

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

Subsequent to comment by Supervisor Byrd, Chairman Hobert instructed staff to ensure that individual Supervisors, at their request, were provided hard copies of Bills & Claims.

Clarke County Public Schools Update

Dr. Michael Murphy, Superintendent, appeared before the Supervisors to provide the monthly update for the Clarke County Public Schools. Highlights include:

- Senior graduation was held on Sunday.
- Approximately \$990,000 in scholarships was awarded.
- Adam King is the new student representative to School Board.
- Year-end student enrollment was 2,140 against an estimated 2154. Kindergarten enrollment will be a key factor in determining ADM for the upcoming school year.
- Teachers retiring are Clarke Hansberger, Cindy Newcomb and Nancy Specht.
- Jill Sowers and Jay Lucas will be switching locations in the coming school year.
- Seeking applicants for the newly revised job description and lower salary for the position previously held by Dr. Eberhardt, whose role was described as "two for one."
- Fifty percent [50%] hired.
- Eighteen [18] licensed vacancies.
- Still in top 6% of high schools in the country; and in another measurement, Clarke County is in the top 26%.
- Math will be the focus in the upcoming school year.
- Working on EMT and Fire programs continues but slowly.
- Working on balancing class sizes and staffing.
- Managing to budget is close but goal is to end the year in the "black".
- Removing old portable classrooms. The oldest portable will be demolished this summer.
- High School Construction Update
 - o Productive discussion regarding easements was held on June 14 with School and Town participants.
 - o Spoke to Hunter Barnes of VDOE to report new school construction. Mr. Barnes indicates that the climate for school construction is good throughout the Commonwealth.
 - o Bids due June 17 and will be opened June 18.
 - o FFE run through is scheduled for next week.

Approval of Minutes

Supervisor Staelin moved to approve the minutes of May 18, 2010 Regular Meeting as corrected:

- Page 273 change motion to read "Supervisor Byrd moved to amend the motion to approve the Settlement Agreement to provide for fencing the entire perimeter of the property."
- Page 274 change motion to "Supervisor Dunning's motion to approve Georgetown University Settlement Agreement was approved by the following vote:"
- Page 268 change Set Public Hearing TA-10-02 vote Dunning from nay to aye.
- Page 274 change to Ms. Lyndon Willingham
- Page 277 change Closed Session vote Dunning from absent to aye.

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 |

Certification of Closed Session

Addressing the issue raised by Supervisor Byrd, David Ash informed the Supervisors that it had been noted that at the May 18 meeting two Supervisors left the meeting prior to coming out of closed session and had not been present for the roll call vote certifying the closed session; and, at the request of Chairman Hobert, he sought opinion from the county attorney, who is still researching the matter.

With all members present, Chairman Hobert called for ratification of the certification of the May 18, 2010 Closed Session.

Vice Chairman Weiss 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 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

VRS Voluntary Long-Term Care Option

Fall Enrollment

There will be a fall enrollment period held for those employers- local governments/municipalities, schools/school boards & other entities - who were unable to participate in the initial spring enrollment. ~~In order to participate in the fall enrollment, employers must meet the following requirements no later than July 16, 2010:~~

1. Provide VRS with a signed Employer Adoption Agreement.
2. Provide Genworth Life with a mailing list of your eligible employees, in the attached filing format.

For those employers who require their Board of Supervisors to meet and discuss participating in the Program, it is important that the July 16 deadline be met. Please take appropriate action now to ensure you can meet the July 16 deadline.

The following groups who participated in the Initial Enrollment period will not be eligible to participate in the Fall Enrollment. Employees can still apply for coverage under the Program, however they will be subject to full underwriting.

- State Agencies
- Virginia Delegates & Senators
- Virginia Commonwealth University
- University of Virginia
- James Madison University
- Loudoun County
- City of Alexandria
- City Of Lynchburg

To view employees who have signed up to participate thus far in the Fall Enrollment, [click here](#).

Purchasing Policy Amendments

Amendment #1

Add the following definition to Section 1.6:

Incidental Expenses: GSA defines incidental expenses as (a) fees and tips given to porters, baggage carriers, bellhops, hotel maids, stewards or stewardesses and others on ships, and hotel servants in foreign countries, (b) transportation between places of lodging or business and places where meals are taken, if suitable meals cannot be obtained at the temporary duty site, (c) mailing cost associated with filing travel vouchers and payment of Government charge card billings.

