

CLARKE COUNTY BOARD OF SUPERVISORS
August 18, 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, August 18, 2009.

Board Members Present

Barbara Byrd; J. Michael Hobert; John Staelin

Board Members Absent

A. R. Dunning, Jr.; David Weiss

Staff Present

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

Others Present

Dr. Michael Murphy, Christy Dunkle, Steven Wampler, Warren Arthur, Gem Bingol, Lauren McKay, Val Van Meter, and other citizens

Call to Order

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

Adoption of Agenda

Vice Chairman Hobert moved to approve the agenda as modified.

- Add Commonwealth Attorney – Part-time Salary Funding Request
- Add VACo Update

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. - Absent
David S. Weiss - Absent

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:

- Busy summer – children excited about returning to school.
- Wednesday, August 26, is the first day of school with 2160 anticipated students.
- Consolidated D.G. Cooley and Primary beginning this school year.
- Staff went back to work from the summer holiday on August 17 with Opening Day convocation scheduled for August 19. Staff will complete mandatory state training from August 17 through 25.
- Nine new licensed staff added for school year 2009-2010.
- Clarke County is a fully-accredited school division.
- D.G. Cooley did not make Average Yearly Progress, which is attributed to increase in economically disadvantaged students.
- Phenomenal work by maintenance under the direction of Bobby Levi, Maintenance Director.
- AP scores will be released August 19. Clarke County is doing well with scores higher than jurisdictions to the west.
- Will be bringing a request for a supplemental appropriation for ARRA funds to the Finance Committee and the Supervisors. Chairman Staelin advised that the Supervisors were scheduled to set public hearing today on the matter of the appropriation of ARRA funds.
- Significant progress was made during the August 17 School Board meeting where temporary and permanent entrances to the high school were identified. Right-of-ways have been approved, subject to VDOT approval and permanent location of the high school footprint.
- Final subsurface report is anticipated in the next few weeks.
- Green / LEED initiatives as still a work in progress.
- Jennifer Welliver, Berryville School Board member, has scheduled a town hall meeting for 7:00 pm on Tuesday, August 25, 2009, John Enders Tuesday, to meet with concerned constituents. Dr. Murphy and Jon Erickson will also be available to answer questions at the meeting.
- The School Board has removed the traffic flagger at Business 7 but a crossing guard will be there to assist students at the intersection.

- Supervisor Byrd put forth that constituents coming from Business 7 would use Jackson or Tom Whitacre to access the new high school.
- Supervisor Byrd complimented Dr. Murphy on the proposed improvements to communications discussed at the August 17 meeting.
- Supervisor Byrd asked when a project manager would be authorized to act. Dr. Murphy said that this was coming up soon. He went on to say that he currently conducts weekly teleconferences and is in constant communication with entities involved with the proposed construction.
- Dr. Murphy thanked the media colleagues for their support and the manner in which they share information pertaining to Clarke County.

People Incorporated of Virginia Presentation

Robert G. Goldsmith, President and C.E.O. People Incorporated of Virginia, a non-profit, community action agency, appeared before the Supervisors to introduce himself and his organization. Some highlights of his overview included:

- 45-year old organization
- No local funding is required nor requested
- Requesting that the Supervisors adopt a resolution designating People Incorporated as Clarke County's Community Action Agency.
- If Clarke designates People Incorporated, funding for services would not be available before July 2010.
- Participating localities are asked to appoint a representative to the People Incorporated Board of Directors.
- Directors meetings are held in Lebanon, Virginia meeting six times per year on the third Wednesday of odd months. Special meetings are typically conducted via by conference call.
- Regional office is located in Woodstock.
- Try to be responsive to localities wants and needs.
- Have six grant-writers on staff that assist and write grants for localities.
- Current budget is approximately \$26MM all of which comes from grant funds.
- Provide opportunities for people to reach their goals in order to enhance their lives, families and their communities.
- Look at statistics when entering a county to identify potential needs and meet with local agencies. Occasionally do citizen surveys.

