

CLARKE COUNTY BOARD OF SUPERVISORS
January 19, 2010
Regular Meeting
Main Meeting Room

1:00 p.m.

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, January 19, 2010.

Board Members Present

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

Staff Present

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

Others Present

Robina Rich Bouffault, Barbara Lee, Janet Alger, Dr. Michael Murphy, Rick Catlett, Bill Bell, Gem Bingol, Val Van Meter, and other citizens

Call to Order

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

Adoption of Agenda

Supervisor Dunning moved to approve the agenda as modified.

– **Add General Assembly discussion.**

The motion carried by the following vote:

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

- Boyce Elementary School was 1 of only 153 recipients in the Commonwealth of the Governors Award.
- A Clarke County student has been named as a candidate for a Jefferson Scholarship.
- The Clarke County Education Foundation hosted an award luncheon today.
- The Schools are working with the CCEF to secure funding from the Concerned Clarke Citizens. These funds will be used for additional staff development and training.
- The Schools are engaged in conversation with Lord Fairfax Community College regarding addition of fire fighting and emergency medical services courses.
- The Schools' budget will be critically impacted by proposed changes in the Composite Index and an organized campaign is being mounted to take to the General Assembly level. Chairwoman Robina Rich Bouffault asked the Supervisors to join the School Board in coordinating efforts with Fauquier County.
- Dr. Murphy explained that last year budget shortfalls were addressed through attrition, hiring freezes and salary freezes. He told the Board that teacher to student ratios were 1 to 16 in elementary and 1 to 20-21 in high school. Supervisor Dunning suggested cutting administrative staff noting that this would have less impact on pupil education.
- School Budget Public Hearing is scheduled for 7:00 pm on Wednesday, January 20, 2010.
- Supervisor Staelin asked Dr. Murphy to convey to the School Board that the Supervisors had sent a letter regarding the Composite Index to General Assembly representatives.
- High School Update:
 - Dr. Murphy stated that the fireflow requirements should not impede the process.
 - Gannet Fleming has requested that the Schools move forward with the 60% drawings.
 - The Town has expressed interest in the Schools' fireflow proposal.
 - School Board Chair Robina Rich Bouffault put forth that Cost estimates have been received and confirm the figures to be presented during this evening's public hearing.
 - Robina Rich Bouffault said that there were two options that can be followed to address fireflow. At a cost to the Schools of about \$200,000, one option is to allow the Town to build on their site what they need as long as the Schools' needs are met.
 - Supervisor Byrd added that this information was presented to Berryville Town Council last week however they had said that since they had not spoken with their engineers and could not act on the matter. Dr. Murphy informed Supervisor Byrd Jon Erickson had delivered all the documentation to the Town.

Closed Session

Vice Chairman Weiss moved to convene into Closed Session pursuant to §2.2.3711-A3 and A7 for the purpose of consultation with legal counsel and discussion regarding acquisition of real estate and consultation with legal counsel regarding pending litigation with Georgetown University and consultation with legal counsel regarding the Senior Center project.

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

The members of the Board of Supervisors being assembled within the designated meeting place, with open doors and in the presence of members of the public and/or the media desiring to attend, **Supervisor Byrd moved to reconvene in open session. The motion carried as follows:**

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

Supervisor Byrd moved to execute the following Certification of Closed Session:

CERTIFICATION OF CLOSED SESSION

WHEREAS, the Board of Supervisors of the County of Clarke, Virginia, has convened a closed meeting on the date pursuant to an affirmative recorded vote and in accordance with the provisions of the Virginia Freedom of Information Act; and

WHEREAS, Section 2.2-3700 of the Code of Virginia requires a certification by the Board of Supervisors of the County of Clarke, Virginia that such closed meeting was conducted in conformity with Virginia law.

NOW, THEREFORE BE IT RESOLVED, that the Board of Supervisors of the County of Clarke, Virginia, hereby certifies that, to the best of each members knowledge, (i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which the certification resolution applies, and (ii) only such public business matters as were identified in the motion convening the closed

meeting were heard, discussed or considered by the Board of Supervisors of the County of Clarke, Virginia.

The motion was approved by the following roll-call vote:

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

No action was taken on matters discussed in closed session.

Approval of Minutes

- November 17, 2009 Regular Meeting
- December 15, 2009 Regular Meeting
- January 1, 2010 Organizational Meeting

Supervisor Byrd requested that Book 20 Page 30 Section titled Clarification be changed from "liaison" to "staff member".

Supervisor Staelin moved to approve the minutes of December 15, 2009 and January 1, 2010 as presented and November 17, 2009 as modified.

The motion was approved by the following vote:

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

Consent Agenda

2010 Board of Supervisors Committee Appointments

Subsequent to review, the following changes were noted:

- John Staelin Water Resources Policy Committee – from Liaison to Appointed Member
- David Weiss Clarke County Agricultural Advisory Committee – from Liaison to Appointed Member
- David Weiss Housing and Community Services Board – from Liaison to Appointed Member

- David Weiss Building and Grounds – from Liaison to Appointed Member
- David Weiss Assign Joint Administrative Services Board BOS - Alternate

Supervisor Weiss moved to approve the item on the Consent Agenda as modified.

