

CLARKE COUNTY BOARD OF SUPERVISORS  
March 16, 2010                      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, 2<sup>nd</sup> Floor Berryville Clarke County Joint Government Center, 101 Chalmers Court, 2<sup>nd</sup> Floor, Berryville, Virginia on Tuesday, March 16, 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, Gary Pope, Jesse Russell, Lora Walburn

Others Present

Tony Roper, Robina Rich Bouffault, Dr. Michael Murphy, Wilson Kirby, Keith Dalton, Christy Dunkle, Barbara Bosserman, Frazer Watkins, Alton Echols, Gem Bingol, Lauren McKay, Becky Layne, and other citizens

Call to Order

Chairman Hobert called the meeting to order at 1:08 p.m.

Adoption of Agenda

Supervisor Byrd moved to approve the agenda as presented.

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	-	Aye

Supervisor Dunning joined the meeting at 1:11 pm.

## 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:

- Students continue to compete and exceed with a long list of DECA winners.
- Regional spelling bee winners compete tonight.
- Winter storm poetry contest judging is taking place today.
- Boyce Elementary:
  - Cardinal Choice celebration this Friday at 7:45 am.
  - PTO Bingo for books at 5:30 pm this Friday for Grades 3, 4, and 5.
- Virginia Grade Level Assessment (Grades 3-8) training took place this week.
- Audio conference this week on ESY, a special education summer school.
- Alpha Smart (student word processor) training that is under \$200 per computer.
- Two new diploma programs will be implemented with the entering 2010/2011 freshman class. Supervisor Dunning expressed his support for vocational programs.
- Roofing survey is underway.
- Work continues on the budget and more information regarding legislative changes is anticipated by Friday.
- Work continues to realign staffing.
- CCHS registration has started.
- Ongoing challenges in Special Education.
- Staffing discussions are planned for this Thursday.
- Due to enrollment issues, program reductions may be suggested for next year especially at the high school level.
- Lots of challenges but making tremendous strides in many areas.
- High School Update:
  - Dr. Murphy advised that while still active in the construction process as of February 1 the School Board had realigned his position.
  - School Board Chair Robina Rich Bouffault stated that Dr. Murphy was still very busy working on the education specifics for the new school that should be finalized this week.

- Chairwoman Bouffault advised that she was now acting as the owners' representative serving as the conduit and coordinator of the high school construction process.
- At this time, Gannet Fleming has not yet approved the 90% design drawings from the architect considering them incomplete.
- A special meeting of the School Board is scheduled for March 29 to review the 90% elements.
- Construction and bid documents are expected to be ready by the end of April.
- If all documents can be sent out for bid by the end of April, construction could begin in June 2010 if permits have been approved.
- Final site plan status: the first submission was provided to the Town of Berryville at the end of January and final comments have been received from the reviewing agencies. The only outstanding issue is comment from VDOT; and while a letter dated March 12 from Bobby Boyce has been received, it only addresses the preliminary site plan. The BADA will be reviewing the plan later this month.
- Keith Dalton added that when the original site plan was submitted to Town Council they had not raised any objection to the closure of Tom Whitacre Lane.
- The Berryville Town Council agreed to the concept of the sharing of the fire flow. Mr. Dalton drafted a one-page framework for 50/50 cost sharing that he provided to the Town's attorney.
- The cost of utilities relocation is not included in the temporary entrance design budget.
- The Mosby easement documents were given to Keith Dalton last evening; and if suitable, the deed of easement should be recorded in the near future.

#### Approval of Minutes

**Supervisor Byrd moved to approve the minutes of February 16, 2010 as written. 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

**Supervisor Weiss moved to approve the minutes of February 23, 2010 as written. The motion was approved by the following vote:**

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

## Consent Agenda

### Procurement Policies and Procedures

Vice Chairman Weiss moved to approve the item on the Consent Agenda.

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

## Citizens Comment Period

No citizens appeared to address the Supervisors.

## VDOT

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

- Continue to deal with adverse weather condition caused by heavy rainfall received over the past few days.
  - o Stabilizing unpaved roadways.
  - o Problems on Routes 605 and 601 on the mountain required closure.
  - o Severe conditions have cause sub-base materials to give way.
  - o Route 761 sustained damage to pavement and approaches. Inspection of the bridge structure today indicates that it will survive.
  - o Issues with trees and limbs due to saturated soils.
- Work continues on pothole repair on hard surface roadways.
- The Luray Residency is slated for closure on April 24.
- Mr. Lineberry will be assuming the role of construction engineer for the Northern Shenandoah Valley and will continue to play a role in the Westwood Mosby Project.

- Some VDOT staff was transitioned into land development staff in the Edinburg Office and will continue to serve the area.
- The VDOT District Administrator shall forward contact information as plans are solidified.
- Westwood Road / Mosby Boulevard Update:
  - Project funding has not changed from the early January scoping meeting.
  - VDOT has requested a last update of the SSYP before the scheduled April closure date of the Luray Residence.
  - Project is an estimated \$3.2MM build out for Mosby, Westwood and round about. The Mosby portion has been scaled down with two-lanes, multi-use path without sidewalks or gutters.
  - The project has current funding of \$2.8 MM leaving a \$570,000 gap. Estimating that has occurred on the project to date is a high-level estimation; and as the project continues in design, other estimating tools will be used that will better define cost.
  - Additional funding of \$250,000 from a dropped project will be transferred and other funds from final project close outs should help close the gap.
  - Due to funding constraints, a staged build out is a possibility.
  - Planning for on the construction phase anticipates completion spring 2012.
  - No particular concerns with the high school entrances other than the temporary Whitacre entrance.
  - School Board Chair Robina Rich Bouffault interjected that original comments were on preliminary site plan submitted to the Berryville Area Development Authority last year. She requested that prior to the scheduled BADA work session for the final site plan review that VDOT provide written confirmation that they had no issues with the other entrances as shown.
  - Jeff Lineberry noted that three entrances to the High School was a requirement of the Town of Berryville not VDOT.
  - Jeff Lineberry stated that VDOT had requested details at the time of the preliminary submission that were not included in the final plan; therefore, VDOT has not yet performed review of the final site plan. VDOT did communicate this problem to the Schools. He advised that to the best of his recollection the plan was lacking detailed information on rights-of-way, entrances and utility concerns. He assured that VDOT would expedite review once they received a detailed plan site.
  - Vice Chairman Weiss assured that project funding for road build out would not be pulled from the School's construction budget. Supervisor Dunning added that if the funding is pulled by VDOT the locality would be responsible for covering the necessary road construction cost.

- Supervisor Barbara Byrd put forward project funding could be taken away by the state in light of the ongoing budget cuts. Jeff Lineberry responded that he had not heard anything that would suggest this but he could not predict the future.
- Supervisor Byrd school restated that the high school must be built properly without cutting the students and the education.
- Supervisor Staelin responded to earlier comment that Mosby was not a down-sized back road but was now a right-size road as it has been designed. He opined that bike trails make greater sense and ways to design roads to address storm water issues are being reconsidered.
- Vice Chairman Weiss noted that with the additional funding the project could be only \$250,000 short. He opined that the road could be built. He stated that it made sense to move forward and do what could be done with the funding on hand.
- Chairman Hobert asked that VDOT take to heart concerns expressed by Chairwoman Robina Rich Bouffault and asked that they provide the necessary assurances. He further stated that the owners' agent was experienced and committed to doing the project right.
- Robina Rich Bouffault asked for a meeting with VDOT's Jeff Lineberry and Bobby Boyce to investigate what was needed to get the project moving forward.
- Chairman Hobert commended VDOT and its employees for its flexibility and responsive to this project.
- Supervisor Staelin suggested that the Supervisors write a letter of appreciation to Mr. Moore, with copies to Senator Vogel and Delegate May, thanking them for retaining Jeff Lineberry as part of the VDOT team, for finding an additional \$250,000 to fund the project, and expressing how important the project is to Clarke County.

Virginia Department of Transportation  
Staunton District  
811 Commerce Road  
Staunton, VA 24401

Attention: Garrett Moore, VDOT District Administrator

The Clarke County Board of Supervisors would like to take this opportunity to express our appreciation for retaining Jeff Lineberry, Resident Engineer – Luray Office, as part of the VDOT team. It is reassuring to know that our County will still be able to avail itself of his level of service, knowledge and expertise.

