

CLARKE COUNTY BOARD OF SUPERVISORS
July 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, July 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, Lora Walburn

Others Present

Robina Rich Bouffault, Dr. Michael Murphy, Tony Roper, Christy Dunkle, Warren Arthur, Gem Bingol, Val Van Meter, and other citizens

Call to Order

Chairman Staelin called the meeting to order at 1:01 p.m.

Adoption of Agenda

Supervisor Byrd moved to approve the agenda as presented.

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

Introduction Rappahannock Electric Cooperative by Kent D. Farmer, President and CEO

Kent D. Farmer, President and CEO, of Rappahannock Electric Cooperative with Matt Faulconer, Director of Government of Community Relations, and Robert Ellis, Vice President, Engineering and Operations, appeared before the Supervisors. Highlights of Mr. Farmer's introduction and subsequent comment period are as follows:

- A brief history of Rappahannock Electric Cooperative [REC], which has been in business for 70 years.
- REC currently serves 16 counties.
- REC is a member of Old Dominion Electric Cooperative [ODEC], which is formed by 11 cooperatives.
- ODEC owns gas-fired plants in multiple locations, which are primarily used in during peak usage periods.
- Produce approximately 45% of all the power needs of cooperatives and rest is purchased on the market, which is at a higher rate than producing their own.
- Virginia is the 2nd leading importer of electricity in the country second only to California.
- PATH project is, and will remain, an Allegheny and American Electric project.
- In 2009, Allegheny Power made the decision to sell its assets in this service area that will be divided between REC and Shenandoah Electric Cooperative.
- REC is hopeful of approval from the State Commission early 2010.
- Will be able to use Allegheny systems, at a cost, through the transition.
- Utility agreements will be modified, as necessary, during the transition period.
- REC will meet with localities and civic groups that would like to know more about the transition.
- Roughly 900 cooperatives nationwide but only serve about 13% of the population – used to operating in rural areas.
- REC rates are higher than current Allegheny Power rates. The rate caps imposed on Allegheny power prevented rate increases that would have reflected rising energy costs resulting in current rates that are significantly below market and below average.
- Effective July 1, 2009, Allegheny customers received a scheduled 6% rate increase.
- Allegheny Power rates are frozen until June 30, 2011 per the stipulation agreement. Afterward, customers will be charged market rates. Because of ownership of assets, REC believes they will be able to supply more electric more cheaply than it would have been if Allegheny maintained ownership.
- Current REC forecasts indicate that electric rates will increase approximately 30% effective July 1, 2011.

- REC, with their portion of acquisition, will be growing by 50%; however, they will be able to spread cost over the increased customer base.
- REC will be able to offer better, more stable rates.
- REC provides reliable service at the lowest reasonable rates.
- REC is the only electric cooperative in state that provides Renewable credits to customers.
- REC's number one focus is on safe system operation to protect employees and protect customers.
- REC will pick up 50 Allegheny Power employees.
- Shenandoah Electric will be taking over the former Allegheny Power office in Winchester.
- REC is looking to locate in the Double Tollgate area.
- Rappahannock Electric Cooperative's Living Magazine, which was distributed in the REC packet, is the most subscribed newsletter in Virginia.
- REC operates at a profit that is used to reinvest in the system and reassigned back to the owners, which can be returned as a credit on the November bill.
- REC is run by a Board of Directors, which is elected from its members. Currently 10 members but 9 to 13 members are allowed. Subsequent to acquisition, REC will redistrict to allow for membership from this area.
- REC makes commitments on energy futures on an ongoing basis. The current economy and weather have placed downward pressure on the electric market.
- Outages:
 - o REC brings in outside companies, when necessary, to assist with power restorations.
 - o The cooperatives work together to assist each other.
 - o Mr. Farmer assured that the Supervisors would be pleased by their reliability.
 - o To protect lines, REC maintains rights of way on a reasonable rotation. Hurricanes in summer and ice storms in winter will cause problems.
 - o Historic Example from Hurricane Isabelle: REC had 600 linemen on the ground the morning after the storm blew through and had all customers restored within 11 days with the majority restored within 1 to 3 days.
- Smart Grid:
 - o REC has been doing smart grid for ten years, as well as meter reading from the office, which today is considered smart grid.
 - o REC has been providing conservation and technology services since the 1970's.
 - o Change out of all meters in the service area will take approximately 24 months.
 - o Customers can subscribe to individual notification service.