The motion carried by the following vote:

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

<i>Committee/Board</i>	<i>First Name</i>	<i>Name</i>	<i>Position</i>
Joint Administrative Services Board	David L.	Ash	County Administrator
Northwestern Regional Jail Authority	David L.	Ash	County Administrator
Regional Airport Authority	David L.	Ash	County Administrator
Board of Social Services	Barbara J.	Byrd	BOS – Appointed Member
Board of Supervisors Finance Committee	Barbara J.	Byrd	BOS - Alternate
Board of Supervisors Personnel Committee	Barbara J.	Byrd	BOS - Appointed Member
Clarke County Humane Foundation	Barbara J.	Byrd	BOS - Liaison
Clarke County Library Advisory Board	Barbara J.	Byrd	BOS - Liaison
Clarke County School Board	Barbara J.	Byrd	BOS - Liaison
Northwestern Regional Jail Authority	Barbara J.	Byrd	BOS Liaison - Alternate
Northwestern Regional Juvenile Detention Center Commission	Barbara J.	Byrd	BOS - Liaison
The Barn Projects	Barbara J.	Byrd	BOS - Liaison
Towns and Villages: Berryville	Barbara J.	Byrd	BOS - Liaison
Berryville Area Development Authority	A.R.	Dunning, Jr.	BOS - Appointed Member
Board of Supervisors Finance Committee	A.R.	Dunning, Jr.	BOS - Alternate
Board of Supervisors Personnel Committee	A.R.	Dunning, Jr.	BOS - Alternate
Board of Well & Septic Appeals	A.R.	Dunning, Jr.	BOS - Appointed Member
Clarke County Planning Commission	A.R.	Dunning, Jr.	BOS - Appointed Member
Clarke County Sanitary Authority	A.R.	Dunning, Jr.	BOS - Authority Member
Economic Development Advisory Committee	A.R.	Dunning, Jr.	BOS - Appointed Member
Towns and Villages: Boyce	A.R.	Dunning, Jr.	BOS - Liaison
Water Resources Policy Committee	A.R.	Dunning, Jr.	BOS - Alternate
Board of Supervisors	J. Michael	Hobert	Chair
Board of Supervisors Finance Committee	J. Michael	Hobert	BOS - Appointed Member
Board of Supervisors Personnel Committee	J. Michael	Hobert	BOS - Appointed Member
Joint Administrative Services Board	J. Michael	Hobert	BOS - Appointed Member
Legislative Liaison and High Growth Coalition	J. Michael	Hobert	BOS - Liaison
Parks & Recreation Advisory Board	J. Michael	Hobert	BOS - Liaison

<i>Committee/Board</i>	<i>First Name</i>	<i>Name</i>	<i>Position</i>
Towns and Villages: Berryville	J. Michael	Hobert	BOS - Liaison - Alternate
Northern Shenandoah Valley Regional Commission	Charles	Johnston	Citizen Representative
NSVRC Disability Services Board	Charles	Johnston	Citizen Representative
Board of Supervisors Finance Committee	John	Staelin	BOS - Appointed Member
Clarke County Industrial Development Authority	John	Staelin	BOS - Liaison
Clarke County Litter Committee	John	Staelin	BOS - Liaison
Clarke County Planning Commission	John	Staelin	BOS - Alternate
Clarke County Sanitary Authority	John	Staelin	BOS - Alternate
Economic Development Advisory Committee	John	Staelin	BOS - Appointed Member
Emergency Services	John	Staelin	BOS - Liaison
Northern Shenandoah Valley Regional Commission	John	Staelin	BOS - Alternate
Towns and Villages: Boyce	John	Staelin	BOS - Alternate
Towns and Villages: Millwood	John	Staelin	BOS - Liaison
Towns and Villages: Pine Grove	John	Staelin	BOS - Liaison
Water Resources Policy Committee	John	Staelin	BOS – Appointed Member
Water Resources Policy Committee	Alison	Teetor	Staff Representative
Board of Supervisors	David	Weiss	Vice Chair
Board of Supervisors Finance Committee	David	Weiss	BOS - Alternate
Board of Supervisors Personnel Committee	David	Weiss	BOS - Alternate
Building and Grounds	David	Weiss	BOS – Appointed Member
Clarke County Agricultural Advisory Committee	David	Weiss	BOS – Appointed Member
Clarke County School Board	David	Weiss	BOS - Alternate
Conservation Easement Authority	David	Weiss	BOS - Appointed Member
Housing and Community Services Board	David	Weiss	BOS – Appointed Member
Joint Administrative Services Board	David	Weiss	BOS – Alternate
Northern Shenandoah Valley Regional Commission	David	Weiss	BOS - Appointed Member
Regional Airport Authority	David	Weiss	BOS - Liaison
Towns and Villages: Pine Grove	David	Weiss	BOS - Liaison

Chairman Hobert requested that appointment to Our Health be referred to the Personnel Committee for review and recommendation.

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.

- Chairman Hobert expressed his disappointment with the closure of the Luray Residency and the elimination of Mr. Lineberry's position. He expressed appreciation for all Mr. Lineberry had done during his tenure on behalf of Clarke County.
- Preparing for additional forecast for later in the week.
- Performing tree trimming by the water plant.
- Performing grading of some non-hard surface roads.
- Receiving reports of weather-related soft spots on Route 605 that will be closely monitored.
- A four-way stop has been installed at the intersection of Browntown and Old Chapel Roads and new traffic pattern signs have been placed in all directions.
- Westwood Road / Mosby Street Update:
 - A meeting was held on January 13 with design staff in Luray Residency.
 - The design now proposed is a reduced scope design with a two-lane facility and a round-about on Business Route 7 to keep the cost down.
 - Even with the reduced design, the current funding is \$2.8MM and the current estimate is \$3.2MM in round numbers.
 - Based on the preliminary schedule, public hearing will be held in spring 2011 and right-of-way acquisition should begin fall 2011.
 - In the reconfigured VDOT, no one has yet been identified to lead the Westwood Road / Mosby Street project.
- Supervisor Weiss remarked that VDOT had done a good job of snow removal and was expeditious in the removal on secondary roads.
- Jeff Lineberry explained to Supervisor Byrd that the official next step for Neil Road closure would be to conduct a public hearing. He raised no object to Supervisor Byrd's suggestion to hold a more informal meeting with constituents.
- Jeff Lineberry informed Supervisor Byrd that no decision had been made regarding elimination of the passing zone in front of Annfield Road.
- Charlie Monroe informed Supervisor Byrd that the overhanging tree on Salem Road had been located and any problems would be addressed.