- Work to identify and address unmet community needs and fill gaps in the areas such as community economic development, including loans; affordable housing; potential new services for low-income children and families; victim witness; etc.
- Do not duplicate services within a locality if provided by another entity.
- Provide services to Page, Shenandoah, Frederick and Warren Counties.
- Work with Northern Shenandoah Valley Regional Commission.
- Mr. Goldsmith will ask Chris Price and Martha Shickle to provide the Supervisors with letters of support following his meeting with them today.

Chuck Johnston, speaking as Housing Consortium Chair, remarked but there were some concerns regarding overlapping and duplication of services. He said that the Consortium had made it clear that they would want to better coordinate efforts. Also, it was their intention to work together for the greater good of the community.

Vice Chairman Hobert suggested that Mr. Goldsmith submit a work plan that should include how People Incorporated planned to fulfill expectations.

Mr. Goldsmith responded that he would be seek letters of support from more organizations and would develop plans and solicit ideas for Board consideration.

Chairman Staelin continued the matter pending receipt and review of letters of support from the Regional Commission and Help With Housing. Mr. Staelin thanked Mr. Goldsmith for his presentation.

Approval of Minutes

- July 21, 2009 Regular Meeting
- July 31, 2009 Special Meeting

Vice Chairman Hobert moved to approve the minutes of July 21 and July 31, 2009 as modified.

Book 19 Page 948 Change from compatible to compared with Loudoun County.

Book 19 Page 950 Change from Mr. to Ms. Willingham.

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	- Absent

Consent Agenda

Re-adoption of Revised Emergency Operations Plan Resolution 09-24R

Re-adoption of Revised Emergency Operations Plan Resolution 09-24R

WHEREAS the Board of Supervisors Clarke County, Virginia recognizes the need to prepare for, respond to, and recover from natural and manmade disasters; and

WHEREAS Clarke County has a responsibility to provide for the safety and well being of its citizens and visitors; and

WHEREAS Clarke County has established and appointed a Director and Coordinator of Emergency Management.

NOW, THEREFORE, BE IT RESOLVED by the Board of Supervisors of Clarke County, Virginia, this Emergency Operations Plan as revised is officially adopted, and

IT IS FUTHER RESOLVED AND ORDERED that the Director of Emergency Management, or his/her designee, are tasked and authorized to maintain and revise as necessary this document over the next four (4) year period or until such time be ordered to come before this board.

Adopted this 18th day of August 2009

Attest:

John R. Staelin, Chair
Clarke County Board of Supervisors

David L. Ash, Clerk
Clarke County Board of Supervisors

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.	- Absent
David S. Weiss	- Absent

Citizens Comment Period

No citizens appeared to address the Supervisors.

VDOT

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

- Mowing on primary system is in progress with a projected completion by Labor Day.
- Machined several unpaved roads, particularly on mountain.
- Unclogging pipes with particular attention to clogged pipes on Route 605.
- Fixed a collapsed pipe on Route 633.
- Shoulder work in various locations within the County has been completed.
- Anticipate paving operations to commence next week between Route 608 and Route 621.
- Working on bridge rehabilitation over the Shenandoah River.
- High school project is progressing to the point that design work can begin.
- Supervisor Byrd asked about the Westwood Road Project. Jeff Lineberry stated that there was still major scooping to be completed.
- Supervisor Byrd asked about installation of a signalized intersection as opposed to a roundabout. Jeff Lineberry responded that VDOT could consider a regular intersection with a signal; however, due to the slowing of traffic, a roundabout is a safer intersection for vehicles and pedestrian traffic. Further, a roundabout does not require electric, as does signalization, which is less expensive.
- Supervisor Byrd notified VDOT of a complaint from one of her constituents about work on turn lanes work while VDOT has not addressed crossover concerns between Moose Road and Cave Road. Jeff Lineberry stated that VDOT would address issues as safety money allowed.
- Vice Chairman Hobert inquired as to the status of VDOT's reorganization. Jeff Lineberry advised that the second phase was in motion with lay-off notices provided to affected employees. Further, the Luray Residency Office is to receive notification by December 22 with a spring 2010 closure anticipated.

