

CLARKE COUNTY BOARD OF SUPERVISORS
February 16, 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, February 16, 2010.

Board Members Present

Barbara Byrd; J. Michael Hobert; David Weiss

Board Members Absent

A. R. Dunning, Jr.; John Staelin;

Staff Present

David Ash, Chuck Johnston, Tom Judge, Lora Walburn

Others Present

Tony Roper, Keith Dalton, Frazer Watkins, Lauren McKay, and Becky Layne

Call to Order

Chairman Hobert called the meeting to order at 1:00 p.m.

Adoption of Agenda

David Ash requested that the following items be added:

- Consent Agenda: Lord Fairfax Health District 2009-2010 Locality Agreement
- Miscellaneous:
 - o Set Public Hearing - Special Event Permit Application – Watermelon Park Fest 2010
 - o Set Public Hearing - Special Event Permit Application – Balloon Festival 2010

Supervisor Byrd moved to approve the 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.	- Absent
John R. Staelin	- Absent

Approval of Minutes

Supervisor Byrd moved to approve the minutes of February 8, 2010 as presented.

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	- Absent

Consent Agenda

Ratification of Declaration of Local State of Emergency 10-01P

**DECLARATION OF A LOCAL EMERGENCY
10-01P**

Whereas the National Weather Service has issued a Winter Storm Warning covering all of Clarke County for the next 24 hours, predicting an additional 10 inches of heavy wet snow and subsequent wind gusts of 25-35 miles per hour; and,

Whereas this snow, combined with the snow fall already on the ground and the subsequent high wind gusts will likely make travel difficult or impossible, and will result in continued or additional electric power disruption; and,

Whereas the emergency services organizations in Clarke County have been strained to provide continuous manpower and equipment over the last week.

Now, Therefore, It Is Hereby Proclaimed that an emergency now exists throughout said County; and

It Is Further Proclaimed And Ordered that during the existence of said emergency the powers, functions, and duties of the Director of Emergency Services and the Emergency Management organization of Clarke County shall be those prescribed by State law and the ordinances,

resolutions, and approved plans of Clarke County in order to mitigate the effects of said emergency.

IN WITNESS THEREOF, I have set my hand and caused the seal of Clarke County, Virginia to be affixed this 9th day of February 2010.

Attest:

J. Michael Hobert, Chair
Clarke County Board of Supervisors

Request for Approval Farm and Ranchland Protection Program Grant

Mr. John A. Bricker, State Conservationist
USDA/NRCS
1606 Santa Rosa Road, Suite 209
Richmond, VA 23229

Dear Mr. Bricker:

The Clarke County Easement Authority is applying for funds through the Natural Resource Conservation Service (NRCS) Farm and Ranch Lands Protection Program to purchase conservation easements on two farms with a high percentage of soils of prime and statewide importance. The Clarke County Board of Supervisors is submitting this letter to indicate its endorsement of the application. In addition we have tentatively approved the County funds needed to match the NRCS funds for purchase should the grant be approved.

Protection of important farmland has been and remains a primary goal of the Counties Comprehensive Plan. Receipt of these types of grant funds enables the limited County resources to go farther to protect agricultural lands in our County.

Please contact me if I made provide any additional information regarding this endorsement.

Sincerely,
J. Michael Hobert
Chairman, Clarke County Board of Supervisors

Lord Fairfax Health District 2009-2010 Locality Agreement

Vice Chairman Weiss moved to approve the items on the Consent Agenda as modified with the addition of the Lord Fairfax Health District 2009-2010 Locality Agreement.

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.	- Absent
John R. Staelin	- Absent

Citizens Comment Period

No citizens appeared to address the Supervisors.