Further, during regular session on Tuesday, March 16, 2010, Mr. Lineberry informed the Supervisors that at least \$250,000 of additional funding from a dropped project would be transferred to our Westwood Road / Mosby Boulevard Project. We are grateful for this funding that helps to close the gap so that this

project can move forward. The Westwood Road / Mosby Boulevard Project is integral to the completion of our new high school construction project.

Set Public Hearing VDOT Secondary Six-Year Plan FY2011 thru FY2016

Jeff Lineberry advised that VDOT was looking at April 20 to hold public hearing. He informed Supervisor Staelin that no funds had been added but nothing had been lost.

**Supervisor Staelin moved to set the matter for public hearing for April 20, 2010 at 2:00 pm or as soon thereafter as the matter might be heard on the Secondary Six-Year Plan FY2011 thru FY2016.**

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

*Due to injury sustained just prior to the meeting, Supervisor Dunning left at 2:30 pm.*

**Set Public Hearing CC-10-03 Chapter 40 Voting Districts 40.2 Central Absentee Voter Election District**

CC-10-03 Chapter 40 so as to revise 40.2 Central Absentee Voter Election District established and defined changing the voting precinct to the Berryville Clarke County Government Center, 101 Chalmers Court.

Barbara Bosserman, Voter Registrar, addressed the Supervisors regarding the requested relocation as approved by the Electoral Board. She advised this would present a cost savings; and if situated in the location of the Registrar, the assigned poll workers could arrive at 12 noon instead of 6 am.

**Supervisor Byrd moved to set the matter for public hearing for April 20, 2010 at 6:30 pm or as soon thereafter as the matter might be heard on the amendment to Chapter 40 Voting Precinct CC-10-03.**

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

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

The Supervisors discussed at length the Special Events ordinance. Highlights of the discussion and recommended amendments included:

- Permit Fee Schedule: Set \$50 for each subsequent multiple event / year in application.
- Set three as the limit for applications for multiple years.
- Change to read: 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 has been previously approved *and conducted*.
- Draft a statement confirming the application for Medium and Large events is complete only when approvals, where applicable, have been received and provided to the County Administrator by the applicant.

Frazer Watkins, Shepherd's Ford Productions and former Special Event Committee member, said that he agreed with the comments made by the Supervisors. He added that delayed response from reviewing agencies has cost him thousands. Mr. Watkins also noted that approving special events over a period of several years improved the County's ability to control the size and growth of an event.

#### Procedural Review – Revised Animal Control Program Changes

Supervisor Staelin provided an example of an unfounded animal abuse call in which he had been involved. He stated that his personal preference was to be contacted after the Sheriff and Animal Control had made a determination.

Supervisor Byrd provided an example of a founded case of animal abuse in her district noting that she was privileged to be involved with matters affecting her constituents.

Vice Chairman Weiss put forth that contacting the Supervisor was a procedure put in place to assist law enforcement.

David Ash advised that only one veterinarian responded to requests for bids for emergency animal control.



Following discussion, the Supervisors instructed David Ash to rework the policy to provide contact only if a determination has been made to call a veterinarian. David Ash stated that he would seek comment from the Sheriff.

Committee Action

Personnel

*Appointment to Authorities, Boards and Commissions*

<i>Committee/Board</i>	<i>Appointee</i>	<i>Expiration Date</i>
Northern Shenandoah Regional Commission <i>Mr. Johnston is reappointed to serve an additional three-year term.</i>	Charles Johnston	1/23/2013
Our Health <i>Mrs. Shipe is appointed to serve a three-year term.</i>	Diane Shipe	3/15/2013
Berryville Area Development Authority <i>Mr. Ohrstrom is reappointed to serve an additional three-year term.</i>	George Ohrstrom	3/31/2013

Supervisor Byrd 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

Work Session

*Consideration of Business Park Lot 10*

Following summary, Supervisor Staelin moved to recommend the Industrial Development Authority ask if the Town of Berryville is interested in acquiring the property for municipal purposes. If no interest is expressed, consider offering the property owner an agreement to extend the deadline for construction in exchange for an agreement to change the site plan and

allow an easement that would facilitate relocation of the business park road to serve additional area.

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

*Regional Agricultural Economic Development Coordinator Program Funding.*

Following discussion, Supervisor Staelin moved that Clarke County should confirm continuing interest in the proposed project though it appears that funding will not be available from any of the proposed participants for the upcoming budget year. Further, the County Administrator is directed to prepare a letter confirming the County's interest and request to be informed about any change in proposed membership or projected costs of the program.

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

Finance

*Financial Planning Model Projections vs Tax Increases.*

Supervisor Staelin provided a brief synopsis of the financial model and the planning process. He advised that the Finance Committee recommended that Tom Judge update the model this summer.

Supervisor Byrd moved to continue to with the financial planning model and it be updated and use it to guide our long-term spending plans and that the Supervisors invite representatives from the School Board and other key agencies to join the process.

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

*FY11 Budget Calendar.*

Tom Judge reviewed the proposed changes to the FY11 Budget Calendar. David Ash informed the Board that Sharon Keeler, Treasurer, had advised that she was concerned about setting the tax rate so late in the year that she would be unable to complete the work within the deadlines. Proposed changes:

- Cancel March 9 and March 30 meetings.
- Delay setting advertisement until 3/22 to allow VDOE numbers from General Assembly to be included.
- Advertise on March 30 and April 6.
- Regular Supervisor Work Session April 12 – resolution supporting School Board distribution of teacher contracts in advance of budget adoption.
- Public Hearing on April 15.
- Setting of tax rate and adoption of budget May 3.

**Supervisor Byrd moved to adopt modifications to the budget calendar. 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

*Supplemental Appropriations*

Tom Judge reviewed the requested supplemental appropriations.

**Supervisor Staelin moved to approve the supplemental appropriations.**

**“Be it resolved that \$475 from the contingency for professional services be transferred to the Assessor’s office to cover the cost of the “Use Value Assessment Evaluation.”**

**"Be it resolved that \$2,300 from the contingency for personnel services be transferred to the Commonwealth Attorney's budget for part-time salaries.**

**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

*Current Year Commonwealth Cuts Update.*

Tom Judge provided a brief history of the revenue shortfalls and potential cuts. He advised that reports further defining the cuts would be available on March 26. He cautioned that deep cuts would affect personnel.

*VPSA vs RDA Debt Issue.*

Following review, **Vice Chairman Weiss** moved to abandon the RDA financing option and proceed with VPSA option. 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

*VPSA Public Hearing.*

Tom Judge advised that public hearing on the matter was set for this evening. He distributed and reviewed the Projected Debt Service Schedule. There followed discussion of loan terms with decision held over until the evening session.

*Auditor's Benchmark Report.*

The Finance Committee recommended that the report be redone using benchmark communities with characteristics more similar to Clarke County like Greene and King William.

*Standing Reports*

Chairman Hobert put forth that the Finance Committee had reviewed the standing reports, as well as Bills & Claims. Following discussion, Tom Judge was instructed to research legal requirements for acceptance of Bills & Claims reports.

**Supervisor Staelin moved to accept the Finance Committee reports. 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

**Government Projects Update**

David Ash advised that a closed session to discuss pertinent items would be necessary.

**Closed Session**

**Supervisor Staelin 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.**

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

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. - Absent  
John R. Staelin - Aye

No action was taken on matters discussed in closed session.