Recognition of Employee Achievement

Donna Peake, employed by the County since April 1996 and assigned as the County Assessor on July 1, 2003, earned the title of Master Deputy Commissioner of the Revenue through Weldon Cooper Center, which is affiliated with the University of Virginia.

Chairman Staelin, in conjunction with Warren Arthur - Commissioner of the Revenue, presented Mrs. Peake with her framed certificate. Mr. Staelin remarked that such efforts help

the employee better serve the citizens of the County. Ms. Peake was congratulated on her achievement and given a round of applause by those in attendance.

Reassessment Update

Steve Wampler, Wampler-Eanes Appraisal Service – Clarke County Assessor for the Current Reassessment, provided the Supervisors with an update on the current reassessment.

- 85% complete on data entry
- 70% complete on proofing
- Close real estate files on September 28.
- Hearings conducted by the appraisers are scheduled from October 13 through October 26.
- Land books will be printed in alpha and numeric order for public inspection.
- Website BAMA Net used subsequent to the last reassessment is an affiliate of a previous assessment firm. While they are reluctant to include Clarke County's updated information, negotiation continues.
- Re-checking subdivisions.
- Photographs of downtown and subdivision were taken.
- On average values decreased.
- In larger tracks or parcels, DUR values have stabilized.
- In smaller tracks of 10 acres or less, DUR values have increased.
- Values projected for January 1, 2010.
- No strong patterns of foreclosure in Clarke County.
- Clarke and Fauquier Counties are decreasing but Shenandoah County is increasing.
- Have excess housing inventory in the towns of Boyce and Berryville.
- Personal opinion market recovery could be two to three more years in Virginia.
- National trends in the housing market have not been seen in this region, which is more a localized market.
- The horse industry continues to be good for Clarke County.
- Will provide to the Supervisors, prior to the September 28 mailing of reassessment values to landowners, a breakdown by district and a ratio report to aid in responding to constituent concerns.

Set Public Hearing CC-09-06 – Chapter 34 Sanitary Authority

The Clarke County Board of Supervisors will consider the amendment of Chapter 34 Sanitary Authority so to revise membership requirements to reflect changes mandated by State Code and to revise Code of Virginia References.

~~§34-2 Membership The Board of Supervisors shall appoint one member of the Authority from each election district and one member from the Town of Boyce, The board of the Authority shall be appointed by the Board of Supervisors and shall be composed of five members, one of whom shall be a resident of the Town of Boyce, each for a term of four years and until his successor is appointed and qualifies except appointments to fill vacancies, which shall be for the remainder of such un-expired term. The Town may submit a nominee or nominees to the Board of Supervisors for its consideration in making the appointment of the Boyce resident member.~~

Code of Virginia References

~~§ 15.2-5100. Virginia Water and Waste Authorities Act et seq. § 15.1-1239 et seq. Virginia Water and Sewer Authorities Act~~

~~§ 15.2-5102. One or more localities may create authority § 15.1-1241. Power to create Authority~~

~~§ 15.2-5108. § 15.1-1246. - Issuance of certificate or charter (The Certificate of Incorporation or Charter of the Clarke County Sanitary Authority is on file in the office of the County Administrator.)~~

~~§ 15.2-5114. § 15.1-1250 Powers of authority.~~

David Ash explained that the proposed change was to bring County Code into compliance with changes in State Code. He noted that the county attorney had reviewed and approved the proposed change.

Supervisor Byrd moved to set public hearing for September 15, 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.	- Absent
David S. Weiss	- Absent

Set Public Hearing TA-09-05 Plan Amendment

The Berryville Area Development Authority recommends the amendment of the Berryville Area Plan, Chapter V, Planning Area Analysis for Sub-areas 6 and 7, so as to delete the paragraphs in each sub-area section with the following first sentence: "Housing for the elderly is a land-use designation to be applied to the sub-areas 6 and 7." These paragraphs were added to the Plan in 1995 to enable the development of Mary Hardesty House (which was located on sub-areas 6 and 7) and became redundant by the 1997 Plan amendment, which established Sub-area 6A, specifically for Housing for Older Person uses.

Chuck Johnston reviewed the proposed amendment to the Berryville Area Plan to address housing for older persons.

