

CLARKE COUNTY BOARD OF SUPERVISORS
April 20, 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, 2nd Floor Berryville Clarke County Joint Government Center, 101 Chalmers Court, 2nd Floor, Berryville, Virginia on Tuesday, April 20, 2010.

Board Members Present

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

Staff Present

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

Others Present

Tony Roper, Robina Rich Bouffault, Dr. Michael Murphy, Keith Dalton, Jeff Lineberry, Bob Childress, Jerry Copp, Ed Carter, Matt Smith, Barbara Bosserman, Gem Bingol, Lauren McKay, Becky Layne, and other citizens

Call to Order

Chairman Hobert called the meeting to order at 1:04 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.	-	Aye
John R. Staelin	-	Aye

Clarke County Public Schools Update

Dr. Michael Murphy, Superintendent, and Robina Rich Bouffault, School Board Chair, appeared before the Supervisors to provide the monthly update for the Clarke County Public Schools. Highlights include:

- Displayed award-winning student artwork entered at the Valley Regional Art Exhibit.
- Reviewed the Schools' April 20, 2010 Update including school activities in artwork, events, staffing, budget process and educational programs.
- Update of the Schools website is in process.
- Requested reactivation of the Joint Technology Committee.
- Last evening, the School Board approved an RFP to outsource foodservice.
- High School Construction Update:
 - Bid documents progressing rapidly.
 - Architects should have all construction documents ready and uploaded to their website by April 30.
 - Hopeful that the Town Council will approve the final site plan on April 22.
 - Moved \$300,000 to FFE from decrease in Gannett-Fleming contract.
 - Anticipate advertising on May 3.
 - Anticipate bids in by end of May.
 - Anticipate an 8- to 10-day review period.
 - Anticipate awarding the bid by the third to fourth week of June.
 - Amenable to the April 8 recommendation of the BADA for a two-phase parking lot build out if required.
 - Hopeful that the Town Council and School Board will soon finalize the fireflow agreement.

Approval of Minutes

Supervisor Staelin moved to approve the minutes of March 2, 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	- Abstain
A.R. Dunning, Jr.	- Aye
John R. Staelin	- Aye

Supervisor Staelin moved to approve the minutes of March 16, 2010 as corrected.

Page 165 correct minutes to read "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."

Page 176 correct motion to read "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:"

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

Vice Chairman Weiss moved to approve the minutes of March 22, 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.	- Abstain
John R. Staelin	- Aye

Supervisor Byrd moved to approve the minutes of April 8, 2010 as amended.

There is an anticipated savings of \$300,000. Savings are projected to be \$400,000. (\$300,000 on net present-value basis.)

The motion was approved by the following vote:

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

Consent Agenda

10-06R Resolution Of Congratulations

**RESOLUTION OF CONGRATULATIONS
TOWN OF BOYCE, VIRGINIA 100TH ANNIVERSARY
10-06R**

WHEREAS, the Town of Boyce is celebrating its 100th anniversary in 2010; and,

WHEREAS the Town of Boyce, located eight miles south of Berryville, Virginia began in 1881 with the arrival of the Shenandoah Valley Railroad; and,

WHEREAS, the town, first known as Boyceville, was named after Colonel Upton L. Boyce, who was influential in persuading the railroad to pass through Clarke County; and,

WHEREAS, with Delegate J. R. Grigsby attending to the necessary legislation, Boyce became an incorporated town on November 28, 1910 with a population of 312; and,

WHEREAS, the first election of town officers was held on December 20, 1910 electing W. M. Gaunt as mayor and town council members G. W. Garvin, M. O. Simpson, J. T. Sprint and G. W. Harrison. Four days later Mr. Harrison was elected Recorder; and,

WHEREAS, the Town of Boyce, home to more 500 residents as of 2010, continues to serve as a crossroad for transportation and a center for commerce and education.

NOW, THEREFORE BE IT RESOLVED that the Clarke County Board of Supervisors congratulates the merchants and citizens of the Town of Boyce on the occasion of their 100th anniversary.

APPROVED AND ORDERED ENTERED in the official records by the unanimous vote of the members of the Clarke County Board of Supervisors assembled in regular session on the 20th day of April 2010.