Amendment #2

19.4 Meal Expenses. Generally, meals that do not involve an overnight stay are not reimbursable. When staying overnight, the employee is permitted to request reimbursement for meals and incidental expenses incurred during the trip. The rates allowed for meals and incidental expenses are set per the U.S. General Services Administration. To view the rates, log onto www.gsa.gov and click on "per diem rates" and then click on Virginia. Please note that there are lower amounts allotted for first and last day stays.

To be reimbursed for any meal, the employee must have an Account Manager sign a completed Reimbursement Voucher and attach a copy of the receipt and other applicable paperwork.

One exception when meals may be reimbursed when an overnight stay is not involved is business meals. For the expense of a business meal to be reimbursed, the Reimbursement Voucher must include an Account Manager signature, the original receipt, a summary of the business that was discussed, and a list of all the individuals involved in the meal. The County employee initiating and sponsoring the cost of the business meal must have prior authorization from an Executive to spend County funds for a business meal.

Amendment #3

Add the following to the General Terms and Conditions:

LL. The County reserves the right to waive or amend any of its General Terms and Conditions if the Purchasing Agent and/or Joint Administrative Board deem it to be in the best interest of the County.

Maral Kalbian FY2011 Contract

David Ash advised that Chuck Johnston had informed him that items 1e and 2b pertained to the previous year's contract and were to be deleted.

PURSUANT TO THIS AGREEMENT, made and entered into this 15th day of June of 2010, by and between the Board of Supervisors (hereinafter "Board"), and Maral Kalbian, party of the second part (hereinafter "Contractor"); and in consideration of the benefits to be accrued to the parties hereunder, said parties hereto agree as follows:

1. **WORK:** Contractor agrees that the following projects and duties shall be the focus of work endeavor and services provided pursuant to this Agreement.
 - a. Provide technical advice, support, and training to the Historic Preservation Commission in coordination with the application for Certificate of Appropriateness.
 - b. Assist in the preparation of grant application(s), including those for Certified Local Government projects.
 - c. Attend all Commission meetings barring unavoidable conflicts.
 - d. Provide information and assistance to the County and the general public regarding:
 1. National Register Nominations
 2. Architectural modifications to historic structures
 3. Available federal, state, and local tax incentives
 4. Other historic preservation related issues
 5. Review County related tax project
2. **COMPENSATION:**

For performance of the work described in items a through d above, the Contractor shall be compensated by the Board at the rate of Fifty-Five Dollars (\$55.00) per hour plus mileage and expenses, not to exceed a total of Five Thousand Five Hundred Dollars (\$5,500).
3. **MANNER OF PAYMENT:** Contractor shall submit statements itemizing hours spent in performance of work on a monthly basis to the Planning Director. Approved payment shall be made to Contractor with 45 days of receipt of statement.
4. **DURATION:** This Agreement shall remain in full force and effect for the period 2010 July 1 through 2011 June 30.
5. **CONTRACTOR STATUS:** The parties hereto intend that the relation between them created by this Agreement is that of employer— independent contractor. Contractor is not an employee of the County of Clarke nor of the Board and is not entitled to the benefits provided by the County to its employees, including but not limited to worker's compensation, unemployment insurance, group health insurance, V.S.R.S. or F.I.C.A. contributions. Contractor will be solely and entirely responsible for her acts during the performance of this Agreement.
6. **OWNERSHIP RIGHTS:** Clarke County shall retain ownership rights to any materials or work produced by Contractor pursuant to this Agreement and may use said material or work products as the County may see fit. This shall not affect Contractor's right also to use said material or work products as she may wish. The Contractor may not convey, sell, or assign rights to said material without the approval of the Supervisors.

