's involvement in the high school project. He stated that he believed that the County's engineers, for the full scope of the project, should perform review of site plans, provide cost estimates and conduct preliminary engineering. John Staelin told the members that in committee he had expressed his belief that the Supervisors would fund a cost estimate study but was uncertain as to the cost. However, that statement was made before he learned that VDOT could do the work.

Jeff Lineberry stated that VDOT could fine-tune the estimates for utilities and right of ways once the school site plan was submitted for review. He advised that the preliminary estimate for the original Westwood Road project was \$4.4 million. There followed discussion about funding and the amount currently available for the high school project.

There was discussion regarding responsibility for project management. Jeff Lineberry stated that the Supervisors could request VDOT to perform the preliminary engineering or cost estimates could be provided within a matter of months following implementation of the approved plan.

Vice Chairman Hobert asked VDOT to provide a sample agreement for project management.

Chairman Staelin instructed David Ash to request from Chester Engineering a cost estimate for preliminary engineering.

Chairman Staelin instructed Jeff Lineberry to investigate the possibility of conducting preliminary engineering.

Adjournment

There being no further business to be brought before the Board at 7:36 pm Chairman Staelin adjourned the meeting.

Next Regular Meeting Date

The regular meeting of the Board of Supervisors is set for Tuesday, June 16, 2009 at 1:00 p.m. in the Main Meeting Room, 101 Chalmers Court, 2nd Floor, Berryville, Virginia.

ATTEST: May 19, 2009

John Staelin, Chair

David L. Ash, County Administrator

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