VDOT

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

- Maintenance activities have been predominantly snow removal.
- Significant drifting and tree damage occurred during the storms.
- Some secondary roads are still snow covered. The snow blower is in use on Routes 604 and 605.
- VDOT brought in loaders, track equipment, snow blower, etc. to remove significant snow amounts and drifting during recent storms.
- Vice Chairman Weiss asked for closer monitoring, when possible, of roads prone to drifting. Jeff Lineberry commented that stranded motorists presented problems to VDOT for road clearing activities noting that roads were drifting over as quickly as they were being cleared.
- High School Construction Update: While the application is still in the review process, staff has been diverted to deal with snow removal. Easement is still under review.
- Keith Dalton noted drifting issues on Route 608, South Church Street and Boom Road. He suggested consideration of snow fencing and identification of problem areas.

Regional Agricultural Economic Development Coordinator Position Update

Clay Brumback, President Local Farm Bureau, appeared before the Supervisors to present the Farm Bureau's request for funding of a Regional Agricultural Economic Development Coordinator. He advised that there were still details to be worked out, particularly the development of a steering committee. He stated that Clarke County's funding portion would be \$9,250 for FY2010 and annually over the next two years.

Chairman Hobert asked whether local Cooperative Extension Agent Jake Grove could perform these duties noting the success of the recently established local hay auction that Mr. Grove helped develop and facilitate.

Mr. Brumback opined that while the local hay auction was good, Mr. Grove performed the duties of Animal Science Agent, also well as handled the 4-H program that the Farm Bureau

deemed as extremely important. He explained that the agricultural coordinator would be focused on marketing and finance.

Vice Chairman Weiss said that the position would also lobby on behalf of farmers in the localities and work to find markets for local produce. He clarified that only Augusta, Page, Rockbridge and Warren Counties had agreed to participate and that the other listed jurisdictions were reviewing the matter.

Chairman Hobert pointed out that using a base share to determine funding was atypical noting that normal measures are population or participants.

Supervisor Byrd requested that the matter be held over until all members of the Board of Supervisors were present.

Chairman Hobert concluded that the request came at an economically difficult time. He requested that the matter be placed on the Work Session agenda for further discussion.

Set Public Hearing TA-09-16

Chuck Johnston briefed the Supervisors on the proposed text amendment noting that Berryville Town Council has reviewed the amendment.

Supervisor Byrd 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-09-16.

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.	- Absent
John R. Staelin	- Absent

Modification of Planning Fee Schedule

Chuck Johnston explained the proposed modifications to the Planning Fee Schedule advising that some of the Zoning Administrator's recommendations had not been included in the schedule approved by the Supervisors at the February 8, 2010 Special Meeting.

Supervisor Byrd moved to adopt the revised Planning Fee Schedule with the proposed modifications to Land Disturbance Permits and the addition of Agreement in lieu of Erosion & Sediment Control Plan; E&S Compliance Inspection and Collection and Expense Reimbursement provision required: "Fees and expenses for professional

review of application materials by county consultants shall be reimbursed to the Count at cost.”

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.	- Absent
John R. Staelin	- Absent

2010 Planning Fee Schedule

Zoning Map Amendment	\$ 4000 per acre or portion of
Amendment to less intense district	½ Zoning Map Amendment Fee
Amendment to Rezoning Proffers	½ Zoning Map Amendment Fee
Text Amendment	\$ 6000
(Comprehensive Plan; Zng Ord; Subd Ord)	
Appeals to Board of Supervisors	\$ 2500
Special Use Permit	
for property zoned commercial/indus.	\$ 2500 for each disturbed acre or portion thereof + Site Plan Fees
for property zoned AOC, FOC, resid.	\$ 2500 + Site Plan Fees
Amendment	½ Regular Fee
Site Development Plan	
for property zoned commercial/indus. /required parking space	\$ 5000 + \$ 250
for property zoned AOC, FOC, or residential or for non-profit uses/required parking space	\$ 2500 + \$ 250
Amendment by Planning Commission	½ Regular Fee
by Planning Administrator	¼ Regular Fee
Major Subdivision (3 or more new lots)	\$ 4000/lot, plus \$ 300 for each road sign & pole set as needed
Minor Subdivision (one or two new lots)	\$ 4000 plus \$ 300 for each road sign & pole set as needed
Boundary Line Adjustment	\$ 500 plus \$ 2750 for each DUR transferred
Maximum Lot Size Exception	\$ 1500
requiring Planning Commission approval	
Subdivision Ordinance Waiver	\$ 1250
Vacation of Plat	\$ 1825
Board of Zoning Appeals	\$ 750 (fee refunded if appeal upheld)
Board of Septic & Well Appeals	\$ 750