Attest:

J. Michael Hobert, Chairman

10-07R Resolution in Appreciation of Service

**Resolution in Appreciation of Service
10-07R**

WHEREAS, Val Van Meter has been reporting events in Clarke County for more than twenty-seven years, eighteen years as a journalist and editor with the Clarke Times Courier; and nine years as a reporter with The Winchester Star; and,

WHEREAS, throughout the years, Val. Van Meter, faithfully reported the news, consistently putting forth the effort to ensure that not just the facts alone but the meanings of the events were conveyed accurately to the public; and,

WHEREAS, Val. Van Meter is also well known for her love of horses and history making her a kindred spirit to many in Clarke County.

NOW THEREFORE BE IT RESOLVED, by the Clarke County Board of Supervisors that Val Van Meter, be recognized and warmly congratulated for her many years of dedication and journalistic integrity.

BE IT FURTHER RESOLVED, that her dedication, loyalty, and service to the Citizens of Clarke County be hereby memorialized and that a suitable copy of this resolution be presented to Mrs. Van Meter as a small token of the respect and high esteem in which she is held by the Clarke County Board of Supervisors, Constitutional Officers, and the staff of Clarke County.

APPROVED AND ORDERED ENTERED in the official records by the unanimous vote of the members of the Clarke County Board of Supervisors assembled in regular session on the 20th day of April 2010.

Attest:

J. Michael Hobert, Chairman

10-02P Proclamation of disAbility Awareness Week

**PROCLAMATION OF
disABILITY AWARENESS WEEK
10-02P**

WHEREAS, the United States Congress enacted the Americans with Disabilities Act in 1990, prohibiting discrimination against people with disabilities in employment, public accommodations, transportation and telecommunications; and

WHEREAS, the Commonwealth of Virginia enacted the Virginians with Disabilities Act in 1985 to assure equal opportunity to persons with disabilities in the Commonwealth, and it is the policy of this Commonwealth to encourage and enable persons with disabilities to participate fully and equally in the social and economic life of the Commonwealth and to engage in remunerative employment; and

WHEREAS, people with disabilities often overcome common misunderstandings about their circumstances and make valuable contributions to their families and communities; and

WHEREAS, disability is a natural part of the human experience, and individuals with disabilities deserve the same rights as their peers to live independently, enjoy self-determination, make choices, contribute to society and participate fully in the American experience; and

WHEREAS, family, friends and neighbors play a central role in enhancing the lives of people with disabilities, and people with disabilities benefit from having a network of supportive friends and family, accommodating employers and community leaders who are aware of the needs and abilities of Virginians with disabilities; and

WHEREAS, millions of people in the United States have disabilities, and with the increasing age of our population, Virginians and Americans must learn more about the special needs and abilities of this growing population; and

WHEREAS, agencies and organizations throughout Virginia participate in disability awareness programs during disABILITY Awareness Week to enhance public understanding of and appreciation for the limitation and abilities of people living with disabilities;

NOW, THEREFORE, we, the Board of Supervisors of the County of Clarke, do hereby proclaim the week of APRIL 16 - 23, 2008 as disABILITY AWARENESS WEEK; and we call this observance to the attention of all our citizens, and we urge all residents to honor this occasion.

IN WITNESS THEREOF, I have set my hand and caused the seal of Clarke County, Virginia to be affixed this 20th day of April 2010.

Attest:

J. Michael Hobert, Chair

10-03P Proclamation in Memory of P. Bradford "Brad" Frazier

**PROCLAMATION
IN MEMORY OF
P. Bradford "Brad" Frazier
April 16, 1958 to April 2, 2010**

WHEREAS, Brad Frazier was employed by the County of Clarke, Virginia for a period of nine years and four months from December 4, 2000 through April 2, 2010;

WHEREAS, during his tenure, Brad Frazier faithfully served in the capacity of Maintenance Technician II;

WHEREAS, while an employee in good standing with the County of Clarke, Virginia, Brad Frazier lost his battle with pancreatic cancer on Friday, April 2, 2010.

NOW, THEREFORE BE IT RESOLVED, the Clarke County Board of Supervisors does hereby issue this proclamation in remembrance of his excellent character and craftsmanship, his loyal service to the employees and citizens of the County and extends its condolences to the family of Brad Frazier.

IN WITNESS THEREOF, I have set my hand and caused the seal of the County of Clarke, Virginia to be affixed this 20th day of April 2010.

Attest:

J. Michael Hobert, Chair

Adoption of Energy and Resource Management Plan

**BOARD OF SUPERVISORS ITEM
REGULAR MEETING 2010 APRIL 20
ENERGY & RESOURCE MANAGEMENT PLAN ADOPTION**

The Green Advisory Committee recommends to the Board of Supervisors the adoption of the Energy and Resource Management Plan.