7. **RIGHT OF INSPECTION:** The work contemplated herein must meet the approval of the Board's designated agent and shall be subject to such agent's general right of inspection to secure the satisfactory completion thereof. Contractor agrees to comply with all federal, state and local laws, rules and regulations applicable to Contractor and to operations covered by this Agreement or accruing out of the performance of such operations.
8. **IDEMNIFICATION:** Contractor shall indemnify the Board and/or the County of Clarke against all liability and loss in connection with, and shall assume full responsibility for, payment of all federal, state and local taxes or contributions imposed or required under social security and income tax laws.
9. **ASSIGNMENT:** The Contractor shall not assign This Agreement without the express written consent of the Board.
10. **TERMINATION:** The County may terminate this Agreement at any time at its discretion.

WITNESS the following signatures:

CLARKE COUNTY BOARD OF SUPERVISORS
By _____
Michael Hobert, Chairman

CONTRACTOR

Maral Kalbian

Easement Ratification: Wyatt, Tax Map# 31-((A))-8D

MEMORANDUM
TO: Board of Supervisors, David Ash
FROM: Alison Teetor
DATE: June 8, 2010
SUBJECT: Request for Easement Ratification
PURCHASE RATIFICATION

Wyatt, Tax Map# 31-((A))-8D: This application includes two parcels. Both are located off of Calmes Neck Lane. One parcel is 47.59 acres and has three DUR s. It meets 3 of the 4 criteria. The property resource score is 54.91. The owner would retire two of the three remaining DURs. It is larger than 40 acres in size and is not adjacent to an existing easement. The second parcel is 15.81 acres. This parcel meets 2 of the 4 criteria. The Property Resource Score is 48.59; the one remaining DUR would be extinguished. The property is not next to an existing easement and is less than 40 acres in size. The Deed was recorded for this easement on April 29, 2010.

On motion of Mr. Buckley, seconded by Ms. Radford, the Authority voted to approve a purchase offer of \$60,800 for the 47.59-acre parcel.

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

Supervisor Byrd moved to approve the items on the Consent Agenda as shown Voluntary Long-Term Care Option; Purchasing Policy Amendments; Easement Ratification: Wyatt, Tax Map# 31-((A))-8D; and as modified Maral Kalbian FY2011 Contract.

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

Jerry Copp – Maintenance and Operations Items and Residency Administrator and Ed Carter – Six-Year Plan Programs and Enhancement, Recreational Access, with Charlie Monroe – Area Maintenance Superintendent, appeared before the Supervisors to provide the monthly update.

- Supervisor Staelin noted that traditionally when VDOT mowed they cut a wider swath than one to two tractor widths as is being done this season. Jerry Copp advised that this new mowing standard was implemented due to reduced funding.
- Vice Chairman Weiss asked about spot spraying. Jerry Copp advised that no funds had been set aside for spot spraying but it could be considered as need is presented.
- Supervisor Byrd told VDOT of a large pothole at Kimble Road and Route 7.
- Shoulder work priorities: Charlie Monroe is working on issues raised at the May 18 regular meeting.
- On behalf of Boyce Town Council, Chuck Johnston complimented VDOT on their participation and cooperation.
- Chairman Hobert thanked VDOT for the Government Center directional signage added on Main Street.
- Project Update: Clarke County High School with Jeff Lineberry
 - Most VDOT comments were resolved at recent meeting with the School.
 - Awaiting the final written changes to the site plan from Urban.

- Westwood Road: Using aerial photography to develop the plan. Survey work is anticipated to take another several months.
- Eight VDOT mile posts in the process with the next goal being public hearing. An optimistic project schedule would be have bid out in early 2012 with completion within the same year.
- David Ash was instructed to follow up with Urban on status of written changes to the site plan.
- Project Update: Boyce Signal Light
 - Potential funding sources are Revenue Sharing [No local match all federal money] and Safe Routes to School, a federally funded program for grades K-8. This information was recently given to the Planning Department and will require further research.
 - Safe Routes to School is a highly competitive program that looks at the number of students that can be encouraged to arrive at school on foot.
 - Safe Routes to School funds can be used for infrastructure such as sidewalks, signal crossings, bike racks or promotional materials.
 - Locality must submit a plan for Safe Routes to Schools funding.
 - Chuck Johnston was instructed to follow up on application.

Set Public Hearing CC-10-01[b] Chapter 57 Special Events

David Ash briefed the Supervisors on the most recent modifications assuring that it contained all the requested modifications mentioned by the Supervisors. He opined that this was a difficult ordinance to draft.