Special Event Permit: Blue Ridge Hunt Point-to-Point March 6, 2010

David Ash reviewed and recommended approval of the revised special event application for the Blue Ridge Hunt Point-to-Point scheduled for March 6, 2010.

Supervisor Staelin moved to approve the application subject to receipt of comment from public agencies and resolution of any issues that might be raised.

The motion carried by the following vote:

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

Discussion Resolution In Support of Virginia Farm Bureau Position Regarding Proposed Legislation for the Chesapeake Bay Re-authorization Program

David Ash briefly reviewed the proposed resolution explaining that Vice Chairman Weiss had asked him to draft the resolution in conjunction with the Farm Bureau.

Vice Chairman Weiss stated that the Farm Bureau does support clean up of the Bay and the current language that leaves enforcement under the states without adverse economic affect on farmers. He remarked that the Farm Bureau is concerned by what they consider federal over reach in this proposed legislation. He opined that proposed legislation used flawed models.

Supervisor Dunning expressed concern for protection of water resources opining that not enough is done in this area.

Supervisor Staelin put forward that he did not have concerns about the resolution. He put forth that the state has been active in its water protection efforts. He commented that the proposed legislation would dictate many things to farmers including how long the grass is in the fields. Mr. Staelin noted that he had been told that the biggest problem for Spout Run, in Clarke County, was urban and residential run off. He expressed concern that standardize federal regulations could put agriculture in the county and the Chesapeake Bay area at a huge disadvantage. He opined that further study was needed.

Supervisor Byrd concurred with Supervisor Staelin.

Vice Chairman Weiss moved to pass the Resolution In Support of Virginia Farm Bureau Position Regarding Proposed Legislation for the Chesapeake Bay Re-authorization Program and send to appropriate legislative representatives.

The motion carried by the following vote:

J. Michael Hobert, Chair	-	Aye
David S. Weiss, Vice Chair	-	Aye
Barbara J. Byrd	-	Aye

A.R. Dunning, Jr. - Aye
John R. Staelin - Aye

**Resolution in Support of Virginia Farm Bureau Position Regarding Proposed Legislation for the Chesapeake Bay Re-authorization Program
10-01R**

WHEREAS, the Executive Order should not be codified because it will not become final until 2010; and

WHEREAS, the Executive Order is a precedent-setting document with questionable authority; and

WHEREAS, while the TMDL development is court ordered, it should not be codified because it is underdevelopment with unknown outcomes and bypasses the authority of the Virginia Assembly. To date, a TMDL of this magnitude has never been attempted; and

WHEREAS, the Milestones, as established through the executive order and memorandum of agreement between the Bay states and EPA, should not be codified because they are state specific and unknown beyond the current two-year cycle; and

WHEREAS, citizen right of action or citizen suits cannot be codified because it will generate unnecessary legal action that are simply intended to stop a project or prolong the issuance of permits; and

WHEREAS, the codification of this executive order would cause extreme hardship to the county's farmers.

NOW, THEREFORE BE IT RESOLVED, the Clarke County Board of Supervisors supports the Virginia Farm Bureau position regarding the proposed legislation believing that reauthorization of Section 117 of the Clean Water Act is important to continued progress toward the restoration of the Chesapeake Bay; however, we oppose expansion of federal authority by codification of: President Obama's Chesapeake Bay Executive Order, deadlines for Chesapeake Bay Total Maximum Daily Load development and implementation, and authorization of citizen suits.

Adopted this 19th day of January, 2010

Attest:

David L. Ash, Clerk
Clarke County Board of Supervisors

Set Public Hearing: Text Amendment TA-09-06

The Clarke County Planning Commission recommends the amendment of the County Zoning Ordinance:

- Section 6-H-11, Outdoor Lighting Standards for Site Development Plans, so as to provide more comprehensive outdoor lighting standards for commercial site plans. TA-09-06

Chuck Johnston reviewed the proposed amendment. He answered various questions posed by members without change to the proposed amendment assuring that the proposed legislation had received engineering review. Following discussion, Chuck Johnston was instructed to follow up on adequacy of wattage and cost of legislated requirements to a typical applicant.

Vice Chairman Weiss moved to set the matter for public hearing for March 16, 2010 at 6:30 pm or as soon thereafter as the matter might be heard on the proposed amendment TA-09-06.

The motion was approved by the following vote:

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

Set Public Hearing: TA-09-07

The Clarke County Planning Commission will consider the amendment of the County Zoning Ordinance: Section 9-B-147 Definition of the term "Restaurant", so as to clarify the difference between a temporary food establishment and a restaurant. TA-09-07

Chuck Johnston reviewed the proposed amendment. He answered various questions posed by members without change to the proposed amendment. He advised that the proposed change would have no impact on business licenses.

Supervisor Byrd moved to set public hearing for February 16, 2010 at 6:30 pm or as soon thereafter as the matter might be heard on the proposed amendment TA-09-07.