Review of blasting plans	\$1250
Septic and Well Applications	
Sewage Disposal Application	\$ 270 (plus VDH fee: \$ 355) = \$ 625, all paid to VDH
Well Water Supply Application	\$ 185 (plus VDH fee: \$ 205) = \$ 390, all paid to VDH
Walkover Fee	\$ 80 paid to VDH
Sign Permit	\$ 20 per sq/ft
Zoning Determination Letter (identification of property zoning and permitted uses requiring interpretation of county regulations)	\$ 150
Zoning Certification Letter (identification of property zoning and permitted uses)	\$ 100
Certificate of Appropriateness for property zoned commercial or industrial	\$ 100
for property zoned AOC/FOC/Residential or for non-profit uses	\$ 50
<i>Land Disturbance Permits</i>	
Erosion & Sediment Control Plan for site plans, major subdivisions, for non-residential land disturbances of 10,000 sq ft or more(not including agricultural activities)	\$ 500 per plan + \$ 100/acre of disturbed area
<i>Agreement in lieu of Erosion & Sediment Control Plan for residential land disturbances of 10,000 sq ft or more</i>	<i>\$ 250 per plan</i>
E&S compliance inspection of either of above plans	1 st visit: \$125; 2 nd : \$250; 3 rd : \$500; 4 th : \$1000; etc.
Minor Land Disturbance Permit for any disturbance of less than 10,000 sq ft	\$ 50
Zoning Permit Structure not requiring a building permit	\$ 100
Residential Structure	
New principal structure	\$ 300
Accessory structure or heated addition	\$ 200
Unheated additions (porches/decks)	\$ 100
Initial review of Home Occupation / Business License	\$ 100
Commercial Structure	

New principal structure or any addition with sq ft increase of 15% or more	\$ 750
Accessory structure or any addition with sq ft increase of less than 15%	\$ 500
Stream Buffer Mitigation Plan	\$ 150
Land Evaluation & Site Assessment (LESA)	\$ 250
New Structure Addresses	\$ 130

Acreage, square foot, or parking space numbers are rounded to next whole number for determination of fee.

Collection and Expense Reimbursement: Payment of all applicant fees and charges shall be made to the Treasurer of Clarke County at the time of application for actions pertaining to zoning and subdivision matters. *Fees and expenses for professional review of application materials by county consultants shall be reimbursed to the County at cost.* An administrative fee of \$30 shall be charged for reimbursements not received within 30 days of first payment notice (VA Code §58.1-3958). The County may require a deposit for professional consulting service fees to be paid at application submittal.

Fee Waiver: The Board of Supervisors may waive fees in whole or in part for hardship or other unique reasons justifying relief. The Board of Supervisors or Planning Commission, at no cost to the landowner, may initiate zoning Ordinance Amendments. The Board of Supervisors has granted waivers for the following circumstances:

1. Zoning Application for housing for low/moderate income elderly citizens developed by a non-profit entity;
2. Zoning Applications for volunteer emergency service provider uses;
3. Zoning Applications for municipal water storage uses;
4. Zoning Applications for County-owned recreational uses; and
5. Special Use Permit/Site Plan Applications for nursery, day care, or pre-school uses operated by a non-profit entity in an existing structure.

Refund: Withdrawal of application before Planning Commission (or other review bd.) sets public hearing on request = 50% refund
Withdrawal of application before Board of Supervisors sets public hearing on request = 25% refund

Republication Costs: If the County has published a request in accord with public notice requirements and the applicant fails to meet their obligation for providing notice by posting signs and/or sending legal notice to adjoining property owners, the additional costs of republishing the request shall be paid by the applicant in addition to standard fees paid.