**Summary Of Required Action**

<u>Item</u>	<u>Description</u>	<u>Responsibility</u>
1.	Process approved minutes.	Lora B. Walburn
2.	Provide notice of approval for Procurement Policies and Procedures.	Lora B. Walburn

<u>Item</u>	<u>Description</u>	<u>Responsibility</u>
3.	Write a letter of appreciation to Mr. Moore, with copies to Senator Vogel and Delegate May, thanking them for retaining Jeff Lineberry as part of the VDOT team, for finding an additional \$250,000 to fund the project, and expressing how important the project is to Clarke County.	David Ash
4.	Facilitate advertisement of SSYP by VDOT.	Lora B. Walburn
5.	Advertise for public hearing CC-10-03.	Lora B. Walburn
6.	Draft amendments to Chapter 57 as instructed and update Permit Fee Schedule and applicable forms.	David Ash Lora B. Walburn
7.	Rework animal control program policy to provide contact only if a determination has been made to call a veterinarian and seek comment from the Sheriff.	David Ash
8.	Provide notice of appointment and update appointee database.	Lora B. Walburn
9.	Recommend to the Industrial Development Authority they ask if the Town of Berryville is interested in acquiring Business Park Lot 10 for municipal purposes. If no interest is expressed, consider offering the property owner an agreement to extend the deadline for construction in exchange for an agreement to change the site plan and allow an easement that would facilitate relocation of the business park road to serve additional area	John Staelin
10.	Prepare a letter confirming the County's interest in the Regional Agricultural Economic Development Coordinator and request to be informed about any change in proposed membership or projected costs of the program.	David Ash
11.	Make necessary adjustments to the revised FY11 Budget Calendar.	Tom Judge Lora B. Walburn
12.	Provide notice of approval of supplemental appropriations.	David Ash
13.	Provide notice of approval and conditions for Watermelon Park Fest – applicant and adjoining property owners.	Lora B. Walburn
14.	Provide notice of approval and conditions for the Hot Air Balloon, Wine and Music Festival – applicant and adjoining property owners.	Lora B. Walburn
15.	Process Ordinance TA-09-06 Outdoor Lighting Standards for Site Development Plans	Chuck Johnston Lora B. Walburn
16.	Process Ordinance TA-09-15 Retail and Service Businesses	Chuck Johnston Lora B. Walburn

<u>Item</u>	<u>Description</u>	<u>Responsibility</u>
17.	Seek opinion from Christy Dunkle regarding the sunset clause question raised by Alton Echols.	Chuck Johnston
18.	Carry forward discussion of TA-09-16 Berryville Area Plan Chapter V to the April 20 agenda.	David Ash
19.	Prepare a letter of appreciation for the Agricultural District Committee.	David Ash
20.	Update Code for CC-10-02 Chapter 48 and 165.	Lora B. Walburn
21.	Coordinate Ordinances for Agricultural and Forestal District.	Jesse Russell Lora B. Walburn
22.	Process proposed issuance of general obligation school bonds of Clarke County in the estimated maximum principal amount of \$9,790,000.	Tom Judge
23.	Coordinate resetting of term to a 20-year level payment loan	Tom Judge

#### Board Member Committee Status Reports

##### IDA by Supervisor Staelin

- Grafton has approached the IDA for funding.
- A list of priorities is being developed by the IDA, Christy Dunkle and Jesse Russell.

##### Library by Supervisor Byrd

- Library Board is expected to request the Supervisors increase Board membership.

##### The Barns by Supervisor Byrd

- The Barns are now conducting regular meetings at Enders Fire Hall and Visitation Center meetings at Rick Sponsellor's instead of in the Government Center.

At 4:55 pm Chairman Hobert recessed the meeting until 6:30 pm.

At 6:34 pm Chairman Hobert reconvened the meeting.

By consensus, the Supervisors agreed to modify the evening agenda to move forward public hearings PH 10-09 and PH 10-10.

#### Citizens Comment Period



A.C. Echols, Berryville: addressed statements made earlier in the day by VDOT. He opined that review of the high school's preliminary plan by VDOT would only take a few hours. He put forth that he did not want the road funding to come from the School project and further delay would cost more than the \$250,000 shortfall in funding. Mr. Echols asked that the Supervisors to place the onus of raising the funds to build the roads on the Berryville Town Council.

Daniel Coffman: asked what had happened to the \$33MM citizen's referendum capping spending for the new high school.

Supervisor Weiss responded that the failed referendum had been for \$55MM and it was the Supervisors that had set the cap at \$33MM until receiving preliminary estimates requiring an additional borrowing of more than \$9MM.

Supervisor Byrd put forward that the previous School Board has spent more than \$3MM on an inadequate site that had never been gifted to the Schools. Mr. Coffman commented that \$3MM had been wasted.

Chairman Hobert invited Mr. Coffman to speak at the public hearing on the matter that would be heard later in the evening. Mr. Coffman declined advising that he had already asked his question and expressed his opinion.

#### PH 10-09 Special Event Permit Watermelon Park Fest

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

David Ash reviewed the application made by Shepherd's Ford Productions and Watermelon Park Campground requesting approval of a five-year permit for a three-day event.

Frazer Watkins advised that the property owner, John Miller, had been notified that his signature was necessary for approval of the Right of Entry request form.

At 6:45 pm, Chairman Hobert opened the public comment portion of the public hearing. There being no citizens desiring to address the Supervisors regarding this matter the public comment portion of the public hearing was closed.

Supervisor Staelin requested that notice of the event be provided annually.

Frazer Watkins agreed to this condition and offered to provide a smaller packet of information with the notice.

Supervisor Weiss asked about complaints. Frazer Watkins stated that in the first two years issues were raised and addressed. He further offered to seek out comments subsequent to the event.

**Supervisor Weiss moved to approve a five-year application with the following conditions:**

- **Owner’s approval of application;**
- **Annual notification by applicant;**
- **Solicitation of comment subsequent to the event;**
- **Advance of \$2,000 with a potential of rebate in the event that change in fee structure is made in the next six months.**

**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

#### **PH 10-10 Special Event Permit Hot Air Balloon, Wine and Music Festival**

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

David Ash reviewed the three-year application from Historic Long Branch.

Mary Rodriguez, Director Historic Long Branch, responded that she was satisfied with the presentation made by the County Administrator.

At 6:54 pm, Chairman Hobert opened the public comment portion of the public hearing. There being no citizens desiring to address the Supervisors regarding this matter the public comment portion of the public hearing was closed.

**Supervisor Staelin moved to approve a three-year application with the following conditions:**

- **Annual notification by applicant;**
- **Solicitation of comment subsequent to the event;**
- **Advance of \$1,000 with a potential of rebate in the event that change in fee structure is made in the next six months.**

**The motion was approved as follows:**

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

#### PH 10-06 TA-09-06 Outdoor Lighting Standards for Site Development Plans

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.

Chuck Johnston provided an overview of the proposed text amendment. He said that he had forwarded to Chester Engineering questions asked by the Board at the February meeting and response had been included with the packet. He advised that the lighting ordinance was currently in effect in the County.

At 7:02 pm, Chairman Hobert opened the public comment portion of the public hearing. There being no citizens desiring to address the Supervisors regarding this matter the public comment portion of the public hearing was closed.

#### **Supervisor Staelin moved:**

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.

#### **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

Supervisor Weiss moved to amend the motion as more specifically set forth as follows:

ZONING ORDINANCE TEXT AMENDMENT

Text to added showed *in bold Italics* with modifications showed *in bold Arial*

Text to be deleted showed ~~struck through~~

6 SITE DEVELOPMENT PLANS

6-H IMPROVEMENTS AND MINIMUM STANDARDS

6-H-11 Outdoor Lighting Standards

*The purpose and intent of this section is to establish outdoor lighting standards that reduce the impacts of glare, light trespass and over-lighting, promote safety and security, and encourage energy conservation.*

*6-H-11-a General Outdoor Lighting Standards (08/15/06)*

1. *All exterior light fixtures shall be a full cut-off type.* Such light fixtures shall have flat cut-off lenses. The lenses of lights mounted into eaves or canopies shall be mounted so as to be flush or recessed. The direct light from exterior light fixtures ~~elements~~ shall not be visible off the subject property. No exterior light fixture shall be installed at a height greater than 25 feet above ~~the ground under the light fixture~~ *finished grade as measured from the bottom of the fixture.*
2. Flashing, revolving, intermittent, or high intensity beams used for exterior lighting shall be prohibited.
3. *Up-cast Lighting used to illuminate flags, signs, landscaping, buildings, or other objects and structures shall have directional control shields to prevent stray lighting and to ensure that no light source is visible from or causes glare on public right-of-ways or adjacent properties and shall be limited to 150 watts or less standard incandescent light elements or equivalent brightness (defined as 2500 lumens).*
5. *All exterior lighting shall be oriented not to direct glare or excessive illumination on streets in a manner that may distract or interfere with the vision of drivers on such roads and streets.*
6. *All canopy lighting shall be recessed and flush mounted. That portion of the canopy facade not included in the sign area shall not be illuminated.*
7. *Photometric Plan Requirements*
  - a. *A photometric lighting plan shall be submitted and approved in conjunction with any required site plan. The photometric lighting plan shall be certified by the National Council on Qualifications for the Lighting Professions (NCQLP), or a Virginia licensed professional engineer, or architect.*