The motion was approved by the following vote:

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

Set Public Hearing: TA-09-15

The Clarke County Planning Commission will consider the amendment of the County Zoning Ordinance:

- Sections 3-A-1-a-3 and 3-A-2-a-3, Special Uses in the AOC and FOC Zoning Districts, so as to change the term: “Retail Stores and Shops” to “Retail and Service Businesses”; and
- Section 3-C-2, Supplemental Regulations for Uses in Various Districts, so as to add a section for Retail and Service Businesses that are permitted as special uses, stating that outdoor storage is not permitted, but allowing outdoor display to cover up to 750 square feet and the outdoor display of living plant material, top soil, or mulch to cover up to 2250 square feet.

Chuck Johnston reviewed the proposed amendment. He answered various questions posed by members without change to the proposed amendment.

Vice Chairman Weiss moved to set public hearing for March 16, 2010 at 6:30 pm or as soon thereafter as the matter might be heard on the proposed amendment TA-09-15.

The motion was approved by the following vote:

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

Set Public Hearing Agricultural District Renewal

The Clarke County Board of Supervisors will be considering the renewal of the Clarke County Agricultural District. This District is enabled by the Code of Virginia to preserve land in agricultural use for six years. The current six-year term of the District expires in March of 2010.

Chuck Johnston reviewed the renewal of the Clarke County Agricultural District. He answered various questions posed by members without change to the proposed use.

Vice Chairman Weiss moved to set public hearing for February 16, 2010 at 6:30 pm or as soon thereafter as the matter might be heard on the Agricultural District Renewal.

The motion was approved by the following vote:

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

Committee Action

Personnel

Appointment to Authorities, Boards and Commissions

<i>Committee/Board</i>	<i>Appointee</i>	<i>Expiration Date</i>
Parks and Recreation Advisory Council <i>Ms. Alison is reappointed to serve another four-year term.</i>	Janelle Allison	12/31/2013
Board of Zoning Appeals <i>Dr. Caldwell is recommended to the Circuit Court to serve another five-year term.</i>	Anne Caldwell	2/15/2015

Supervisor Staelin moved to confirm the appointments as presented.

The motion was approved as follows:

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

David Ash advised that no recommendation had been made by the Personnel Committee regarding advertisement of open positions on the County's website for appointments to Boards, Committees, Commissions, etc.

Mr. Ash informed the Supervisors that personnel evaluations would not be done until March. Supervisor Dunning opined that it should not take that long and urged the County Administrator to complete sooner.

Work Session

Citizen Alert System/Emergency Notification System

David Ash briefed the Supervisors on the new citizen alert system in use by the Sheriff's Office.

Green Committee Policy Recommendation Report

David Ash summarized the activity to date on the Green Committee policy recommendations. He advised that these were guidelines. Chairman Hobert suggested striking plan and leaving the words "management policies".

Supervisor Staelin moved to approve the management policies as set forth in the resolution and as modified striking the word plan and leaving the words management policies.

The motion was approved as follows:

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

Resolution Establishing Energy & Resource Management Policies
10-02R

WHEREAS, Clarke County has historically been proactive in recognizing the importance of natural resources and in protecting the environment; and

WHEREAS, Clarke County's Comprehensive Plan Objective 4 encourages sustainable development by conserving energy and protecting our environment through sound planning to meet the needs of the present generation without compromising the ability of future generations to meet their own needs; and

WHEREAS, Clarke County is committed to fostering partnerships between and among government, schools, businesses and individual citizens with the goal of creating policies, practices and procedures that will promote conservation and actions to protect and improve our environment; and

WHEREAS, on May 20, 2008 the Board of Supervisors appointed a team of business leaders, citizens, elected officials and staff to work with the County Administrator to develop goals and policies which address energy efficiency, conservation, and education and create a plan to reduce the County's overall environmental impact, saving tax dollars and improving services; and

WHEREAS, the appointed Green Advisory Committee has worked diligently for the past 17 months to develop an Energy and Resource Management Plan; and

WHEREAS, the attached Energy and Resource Management Policies are recommended for adoption in order to serve as guidelines for implementation of the Plan;

NOW, THEREFORE, BE IT RESOLVED that the Clarke County Board of Supervisors hereby adopts the Energy and Resource Management Policies, and directs the County Administrator to disseminate these policies and directives to the responsible County officials for implementation.

Adopted this 19th day of January 2010

Attest:

David L. Ash, Clerk
Clarke County Board of Supervisors

Chairman Hobert thanked the Committee members and Alison Teetor for their work on this policy.

Chairman Hobert instructed David Ash to draft appropriate notes of thanks to the members of the Green Committee.

Alison Teetor requested time on the Supervisors agenda to review the proposed changes.

Update on Response to Neglect or Cruelty Complaints regarding Livestock

David Ash stated that a procedural glitch in the notification of Supervisors had been identified and addressed by providing the Sheriff's Office with current contact numbers and a district map. He advised that he was currently looking at locations where seized animals could be impounded. Supervisor Byrd added that impoundment facilities require tests and vaccinations that can take up to a week.

Mr. Ash informed the Supervisors that he had spoken with Mike Legge, Purchasing Director, and the State Veterinarian about developing a procurement list of veterinarians. He stated that by statute the first responder must be a Sheriff's Deputy or an Animal Control Officer.

Chairman Hobert asked Mr. Ash to pursue the appropriate procurements and present to the Board a written plan and procedure.