Request for Conservation Easement Approval

Alison Teetor reviewed the Easement Authority request and explained its funding sources. She summarized the federal grant land process.

MEMORANDUM

TO: Board of Supervisors, David Ash
FROM: Alison Teetor
DATE: February 16, 2010
SUBJECT: Request for Easement Approval

The Easement Authority has preliminarily approved the following easements for acceptance. The Authority requests the Board of Supervisors to authorize the Chairman of the Board of Supervisors to execute deeds, easements, and other documents necessary to the transactions.

GRANT PURCHASE

Winston & Nelson Sipe: This parcel is 60 acres located on the west side of Tilthammer Mill Road. In reviewing the parcel all of the criteria have been met. It is adjacent to a co-held easement between the County and VOF, which was purchased in 2007 with County and VOF funds. The Property Resource Score is 76.1, two of the 3 remaining DURs would be extinguished, with the right of one subdivision. There are two small existing houses. The parcel has approximately 1,000 feet of frontage on the Shenandoah River and 1000 feet of frontage on a scenic byway (Tilthammer Mill Road). The parcel is adjacent bordered on two sides by VOF easements. This land has been in the Sipe family for over 50 years. The parcel has 86% important soils and qualifies for FRPP funds. The estimated appraised value of the easement is \$400,000. The easement will be funded using Farm and Ranchland Protection Program Grant funds (\$200,000, 50%), County & VDACS funds (\$50,000, 25%,) not including associated expenses, and landowner donation (\$50,000, 25%).

DUR PURCHASE

Name	Map #	Acres	Retired	Ext. Houses/DURs		Score	Offer	Lien	Landuse
				Retained					
Circle Hill Farms	2-((A))-1	232.25	5		1/5	99+	\$140,000	n	y
Shiley	28-A-5	138	6		1/8	98.04	\$240,000	y	y
Irmengard Lewis	39-A-79	167.3	2		1/5	77.47	\$80,000	y	y
Jeffrey & Mary Hackman	24-A-13A	41.01	3		1/3	62.03	\$55,200	y	y
Kenny Unger	3-((A))11A	38.1	2		1/2	61.12	\$80,000	y	y
Jimmy Wyatt & Kathleen Clark	31-((A))-8D	47.59	2		0/3	54.91	\$60,800	n	y

Circle Hill Farm: The parcel is 232.25 acres, approx 145 acres are in Clarke County. The parcel is located off of Swimley Road on the Frederick County border. In reviewing the parcel 3 of the four criteria have been met. The Property Resource Score is 119+, all five of the remaining DURs are being extinguished. The parcel is greater than 40 acres and is not adjacent to an exiting easement. Parcel borders the Opequon for nearly 1 mile. The property has been in the Pidgeon family for more than 50 years. There is an 1800 farmhouse that could be a contributing structure in a future historic district. An endangered species block is within a portion of the parcel, it has several sinkholes.

Purchase offer \$140,000, County - \$70,000, VDACS - \$70,000

Pleasant View Farms: The parcel consists of 3 lots totaling 134 acres located off of Chrismore Road in the southwest section of the County. The Property Resource Score is 98.04, 6 of the

8 remaining DURs would be extinguished; it is adjacent to existing easements (Russell), and the parcel greater than 40 acres in size. Conservation features include sinkholes, wetlands, a 1890 farmhouse that would be a contributing structure in a future rural historic district. The property has been in the Shiley Family for more than 50 years.

Purchase offer \$240,000, County - \$120,000, VDACS - \$120,000

Irmengard Lewis: This parcel is 167.3 acres located on the mountain just north of Route 50 on the south side of Mt. Carmel Road. In reviewing the parcel three of the four criteria have been met. The parcel is larger than 40 acres, the Property Resource Score is 77.47, 2 of the 5 remaining DURs would be extinguished. The parcel is not next to an existing easement. The existing house was built in 1942 and could be a contributing structure in a future rural historic district. The parcel has approximately 3,000 feet of frontage on a perennial stream and approximately 16 acre of slope > 25%. Mrs. Lewis has owned the property for between 30 and 50 years.