- b. *All such plans shall include the following:*
1. *Plans indicating the location on the premises of all lighting fixtures, both proposed and existing on the site, including a schematic layout of proposed outdoor lighting fixture locations that demonstrate adequate intensities and uniformity, and light coverage resulting from the proposed light layout.*
  2. *Description of all lighting fixtures, both proposed and existing, which shall include but are not limited to catalog cuts and illustrations by manufactures that describes the equipment, including lamp types, wattage and initial lumen outputs, glare control devices, lamps, proposed placement of all fixtures, including engineering detail of fixtures, manufacturer, model and installation of same.*
  3. *Photometric data, such as that furnished by manufacturers, or similar, showing the angle cut-off light emissions and glare control devices.*
  4. *Lighting levels for exterior lighting shall not exceed the following standards:*
    - a. *2.5 foot-candles for parking lots;*
    - b. *5 foot-candles at entrances from local rural/urban road entrances;*
    - c. *10 foot-candles along fronts of buildings, at loading docks, and at entrances from primary highways and rural/urban arterials and collectors;*
    - d. *A uniformity ratio of 4:1 shall be provided across all parking lots, travel ways, and private/public streets and roads. The project site shall be modeled with all lighting (building, canopy, parking, etc.) in operation;*
    - e. *Lighting levels shall not exceed 0.2 foot-candles at any common property line;*
    - f. *The measurements for sections a, b, and c shall be made at the ground surface below the light fixture. The measurement for section e shall be made on a vertical face with the property line at five feet above the ground.*
8. *Lighting Definitions*
- a. *Candela – The system of luminous intensity. One candela is one lumen per candle (steradian).*
  - b. *Foot-Candle – A measure of light falling on a surface. One foot-candle is equal to the amount of light generated by one candle shining on one square foot surface located one foot away. Foot-candle measurements shall be made with a photometric light meter with a specified horizontal orientation.*
  - c. *Foot-Candle (Average Maintained) – The average of a number of points of foot-candle calculations or foot-candle readings in a given area which have been adjusted to account for maintenance which includes luminaire dirt depreciation and lamp lumen depreciation.*
  - d. *Glare – The sensation produced by a bright source within the visual field that is sufficiently brighter than the level to which the eyes are adapted to cause annoyance, discomfort, or loss in visual performance*

- and visibility. The magnitude of glare depends on such factors as the size, position, brightness of the source, and on the brightness level to which the eyes are adapted.*
- e. Lighting Fixture – A complete lighting unit consisting of the lamp, lens, optical reflector, housing and electrical components necessary for ignition and control of the lamp, which may include ballast started and/or photo control.*
  - f. Lighting fixture, full cut-off – A lighting fixture from which a luminaire has zero candela intensity occurring at or above an angle of 90% above nadir.*
  - g. Light fixture, recessed canopy – An outdoor lighting fixture recessed into a canopy ceiling so that the light source is either completely flush or recessed within the underside of the canopy.*
  - h. Light Trespass – Unwanted light going beyond the property line and spilling over onto the adjacent or neighboring property. It can also represent the direct light (glare) that reduces a person’s vision or ability to see.*
  - i. Luminaire – A complete lighting unit consisting of a lamp or lamps and the parts designed to distribute the light, to position and protect the lamp(s), and to connect the lamp(s) to the power supply.*
  - j. Nadir – The angle pointing directly downward from the luminaire.*

Supervisor Staelin accepted the amendment and 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

#### PH 10-07 TA-09-15 Retail and Service Businesses

The Clarke County Planning Commission recommends 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 summarized the propose text amendment.

At 7:05 pm, Chairman Hobert opened the public comment portion of the public hearing. There being no citizens desiring to address the Supervisors regarding this matter the public comment portion of the public hearing was closed.

**Supervisor Staelin moved as follows:**

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

WHEREAS, the County Zoning Ordinance currently allows retail activities as a special use in the AOC and FOC Zoning Districts;

WHEREAS, such retail uses are allowed a maximum of 3,000 sq ft of gross floor area (heated building area) uses, with no limit on the outdoor area devoted to such uses; and

WHEREAS, the current reference to retail activities is 'Retail Stores and Shops', however in 2008, this reference was changed in the commercial zoning districts and definitions section of the Zoning Ordinance to 'Retail and Service Businesses';

NOW THEREFORE BE IT ORDAINED THAT, that the following sections of the County Zoning Ordinance be amended:

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.

ZONING ORDINANCE TEXT AMENDMENT

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

3 DISTRICT REGULATIONS

3-A SCHEDULE OF DISTRICT REGULATIONS

3-A-1 Agricultural-Open Space-Conservation District - AOC

3-A-1-a Permitted Uses and Structures

3. Special Uses and Structures

o. ~~Retail Stores and Shops~~ **Retail and Service Businesses** (with total gross floor area up to 3,000 sq. ft.)

3-A-2 Forestal-Open Space-Conservation District - FOC

3-A-2-a Permitted Uses and Structures

3. Special Uses and Structures

m. ~~Retail Stores and Shops~~ **Retail and Service Businesses** (with total gross floor area up to 3,000 sq. ft.)

3-C SUPPLEMENTARY REGULATIONS

3-C-2 Uses in Various Districts

3-C-2-z Retail and Service Businesses ***that are permitted principle uses:***  
Outdoor storage is not permitted. Outdoor display of the business products is permitted, ~~but~~.  
***The area used for such display (excluding living plant material (in containers or ball and burlap), top soil, or mulch) is limited to 25% of the square footage of the heated area of on-site building(s) may cover up to 750 square feet.***

3-C-2-\* ***Retail and Service Businesses that are permitted special uses:***  
The total gross floor area is limited to 3,000 sq. ft. Outdoor storage is not permitted. Outdoor display of the business products is permitted. The area used for such display may cover up to 750 square feet, except the area used for outdoor display of living plant material (in containers or ball and burlap), top soil, or mulch, which may cover up to 2250 square feet.

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

#### PH 10-08 TA-09-16 Berryville Area Plan Chapter V

The Berryville Area Development Authority recommends the amendment of the Berryville Area Plan, Chapter V, Planning Area Analysis for Sub-areas 5, 6, and 6A, so as to add 15 acres to Sub-area 6A, taking 14 acres from Sub-area 6 and one acre from Sub-area 5, in order to expand the area in the Plan that is devoted to Older Person Residential uses.

Chuck Johnston provided an historic overview of older person residential and explanation of the proposed amendment.

At 7:17 pm, Chairman Hobert opened the public comment portion of the public hearing.

A.C. Echols, Berryville and owner of 12.53 acres affected by the amendment. He asserted that he respectfully disagreed with some portions of the historic overview given by Chuck Johnston. He opined that the Supervisors did not have the proper circumstances to put the proposed area into OPR and asked the Supervisor to hold action and return to Berryville Town Council. Mr. Echols drew the Supervisors attention to issues he had with a current application for senior housing, as well as a sunset clause included in the proposed amendment.

Supervisor Staelin asked if Mr. Echols had brought this matter to the Berryville Area Development Authority. Mr. Echols responded that he had made similar points to the



BADA. He further opined that the proper body to address the matter would be the Berryville Town Council followed by the Board of Supervisors.

Supervisor Byrd put forth that Mr. Echols had brought up a question; and until it was satisfactorily answered, the matter should be tabled.

Chuck Johnston advised that he had not been aware of the sunset clause mentioned by Mr. Echols and he would seek comment from Christy Dunkle.

There being no other citizens desiring to address the Supervisors regarding this matter the public comment portion of the public hearing was closed at 7:29 pm.