Vice Chairman Hobert asked for an explanation as to why the Berryville Area Plan had stalled. Chuck Johnston attributed the delay to water and sewer capacity determination.

Chairman Staelin asked if the proposed change impacted pending applications. Chuck Johnston assured that this would not impact applications currently in process.

Supervisor Byrd moved to set public hearing on September 15, 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.	- Absent
David S. Weiss	- Absent

Committee Action

Personnel

Appointment to Authorities, Boards and Commissions

<i>Committee/Board</i>	<i>Appointee</i>	<i>Expiration Date</i>
Industrial Development Authority	Jay Hillerson	10/30/2013
<i>Mr. Hillerson is reappointed to serve a four-year term.</i>		

Supervisor Byrd moved to confirm the appointment 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	- Absent

Economic Development Director Job Description Draft

A draft description was prepared for the Industrial Development Authority. However, a quorum was not available and no action was taken. The first two pages of the draft are consistent with the style and content of the county pay and classification plan. The priority task list is in no particular order and numerous blanks were included to seek additional comments and tasks. The boxes can be used to prioritize, rank (as in High, Medium, Low) or to estimate hours required. The budget draft is just a draft and can be modified to accommodate the priority tasks agreed upon.

Summary: The Personnel Committee requested that the Job description be revised in several places and that the priority task list be reorganized to more closely follow the outline approved by the board at its July meeting.

Following discussion, Chairman Staelin said that he anticipated finalizing the job description by the September meeting.

Personnel Policy Addition: Voluntary Reduction in Hours

A proposed personnel policy addition providing for voluntary reduction in hours for full-time employees was provided. Legal and compensation issues were discussed with the county attorney and Tom Judge. The county attorney has approved the draft.

Summary: The Personnel Committee recommends approval of the proposed policy.

David Ash informed the Supervisors that the policy had been reviewed and approved by the county attorney.

Following discussion, **Vice Chairman Hobert moved to set the matter on the Consent Agenda of the September 15 meeting.**

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	- Absent

Work Session

Berryville Main Street Discussion

Representatives from the Berryville Main Street program were present to discuss proposals to develop 23 East Main and provided the Board with information regarding the proposed development and requesting funding to support the endeavor.

Summary: Board consensus is to approve the request to appropriate \$60,000 to support Berryville Main Street's request for funding its Fire House Gallery and Shop project. The appropriation will cover a one-time \$25,000 contribution and a \$35,000 loan to Berryville Main Street to be repaid at 3% interest over a twelve-year period, subject to terms and conditions set forth in a formal loan agreement.

David Ash reported that subsequent to review and approval by the full board at the August Work Session Tom Judge had drafted the suggested promissory note that was currently under review by the county attorney.

Vice Chairman Hobert moved to approve the Board consensus to appropriate \$60,00 to support Berryville Main Street's request for funding as set forth therein \$25,000 contribution and \$35,000 loan agreement as described in the promissory note subject to approval of the wording of the note by the county attorney and subject to the Berryville Main Street Director's approval.

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	- Absent

County Administrator, David Ash, requested that the record reflect that the matter was discussed at August Work Session in the presence of the two absent Board members and that they concurred with what they believed to be the Board's approval at this time.

Christy Dunkle, on behalf of Berryville Main Street, thanked the Supervisors for their support of this project, as well as the Berryville community.

Discussion with Legal Counsel

This time is set aside for a discussion with legal counsel should additional information be available by the meeting date. It is likely that this discussion will be held in closed session should it occur.

Summary: No additional information was available and is not now expected prior to September.

David Ash informed the Supervisors that he had spoken with Robert Mitchell regarding the matter. Dr. Murphy confirmed that the attorney, with whom Mr. Mitchell was likely to speak, was still out of town.

Finance Committee August 10, 2009 Agenda items

FY 09 Budget Adjustments.

Summary: The Finance Committee recommends approval of the proposed FY09 budget adjustments.

Tom Judge reviewed Finance Committees recommendations for FY09 budget adjustments.