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

The committee met approximately twice monthly since its establishment to fulfill the directive. In October 2008, the committee presented the Board with an interim report (45 day report) that identified nine primary categories where improved resource management could be achieved: Energy Efficiency, Renewable Energy, Transportation, Land Use, Water Conservation, Recycling and Waste Management, Education and Outreach, Incentive Programs, and County Employee Management. The committee approached each category with the goal that any recommendations would be cost effective and achieve one or more of the following: a) reduce the demand for energy and other resources; b) reduce greenhouse gas emissions; c) maintain or improve our natural environment; d) promote healthy indoor environments. In addition, each recommendation should be realistically attainable, be within purview of the County to mandate or initiate, and yield measurable results.

At its January 19 meeting, the Board approved by resolution (10-02R) a series of policy statements, which address energy efficiency, resource conservation, and education to reduce the County's overall environmental impact, saving tax dollars and improving services. The attached Plan describes the issues, indicated actions, and staff responsibilities identified to implement the policy statements.

Since the adoption of the Policies, staff has revised the Plan to reflect the Board changes to the Policy statements. In addition, a committee consisting of David Ash, Bobby Levi, Tom Judge, Gary Pope, and Alison Teetor, met to discuss any issues or concerns each department had with regards to the implementation. Mr. Judge recommended the Policy RE2 "Establish an Energy Fund", be changed to use the word account instead of fund. This change is reflected in the attached Plan. No other changes are recommended.

RECOMMENDATION

Adopt the proposed Energy and Resource Management Plan to provide a framework for the implementation of the previously adopted energy polices that address energy efficiency, resource conservation, and education to reduce the County's overall environmental impact, saving tax dollars and improving services.

Note: The Plan is provided in electronic format in consideration of the environment.

Supervisor Staelin informed the Supervisors that he had spoken with Alison Teetor, Natural Resources Planner, regarding the proposed changes to the Energy and Resources Management Plan as follows:

Proposed changes to EE1, Amend Comprehensive Plan, to change indicated actions to reflect that the amendments as stated are proposed and the language is subject to review and editing by the Planning Commission

Proposed change to T3, Promote Regional Car Pool Network; to alter the indicated action to more accurately reflect that the County is developing a program to promote the use of the already established Northern Shenandoah Valley Regional Car Pool Network.

Supervisor Staelin moved to approve the Energy and Resource Management Plan as modified.

The motion carried by the following vote:

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

Supervisor Staelin requested that a checklist be developed to track compliance.

Chairman Hobert requested that Alison Teetor provide the Board a quarterly report.

Request for Easement Approval: Wyatt

MEMORANDUM

TO: Board of Supervisors, David Ash

FROM: Alison Teetor

DATE: April 20, 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.

DUR PURCHASE

Wyatt: The parcel is 47.59 acres located on Calmes Neck. In reviewing the parcel three of the four criteria have been met. The Property Resource Score is 54.91, the two of the three remaining DURs would be extinguished. The parcel is wooded. It is not adjacent to an existing easement.

Purchase offer \$60,800, County - \$30,400, VDACS - \$30,400

Supervisor Byrd moved to approve the items on the Consent Agenda excluding the previously approved Energy and Resource Management Plan.

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

In an unrelated matter, Supervisor Byrd recognized Sheriff Tony Roper for his appointment to the Law Enforcement Institute that supports training for Sheriff's Departments throughout the Commonwealth.

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.

- As part of the transition, Jeff Lineberry advised that the residency is being restructured into functional areas. He told the Supervisors that all area VDOT personnel were accountable to Garrett Moore – District Administrator. He introduced the following persons from the Edinburg Residency that accompanied him to the meeting:
 - o Jerry Copp – Maintenance and Operations Items and Residency Administrator
 - o Ed Carter – Six-Year Plan Programs and Enhancement, Recreational Access, etc.
 - o Matt Smith – Land Development Engineer. The Luray land development staff transferred to the Edinburg Residency and will be working under Mr. Smith.
 - o Jeff Lineberry – Acting Land Use Engineer in the Harrisonburg Residency. He has been retained as the engineer on the Westwood Road / Mosby Boulevard project. Ultimately, Mr. Lineberry is to serve as the construction engineer for northern part of the Valley Region.
- Shoulder repair in progress on Route 601.
- Repaired drainage issues on Route 601.
- Grading non-hard surface roadways is in progress. As the roadways dry they are beginning to stabilize.
- Litter pick up is in progress through the Adopt-A-Highway program.