- REC's technology allows them to identify and isolate problems and respond more quickly.
- REC has 30,000 switches on hot water heaters in their current area – customers sign up for the water heater program at no charge; and if there is an electrical problem, REC will repair at no charge.
- Working on an air conditioning pilot.
- Currently working to establish time of use rates.
- Trying to manage cost of wholesale power to owners.
- Energy advisors will visit businesses to assess potential savings.
- Through Farm Credit system, help customers replace inefficient appliances.
- Working with wind generators in Pennsylvania and Maryland and users only pay for the power they receive. If an individual produces more electric than they use, REC will purchase.
- Christy Dunkle, Town of Berryville Planner, requested additional information for presentation to Council.
- Dr. Murphy, a customer for many years, spoke highly of REC.
- Robina Rich Bouffault stated that the Schools planned to make every effort to reduce electric usage in the existing schools and in new school construction. Mr. Farmer put forward that Rappahannock had experience with geo-thermal and offered to assist with the new high school design so as to create as an energy-efficient facility as possible. He offered to meet with the Schools when they were ready.
- Wireless Broadband Technology:
 - REC has made an investment in wireless broadband technology.
 - Technology to place through electric lines was studied but REC made a decision to use wireless.
 - Satellite is less expensive than running lines.
 - REC works with local government to offer counties high-speed access using aerial assets belonging to the locality.
 - Currently, approximately 50% of their existing 16-county service area is covered.
 - There are some low spots that cannot get access, which is an issue that may be solved in time, but, not at this point.

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:

- 80+ students enrolled in the summer school program.
- Planning for next year's summer school has begun. Dr. Murphy said that efficiency improvements were necessary noting that the current model is not sustainable with the cost of transportation nearly outweighing the benefit.
- 16 to 18 staff sent to IB training.
- Have taken receipt of a new 60-passenger school bus that was purchased with stimulus funds
- ARRA stimulus funds have many strings and the Schools have found it difficult to determine usage. Funds have been used primarily in Title IA and for SPED students.
- A revision to FY10 budget will be initiated to add ARRA stimulus funds and capitol carryover once FY09 is closed out.
- Maintained the FTE fund intact and are working with Tom Judge on the contract file, which supports the majority of staffing requirements.
- At their July 20 meeting, the School Board approved consolidation of D.G. Cooley and Berryville Primary. Dr. Steve Geyer will be the principal of D.G. Cooley Elementary. Berryville Primary will function as a "program" of D.G. Cooley similar to the relationship between F&M and the high school. Dr. Murphy noted that for the coming year the Schools have received fewer zone transfers to Boyce Elementary.
- Distributed Clarke County High School Site Plan Concept dated July 14, 2009 was approved with modification is process.
- Started to work on paperwork for additional sub surface exploration as based on the July 14, 2009 site plan concept.
- The School Board discussed the VDOT letter to Christy Dunkle, Town of Berryville. Additional TIA work is likely but there will be no additional data collection. The change order is expected this week. Jeff Lineberry added that VDOT will need to work through logistics and requested that he be provided any updated information.
- Dr. Murphy has collected a lot of information on "green" schools that must be sorted through and analyzed.
- Robina Rich Bouffault put forth that the School Board should be receiving the modified design from architects today and hope to have the design to the BADA on July 29.
- Robina Rich Bouffault questioned Christy Dunkle whether the Town would waive certain requirements for the site plan and allow the start of earth moving activity. Ms. Dunkle assured that accommodations could be made prior to the receipt and approval of the final site plan.

School Board Use of Joint Government Center Meeting Room Space

Dr. Murphy asked for the Supervisors' support of the School Board's request to use the meeting rooms in the Joint Government Center observing that the location, room and electronics were far superior to their current meeting location in the school library.

David Weiss reported that the Building Committee is reviewing ways that various groups will use the meeting rooms that he hoped would be complete by the end of July but no later than August 2009. Policy is to be reviewed by legal counsel.

Supervisor Byrd put forth that the School Board is an elected body and the taxpayers, who have paid for the building, do attend these meetings.

Chairman Staelin assured that the Clarke County Board of Supervisors supported use of the meeting rooms by the Clarke County School Board.

Supervisor Dunning expressed his support for the Schools' use of the new Joint Government Center meetings rooms and asked that the courtesy be reciprocated, when appropriate, once the new high school was operational.

Approval of Minutes

- June 16, 2009 Regular Meeting

Vice Chairman Hobert moved to approve the minutes of June 16, 2009 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

Consent Agenda

- 2009 Plastic Pesticide Container Recycling Program – MOA
- Northwestern Community Services FY2010 Performance Contract
- Appointment of Steven I. Wampler, Wampler-Eanes Appraisal Service as Clarke County Assessor for the Current Reassessment
- Ratify Appointments / Re-appointment of Agricultural/Forestral District Advisory Committee

- E. Approve "Issues to be Addressed By Agricultural / Forestal District Advisory Committee"
- F. Conservation Easement Approval
1. Purchase: RSP Enterprises, L.C. – Tax Map# 10-((A))-6A, 43 acres, 1 DUR
 2. Donation: James Edwards – Tax Map# 29-((3))-4, 20.08 acres
 3. Donation: Mary Ellen Nicholas – Tax Map# 20-((A))-16B, 40.13 acres

Supervisor Byrd moved to approve items 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

No citizens appeared to address the Supervisors.