- a. ***School Debt Service Deficit.*** *The revenue estimate for interest earnings on bond proceeds at the outset of FY 09 was \$1,400,000. Falling interest rates has brought in interest earnings to the School Debt Service Fund of \$115,099.21 less than this. It is expected that the School Board will adopt a request for a supplemental appropriation to address this deficit at their Regular meeting on August 17. Please note that over the last two years the School Debt Service fund has used \$118,422 less local transfer than budgeted due primarily to interest earnings in excess of estimates. "Be it resolved that the FY 09 budget be amended to decrease estimated revenue from interest on bond proceeds by \$115,100, and to increase the General Fund transfer to the School Debt Service Fund in the same amount."*

Vice Chairman Hobert moved to approve the resolution. 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	-	Absent

- b. ***Reassessment Project.*** *The budget for the reassessment project was split over two years. It turns out that we are spending more in year 1 than budgeted, and less in year 2, so we need to adjust the FY 09 budget up \$60K, and adjust the FY 10 budget down \$60K). "Be it resolved the FY 09 Capital Budget expenditure and appropriation be increased \$60,000."*

Vice Chairman Hobert moved to approve the resolution. 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 - Absent

- c. ***Citizen Alerting System Project.*** *This grant was awarded in February, and shared by the Supervisors at that time, but the budget adjustment was not been made. "Be it resolved that the FY 09 Capital Projects Budget be amended in increase expenditure by \$37,873, to appropriate the same, and to recognize estimated revenue of the same amount, for the purpose of purchasing communications equipment for implementation of a Citizen's Alerting System."*

David Ash provided a brief update on the citizen alerting system and his request for a presentation from the Sheriff's Department.

Vice Chairman Hobert moved to approve the resolution. 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 - Absent

By consensus, the Board asked that the Sheriff not activate the system until there were written protocols and the Board of Supervisors had been updated.

- d. ***Transfers to Cover General Fund Overages.*** *"Be it resolved that the following transfers be made between accounts of the FY 09 General Fund."*

<i>Function</i>	<i>Object</i>	<i>Amount</i>	<i>Note</i>
Building Inspections	PT Salaries	3,000	
Litter Control	Supplies	2,200	
Sanitation	Services	4,000	Legal re Septage Agmt
S&L Hospitalization	Services	300	Sum sufficient usage
Recreation Center	PT Salaries	100	But under elsewhere
Concession Stand	PT Salaries	350	New program
Planning Admin.	Professional Services	25,000	Budget in Contingency
Planning Admin.	PT Salaries	2,500	
BADA	Professional Services	10,500	Budget in Contingency
Board Septic Appeals	Professional Services	1,200	Budget in Contingency
Bio-Solids Application	PT Salaries	2,500	Sum sufficient usage
Contingency	A&E	-20,000	

<i>Function</i>	<i>Object</i>	<i>Amount</i>	<i>Note</i>
Contingency	Legal	-23,200	
Contingency	Personnel	-8,450	
TOTAL		0	

Vice Chairman Hobert moved to approve the resolution. 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 - Absent

FY 10 Budget Adjustments.

Summary: The Committee recommends approval of the FY10 budget adjustments recommendations including setting public hearing as requested in item "b. ARRA Supplemental" contingent upon approval by the school board prior to the BOS meeting, adding the supplemental appropriation necessary to fund the Fire House Gallery project agreed upon at the Work Session, and directing the Finance Director to sequence the appropriations in a manner that ensures compliance with the budget amendment requirements.

- a. *Victim Witness Grant. The actual grant came in higher than estimated. "Be it resolved that additional revenue of \$3,061 from the Federal government for the Victim Witness grant be recognized."*

Vice Chairman Hobert moved to approve the resolution. 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 - Absent

- b. *ARRA Supplemental. The School Board requests a supplemental appropriation of Federal Stimulus funds that were announced too late for the original budget:*

<i>ARRA Grant Title</i>	<i>March Allocation</i>	<i>September Allocation</i>	<i>TOTAL</i>
Title I	49,688.78	50,555.98	100,244.76
Title VI B	213,625.50	213,625.50	427,251.00

Pre-School Handicapped	7,192.50	7,192.50	14,385.00
Title II, Part D	2,578.41	2,578.41	5,156.82
TOTAL	273,085.19	273,952.39	547,037.58

Some detail concerning the expenditure of these funds is available. However, it is not clear whether the School Division will find sufficient eligible expenditures to use all these very restricted funds. The following resolution is recommended for public hearing:

“Be it resolved that the Board of Supervisors FY 10 School Operating Budget be amended to add expenditure of \$574,038, to appropriate the same, and to recognize revenue from the federal government in the same amount, for the purposes of enhancing special education programs, enhancing pre-school programs, and enhancing educational technology programs.”