- Westwood Road / Mosby Boulevard Update:
 - Obtained aerial imagery to be used for project development.
 - A drainage engineer has been assigned to the project.
- Town of Boyce traffic light:
 - VDOT will check with traffic for status.
 - Of note, an individual line item on the SSYP is now required for such projects.
 - While acknowledging that a light was needed in the Town of Boyce, Mr. Lineberry stated lack of funds was holding up the project.
- Right of way trimming:
 - To restore traffic flow and visibility, VDOT will try to continue cleaning up those areas.
 - Still a great deal of clean up on County routes following the winter storms.
 - It is anticipated that VDOT will continue to follow a rotation schedule for trimming activities.
- Culvert work is in progress throughout the County to restore drainage.
- Ginns Road Flooding: Considerable ditching is recommended.
- Allen Road: VDOT is attempting to address potholes with area crews. Pothole repair is considering a part of on-going maintenance.
- Route 604 - Jeff Lineberry assured that this route was being stabilized through improved weather conditions, as well as the addition of stone making it passable again. Supervisor Staelin provided VDOT with photographs of the damage in addition to scanned photographs provided by John Payne at the March 16, 2010 Board of Supervisors Regular Meeting.
- No formalized transition report has been prepared. However, meetings with the Edinburg Residency have been conducted, transition discussed and the acclimation process started.
- Rotational maintenance should remain moderately or unchanged. However, due to ongoing funding issues, maintenance plans could be modified.

Public Hearing PH 10-13 VDOT Secondary Six-Year Plan FY2011 thru FY2016

Jeff Lineberry presented the Secondary Six-Year Plan for FY2011 thru FY2016. He advised that:

- Westwood Road/Mosby Boulevard is the only funded project.
- Millwood Road project will be funded by bridge funds; currently, this project has a funding gap of approximately \$957,000.

- \$5,000 per year has been assigned to maintenance items such as pipes, traffic services, signage, etc.

At 2:20 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 the Secondary Six-Year Plan FY2011 thru FY2016 as proposed.

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

Virginia Department of Transportation Secondary Six-Year Plan
for FY 2010/11 Through 2015/16
Resolution 10-09R

At a regular meeting of the Board of Supervisors of the County of Clarke, Virginia, held at the Main Meeting Room, Second Floor, of the Berryville / Clarke County Government Center, on Tuesday, April 20, 2010 at 2:00 p.m.

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

On motion by Supervisor John Staelin and carried unanimously:

WHEREAS, Section 33.1-23 and 33.1-23.4 of the 1950 Code of Virginia, as amended, provides the opportunity for each county to work with the Virginia Department of Transportation in developing a Secondary Six-Year Road Plan;

WHEREAS, this Board has previously agreed to assist in the preparation of this Plan, in accordance with the Virginia Department of Transportation policies and procedures, and participated in a public hearing on the proposed Plan (2010/11 through 2015/16), as well as the Construction Priority List (2010/11) on Tuesday, April 20, 2010 at 2:00 p.m. after duly advertised so that all citizens of the County had the opportunity to participate in said hearing and to make comments and recommendations concerning the proposed Plan and Priority List;

WHEREAS, Mr. J. A. Lineberry, Residency Administrator, Virginia Department of Transportation, appeared before the board and recommended approval of the Six-Year Plan for Secondary Roads (2010/11 through 2015/16) and the Construction Priority List (2010/11) for Clarke County;

NOW, THEREFORE BE IT RESOLVED that since said Plan appears to be in the best interests of the Secondary Road System in Clarke County and of the citizens residing on the Secondary System, said Secondary Six-Year Plan (2010/11 through 2015/16) and Construction Priority List (2010/11) are hereby approved as presented as the public hearing.