Circuit Courthouse Renovation Project

David Ash advised that the architect is ready to go to bid that would include changes requested by the judge, as well as those changes approved by the Supervisors for holding cells in the Circuit and the General District Courthouse. He indicated there was no objection from Sheriff Roper or Judge Wetzel in connection with the revised design. He asked the Supervisors to approve proceeding to solicit bids.

Supervisor Byrd moved to proceed with bids.

The motion was approved as follows:

J. Michael Hobert, Chair - Aye
David S. Weiss, Vice Chair - Aye

Barbara J. Byrd - Aye
A.R. Dunning, Jr. - Aye
John R. Staelin - Aye

Berryville / Clarke County Government Center

David Ash stated that a release and settlement was under review by he and Keith Dalton.

Chairman Hobert requested that Mr. Ash prepare a report on the matter and asked that he advise whether a closed session would be necessary.

Director Economic Development

David Ash advised the Supervisor that the position had been advertised and 30 applications had been received. He told the Supervisors that the County would forego employment of a full- or part-time employee and would reassign tasks to current staff.

Chairman Hobert announced that Jesse Russell would be assuming the title and responsibilities of Economic Development Coordinator while retaining the title and duties of Zoning Administrator. He noted that Zoning had not been as busy over the last three years. He further noted that Mr. Russell was talented, intelligent, knew the community and the ordinances. He put forth that this was the best solution in the current economic climate.

Vice Chairman Weiss expressed his thanks to Mr. Russell for his willingness to assume this role noting his excellent people skills and knowledge of the County.

Supervisor Dunning wanted to clarify that should the economy improve Zoning would be Mr. Russell's primary job. He requested that Jesse Russell not be curtailed in his Zoning duties.

Chairman Hobert advised that the reassignment of duties had been discussed with the Industrial Development Authority and they wanted to insure that should Mr. Russell's Zoning position rebound that the County will seriously consider staffing this position.

Supervisor Dunning moved to approve appointment of Jesse Russell as the Economic Development Coordinator.

The motion was approved as follows:

J. Michael Hobert, Chair - Aye
David S. Weiss, Vice Chair - Aye
Barbara J. Byrd - Aye

A.R. Dunning, Jr. - Aye
John R. Staelin - Aye

Finance

Recommendations on procedure for reviewing monthly financial statements and accepting expenditure reports.

David Ash reviewed the Finance Committee recommendation.

Following discussion, **Supervisor Staelin moved that the Finance Committee perform Bills and Claims review and report back to the Supervisors.**

The motion was approved as follows:

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

Update on funding options for additional school capital construction.

David Ash put forth that due to procedural delays Mr. Judge had been instructed by the Finance Committee to proceed down a parallel track. He told the Supervisors that Jim Allen, RDA, has not worked with construction management and that Allen suggested this could delay or throw the high school construction project off track. Accordingly, Mr. Judge was encouraged to continue to explore both funding options [RDA and VPSA.]

Valley Connector Funding Request

Tom Judge advised that he had requested additional detail as instructed by the Supervisors but not yet received the requested information for the Valley Connector request.

Chairman Hobert held action on the request.

Bills and Claims

Supervisor Weiss reviewed the general government bills and claims for December 2009.

Supervisor Weiss moved to accept the report on General Government bills and claims for December 2009.

The motion was approved by the following vote:

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

Government Projects Update

David Ash reminded that the government projects update had been provided during review of Work Session items.

Miscellaneous

General Assembly Discussion

Chairman Hobert said that rapid action was necessary to address some proposed pieces of legislation and asked that the Supervisors empower him to respond on the County's behalf assuring that he would provide advance notice and seek input from fellow members,

Following discussion, by consensus, the Supervisors approved Chairman Hobert's request.

Chairman Hobert put forth for consideration a request by Alison Teetor for the Supervisors to write a letter of support to retain litter and recycling grants that are under consideration for transfer to economic development.

Following discussion, by consensus, the Supervisors approved Ms. Teetor's request.

Following discussion, David Ash was asked to research the issues regarding the theft of grease/fat.

Summary Of Required Action

<u>Item</u>	<u>Description</u>	<u>Responsibility</u>
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<u>Item</u>	<u>Description</u>	<u>Responsibility</u>
1.	Process approved minutes December 15, 2009 and January 1, 2010. Modify and process November 17, 2009 minutes.	Lora B. Walburn
2.	Place Our Health appointment on February Personnel Committee agenda for review and recommendation.	David Ash
3.	Update Appointments database with Supervisors' 2010 Committee appointments.	Lora B. Walburn
4.	Provide notice of approval to Blue Ridge Point to Point subject to comment from agencies and resolution of any issues that might arise.	Lora B. Walburn
5.	Process approved resolution 10-01R and provide to appropriate legislative representatives.	Lora B. Walburn
6.	Advertise public hearing for TA-09-07 and Agricultural District Renewal for February 16, 2010.	Lora B. Walburn
7.	Advertise public hearing for TA-09-06 and TA-09-15 for March 16, 2010.	Lora B. Walburn
8.	Update Appointments database and provide notice of appointment.	Lora B. Walburn
9.	Revise resolution 10-02R.	Lora B. Walburn
10.	Draft appropriate notes of thanks to the members of the Green Committee.	David Ash
11.	Pursue the appropriate procurements and present to the Board a written plan and procedure for response to animal neglect complaints.	David Ash
12.	Prepare a report on the Berryville Clarke County Government Center and advise whether a closed session would be necessary for review.	David Ash
13.	Set as a Finance Committee agenda item Bills and Claims review.	David Ash
14.	Write a letter of support to retain litter and recycling grants.	Alison Teetor
15.	Research the issues regarding the theft of grease/fat.	David Ash
16.	CC 10-01 carry over section on days and provide a recommendation at the February meeting.	David Ash
17.	Follow up on adequacy of wattage and cost of legislated requirements to a typical applicant.	Chuck Johnston

Board Member Committee Status Reports

Sanitary Authority by Supervisor Dunning

- Working on providing back-up water.
- Spent \$130,000 on a generator that does not appear to be functioning properly.
- Town of Boyce was not aware of the location of fire hydrants and is proposing a \$9,000 survey to identify locations.