Supervisor Byrd moved to set public hearing for September 15, 2009 at 6:30 pm or as soon thereafter as the matter might be heard.

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 - Absent

- c. *Greenway Court Grant. Action is needed to align the current budget, which is several years old with the actual terms of the recently approved grant:*

	<i>Current Budget</i>	<i>Grant Budget</i>	<i>Change</i>
Expenditure	100,000	95,000	-5,000
Federal Revenue	100,000	47,500	-52,500
Donations Revenue		37,500	37,500
General Fund Transfer		10,000	10,000

“Be it resolved that the FY 10 General Government Capital Projects Fund Greenway Court project be amended to reduce expenditure an appropriation by 5,000, to reduce Federal Revenue estimate by 52,500, to increase donations revenue by 37,500, with the remaining 10,000 revenue to come in the form of a transfer from the General Fund”.

Vice Chairman Hobert moved to approve the resolution. 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 - Absent

- d. *IDA contribution to Economic Development. "Be it resolved that the FY 10 Economic Development expenditure and appropriation be increased \$25,000, and that a donation be recognized of the same amount from the Industrial Development Authority."*

Vice Chairman Hobert moved to approve the resolution. 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 - Absent

- e. *Reassessment Project. "Be it resolved the FY 10 Capital Budget expenditure and appropriation be decreased \$60,000."*

Vice Chairman Hobert moved to approve the resolution. 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 - Absent

Bills And Claims

Supervisor Byrd commended the general government departments for their stewardship.

Supervisor Byrd moved to approve the report for the July 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 - Absent

Government Projects Update

David Ash provided the following highlights:

- Documents for review were submitted to RDA by Lowell Baughan, architect.
- It is anticipated that the Courthouse project will go to bid by early fall 2009
- The Government Center:
 - Continues to experience HVAC system problems and an extension of the warranty is recommended.
 - Carpeting replacement is still pending. Replacement is the responsibility of a Brechbill Helman sub-contractor.
 - It is suggested that the same shelving contractor that placed shelving in the Library be the same one used to lift the shelving for carpet replacement.

Miscellaneous

Commonwealth Attorney Request for Additional Funding

Suni Perka, Commonwealth Attorney, thanked the Supervisors for granting her the opportunity to address them on short notice. Ms. Perka explained that due to a severe, debilitating injury sustained by her legal assistant and the increased criminal caseload her office was short staffed and in dire need of part-time, temporary assistance. She stated that the recent addition of busy cases and huge happenings in the County required her attention. Ms. Perka told the Supervisors that fiscal year to date she had already expended a sizeable portion the \$5,800 budget and requested additional funding in the amount of \$2,880 to provide staffing over the next 12 weeks.

Vice Chairman Hobert remarked that the Supervisors must be supportive. He advised that the request must first go to the Finance Committee but assured that he would recommend approval by the full Board.

Chairman Staelin requested that the matter be added to the September Finance Committee Agenda for consideration.

VACO Update

Vice Chairman Hobert informed the Supervisors that state budget projections indicate a significant shortfall that must be made up within the current fiscal year. He opined that the situation was dismal; further, education would be dramatically affected.

Chairman Staelin added that the state budget is dire and the County must continue to spend cautiously and be mindful that these conditions will continue beyond this year.

David Ash reminded that fund balance was being consumed at places like the landfill to hold programs in place that could not happen forever.