ATTEST:

David L. Ash, Clerk
Clarke County Board of Supervisors

People Inc. – Request for Approval Microenterprise Development Program Application

Robert Goldsmith appeared before the Supervisors. He distributed the People Inc. 2009 Annual Report. Highlights of his presentation included:

- Governor McDonnell recently provided notice designating People Inc. as the community action agency servicing Clarke County.
- Requested the Supervisors appoint a member to the People Inc. Board advising that meetings are conducted telephonically in two locations – Woodstock and Lebanon, Virginia.
- Chairman Hobert requested that the Administrator be provided a copy of the by-laws and articles of incorporation.
- Requested that the Supervisors move forward to approve a grant application for a microenterprise development program that would provide loan capital to small business for expansion and development. Microenterprise provides a maximum \$35,000 loan for enterprises that cannot secure a conventional loan. Currently, the loan pay back rate is slightly over 92%.
- No matching County funds are required for participation in this program; however, provision of staff time is required.
- People Inc. will use grant funds to maintain operations and staffing serving three counties.
- Recommended the development of a management team consisting, at a minimum, of a member of the governing body and a member of staff.
- This is an open submission application that can be submitted between now and September requiring two public hearings – one on block grant program generally and one public hearing on the proposal that the Supervisors are considering applying for a block grant.
- Requested that the Supervisors either set or authorize the County Administrator to set a public hearing for either one of the required public hearings.
- People Inc. will provide to the County Administrator the required information and language necessary for advertisement of public hearing.

- Warren County, a local participating jurisdiction, would prefer to be past the budget process before beginning the process.

Vice Chairman Weiss moved to direct the County Administrator to proceed with publishing notice of the program within the next 30 days.

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

Item for Action TA-09-16

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. [*PH 10-06 – Public Comment Taken 3/16/2010*]

Chuck Johnston reviewed the recommendation of the Berryville Area Development Authority reminding that an affected property owner had expression objection to the planned amendment based on the sunset clause in the zoning. He advised that Town Council deferred action pending action by the Board of Supervisors.

Supervisor Byrd moved to approve the amendment to the Berryville Area Plan as presented.

WHEREAS, the Berryville Area Plan is established to protect the health, safety, and welfare of the community;

WHEREAS, in 1997, the Berryville Area Plan was amended to:

- a. state, as a policy, that a total of 300 units of older person residential housing was allowed in the Berryville Annexation Area, with not more that 120 of these units being multi-family; and
- b. establish an approximate 3.5 acre Sub-area 6A, which encompassed Mary Hardesty apartments and Heritage Day Care, with the understanding that it would be expanded to include other uses devoted to older person related uses (residential and otherwise) as it was determined appropriate;

WHEREAS, in 1998, the Town annexed the approximate 3 acre parcel west of Mary Hardesty House (west of McClellan Street) that had been developed as the Mayfair assisted living facility (now known as Greenfield) and zoned it Older Person Residential (OPR), however Sub-area 6A was not expanded at that time;

WHEREAS, in August of 2009, the Berryville Town Council approved the rezoning of the 12 acres located west and north of the Greenfield property to Older Person Residential and Sub-area 6A was not expanded;

WHEREAS, the applicant for this 12-acre rezoning stated that the 1995 amendment of the Berryville Area Plan that allowed older person residential uses was sufficient basis for this rezoning; however, the 1995 amendment was done to enable the original development of Mary Hardesty House and the Board of Supervisors and Town Council deleted this 1995 amendment in 2009; and

WHEREAS, expanding Sub-area 6A to include the 15 acres that have been zoned Older Person Residential (3 acres for Greenfield and 12 acres owned by Ketocin Land Co.) would make the land use policies of the Berryville Area Plan and the approved zoning consistent;

NOW THEREFORE BE IT ORDAINED THAT, the Berryville Area Plan, Chapter V, Planning Area Analysis for Sub-areas 5, 6, and 6A, be amended 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.

The motion was approved by the following vote:

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

Set Public Hearing: TA-09-08

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

- o Section 3-A-1-a, Permitted Uses and Structures in the AOC Zoning Districts, so as to add the use: "Farmers Markets, Seasonal";
- o Section 3-A-2-a, Permitted Uses and Structures in the FOC Zoning Districts, so as to add the use: "Farmers Markets, Seasonal"; and
- o Section 9-B-71, Definitions, so as to add the term: "Farmers Markets, Seasonal".

Chuck Johnston reviewed the Planning Commission recommendation noting that staff had put forward the proposed text amendment to promote local food vending activities that would allow local food producers to be able to sell onsite or to join together. It was noted that there was considerable comment received by the Planning Commission expressing concern that this would be a detriment or injurious to the Farmers Market operating in the Town of Berryville on Saturday mornings. Mr. Johnston assured that this was not the intent to be in competition but to simply provide an additional opportunity for local food vendors to be able to sell their products. In moving forward, the Planning Commission

opted not to hold the matter up any further so that it would be in place for the current growing season. The Planning Commission motion did include instruction to staff to suggest to the Board of Supervisors to add the language that makes it clear that these are items that are raised, grown or baked in Clarke County or counties adjoining the County to ensure the products would be local. Mr. Johnston further noted that language had been suggested to add the term "seasonal farmers market" so as to reduce confusion.