Our Health by Barbara Byrd

- Director David Ziegler has resigned and the search for a replacement is under way.
- Their new building is LEED certified.

At 4:45 pm Chairman Hobert recessed the meeting until 6:30 pm.

At 6:32 pm Chairman Hobert reconvened the meeting.

Citizens Comment Period

No citizens appeared to address the Supervisors.

John Staelin joined the meeting at 6:36 p.m.

PH 10-01 FY10 School Capital Projects Budget Adjustment

Be it resolved that the FY10 School Capital Projects Budget be amended to increase expenditure by \$10,288,653 and to recognize revenue from debt proceeds of \$9,788,653 both for the purpose of constructing a new high school.

Tom Judge provided background on the School Board's request for additional funding in the amount of \$9,788,653 as estimated by Crabtree, Rohrbaugh and Associates for construction of the new high school.

Chairwoman Robina Rich Bouffault addressed the Supervisors explaining the add alternates considered by the School Board advising that the third add alternate would be considered for inclusion if the bids were favorable. She summarized the School Board's considerations, actions and accomplishments over the last two years. Her written comments are included in the meeting materials.

Vice Chairman Weiss asked that School Board for assurance that the high school core was adequate.

Robina Rich Bouffault responded that everything in the core was sized for 1,000; and the only thing lacking in the design were the eight additional classrooms in the add alternates.

At 6:45 p.m. Chairman Hobert opened the public comment portion of the public hearing.

Tammy Lanham – Millwood District: spoke in support of passage. She said that as a resident and an educator she had followed the proposed high school project for years. She opined that people in the community were pulling together for other projects but did not feel that education was given the same priority noting community support for the Barns of Rose Hill. She asked to know where each Supervisor stood individually on this issue.

Chairman Hobert responded that where each Supervisor stood would be evidenced by their vote on this matter.

Robin Betz - Berryville District: spoke in support of passage. She said that she had lived in Clarke County for a year having been drawn here by the school system for her six children. She commented as a realtor that there were over 100 houses on the market; but people would not relocate to Clarke County if the high school were inadequate.

There being no other present desiring to address the Supervisors on this matter Chairman Hobert closed the public comment portion of the public hearing at 6:47 pm.

Supervisor Staelin put forth that he had served as Board of Supervisors Chair for eight years and expressed his belief that the community had galvanized around the current site and a School Board that appeared to be spending funds wisely. He opined that differences were just part of political life. Supervisor Staelin responded to comments made by Ms. Lanham noting that the Board of Supervisors had only provided minimal funding for the Barns project.

Supervisor Byrd expressed her pleasure and relief that this day had finally arrived and regret that it could not have happened sooner.

Supervisor Weiss remarked that he was glad to be at this point with the high school project and to finally have something the upon which the Supervisor could vote. He opined that the project appeared to have come together over the last few years and said that he was impressed by the way the School Board had gone about finding something that would work in the County. He, too, remarked on comments regarding the Supervisors' commitment noting that taxes had been raised significantly over the years with the majority of those increases going to support the high school project.

Chairman Hobert remarked that the high school would be built and he anticipated its soon coming.

Supervisor Staelin moved to amend the FY 2010 budget to increase expenditure by \$10,288,653 and to recognize revenue from debt proceeds of \$9,788,653 both for the purpose of constructing a new high school.

The motion was approved as follows:

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

On behalf of the School Board, Chairwoman Robina Rich Bouffault thanked the Supervisors for their approval of the requested funding and for demonstrating their commitment.

PH 10-02 TA-09-09

TA-09-09 The Clarke County Planning Commission recommends the amendment of the County Subdivision Ordinance:

- Section 7-C-3-(d), Water and sewage disposal systems, so as to require approved septic systems and 100% reserve systems for all existing homes when subdivided.
- Section 10-D, Boundary Line Adjustments, so as to establish criteria for the showing well and on-site sewage disposal systems on Boundary Line Adjustment plats.

Chuck Johnston reviewed the proposed amendment to the County Subdivision Ordinance.

At 6:53 p.m. Chairman Hobert opened the public comment portion of the public hearing. There being no persons present wishing to address the matter the public comment portion of the public hearing was closed.