**David Weiss moved to continue the matter to the next regular meeting and have staff report at that time.**

**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

#### PH 10-11 Agricultural and Forestal District CC 10-02 Chapter 48 and Chapter 165

The Clarke County Board of Supervisors will consider:

- Renewal, additions and withdrawals of the Agricultural and Forestal District.
- Chapter 48 Agricultural and Forestal District so as to formally change the name to the Clarke County Agricultural and Forestal District, add criteria for land as “open space” to be included in the district, and add criteria addressing boundary line adjustments.
- Chapter 165 Taxation Article VII Special Assessment for Land Preservation so to extend the late filing date for land use taxation from between November 2 and December 1 to between November 2 and December 31 as allowed by State Code 58.1-3234.

Jesse Russell, Zoning Administrator, provided an historic overview of the district. He put forth that the matter was before the Supervisor to continue the district for an additional six-year term. He reviewed the proposed amendments to County Code Chapter 48 and Chapter 165.

At 7:39 pm, Chairman Hobert opened the public comment portion of the public hearing. There being no citizens desiring to address the Supervisors regarding this matter the public comment portion of the public hearing was closed.

David Weiss thanked Jesse Russell and the Committee for the tremendous amount of work. Chairman Hobert instructed David Ash to prepare a letter of appreciation for this group.

Supervisor Staelin moved to approve the amendment to County Code Chapter 48 renaming the district to the Agricultural and Forestal District and to also provide the draft of Chapter 48 criteria for inclusion as an open space parcel of land that is noted in the materials; and further to amend Chapter 48 to allow boundary line adjustments between the district and non-district parcels with the conditions set forth in the new draft set forth of the Clarke County Code as follows:

Chapter 48 Agricultural and Forestal District

§ 48-1. Renewal. The ~~unified~~ Clarke County Agricultural and *Forestal*, (~~formerly known as the "Clarke County Agricultural District" and the "Longmarsh Agricultural District"~~) ~~be and the same hereby~~ is modified and renewed in accordance with the provisions of ~~Title 15.1, Chapter 36, § 15.2-4300 Agricultural and Forestal Districts Act 15.1-1506 through § 15.2-4314. § 15.1-1513~~ of the Code of Virginia: *\*15.2 –4300 thru 4314*

- A. Only lands currently zoned Agricultural-Open Space-Conservation (AOC) and Forestal Open-Space Conservation (FOC) shall be included in the district.
- B. Land situated within incorporated town limits shall not be included in the district.

§ 48-2. Addition of lands to district.  
[Amended 98-03-17]

- A. Only lands currently zoned Agricultural-Open Space-Conservation (AOC) and Forestal Open-Space Conservation (FOC) shall be included in the district.
- B. Land situated within incorporated town limits shall not be included in the district.
- C. Qualifying lands. The Land Evaluation and Site Assessment (LESA) System shall be employed as the dominant decision-making tool as to the constitution of the district as follows *except for land considered as open space. Criteria for open space qualification are set forth in County Code Section 48-2(E).*
  - (1) Farms zoned AOC having a composite LESA score of 72 or higher for parcels less than 40 acres, a LESA score of 68 or higher for parcels between 40 and 129.99 acres or a LESA score of 64 or higher for parcels 130 acres or greater shall be included.
  - (2) Farms having a composite LESA score of lower than 60 shall be excluded, unless they qualify as described in Subsection D below.

- D. Other qualifying lands. Tracts zoned AOC which are adjacent to and operated contiguously with farming units qualifying as in Subsection C(1) above and which are owned by one or more individuals who also own the qualifying farming unit, provided that the adjacent tract does not lie within the corporate fringes of Berryville or Boyce as described in Subsection C(3) above, shall be included.
- E. ***Qualifying open space lands. Parcels proposing to be included in the district as open space shall meet the following criteria:***
  - 1) ***The parcel shall not contain any commercial use except that which is allowed as a Principal Use and/or Structures by the County Zoning Ordinance.***
  - 2) ***The parcel shall consist of a minimum of 5 acres. a. The Board may make an exception to 5 acre minimum upon recommendations from the Advisory Committee and Planning Commission if the parcel is approximate to a perpetual conservation easement, historical easement and/or is considered an environmentally sensitive area as determined by the County Natural Resource Planner or a County approved environmental or historical professional.***
  - 3) ***The parcel shall contain at least one unused dwelling unit right.***
  - 4) ***The parcel shall not use or transfer the dwelling unit right(s) during the term of the district.***

§ 48-3. Term of district. The ~~third~~ term of the ***Clarke County Agricultural and Forestal District shall be 6 years.***

§ 48-4. Effects on land use. A. Within the district.

- (1) Subdivisions. ~~While sliding scale zoning is in effect in the county, subdivisions (as defined in Chapter 161, Subdivision of Land) shall be permitted for any parcel within the district during the term of the district. A minor subdivision that creates no more than one additional lot shall be permitted for any parcel within the district during the term of the district~~ ***except for property requesting inclusion to the district as open space. Requirements for open space is set forth in Section 48-2 (E) of this code.***
- (2) ***Boundary Line Adjustments: Boundary line adjustments between parcels within the district shall be permitted. Boundary line adjustments between parcels where one of the parcels is not in the district shall be permitted if the parcel in the district is receiving land. If the district parcel***

*is transferring land either with or without a dwelling unit right then the district parcel shall be limited to only one such boundary line adjustment during the term of the district and such boundary line adjustment shall be in lieu of the district parcel's subdivision right as set forth in Chapter 48-4 (A)(1).*

(3) Rezonings. No parcel within the district shall be rezoned to other than an Agricultural-Open Space-Conservation (AOC) and/or Forestal Open-Space Conservation (FOC) zoning category.

(4) Special use permits.

(a) A special use permit shall not be granted for any parcel within the district other than special use permits for commercial stables, farm wineries, livestock auction markets, livestock processing facilities, small-scale processing of specialty fruits and vegetables, and veterinary services, animal hospitals and kennels.

(b) All other principal uses and structures and accessory uses and structures, as set forth in the Schedule of District Regulations, AOC and FOC District, of Chapter 188, Zoning, shall be permitted by right of parcels within the district.

B. Adjacent to the district. The establishment and existence of the district shall not subject any adjacent tracts to restrictions and/or regulations other than those already applicable through Chapter 188, Zoning, and Chapter 161, Subdivision of Land, and other land use ordinances and plans in effect. The LESA System shall be employed as a primary tool in the decision making process with respect to proposed rezonings and other proposed changes in land use for tracts adjacent to the district, including evaluating any applications for including additional lands in the district.

§ 48-5. Withdrawal  
from district.  
[Amended 98-03-17]

A. ~~During the term of the district.~~ During the term of the district, withdrawals for good and reasonable cause shall be permitted as follows:

(1) For financial hardship approaching confiscation of property, such hardship to be documented in writing. In the case where a portion of the enrolled land is proposed to be subdivided and would not meet criteria for enrollment in the district, all minor subdivisions (1 or 2 lots) will be withdrawn during the Clarke County Agricultural and Forestal District regular renewal period. For all major subdivisions (3 or more lots), those proposed lots not meeting the District requirements for inclusion into the

Agricultural and Forestal District, must be withdrawn from the District prior to subdivision approval by the approving authority.

(2) Upon death of a landowner of record, no less than an entire tract of record as it existed on the date of renewal of the district may be withdrawn.

B. At the end of the term. At the expiration of the term, but prior to renewal, each landowner shall be allowed to withdraw from the district, for any reason, upon written application stating such reasons.

§ 48-6. Notification to prospective purchaser. Formal notification of the existence of the district to a prospective purchaser of land within the district should be strongly encouraged. At a minimum, formal notification of the renewal of the district shall be made by the posting of a notice in the Circuit Court House.

§ 48-7. List of parcels. The Clarke County Agricultural *and Forestal* District (~~comprised of the former Clarke County and Longmarsh Agricultural Districts~~) shall include the list of parcels, a copy of which is on file in the County ~~Administrator~~ *Planning Department*.