VDOT

Jeff Lineberry, Resident Engineer, with Charlie Monroe, appeared before the Supervisors to provide the monthly update.

- Replaced overflow on the unpaved portion of Route 606.
- Installed pipes on Route 659.
- Turn lanes on Route 340 are being installed using safety funds.
- Completed surface treatment work – done in a rotation every four to five years in sections
- Cut dangerous trees on Route 633 and Route 634.
- Mowing operations have been completed.
- Reduced budget for spraying activities with a focus on preservation of assets.
- Jeff Lineberry provided update on funding for the Mosby Road project. VDOT will be able to move forward with the project with roughly one million additional dollars needed but there may be enough funds available now to pursue the project. A scoping meeting with staff is expected within the next few weeks.
- Supervisor Byrd requested signage for Blandy Road. Mr. Monroe advised that this was the responsibility of the County's Maintenance Department. Chuck Johnston offered to notify Maintenance.

- Supervisor Weiss reported the need for dust treatment on Lockes Mill Road near Watermelon Park. Jeff Lineberry stated that, due to budget constraints, the twice annual dust applications have been cut.
- Supervisor Weiss reported that tall weeds around the retention pond on Route 613, Springsberry Road, first turn from Jack Enders, blocked drivers view presenting a safety hazard.
- Supervisor Weiss reported that there were high shoulders on Route 608. Jeff Lineberry stated that VDOT would use shoulder stone but may be limited by right of ways.
- Route 601 will be repaved and marked later this summer.

CDBG Planning Funds Josephine Improvement Association

Chuck Johnston appeared before the Supervisors advising that, subsequent to a meeting yesterday with Martha Shickle, it was determined that more time was needed; therefore he would resubmit for review at the August meeting.

Set Public Hearing CC-09-04

Chapter 143 Septic Systems, so as to add Section 143-10-G, Reutilization of Existing System, so as to require new sewage disposal systems for new construction.

Chuck Johnston reviewed with the Supervisors the proposed code changes answering various questions.

Chairman Staelin suggested that Alison Teetor clarify the process.

Supervisor Dunning moved to set public hearing for August 18, 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

Set Public Hearing CC-09-05

Chapter 143 Septic Systems:

Article II, Section 143-7, Definitions, so as to change the definition of subsurface septic system and
Article III, Section 143-16, Recordation of Septic Permits, Building Permits, so as to require recordation of sewer permits prior to issuance of any building permit.

Chuck Johnston reviewed with the Supervisors the proposed code changes noting that the General Assembly was considering legislation that would disallow localities from prohibiting alternative septic systems.

Vice Chairman Hobert requested assurance that the proposed ordinance is compared with Loudoun County's ordinance and that staff provide comparisons at the public hearing.

Mr. Johnston was instructed to speak with Robert Mitchell, County Attorney, regarding better enforcement.

Supervisor Dunning moved to set public hearing on August 18, 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	- Nay

Economic Development / Tax Base Enhancement Discussion and Direction

Chairman Staelin briefly reviewed the purpose and goals of the scheduled discussion.

Michael Hobert distributed a further revision of his economic development plan.

Chuck Johnston put forth for consideration that the Comprehensive Plan contains economic development goals and objectives. Chairman Staelin remarked that it might be best to work within the Comprehensive Plan.

At the request of Vice Chairman Hobert, David Ash provided the following information regarding what activities current staff could take on or are currently doing for Economic Development and what would require additional staff. He did state that a better determination of need could be made once the Supervisors knew what they wanted to be done.

- Parks and Recreation can produce brochures and layouts.
- IT can assist with technology
- Commissioner of the Revenue can track sales.
- Clerical support is currently being provided.

Supervisor Weiss postulated that existing staff and groups, with funding as needed, could be utilized.

Christy Dunkle reviewed the current activities and plans of Berryville Main Street, which continues to be quite proactive in economic development efforts.

Chuck Johnston suggested that the Board of Supervisors provide a list of top priorities to staff so that they could dedicate the time and resources to accomplishing the tasks.

David Weiss and Pete Dunning concurred that determining feasibility of achieving water and sewer in Waterloo and Double Tollgate areas was critical to economic development within the County.

Following extension discussion, **Vice Chairman Hobert moved to accept the Industrial Development Authority offer of \$25,000 and proceed to advertise and hire a full-time position within budgetary constraints to undertake functions as described.**

Following further discussion, **Vice Chairman Hobert amended the motion to accept the hire of a part-time position at no more than 25 hours per week, with a \$60,000 budget and to accept the Industrial Development Authority offer of \$25,000 and to operate within budgetary constraints to undertake functions as described.**

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

Chairman Staelin instructed David Ash, subject to review by the Industrial Development Authority, to develop a job description, salary range, and departmental budget for Economic Development.