Purchase offer \$80,000, County - \$40,000, VDACS - \$40,000

Hackman: The parcel is 40.1 acres located on Wiley Neck. In reviewing the parcel three of the four criteria have been met. The Property Resource Score is 62.03, the three remaining DURs would be extinguished. They have 1600 feet of river frontage.

Purchase offer \$55,200, County - \$27,600, VDACS - \$27,600

Supervisor Weiss moved to authorize the Chairman of the Board of Supervisors to execute deeds, easements and other documents necessary to the transactions for the purchase of easements from Winston & Nelson Sipe, Circle Hill Farm, Pleasant View Farms, Imengard Lewis, and Hackman subject to description as provided by Ms. Teetor.

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.	-	Absent
John R. Staelin	-	Absent

Consideration to Rescind Status of Local Emergency

David Ash recommended that the order be rescinded. Highlights of his update included:

- Waiting on Presidential action to declare a disaster in order to generate any financial assistance.
- Equipment requested from State was not supplied.
- Emergency Shelter was set up and staffed for one and half days; however, being no demand for services, it was closed.
- The AlertNow system was utilized.

Supervisor Weiss moved to rescind the local emergency status.

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.	-	Absent
John R. Staelin	-	Absent

Continued Discussion CC-10-01 – Chapter 57 Special Events

David Ash recapped the changes approved to Chapter 57 at the January 19 meeting. He advised that the application forms had been revised with input from Supervisor John Staelin and Frazer Watkins, member of the now defunct Events Ordinance Review Committee.

Frazer Watkins, as an applicant and former Committee member, provided the following suggests and comments:

- Addition of the date of public hearing on adjoining property notice. David Ash responded that public hearing is not required for all events and a date cannot be established before it comes before the Supervisor for determination of when or even if a public hearing should be held.
- Correct Building Department permit requirement that is currently out of sequence in the Code.
- While the new application is lengthier, it is easier to use and can be filled out electronically.
- Applicant should be responsible for making requests to agencies not the County Administrator. Vice Chairman Weiss added that it was never the Committee's intent to transfer from the applicant the responsibility to provide notice.
- Add a link to the County website, if possible, for volunteer fire and rescue companies.
- Current permit application fees are high and should be reviewed.
- Submission for multiple years:
 - o Provides for annual notice to each department or agency.
 - o Does not remove requirement to obtain all necessary permits.
 - o Reduces cost to the applicant.
 - o Reduces volume of permits through Administration, as well as those requiring review by the Supervisors.
 - o Facilitates long-range event planning and improves applicants ability to operate in the market place.

Mr. Watkins concluded his comments by asking for serious consideration of the request by Shepherd's Ford Productions and Watermelon Park Campground for approval of a 5-year Special Event Permit for Watermelon Park Fest, an annual event held in the fall.

Following discussion, Chairman Hobert instructed Administrative staff to provide the following:

- Recommendations for changes to the permit fee schedule

- Recommendations for changes to Chapter 57.
- Add fire and rescue links to website.
- Clarification on ability to conduct events on parcels of six or fewer acres.
- Add continued discussion to the March agenda.

Government Projects Update

David Ash informed the Supervisors that the County was waiting on bids for the Circuit Courthouse. He also advised that a meeting was scheduled to address issues with the Government Center

Miscellaneous

Set Public Hearing - Special Event Permit Application – Watermelon Park Fest

Shepherd's Ford Productions & Watermelon Park Campground are applying for approval of a 5-year Special Event Permit for Watermelon Park Fest held annually in September.

Set Public Hearing - Special Event Permit Application – Historic Long Branch Hot Air Balloon, Wine and Music Festival

Special Event Permit: Historic Long Branch is applying for approval of a 3-year permit for the Hot Air Balloon, Wine and Music Festival held annually in October.