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

Supervisor Staelin moved to adopt as set forth in particularly:

**Whereas**, the Longmarsh Agricultural District was created and ordained on the 18<sup>th</sup> of March, 1980, and renewed on the 18<sup>th</sup> day of March, 1986 by the Clarke County Board of Supervisors and;

**Whereas**, the Clarke County Agricultural District was created and ordained on the 2<sup>nd</sup> day of February, 1983, and renewed on the 2<sup>nd</sup> day of February, 1987, and;

**Whereas**, the Longmarsh Agricultural District and the Clarke County Agricultural District were unified as one district to be known as the Clarke County Agricultural District and was ordained on the 17<sup>th</sup> day of March, 1992 and;

**Whereas**, the Clarke County Agricultural District was renewed on the 17<sup>th</sup> day of March, 1998, and;

**Whereas**, the Clarke County Agricultural District became the Clarke County Agricultural and Forestal District and was ordained as such on March 16, 2004 and;

**Whereas**, at a meeting held on the 24<sup>th</sup> day of November, 2010, the Clarke County Agricultural and Forestal District Advisory Committee did unanimously recommend the approval of the renewal of the Clarke County Agricultural and Forestal District with the proposed additions, withdrawals and revisions to the text amendment to the Clarke County Ordinance Chapter 48, Agricultural and Forestal District;

**Whereas**, at a meeting held on the 8<sup>th</sup> day of January, 2010, the Clarke County Planning Commission did unanimously recommend the approval of the renewal of the Clarke County Agricultural and Forestal District with the proposed additions, withdrawals and revisions to the text amendment to the Clarke County Ordinance Chapter 48, Agricultural and Forestal District;

**Whereas**, all additions and withdrawals from the Clarke County Agricultural and Forestal District were advertised in accordance with provisions of Title 15.2, Section 15.2-4301 thru 15.2-4314;

**Whereas**, the Clarke County Board of Supervisors has held a public hearing on the 16<sup>th</sup> day of March, 2010 at 6:30 PM at the Town/County Government Building after giving due notice on the addition of 33 parcels to the District and one withdrawal from the District and amendments to the Clarke County Ordinance Chapter 48 and;

**Now therefore be it ordained** by the Board of Supervisors of Clarke County, Virginia that the Clarke County Agricultural and Forestal District be renewed for a period of 6 years, that 33 parcels of land requesting addition to the District and one parcel of land requesting withdrawal from the district comprising a net total addition to the District of 3,278.11 acres shall be added to the Clarke County Agricultural and Forestal District thus increasing the total acreage of the District to 37,051.31 acres, and that Chapter 48, *Agricultural and Forestal District*, of the Clarke County Ordinance be amended so as:

- 1) To formally change the name to the Clarke County Agricultural and Forestal District and to require the following criteria for parcels proposing inclusion as *open space property*:
  - a. The parcel shall not contain any commercial use except that which may be considered a principal use and structure in that zoning district as provided in the Clarke County Zoning Ordinance;
  - b. The parcel shall consist of a minimum of 5 acres although the Board of Supervisors, upon recommendations from the Advisory Committee and Planning Commission, make exceptions if the property being considered for inclusion to the District is adjacent to a scenic river, or a scenic highway, or a scenic Virginia By Way, or property in a perpetual conservation easement;
  - c. The parcel being considered for inclusion shall have at least one unused dwelling unit right and additionally shall not use or transfer the dwelling unit right during the term of the District;
  - d. The Advisory Committee, Planning Commission and the Board of Supervisors may consider other factors for parcels proposing inclusion into the District such as proximity to perpetual conservation or historical easements and environmentally sensitive areas as determined by the Clarke County Natural

Resource Planner or other County approved environmental or historical professional.

- 2) to allow parcels in the District to conduct boundary line adjustments with parcels not in the District on condition that such parcel in the District be allowed only one boundary line adjustment with a non-district parcel during the term of the District and that the parcel in the District would not be allowed to withdraw any additional land from the District during the term of the District. Exceptions to withdrawal of land from the District have been set by the State Code and County Ordinance as follows: 1) upon death of the property owner or; 2) upon written request by the property owner stating good reasonable cause. The Board of Supervisors shall refer all withdrawal requests based on good and reasonable cause to the Clarke County District Advisory Committee and the Clarke County Planning Commission for recommendations and shall hold a public hearing as provided by the County Ordinance.

Those parcels to be included in the District are as follows:

- 1) Maxeen Biben  
TM# 2-A-5; 75.16 acres
- 2) Nicholas and Kathy Smart  
TM# 38-A-21A; 60 acres
- 3) Gryphons Lair, LLC  
TM# 23-A-47A; 101.55 acres
- 4) Rockwood Ridge, LLC  
TM# 17-A-9; 385.84 acres
- 5) Marguerite Foster  
TM# 17-A-3; 157.85 acres
- 6) Frank Reuling  
TM# 23-A-2; 260 acres  
TM# 23-A-1A; 53.6 acres
- 7) Daniel Bradley  
TM# 6-A-33A; 61.48 acres
- 8) Roderick Dearment  
TM# 20-2-7; 58.7 acres
- 9) Mount Hebron  
TM# 23-A-6; 131 acres
- 10) Jahtvar, Inc. (Northfield Farm)  
TM# 38-A-3A; 75.45 acres  
TM# 38-A-3; 7.18 acres
- 11) Michael Wenzel  
TM# 16-A-58B; 51.97 acres

- 12) Joseph Sipe, Jr.  
TM# 28-A-26; 142.75 acres
- 13) Bluemont Land Co.  
TM# 24-A-14; 147.95 acres
- 14) Clevenger Holdings, L.P.  
TM# 2-A-8; 202 acres
- 15) H.B. Bauhan  
TM# 21-A-20; 50.9 acres
- 16) David Wisecarver  
TM# 13-A-55; 163.44 acres
- 17) Alison Teetor  
TM# 11-A-5A; 54.94 acres
- 18) Richard Weber  
TM# 22-A-125; 30.63 acres
- 19) John D. Schutte  
TM# 4-A-10; 101.79 acres  
TM# 22-A-96; 8.19 acres  
TM# 22-A-96B; 5.4 acres
- 20) Robert M. Walker  
TM# 24-A-23A; 230 acres
- 21) N. Snow & C. McCoy  
TM# 22-A-103B; 55.71 acres
- 22) Sidney Stern  
TM# 38-A-33; 100 acres
- 23) Stoneridge Investments  
TM# 6-A-40; 213.54 acres
- 24) Bruce Legge  
TM# 6-A-55; 67 acres
- 25) Wm. T. Milleson  
TM# 7-A-118; 79.8 acres
- 26) Richard Catlett  
TM# 22-A-78; 69.91 acres
- 27) Helen Barker  
TM# 8-7-3; 7.9 acres  
TM# 8-7-4; 54.69 acres

**Those parcels withdrawn from District**



- 1) Oakland Orchard  
TM# 9-A-60  
348.6 acres

**Total Acres Requesting Inclusion to District = 3,626.71 acres**  
**Total Acres Requesting Withdrawal from District = 348.6 acres**  
**Total Net Acres Added to District for 2010 = 3,278.11 acres**

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

**Supervisor Staelin moved to adopt:**

Whereas, Chapter 165, Taxation provides for special assessment for land preservation under Article VII.

Whereas, Article VII was adopted January 19, 1988 in accordance with State Code Section 11-23 of the 1987 Code

Whereas, Chapter 165-43, paragraph B provides for the Commissioner of Revenue to accept applications for the classification, assessment and taxation of property based on its use, henceforth referred to as land use taxation, as set forth in State Code 58.1-3233.

Whereas, Chapter 165-43, paragraph B provides for the Commissioner of Revenue to charge a late filing fee as set forth in State Code 58.1-3236.

Whereas, Chapter 165-43 paragraph B accepts late applications for land use taxation on property between November 2 and December 1 of each year.

Whereas, Chapter 165-43 paragraph C provides for the Commissioner of Revenue to not accept applications and late fees after December 1 of each year.

Whereas, at a meeting held on 12<sup>th</sup> day of November 2009, the Clarke County Agricultural and Forestal District Advisory Committee did unanimously recommend that the late filing date for land use taxation be extended from between the dates November 2 and December 1 to November 2 and December 31 of each year.

Whereas, at a meeting held on the 8<sup>th</sup> day of January, 2010 did unanimously recommend that the late filing date for land use taxation be extended from between the dates November 2 and December 1 to November 2 and December 31 of each year.

Whereas, the late filing date for land use applications was advertised in accordance with provisions of Title 58.1-3230 of the Code of Virginia.