Chairman Hobert commented that the Town of Berryville has expressed concern and has requested that the Supervisors delay action until locations within the Town to expand the farmers market operating in Berryville can be identified.

Vice Chairman Weiss told the Supervisors that he had been asked by the Chair to facilitate a meeting between the farmers and the Town of Berryville during which locations for a farmers market were discussed. He stated that he did not believe markets located in the County would have a negative impact on the Berryville Farmers Market noting that reports by Cooperative Extension indicate that more markets generate more interest. He further commented that to be successful farmers must be able to sell their products more hours on more days of the week than the four hours on Saturdays allowed by the Berryville Farmers Market. Vice Chairman Weiss stated that local producers had requested this change believing that a cooperative effort is critical to their success. He put forth that to help local farmers producers from outside the County were necessary to broaden the produce offered. He opined that protectionism does not work.

Jesse Russell noted that inclusion of local growers outside the county was to allow greater variety.

Supervisor Dunning opined that to be successful farmers need sales volume that access to primary highways could provide. He put forth that hours and days of operation should be dictated by demand. He further opined that the number of these type markets should be limited. Supervisor Dunning urged the Supervisors to act in time for the upcoming planting season. He expressed his belief that this action would not harm the Berryville Farmers Market.

Supervisor Byrd said that she was supportive of the local niche farmers and promotion of their produce. She put forward that the County should look at providing places to "buy fresh buy local." She opined that County farmers markets would allow more persons access to fresh produce and make a more robust market that would not negatively impact the Berryville Farmers Market.

There followed discussion regarding whether multiple vendors from outside the locality would be allowed to sell as long as there was at least one local grower was in the market. Mr. Johnston stated this was not the intention of the Planning Commission.

Supervisor Staelin put forward that he agreed that hours of operation should not be restricted. He suggested that farmers markets be looked at as a special use permit; and

further, that the issues put forward should be clarified before setting the matter for public hearing.

Chairman Hobert and Supervisor Dunning expressed concern with "by right" establishment of retail business in the AOC and FOC Zoning Districts.

Chuck Johnston clarified noting that making farmers markets a special use was not necessary since retail is already allowed as a special use in these zoning districts.

Jesse Russell advised the Supervisors that special use and site plan application fees would be at least \$5,000 that could be cost prohibitive.

Supervisor Staelin suggested modifying the fee schedule for seasonal activity and to provide a more narrow definition of businesses that promote local agriculture.

Supervisor Staelin moved to table the matter with the further direction to Planning staff to work up a fee schedule adjustment for review at the May Work Session.

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.	- Nay
John R. Staelin	- Aye

In an unrelated matter, Chuck Johnston informed the Supervisor that a public information meeting on the Chapel Rural Historic District would be held in the General District Court this evening.

Committee Action

Personnel

Appointment to Authorities, Boards and Commissions

<i>Committee/Board</i>	<i>Appointee</i>	<i>Expiration Date</i>
Historic Preservation Commission	Betsy Fields	5/31/2012
<i>Ms. Fields is appointed to serve the un-expired term of Mia Franklin.</i>		
Historic Preservation Commission	Clifford Nelson	4/30/2011

<i>Committee/Board</i>	<i>Appointee</i>	<i>Expiration Date</i>
<i>Mr. Nelson is reappointed to serve an additional one-year term as the Planning Commission representative.</i>		
Clarke County Library Advisory Council	Kathy Hudson	4/15/2013
<i>Ms. Hudson is appointed to serve the un-expired term of Sandra Gallagher.</i>		
Clarke County Library Advisory Council	Joyce Badanes	4/15/2014
<i>Ms. Badanes is reappointed to serve a full four-year term.</i>		
Clarke County Planning Commission	Richard Thuss	4/30/2014
<i>Mr. Thuss is reappointed to serve a full four-year term.</i>		
Clarke County Planning Commission	Thomas McFillen	4/30/2014
<i>Mr. McFillen is appointed to serve a four-year term effective May 1, 2010.</i>		
Conservation Easement Authority	George Ohrstrom	4/30/2013
<i>Mr. Ohrstrom is reappointed to serve an additional three-year term as the Planning Commission representative.</i>		

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

Relocation of County Force Main located West of Berryville

Action: The Board directed that the project move forward so that the force main can be installed at the same time as the school and Mosby Road construction so that the existing easements can be used as well. The Board also directed that Chester be asked to determine the best size and location for the pump station and assist the County in devising a fair cost sharing plan for all users of the upgraded system.