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 Special Event Permit Applications for Watermelon Park Fest and Historic Long Branch Hot Air Balloon, Wine and Music Festival.

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.	- Absent
John R. Staelin	- Absent

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.	Lora B. Walburn
2.	Provide letter of endorsement for Farm and Ranchland Protection Program Grant.	Alison Teetor
3.	Execute and forward Lord Fairfax Health District 2009-2010 Locality Agreement.	David Ash
4.	Add discussion of Regional Agricultural Economic Development Coordinator position to the March Work Session agenda.	David Ash
5.	Advertise public hearing for TA-09-16 and Special Event Permits for Watermelon Park Fest and Historic Long Branch Hot Air Balloon, Wine and Music Festival.	Lora B. Walburn
6.	CC-10-02 Chapter 57: Recommendations for changes to the permit fee schedule; Recommendations for changes to Chapter 57; Add fire and rescue links to website; Clarification on ability to conduct events on parcels of six or fewer acres; Add continued discussion to the March agenda.	David Ash Lora B. Walburn
7.	Continue public hearing on Renewal of Agricultural District to the March 16, 2010 Regular Meeting.	David Ash
8.	Prepare Code amendment for Chapter 48 Agricultural District and Chapter 165 Taxation; Prepare such documentation as is necessary to address questions raised; Invite member[s] of Agricultural Advisory Committee to attend the March 16 meeting.	Jesse Russell

Board Member Committee Status Reports

Our Health by Supervisor Barbara Byrd

- A going-away is planned for the out-going Our Health Director, David Ziegler.

Budget Discussion in Lieu of Proposed Work Session

Tom Judge provided an update on the FY11 Budget preparation. Highlights of the update and discussion include:

- Personal property tax figures should be available by the end of the week.
- The School Superintendent will present the Schools' FY11 budget tonight.
- Local budget adjustments are pending the receipt of more information from the State.
- An estimated \$116,000 in additional revenue is anticipated in a change in land use and conservation easement estimate incorporated in the most-recent reassessment.

- The Finance Committee recommended flat funding for all agencies.
- No decrease in positions as a consequence of revenue loss as of yet.
- No salary increases.
- Projected 10% health insurance increase.
- School operations are shown as flat. He noted that the Schools' goal was to keep the funding request flat to the locality.
- Conservation Easement expenditure assumes grant funding. Further clarification is required from Alison Teetor.
- State revenue assumptions show a loss of \$250,000 directly relating to position funding in constitutional offices.
- Action on the Composite Index will not be taken until mid April making budgeting difficult.
- \$500,000 identified cuts
 - Board of Equalization completes its function before the start of the next fiscal year.
 - Information Technology telecommunications savings.
 - Circuit Court always built in funds for furniture replacement.
 - Sheriff's Department had retirements and new hires came in at lower salaries.
 - Animal Control is being managed with one full-time position, one part-time position and volunteers from the local jail. It is uncertain how long this might be maintained but it has resulted in reduction.
 - Landfill fees reduction.
 - Sanitary Authority is reviewing a proposed \$20,000 reduction.
 - Maintenance salary shared by Schools and general government.
 - Parks programs scaled back estimates.
 - Partial funding of Zoning Administration shifted to Economic Development.
 - Planning Commission reduced legal services.
 - Cooperative Extension had two positions funded by the state and scaled back to one but continued to request funding for both positions. In FY11 the County has scaled back to actual.
- More information should be available by the Tuesday, February 23, 2010 Budget Work Session.
- No meeting will be held on Thursday, February 18, 2010.
- Finance Committee passed on requests for new positions but these may be reconsidered later in the process.

At 3:09 pm Chairman Hobert recessed the meeting until 6:30 pm.

At 6:35 pm Chairman Hobert reconvened the meeting.

Citizens Comment Period

No citizens appeared to address the Supervisors.

Public Hearing PH 10-04 TA-09-07

The Clarke County Board of Supervisors will consider the Planning Commission recommendation to amend 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.