Whereas, the Clarke County Board of Supervisors has held a public hearing on the 16<sup>th</sup> day of March, 2010 at 6:30 PM at the Town/County Government Building after giving due notice on the amendment of County Code Chapter 165 Article VII Special Assessment for Land Preservation.

Now therefore be it ordained by the Board of Supervisors of Clarke County, Virginia that the late filing deadline for land use taxation be extended from between November 2 and December 1 to between November 2 and December 31 of each year and Clarke County Code Chapter 165-43 B and C be amended to provide for the Commissioner of Revenue to accept land use taxation applications between November 2 and December 31 of each year.

## Chapter 165 Taxation

### Article VII Special Assessment for Land Preservation [Adopted 1-19-1988 as § 11-23 of the 1987 Code]

§ 165-43. Filing of application; fee.  
[Renumbered 07-07-19 from 42 to 43]

- A. The owner of any real estate meeting the criteria set forth in § 58.1-3230 Special classifications of real estate established and defined and § 58.1-3233(2) Determinations to be made by local officers before assessment of real estate under ordinance of the Code of Virginia may, on or before November 1 of each year, apply to the Commissioner of the Revenue for the classification, assessment and taxation of such property for the next succeeding tax year on the basis of its use, under the procedures set forth in § 58.1-3236. Valuation of real estate under ordinance of the Code of Virginia. Such application shall be on forms provided by the State Department of Taxation and supplied by the Commissioner of the Revenue and shall include such additional schedules, photographs and drawings as may be required by the Commissioner of the Revenue.
- B. The owner of any real estate meeting the criteria set forth in § 58.1-3230. Special classifications of real estate established and defined ~~and~~ *in* § 58.1-3233. Determinations to be made by local officers before assessment of real estate under ordinance (2) of the Code of Virginia may, between November 2 and December ~~1~~ **31** of each year, apply to the Commissioner of the Revenue for the classification, assessment and taxation of such property for the next succeeding tax year on the basis of its use, under the procedures set forth in § 58.1-3236. Valuation of real estate under ordinance of the Code of Virginia provided a late filing fee of \$100 per parcel is paid in addition to any application fees otherwise imposed. Such application shall be on forms provided by the State Department of Taxation and supplied by the Commissioner of the Revenue and shall include such additional schedules, photographs and drawings as may be required by the Commissioner of the Revenue.

- C. Applications received by the Commissioner of the Revenue after November 1 of each year without the required late filing fee and all applications received by the Commissioner of the Revenue after December ~~1~~<sup>31</sup> of each year shall not be accepted.
- D. A separate application shall be filed for each use for which qualification is sought.
- E. A fee payable to the Treasurer of the county shall be charged and collected for each application filed hereunder.
- F. The owner of qualifying property shall file an annual proof of qualification form with the Commissioner of the Revenue.

**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

**PH 10-12 Proposed Issuance Of General Obligation School Bonds Of Clarke County**

Proposed issuance of general obligation school bonds of Clarke County in the estimated maximum principal amount of \$9,790,000. The purpose of the proposed bonds is to provide additional financing for costs of a new high school in the County.

Tom Judge reviewed the resolution before the Supervisors for adoption to issue a general obligation bond in the amount of \$9,790,000. He informed the Supervisor if the resolution passes the proceeds could be available on May 6.

At 7:49 pm, Chairman Hobert opened the public comment portion of the public hearing. There being no citizens desiring to address the Supervisors regarding this matter the public comment portion of the public hearing was closed.

It was noted for the record that Daniel Coffman had spoken on the matter during the Citizen Comment Portion of the meeting.

Reasons for the increased cost in the high school project were noted as follows:

- The currently proposed high school is larger than originally anticipated and believed to be less costly to construct.
- The property selected by the previous School Board was never actually donated and there many costs associated with this site.

- Approximately \$3MM was spent on the Salvation Army site by the previous School Board.
- The currently proposed school will cost approximately \$36MM. In round numbers, the County is borrowing an additional \$10MM on top of \$33MM previously borrowed.
- The Ketocin site was purchased at a cost of approximately \$3MM.
- \$33MM was based on a completed donation of a site.
- Previously designed high school was anticipated to cost over \$50MM and was smaller.
- The currently proposed high school uses an existing school design at a cost savings of over \$1MM in architectural fees.
- The current plan will continue to utilize the existing ag-tech campus.
- Ketocin site is a better location. While access to water and sewer was a consideration for this site, it has turned out to be challenging.
- The size of currently proposed school is criticized as too small. It is, however, being built with a core for 1,000 students but to initially serve an actual student body of 800. The demographic data appears to have accurately forecast the size of the high school currently required.

**Supervisor Staelin moved to adopt Resolution No. 10-05R:**

**RESOLUTION AUTHORIZING THE ISSUANCE OF NOT TO EXCEED  
\$9,790,000 GENERAL OBLIGATION SCHOOL BONDS  
OF THE COUNTY OF CLARKE, VIRGINIA, SERIES 2010A,  
TO BE SOLD TO THE VIRGINIA PUBLIC SCHOOL AUTHORITY  
AND PROVIDING FOR THE FORM AND DETAILS THEREOF.**

**WHEREAS**, the Board of Supervisors (the "Board") of the County of Clarke, Virginia (the "County"), has determined that it is necessary and expedient to borrow an amount not to exceed \$9,790,000 and to issue its general obligation school bonds for the purpose of financing certain capital projects for school purposes; and

**WHEREAS**, the County has held a public hearing, duly noticed, on March 16, 2010, on the issuance of the Bonds (as defined below) in accordance with the requirements of Section 15.2-2606, Code of Virginia 1950, as amended (the "Virginia Code"); and

**WHEREAS**, the School Board of the County has, by resolution, requested the Board to authorize the issuance of the Bonds (as hereinafter defined) and consented to the issuance of the Bonds; and

**WHEREAS**, the Bond Sale Agreement (as defined below) shall indicate that \$9,790,000 is the amount of proceeds requested (the "Proceeds Requested") from the Virginia Public School Authority (the "VPSA") in connection with the sale of the Bonds; and

**WHEREAS**, VPSA's objective is to pay the County a purchase price for the Bonds which, in VPSA's judgment, reflects the Bonds' market value (the "VPSA Purchase Price Objective"), taking into consideration of such factors as the amortization schedule the County has requested for the

Bonds relative to the amortization schedules requested by other localities, the purchase price to be received by VPSA for its bonds and other market conditions relating to the sale of the VPSA's bonds; and

**WHEREAS**, such factors may result in the Bonds having a purchase price other than par and consequently (i) the County may have to issue a principal amount of Bonds that is greater than or less than the Proceeds Requested in order to receive an amount of proceeds that is substantially equal to the Proceeds Requested, or (ii) if the maximum authorized principal amount of the Bonds set forth in section 1 below does not exceed the Proceeds Requested by at least the amount of any discount, the purchase price to be paid to the County, given the VPSA Purchase Price Objective and market conditions, will be less than the Proceeds Requested.

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF THE COUNTY OF CLARKE, VIRGINIA:**

- 1 **Authorization of Bonds and Use of Proceeds.** The Board hereby determines that it is advisable to contract a debt and issue and sell its general obligation school bonds in an aggregate principal amount not to exceed \$9,790,000 (the "Bonds") for the purpose of financing certain capital projects for school purposes, including the additional financing for the costs of a new high school in the County. The Board hereby authorizes the issuance and sale of the Bonds in the form and upon the terms established pursuant to this Resolution.
- 2 **Sale of the Bonds.** It is determined to be in the best interest of the County to accept the offer of VPSA to purchase from the County, and to sell to VPSA, the Bonds at a price, determined by VPSA to be fair and accepted by the Chairman of the Board and the County Administrator, or either of them that is substantially equal to the Proceeds Requested, except that the Bonds may be sold for a purchase price not lower than 95% of the Proceeds Requested if issuing the Bonds in the maximum principal amount authorized by Section 1 of this Resolution is insufficient, given the VPSA Purchase Price Objective and market conditions, to generate an amount of proceeds substantially equal to the Proceeds Requested. The Chairman of the Board, the County Administrator, or either of them and such other officer or officers of the County as either may designate are hereby authorized and directed to enter into a Bond Sale Agreement, dated as of April 1, 2010, with VPSA providing for the sale of the Bonds to VPSA. The agreement shall be in substantially the form submitted to the Board at this meeting, which form is hereby approved (the "Bond Sale Agreement").
- 3 **Details of the Bonds.** The Bonds shall be dated the date of issuance and delivery of the Bonds; shall be designated "General Obligation School Bonds, Series 2010A"; shall bear interest from the date of delivery thereof payable semi-annually on each January 15 and July 15 beginning January 15, 2011 (each an "Interest Payment Date"), at the rates established in accordance with Section 4 of this Resolution; and shall mature on July 15 in the years (each a "Principal Payment Date") and in the amounts set forth on Schedule I attached hereto (the "Principal Installments"), subject to the provisions of Section 4 of this Resolution.
- 4 **Interest Rates and Principal Installments.** The County Administrator is hereby authorized and directed to accept the interest rates on the Bonds established by VPSA, provided that each interest rate shall be five one-hundredths of one percent (0.05%) over the interest rate to be paid by VPSA for the corresponding principal payment date of the bonds to be issued by VPSA (the