David Ash reviewed the Supervisors' discussion at the April 12 Work Session. He advised that a proposal from Rick Travers, Chester Engineering, had just been received and required his review.

Chairman Hobert instructed Mr. Ash to stay in touch with the Schools and the Town on this matter; and when ready, to bring his recommendations to the Supervisors.

Circuit Courthouse Renovation

Action: The Board authorized the award of the bid to the apparent low bidder provided the required bonds and assurances are provided. The board further directed that additional information regarding possible replacement of the HVAC systems be provided for review.

The Supervisors briefly reviewed the matter.

Vice Chairman Weiss moved to approve the recommendation to authorize the award of the bid to the apparent low bidder provided that the required bonds and assurances are provided.

The motion was approved as follows:

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

Finance

Supplemental Appropriations

"Be it resolved that the FY11 Historic Preservation budget be amended to increase expenditure by \$11,000, to appropriate the same, and to recognize revenue from the Commonwealth in the same amount, all for the purpose of exploring creation of a Chapel Rural Historic District."

Capital Grant for Barns of Rose Hill.

"Be it resolved that \$150,000 currently appropriated to the Capital Projects Fund be forwarded to the Town of Berryville for the purpose of funding the capital costs

of the Barns of Rose Hill project, such payment to be made subsequent to bid award, but prior to execution of the construction contract.”

Resolution Regarding School Personnel Contracts

“Be it resolved that the Board of Supervisors hereby supports the distribution and execution of school personnel contracts for fiscal year 2011 in advance of final approval of the FY11 budget.”

Supervisor Dunning moved to approve the Finance Committee recommendations.

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

Budget FY11 Compensation Board Revenue

Tom Judge reviewed Compensation Board actions pertaining to the FY11 budget process. He advised that failure to support the proposed furlough would cost the County in excess of \$4,000 or one day’s compensation for all state employees.

Supervisor Dunning opined that the County could not continue to cover state funding cuts.

Chairman Hobert stated that the Finance Committee would be reviewing the matter.

Building Inspector Role in New High School Construction

Chairman Hobert noted that \$300,000 in funding for the contractor manager had been cut from the construction budget and the Building Inspector would be working closely with Schools on the project.

He instructed David Ash to meet with Robina Rich Bouffault to establish a list of expectations.

Frederick / Clarke County Farm Bureau

Chairman Hobert advised that the Farm Bureau had asked the Supervisors to table their previous request for a regional Economic Development Agriculture Coordinator.

Buy Fresh Buy Local

"Be it resolved that payment of \$1,000 be made to the Piedmont Environmental Council for participation in the Buy Fresh Buy Local food guide."

Supervisor Byrd moved to approve the Finance Committee recommendation.

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

Bills and Claims

Supervisor Dunning moved to accept the Bills and Claims as provided for the month of February 2010.

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

Government Projects Update

David Ash provided the monthly update.

- A Joint Government Center Committee meeting is scheduled for April 21 to discuss project close out.
- HVAC issues in the Government Center have not been satisfactorily addressed.
- There will be additional cost for data cable installation in the Circuit Courthouse Renovation project.

- Tom Judge is reviewing the Senior Center project budget.

Summary Of Required Action

<u>Item</u>	<u>Description</u>	<u>Responsibility</u>
1.	Correct, amend and process minutes.	Lora B. Walburn
2.	Process Resolution 10-06R for presentation.	Lora B. Walburn
3.	Process Resolution 10-07R for presentation.	Lora B. Walburn
4.	Process Proclamation and write cover for 10-02P.	Lora B. Walburn
5.	Process Proclamation 10-03P.	Lora B. Walburn
6.	Modify Energy and Resource Management Plan as directed.	Alison Teetor
7.	Develop a checklist to track compliance to the Energy and Resource Management Plan.	Alison Teetor
8.	Process resolution adopting the SSYP FY2011 thru 2016.	Lora B. Walburn
9.	Appoint a member to the People Inc. Board.	David Ash
10.	Provide the Administrator a copy of the People Inc. by-laws and articles of incorporation.	People, Inc.
11.	Provide the Administrator the required information and language necessary for advertisement of public hearing for the microenterprise program.	People, Inc.
12.	Advertise for public hearing for the microenterprise program upon receipt and review of documentation from People, Inc.	David Ash
13.	Process Ordinance TA-09-16.	Chuck Johnston Lora B. Walburn
14.	Work up a fee schedule adjustment for seasonal special use for farmers markets for review at the May Work Session.	Chuck Johnston
15.	Process appointments.	Lora B. Walburn
16.	Schedule a meeting with the School Board chair to establish a list of expectations for use of the Code Official during the construction phase.	David Ash
17.	Add discussion of the restructure of the HOME Consortium to the May Work Session.	David Ash
18.	Update County Code CC-10-03.	Lora B. Walburn
19.	Execute deed of gift from Mr. Kohn.	J. Michael Hobert