John Staelin moved to approve the amendment of the County Subdivision Ordinance:

- **Section 7-C-3-(d), Water and sewage disposal systems, so as to require approved septic systems and 100% reserve systems for all existing homes when subdivided.**
- **Section 10-D, Boundary Line Adjustments, so as to establish criteria for the showing well and on-site sewage disposal systems on Boundary Line Adjustment plats.**

The motion was approved by the following vote:

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

SUBDIVISION ORDINANCE TEXT AMENDMENT

Text to added showed *in bold Italics*
through

Text to be deleted showed ~~struck~~

7 DETAILS OF PLAT REQUIREMENTS

7-C RECORD PLAT

7-C In addition to the requirements of the Preliminary Plat, the Record Plat shall include the following:

7-C-3-(d) Water and sewage disposal systems:

1. If lots less than 40 acres in size are to be served by an individual onsite water well, the well site for each lot shall show the distance and bearing to one corner of the well from two property corners, and the Record Plat shall indicate Health Department approval of such sites, pursuant to Section 7-C-3-(1)-(7) herein.
2. If lots less than 40 acres in size are to be served by an individual onsite ~~subsurface~~ septic systems, the primary and reserve drainfield areas for each lot so served shall show the distance and bearing to one corner of the drainfield area from two property corners, and the Record Plat shall indicate Health Department approval of such areas, pursuant to Section 7-C-3-(1)-(7) herein.
3. The capacity of new drainfield areas shall be shown for each parcel by stating by the maximum number of:
 - a. gallons of effluent per day (daily design flow);
 - b. bedrooms; and
 - c. full-time occupants
4. If any lot contains an existing dwelling, the plat shall indicate one of the following:
 - a. Location of an existing approved standard ~~subsurface~~ septic system *as shown by the County Health Department records* ~~or and~~ 100% reserve drain field area ~~and for lots under 20 acres in size, an approved standard subsurface septic system as shown by County Health Department records and 100% reserve drain field area,~~ or
 - b. Location of a new primary and a 100% reserve drain field area, as shown in a permit, approved by the Health Department, pursuant to Section 7-C-3-(1)-(7) herein. Such location shall be shown by distance and bearing to one corner of the primary drain field and one corner of the reserve drain field from two property corners.
5. If any lot contains an existing dwelling, evidence shall be submitted with the proposed record plat showing that any existing septic tank has been installed or pumped within the past five years.

10 SPECIAL REGULATIONS

10-D BOUNDARY LINE ADJUSTMENTS

10-D-5 Any existing structure (or structures) and existing or proposed well(s) and on-site sewage disposal system(s) shall be shown on a Boundary Line Adjustment survey plat. Structures shall be identified as to their use and show the physical address of each structure where applicable. All wells and on-site sewage disposal systems shall be verified by the Clarke County Health Department as to location, capacity, type and use and be noted accordingly on such survey plat.

PH 10-03 CC 10-01 Chapter 57 Special Events:

The Clarke County Board of Supervisors will consider the amendment of Chapter 57 Special Events so to revise:

- § 57-2. Definition of the term “Special Events”;
- § 57.4. Application for permit: so as to add the requirement to send written notice and remove the requirement to send the full application by certified mail; change from calendar to working days.
- § 57.6. Action on applications: so as to remove the requirement of the County Administrator and/or Board to provide notice to applicant and adjacent property owners via certified mail; change from calendar to working days where applicable.

David Ash reviewed the proposed changes to Chapter 57 Special Events.

At 7:02 p.m. Chairman Hobert opened the public comment portion of the public hearing. Being no persons present wishing to address the matter the public comment portion of the public hearing was closed.

Following discussion, by consensus, the Supervisor deferred action on the proposed change from calendar versus working days requesting that staff provide a recommendation.

Supervisor Staelin moved to approve the amendment to Chapter 57 shown on pages 174 through 178 of the meeting packet except those changes striking calendar and inserting working and carry over that section on days and ask staff to provide a recommendation at the February meeting.

The motion was approved by the following vote:

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

§ 57-2. Definitions. Special Event –

- a) Any ~~public~~ assembly, attraction, ceremony, event, festival, gathering, circus, carnival, or show at which rides, games, competitions, attractions, music, dance, or other performing arts are engaged in by participants or provided as entertainment by professional or amateur performers or by prerecorded means,
 - 1) which involves the raising, charging, donating or re-couping of funds,
 - 2) which is held at any place other than (1) on property owned by the United States of America, the Commonwealth of Virginia, or the County of Clarke, or (2) in a permanent enclosed structure, ~~to which the public is invited or admitted,~~

- 3) to which the public is invited or admitted,
 - 4) which does not occur in the Town of Berryville, the Berryville Annexation Area, or the Town of Boyce, and
 - 5) which occurs on a parcel of land of six or more acres (a parcel of land of six or more acres may include adjoining parcels with the same owner that have a total area of six or more acres).
- b) Such an assembly shall not include demonstrations, parades, rallies, marches, or picketing activities.

§ 57.4. Application for permit.
[Amended 09-02-17]

- a) Written application for a Special Event permit shall be made to the Board of Supervisors or its designee. Such application shall contain such information and be on such forms as the Board of Supervisors, or its designee, may from time to time require. No application shall be submitted, or accepted, unless presented on the required forms along with all additional required plans, documents, approvals, fees, and other material required by this ordinance.
- b) An application for a Small Special Event shall be submitted at least 30 calendar days before the date of the Event to allow for review of the application.
 - An application for a Medium or Large Special event shall be submitted at least 120 calendar days before the date of the Event in order to allow for review of the application. However, such an application may be submitted at least 75 calendar days before the date of the Event if the application contains written approval of all requirements as specified in Section 57.7.
- c) Multiple applications for Special Event permits may be submitted together for a single parcel of property for events to be held during a calendar year.
- d) No application for a Special Event may be filed more than one year before an Event is to be held or before the first Event Day for applications for multiple Special Event permits, except for an application for a Special Event that is substantially the same as a Special Event that been previously approved.