"VPSA Bonds"), a portion of the proceeds of which will be used to purchase the Bonds, and provided further that the true interest cost of the Bonds does not exceed six percent (6.00%) per annum. The Interest Payment Dates and the Principal Installments are subject to change at the request of VPSA. The County Administrator is hereby authorized and directed to accept changes in the Interest Payment Dates and the Principal Installments at the request of VPSA, provided that the aggregate principal amount of the Bonds shall not exceed the amount authorized by this Resolution. The execution and delivery of the Bonds as described in Section 8 hereof shall conclusively evidence such interest rates established by VPSA and Interest Payment Dates and the Principal Installments requested by VPSA as having been so accepted as authorized by this Resolution.

5 **Form of the Bonds.** The Bonds shall be initially in the form of a single, temporary typewritten bond substantially in the form attached hereto as Exhibit A.

6 **Payment; Paying Agent and Bond Registrar.** The following provisions shall apply to the Bonds:

- (a) For as long as VPSA is the registered owner of the Bonds, all payments of principal, premium, if any, and interest on the Bonds shall be made in immediately available funds to VPSA at, or before 11:00 a.m. on the applicable Interest Payment Date, Principal Payment Date or date fixed for prepayment or redemption, or if such date is not a business day for Virginia banks or for the Commonwealth of Virginia, then at or before 11:00 a.m. on the business day next succeeding such Interest Payment Date, Principal Payment Date or date fixed for prepayment or redemption.
- (b) All overdue payments of principal and, to the extent permitted by law, interest shall bear interest at the applicable interest rate or rates on the Bonds.
- (c) U.S. Bank National Association, Richmond, Virginia, is designated as Bond Registrar and Paying Agent for the Bonds.

74 **Prepayment or Redemption.** The Principal Installments of the Bonds held by VPSA coming due on or before July 15, 2020, and the definitive Bonds for which the Bonds held by VPSA may be exchanged that mature on or before July 15, 2020, are not subject to prepayment or redemption prior to their stated maturities. The Principal Installments of the Bonds held by VPSA coming due after July 15, 2020, and the definitive bonds for which the Bonds held by VPSA may be exchanged that mature after July 15, 2020, are subject to prepayment or redemption at the option of the County prior to their stated maturities in whole or in part, on any date on or after July 15, 2020, upon payment of the prepayment or redemption prices (expressed as percentages of Principal Installments to be prepaid or the principal amount of the Bonds to be redeemed) set forth below plus accrued interest to the date set for prepayment or redemption:

<u>Dates</u>	<u>Prices</u>
July 15, 2020 through July 14, 2021	101%
July 15, 2021 through July 14, 2022	100½
July 15, 2022 and thereafter	100

Provided, however, that the Bonds shall not be subject to prepayment or redemption prior to their stated maturities as described above without first obtaining the written consent of VPSA or the registered owner of the Bonds. Notice of any such prepayment or redemption shall be given by the Bond Registrar to the registered owner by registered mail not more than ninety (90) and not less than sixty (60) days before the date fixed for prepayment or redemption.

- 8 **Execution of the Bonds.** The Chairman or Vice Chairman and the Clerk or any Deputy Clerk of the Board are authorized and directed to execute and deliver the Bonds and to affix the seal of the County thereto.
- 9 **Pledge of Full Faith and Credit.** For the prompt payment of the principal of, premium, if any, and the interest on the Bonds as the same shall become due, the full faith and credit of the County are hereby irrevocably pledged, and in each year while any of the Bonds shall be outstanding there shall be levied and collected in accordance with law an annual ad valorem tax upon all taxable property in the County subject to local taxation sufficient in amount to provide for the payment of the principal of and premium, if any, and the interest on the Bonds as such principal, premium, if any, and interest shall become due, which tax shall be without limitation as to rate or amount and in addition to all other taxes authorized to be levied in the County to the extent other funds of the County are not lawfully available and appropriated for such purpose.
- 10 **Use of Proceeds Certificate and Certificate as to Arbitrage.** The Chairman of the Board, the County Administrator and such other officer or officers of the County as either may designate are hereby authorized and directed to execute a Certificate as to Arbitrage and a Use of Proceeds Certificate each setting forth the expected use and investment of the proceeds of the Bonds and containing such covenants as may be necessary in order to show compliance with the provisions of the Internal Revenue Code of 1986, as amended (the "Code"), and applicable regulations relating to the exclusion from gross income of interest on the Bonds and on the VPSA Bonds. The Board covenants on behalf of the County that (i) the proceeds from the issuance and sale of the Bonds will be invested and expended as set forth in such Certificate as to Arbitrage and such Use of Proceeds Certificate and that the County shall comply with the other covenants and representations contained therein and (ii) the County shall comply with the provisions of the Code so that interest on the Bonds and on the VPSA Bonds will remain excludable from gross income for Federal income tax purposes.
- 11 **State Non-Arbitrage Program; Proceeds Agreement.** The Board hereby determines that it is in the best interests of the County to authorize and direct the County Treasurer to participate in the State Non-Arbitrage Program in connection with the Bonds. The Chairman of the Board, the County Administrator and such officer or officers of the County as either may designate are hereby authorized and directed to execute and deliver a Proceeds Agreement with respect to the deposit and investment of proceeds of the Bonds by and among the County, the other participants in the sale of the VPSA Bonds, VPSA, the investment manager and the depository, substantially in the form submitted to the Board at this meeting, which form is hereby approved.
- 12 **Continuing Disclosure Agreement.** The Chairman of the Board, the County Administrator and such other officer or officers of the County as either may designate are hereby authorized and directed to execute a Continuing Disclosure Agreement, as set forth in Appendix F to the Bond Sale Agreement, setting forth the reports and notices to be filed by the County and containing such covenants as may be necessary in order to show compliance with the provisions of the Securities and Exchange Commission Rule 15c2-12, under the Securities Exchange Act of 1934,

as amended, and directed to make all filings required by Section 3 of the Bond Sale Agreement should the County be determined by the VPSA to be a MOP (as defined in the Continuing Disclosure Agreement).

13 **Filing of Resolution.** The appropriate officers or agents of the County are hereby authorized and directed to cause a certified copy of this Resolution to be filed with the Circuit Court of the County.

14 **Further Actions.** The members of the Board and all officers, employees and agents of the County are hereby authorized to take such action as they or any one of them may consider necessary or desirable in connection with the issuance and sale of the Bonds and any such action previously taken is hereby ratified and confirmed.

15 **Effective Date.** This Resolution shall take effect immediately.

**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

Supervisor Staelin offered to attend the VPSA hearing to provide explanation.

**Supervisor Staelin moved to reset the term to a 20-year level payment loan. 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

**Adjournment**

There being no further business to be brought before the Board at 8:00 pm Chairman Hobert adjourned the meeting.

**Next Regular Meeting Date**

The next regular meeting of the Board of Supervisors is set for Tuesday, April 20, 2010 at 1:00 p.m. in the Main Meeting Room, 101 Chalmers Court, 2<sup>nd</sup> Floor, Berryville, Virginia.



ATTEST: March 16, 2010

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J. Michael Hobert, Chair

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David L. Ash, County Administrator

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