John Staelin gave an update on the meeting to consider support for the creation of a Valley Agricultural Development Coordinator position that he attended subsequent to the request from Philip Shenk, Sr. District Field Services Director, Northern and former Supervisor. Mr. Staelin expressed concern for the proposed territory that would run from Augusta to Clarke County. He remarked that this endeavor would work with David Weiss' suggestion for using economic development funds to support the work of outside groups that can help the County. He said that he would provide fellow Board members with an update at the next meeting date.

Chairman Staelin requested that discussion of appointments to the Board of Equalization be added to the next Committee meeting agenda.

Summary Of Required Action

<u>Item</u>	<u>Description</u>	<u>Responsibility</u>
1.	Correct and process approved minutes.	Lora B. Walburn
2.	Process and notify, as appropriate, approval of Re-adoption of Revised Emergency Operations Plan Resolution 09-24R.	David Ash
3.	Provide to the Supervisors, prior to the September 28 mailing of reassessment values to landowners, a breakdown by district and a ratio report to aid in responding to constituent concerns.	Steven Wampler
4.	Advertise public hearings for: CC-09-06, TA-09-05, ARRA Supplemental Appropriation, Re-advertise modified CC-09-05.	Lora B. Walburn
5.	Revise and modify CC-09-05 as directed.	Alison Teetor
6.	Provide notice of appointment and update database.	Lora B. Walburn
7.	Add to Consent Agenda Personnel Policy Addition: Voluntary Reduction in Hours.	Lora B. Walburn
8.	Upon approval by the county attorney and Berryville Main Street, process promissory note.	Tom Judge
9.	Request from the Sheriff's Department a presentation on the citizen alerting system.	David Ash
10.	Add to the September Finance Committee agenda for consideration the Commonwealth Attorney's request for additional funding.	David Ash
11.	Add discussion of appointments to the Board of Equalization to the September Committee Meeting agenda.	David Ash

<u>Item</u>	<u>Description</u>	<u>Responsibility</u>
12.	Provide fellow Board members with the next meeting date for discussion regarding creation of Valley Agricultural Development Coordinator position.	John Staelin
13.	Update Clarke County CC-09-04.	Lora B. Walburn

At 3:28 pm Chairman Staelin recessed the meeting until 6:30 pm.

At 6:30 pm Chairman Staelin reconvened the meeting.

Citizens Comment Period

No citizens appeared to address the Supervisors.

Public Hearing PH 09-17

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 the addition of a new section in the Clarke County Code.

Alison Teetor put in that the addition assures that there is some component that requires that older existing or destroyed housing has adequate sewage systems. She noted that there is an appeal process.

At 6:36 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.

Chairman Staelin noted that the full Board had reviewed the matter when set for public hearing during the July meeting and had expressed no opposition.

Vice Chairman Hobert moved to approve 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.

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

- Absent

Sections to be added shown in ***bold Italics***
Section to be deleted shown ~~struck through~~

ARTICLE III
Recordation of Onsite Sewage
Reutilization of Existing System

§ 143-10. Design and installation.
[Amended 00-04-17; 02-02-19; 05-03-15; 06-05-16]

- F. Reserve area. A reserve sewage disposal site with a capacity at least equal to that of the primary sewage disposal site shall be provided in accordance with the provisions of this article. This requirement shall not apply to any lot or parcel recorded prior to May 1, 1995, if such lot or parcel is not sufficient capacity to accommodate a reserve sewage disposal site, as determined by the Clarke County Health Department. However, the maximum amount of reserve area shall be provided and may not be less than 50% of the primary disposal site.

G. Reutilization of Existing system.

This section is to establish review procedures and performance standards for:

- The reutilization of existing on-site sewage disposal systems in the event of replacement of a structure having been lost by fire or other circumstances, or*
- When the applicant desires to substantially modify an existing structure, or*
- When the applicant proposes a change of use, or when an existing system's use has been discontinued or utilized under design capacity.*

A County official will determine the need for and must request an existing system review by the Health Department.