Chuck Johnston reviewed the proposed amendment and answered questions.

At 6:40 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.

Supervisor Byrd moved to approve TA-09-07 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.	-	Absent
John R. Staelin	-	Absent

ORDINANCE 10-01ORD

At a regular meeting of the Board of Supervisors of Clarke County, Virginia, held at the Berryville Clarke County Government Center of said County on 2010 February 16 at 6:30 pm. On motion by Supervisor Byrd, the Board of Supervisors (Staelin-absent Hobert-aye, Byrd-Aye, Dunning-Absent, Weiss-Aye) approved the proposed Text Amendment of the Zoning Ordinance.

WHEREAS, the Clarke County Zoning Ordinance is established to protect the health, safety, and welfare of the community;

WHEREAS, the County Zoning Ordinance section regulating exterior lighting on site plans for commercial uses currently consist of a single paragraph and limits lighting only in regard to height and shielding;

WHEREAS, elements of exterior lighting such as location, intensity, photometric data, and type of lighting are not addressed in the current regulations; and

WHEREAS, county planning staff and Chester Engineers developed amendments to the lighting ordinance based on standard practice on this topic by lighting professionals and standards in other jurisdictions;

NOW THEREFORE BE IT ORDAINED THAT, that the following section of the County Zoning Ordinance be amended: Section 6-H-11, Outdoor Lighting Standards for Site Development Plans, so as to provide more comprehensive outdoor lighting standards for commercial site plans.

Approved 2010 February 16

ATTEST:
TA-09-07

David L. Ash, County Administrator

ZONING ORDINANCE TEXT AMENDMENT

Text to added showed *in bold Italics* Text to be deleted showed ~~struck through~~

9-B DEFINITIONS

9-B-147 RESTAURANT: Any establishment, however designated, at which food is sold for consumption on or off the premises *including any temporary food establishment or mobile vendors open for business activities on any specific parcel for more than seven days in any calendar year*. However, a snack bar or refreshment stand at a public or nonprofit community swimming pool, playground, play field or park, operated solely by or for the agency or group operating the recreational facility, and for the convenience of patrons of the facility, shall not be deemed to be a restaurant. For purposes of administration and enforcement of this Ordinance, a Country Inn, *Seasonal Farmer's Market, and Wayside Stand* as defined herein, shall not be deemed to be a restaurant.

Public Hearing PH 10-05 Renewal Of Clarke County Agricultural And Forestal District:

The Clarke County Board of Supervisors will consider the renewal of the Clarke County Agricultural and Forestal Districts. These Districts are enabled by the Code of Virginia to preserve land in agricultural and forestal use for six years. The current six-year term of the Districts expires March 2010.

Chuck Johnston presented for consideration the renewal of the Clarke County Agricultural and Forestal Districts advising that the Planning Commission had reviewed and recommended renewal of the district. Jesse Russell, Zoning Administrator, provided an historic overview, as well as the Agricultural Advisory Committee recommendations including:

- Continuation of the six-year term.
- Extending land use application deadline from December 1 to December 31.
- Addition of an open space category with very specific, limited conditions.
- Recommended to the Commissioner of the Revenue replacing SLEAC values.

At 6:54 p.m. Chairman Hobert opened the public comment portion of the public hearing. There being no persons present wishing to address the matter.

By consensus, in consideration of the Supervisors request for additional information Chairman Hobert recessed the public comment portion of the public hearing until Tuesday, March 16, 2010, 6:30 pm, or as soon thereafter as the matter might be heard to address all issues raised by the Agricultural Advisory Committee and the Planning Commission.

Vice Chairman Weiss suggested that a member or members of the Committee be invited to attend the March 16 meeting.

Adjournment

There being no further business to be brought before the Board at 7:00 pm Chairman Hobert adjourned the meeting.

Next Regular Meeting Date

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

ATTEST: February 16, 2010

J. Michael Hobert, Chair

David L. Ash, County Administrator

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