Supervisor Dunning left the meeting at 4:36 pm.

Rural Broadband Funding Discussion

Chairman Staelin told the Supervisors that federal funds with various due dates are becoming available for rural broadband. He informed the members of Page County's current activity.

David Ash provided an update on his research. He cautioned that the county does not have many aerial assets, has limited available antennas and federal funds are provided to “shovel-ready” projects. He suggested that the Supervisors read through the enabling legislation and to consider funding a feasibility study and the creation of a wireless authority.

Chairman Staelin requested that the Board consider attending the upcoming meeting in Charlottesville.

Vice Chairman Hobert requested that interested parties be provided information regarding the discussion.

Committee Action

Personnel

Appointment to Authorities, Boards and Commissions

<i>Committee/Board</i>	<i>Appointee</i>	<i>Expiration Date</i>
Handley Regional Library Board <i>Ms. Myer is appointed to fill the un-expired term of Colleen Cornell.</i>	Tamara Myer	11/30/2009
Board of Social Services <i>Ms. Willingham is appointed to fill the un-expired term of Sheila Stevens.</i>	Lyndon Willingham	7/15/2010
Board of Social Services <i>Mr. Brown is appointed to a first full-term.</i>	Dwight Brown	7/15/2013

Supervisor Byrd moved to confirm 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.	- Absent
David S. Weiss	- Aye

Work Session

Closed Session.

Action: Information Only.

Economic Development / Tax Base Enhancement Discussion and Direction.

Action: Due to time constraints, this matter was moved to the regular meeting Item 12.

Bills And Claims

John Staelin remarked that staff, under the direction of David Ash, had been very cautious in their departmental spending. He further noted that the Schools had done well in holding down spending.

Chairman Staelin moved to approve the report for the June 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.	-	Absent
David S. Weiss	-	Aye

Government Projects Update

David Ash told the Supervisors that he was meeting tomorrow with the Sheriff and the architect for General District Court renovation. The architect is to have the plans ready by week's end.

Mr. Ash informed the Board that air-conditioning system adjustments continue in the Joint Government Center. Further, all the carpeting in the JGC must be replaced with the exception of the carpeting in Main Meeting Room, which was replaced in April.

Vice Chairman Hobert asked about signage for the library. David Ash added that today there was another complaint about the drop off location for the library and safety concerns.

Miscellaneous

Reassessment

Warren Arthur, Commissioner of the Revenue, briefed the Supervisors on the progress of the 2009 real estate reassessment.

- Fieldwork is 90% complete.
- Input is 65% complete.
- Cut off date is September 1, 2009.
- Hearings begin in October 2009.
- Reassessment sign off on book is due by December 1, 2009.
- Names for appointment to the Board of Equalization must be provided to the Circuit Court by October 2009.

Chairman Staelin requested that the Mr. Arthur provide a full update at the August Work Session.

Summary Of Required Action

<u>Item</u>	<u>Description</u>	<u>Responsibility</u>
1.	Process approved minutes.	Lora B. Walburn
2.	Process approved 2009 Plastic Pesticide Container Recycling Program – MOA.	Lora B. Walburn
3.	Process approved Northwestern Community Services FY2010 Performance Contract.	Lora B. Walburn
4.	Provide notice of appointment of Steven Wampler to the Commissioner of the Revenue.	David Ash
5.	Update database with Agricultural/Forestral District Advisory Committee appointments.	Lora B. Walburn
6.	Notify Maintenance regarding signage on Blandy Road.	Chuck Johnston
7.	Provide notice of Supervisors' support for use of meeting rooms by the School Board with the 2009/2010 School Board Meeting Calendar.	David Ash
8.	Advertise public hearings CC-09-04 and CC-09-05.	Lora B. Walburn
9.	Ensure CC-09-05 proposed ordinance is compatible with Loudoun County's ordinance and provide comparisons at the public hearing.	Alison Teetor
10.	Updated database and notify appointees.	Lora B. Walburn
11.	Develop a job description, salary range, and departmental budget for Economic Development and review with the Industrial Development Authority.	David Ash
12.	Provide a full update on reassessment at the August Work Session.	Warren Arthur

Adjournment

There being no further business to be brought before the Board at 5:12 pm Chairman Staelin adjourned the meeting.

Next Regular Meeting Date

The regular meeting of the Board of Supervisors is set for Tuesday, August 18, 2009 at 1:00 p.m. in the Main Meeting Room, 101 Chalmers Court, 2nd Floor, Berryville, Virginia.

ATTEST: July 21, 2009

John Staelin, Chair

David L. Ash, County Administrator

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