~~e) The applicant shall:~~

- ~~a. Send a copy of the application to all adjacent property owners by certified mail on the same date as the application is filed with the Administrator. The address for such owners shall be that found in the records of the Commissioner of the Revenue or equivalent source for properties not located in Clarke County.~~
- b. ~~Include with the application sent to adjacent property owners~~

~~a written notice that these owners may contact the Administrator with any comments within 15 calendar days of the date of the mailing of the notice.~~

~~f-e)~~ The application shall include:

- 1) A description of the event and the type and nature of the performances, shows, and/or other activities.
- 2) A schedule of the dates and times of specific performances, shows, and/or other activities.
- 3) A description, plan, and/or documentation of how the applicant will comply with each of the Special Event requirements set forth in §57. 7.
- 4) A signed statement from the owner of the property on which the event is to be held to confirm that the owner has given permission for the specific Special Event to be held.
- 5) A list of all adjacent property owners, with addresses.

~~6) Written proof of the mailing of the certified notices~~ *A copy of the written notice sent to adjoining property owners summarizing the Special Event[s] including date[s] and time[s] and a statement that adjoining property these owners may contact the applicant or County Administrator with any comments and/or to review application within 15 calendar days of the date of the mailing of the notice. The address for such owners shall be that found in the records of the Commissioner of the Revenue or equivalent source for properties not located in Clarke County. as described in section 57.4.f.1., above. Written notice shall be sent on the same date as the application is filed with the Administrator.*

- 7) For Medium or Large Special Events, a scaled drawing depicting the following:
 - a) The areas for performances or activities and for grandstands or seats, showing the location of all aisles for pedestrian travel and other crowd-control measures.
 - b) All physical facilities existing or to be constructed on the premises, including, but not limited to, fences, ticket booths, grandstands, and stages.
 - c) The location, capacity, and nature of all temporary lighting, sound, and public address facilities.

- d) The location, capacity, and nature of all temporary water, toilet, and all other public health-related facilities.
- e) Vehicle ingress, egress, and parking plan, to include emergency vehicle access.

§ 57.6. Action on applications.
[Amended 09-02-17]

a) Small Special Event. Upon receipt of a complete Small Special Event permit application, the Administrator, or his designee, shall review the application and shall, within 30 calendar days, upon finding that the Special Event would comply with the provisions of this ordinance, approve the permit subject to such reasonable terms and conditions established by the Administrator;

1) Provided, however, if the applicant requests additional public services or the Administrator has cause to believe that additional public services would be necessary:

- The Administrator shall forward the application to the public agency or agencies, which would provide the additional services for comment and/or agency approval of the additional services.
- The public agency shall respond with comments and/or agency approval within 15 calendar days. Failure to respond within 15 calendar days shall be deemed approval by the agency.
- The Administrator shall act upon the permit within 10 calendar days of receipt of the comments and/or agency approval.
- The Administrator shall consider the application and agency comments and shall approve the application, incorporating such reasonable terms and conditions as may be established by the Administrator or deny the application.
- If the Administrator approves multiple events and the conditions established are not followed, the Administrator may reconsider his/her approval action for any events that have not occurred.
- If the Administrator approves multiple events and the conditions established are determined by the Administrator to be ineffective in protecting the public health, welfare, or safety, the Administrator may modify such conditions. Such modifications shall be provided to the applicant in writing at least 5 calendar days before the next event.

2) The Administrator shall send notice of his action to all adjacent property owners ~~by certified mail~~ within 5 calendar days after the decision being rendered.

3) The Administrator may approve any number of Special Events for

multiple years at the same location.

- b) Medium or Large Special Event. Upon receipt of a complete Medium or Large Special Event permit application,
- The County Administrator shall forward the completed application to the:
 - Clarke County Building Official,
 - Clarke County Sheriff,
 - Chief of the Fire and Rescue Company serving the location, and
 - Local offices of the Virginia Departments of Health, State Police, and Transportation for comment and/or agency approval. The public agency shall respond with comments and/or agency approval within 45 calendar days. Failure to respond within 45 calendar days shall be deemed approval by the agency.
 - The Administrator shall:
 - Forward the application and any agency comments and/or agency approvals to the Board, and
 - Place the application on the agenda of the first regular meeting of the Board that occurs after 60 days after the submittal of the application. At this meeting:
 - 1) For Medium Special Events, the Board shall consider the application and agency comments and shall approve the application, incorporating such reasonable terms and conditions as may be established, deny the application, or set a public hearing on the application for the next regular meeting of the Board. After a public hearing at the next regular meeting, the Board shall approve the application, incorporating such reasonable terms and conditions as may be established or deny the application.
 - 2) For Large Special Events, the Board shall set a public hearing on the application for the next regular meeting of the Board. After a public hearing at the next regular meeting, the Board shall approve the application, incorporating such reasonable terms and conditions as may be established or deny the application.
 - 3) The Board shall send notice of its action to the applicant and all adjacent property owners ~~by certified mail~~ within 10 calendar days after the decision being rendered.
 - 4) The applicant or any adjacent property owner may appeal in writing to the Circuit Court an action of the Board to

approve or deny an application. Such appeal shall be filed within 30 calendar days of the date of the Board's decision.

- 5) The Board may approve any number of Special Events for multiple years at the same location.

Adjournment

There being no further business to be brought before the Board at 7:16 pm Chairman Hobert adjourned the meeting.

Next Regular Meeting Date

A Special Meeting and Work Session is scheduled for 10 am Monday, February 8, 2010.

The next regular meeting of the Board of Supervisors is set for Monday, February 16, 2010 at 1:00 p.m. in the Main Meeting Room, 101 Chalmers Court, 2nd Floor, Berryville, Virginia.

ATTEST: January 19, 2010

J. Michael Hobert, Chair

David L. Ash, County Administrator

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