In order to be considered for reutilization the following criteria must be met, as determined by the Health Department:

- The system must have no known history of failure or malfunction either since installation or previously authorized repair or replacement.*
- Adequate information about the system must exist or be determined in order to make a judgment as to its adequacy for the proposed use. This information may include, but is not limited to, the following:*
 - o system location, landscape, setbacks, etc.*
 - o tank size and integrity*
 - o size of the absorption system*
 - o construction and materials*

- *design plan*
- *The system shall be of a nature previously or presently approved by the Health Department.*
- *The owner shall supply evidence that the septic tank has been pumped within the last 5 years.*
- *The structure that the system is proposed to serve must have been in recent and continuous service, as determined by the Health Department. Any structure not in use for the previous two years must meet current standards for a new system.*
- *The proposed effluent quantity shall not exceed the amount previously applied to the system unless it can be established the system was utilized below design capacity. In no case shall the original design capacity be exceeded.*
- *A reserve area shall be provided as described in Section 143-10-F.*

System Evaluation

In cases where Health Department records are insufficient, the following procedure shall be completed in order to determine the adequacy of the system:

- *If needed, hold a preliminary fact-finding meeting with the applicant to discuss status of the existing system and requirements for completing a soil evaluation report, as-built drawings, and an inspection report.*
- *Conduct a physical walkover of the site to insure that there is no evidence of ponding on the ground surface. Also the perimeters of the site shall be checked to ensure that there are no discharges of sewage or gray water.*
- *Put dye in suspicious systems (possible straight pipes, wet spots, etc.) and conduct follow up visits as needed to ensure proper system operation.*
- *Note any structures, driveways, trees, etc. built over system components and make recommendations for removal as needed.*
- *Confirm the footprint of any new proposed addition conforms with current separation distances to sewage disposal system(s) and well(s).*
- *Any proposal for an increase in waste-loading rate more than the design will require a standard site and soil evaluation to pursue a drainfield construction permit for expansion.*
- *At a minimum, all distribution boxes, both lids of the septic tank(s), and the end of the last line shall be uncovered by the owner for further evaluation.*
- *Check number of outlet ports and attempt to estimate size.*

Reporting

The Health Department shall:

- *Forward a letter to the County official requesting the evaluation that describes the system and any recommendations.*
- *A disclaimer shall be attached to the report stating, “This report is only intended to address the above referenced request. This report is not intended for use as part of a real estate transfer or any other unauthorized use. There is no implied guarantee of future system performance based on this report. In the event of sewage disposal malfunction, the owner will be responsible for any repairs or other actions deemed necessary to correct the situation.”*

Public Hearing PH 09-18

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 proposed changes to Chapter 143 Article II of the Clarke County Code to expand the systems covered by the ordinance. He put forth for consideration that bonding would be logistically challenging for a staff level of Clarke's size. Alison Teetor interjected that bonding was required of the installer but not on maintenance agreement; however when the state regulations go into affect, there will be a need for bonding of installation, maintenance and repair activities.

Mr. Johnston reviewed proposed changes Chapter 143 Article III. In response to concerns raised at the July meeting by Supervisor Weiss, he assured that agricultural buildings would not be impacted by the proposed change. Alison Teetor provided additional comment noting that this revision would require the recordation of additional information on the deed.

There was discussion regarding a change proposed by the county attorney.

Vice Chairman Hobert said that he would prefer to postpone approval of Article III and the definitions proposed by Robert Mitchell until the full Board was present and to re-advertise for public hearing.

At 6:57 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.

Vice Chairman Hobert moved to approve CC-09-05 Chapter 143 Septic Systems Article II, Section 143-7, Definitions, so as to change the definition of subsurface septic system, but not to include changes 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.

Subsequent to further discussion, Vice Chairman Hobert withdrew the above motion.

Vice Chairman Hobert moved to set public hearing for September 15, 2009 at 6:30 pm or as soon thereafter as the matter might be heard and re-advertise the matter including references throughout the entire section and changes proposed by the county attorney.

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	- Absent

Adjournment

There being no further business to be brought before the Board at 7:20 pm Chairman Staelin adjourned the meeting.

Next Regular Meeting Date

The regular meeting of the Board of Supervisors is set for Tuesday, September 15, 2009 at 1:00 p.m. in the Main Meeting Room, 101 Chalmers Court, 2nd Floor, Berryville, Virginia.

ATTEST: August 18, 2009

John Staelin, Chair

David L. Ash, County Administrator

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