<u>Item</u>	<u>Description</u>	<u>Responsibility</u>
20.	Send a letter of thanks to Mr. Kohn for the generous gift and advise of the intent to name the park after Mr. Kohn.	J. Michael Hobert
21.	Refer to the Parks and Recreation Advisory Committee to work with surrounding neighbors to establish a covenant of rules and guidelines.	David Ash

Board Member Committee Status Reports

HOME Consortium by Vice Chairman Weiss

- The Agency has changed the configuration and created one board to oversee several areas.
- Chairman Hobert requested that discussion be added to the May Work Session.

Sanitary Authority by Supervisor Dunning

- Home sales in Boyce have helped the Authority in this past year.

Social Services by Supervisor Byrd

- Annual appreciation luncheon was held last week.

Conservation Easement Authority by Vice Chairman Weiss

- A meeting is scheduled for tomorrow.
- There is no lack of interest.
- Alison Teetor manages the program well.

Economic Development Advisory Committee by Supervisor Staelin

- Committee has not held a meeting within the last month.

At 4:03 pm Chairman Hobert recessed the meeting until 6:30 pm.

At 6:30 pm Chairman Hobert reconvened the meeting.

Citizen Comment Period

No citizens appeared to address the Supervisors.

PH 10-14 Public CC-10-03 Chapter 40

CC-10-03 Chapter 40 so 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 expressed the appreciation of the Electoral Board and thanked the Supervisor's for their consideration in this matter.

At 6:32 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 Byrd moved to revise the district as presented in the proposed Code amendment CC-10-03.

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

Sections to be added shown in ***bold italics***

Section to be deleted shown ~~struck through~~

- | | | |
|---|----|---|
| § 40-2. Central Absentee Voter Election District established and defined [Amended 05-08-16] | a) | A central absentee voter election district for Clarke County is hereby created, pursuant to Code of Virginia § 24.2-712 Central absentee voter precincts; counting ballots |
| | b) | The location of this district shall be Grace Episcopal Parish Hall, 110 North Church Street, <i>Berryville Clarke County Government Center, 101 Chalmers Court,</i> Berryville, Virginia. |

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

Supervisor Dunning joined the meeting at 6:34 pm.

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.	- Aye
John R. Staelin	- Aye

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

CERTIFICATION OF CLOSED SESSION

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

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

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

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

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

Robert Mitchell briefly reviewed the matter discussed in Closed Session explaining that the County had been offered a gift of property of approximately 50 acres from Albert Kohn with Mr. Kohn retaining the property for the period of his lifetime. He advised that the property was currently under conservation easement; and further, covenants had been developed by counsel for both parties establishing that the property be used for the public benefit and other specifics including the County shall provide for the stewardship of the natural values of the property, no violations of conservation easement, no fire arms, no hunting or trapping, etc.

Supervisor Staelin clarified that the property was geared toward passive recreation and was not an area conducive to large group.

Supervisor Staelin moved:

- To accept the deed of gift; and,
- To authorize the Board of Supervisors Chair to execute the documents; and,
- To send a letter of thanks to Mr. Kohn for the generous gift; and,
- To advise of the intent to name the park after Mr. Kohn; and further still,
- To refer to the Parks and Recreation Advisory Committee to develop a plan and to work with surrounding neighbors to establish recommendations for rules of usage.

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

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

Adjournment

There being no further business to be brought before the Board at 7:44 pm Chairman Hobert adjourned the meeting.

Next Regular Meeting Date

The next regular meeting of the Board of Supervisors is set for Tuesday, May 18, 2010 at 1:00 p.m. in the Main Meeting Room, 101 Chalmers Court, 2nd Floor, Berryville, Virginia.

ATTEST: April 20, 2010

J. Michael Hobert, Chair

David L. Ash, County Administrator

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