Following extended discussion, by consensus, the Supervisors requested that David Ash and David Weiss further review and modify the amendment and resubmit for consideration to set public hearing at the July 20 regular meeting, as well as to prepare and submit for review the special event fee schedule.

Set Public Hearing Comprehensive Plan Amendments CP-10-01

The Clarke County Planning Commission recommends the amendment of the 2007 Clarke County Comprehensive Plan so as to incorporate the recommendations of the County Green Advisory Committee, as stated in its proposed 2009 Clarke County Energy and Resource Management Policy, to add a goal to the Comprehensive Plan to encourage stewardship over resources and to foster conservation of resources by the private sector.

Chuck Johnston reviewed the proposed amendments to the Comprehensive Plan as recommended by the Planning Commission and the Green Advisory Committee.

Following prolonged discussion, **Supervisor Dunning moved to set the matter for public hearing for July 20, 2010 at 6:30 pm or as soon thereafter as the matter might be heard. 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 |

Finding of No Impact on Ag District AD-10-01 [Town Acquisition of Easement over Shenk Farm]

Discussion of a resolution "Finding of No Impact on Ag District AD-10-01" [Town Acquisition of Easement over Shenk Farm] was addressed by Chuck Johnston, who summarized the process of review and recommendation by the Planning Commission and the Agricultural Committee with regard to determining the impact of acquisition on land within the agricultural district.

Supervisor Staelin moved that the meeting be continued to June 23 at 8:30 pm and that this issue be voted on at that time. The motion carried by the following vote:

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

Supervisor Staelin stated that the Town and County were working on two important projects, the new high school and the Berryville sewer upgrade. He said he was pleased that the Schools and Town had a good meeting and appeared to have resolved their outstanding issues but the "devil is in the details" and he wanted to see the School Board and Town sign their documents before approving the change to the Ag District.

FY2011 VRS Member Share for New Hires

Tom Judge briefly explained pending changes to the Virginia Retirement System that shall impact all new hires. He advised that the Joint Administrative Services Board unanimously approved recommending to the School Board and the Board of Supervisors that the employer continue to pay the 5% retirement benefit for new hires.

Supervisor Staelin moved to adopt Resolution 10-14R.

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. | - | Nay |
| John R. Staelin | - | Aye |

Employee's Contribution to VRS Under § 414(h) of the Internal Revenue Code For Plan 2 Employees

The Virginia General Assembly, in its 2010 session passed legislation creating a separate retirement plan for employees hired on or after July 1, 2010 (hereafter referred to as "Plan 2" employees).

The legislation amended VA Code § 51.1-144 to provide that Plan 2 employees will pay their 5 percent member contribution and that, absent other action by the employer, such contribution will be paid through salary reduction according to Internal Revenue Code § 414 (h). Internal Revenue Code § 414 (h) provides that a governmental employer may "pick-up" mandatory employee contributions and thereby cause the contributions to be made on a pre-tax basis.

The formal written action required by Internal Revenue Code § 414 (h) to effect the pick-up has been taken by the General Assembly with the Governor's signature.

The legislation also permits each county, city, town, local public school board or other local employer to pick-up, in whole or in part (in 1 percent increments), the 5 percent member contribution as an additional benefit not paid as salary.

The employer's optional payment of the 5 percent member contribution may be phased in over a period approved by the VRS Board not to exceed 6 years and may only be made on a uniform basis for all its Plan 2 employees.

The formal written action required by Internal Revenue Code § 414 (h) to effect the pick-up using the alternatives permitted by the legislation must be taken by the governing body of the specific employing entity and must be effective only on a prospective basis.

Please indicate, by selecting one option below, how member contributions will be paid:

- This is to acknowledge that County of Clarke, Virginia will have the employees pay the 5 percent member contribution according to the terms of the legislation. This action does not require action by your governing body.

This is to acknowledge that the County of Clarke, Virginia elects to pick-up some or all of the 5 percent member contributions as detailed in the following duly approved resolution.

_____ (Authorized Signature) _____ (Date)

RESOLUTION

Authorization to Pick-up the Employee's Contribution to VRS Under § 414(h) of the Internal Revenue Code For Plan 2 Employees

10-14R

WHEREAS, the Virginia General Assembly, in its 2010 session passed legislation creating a separate retirement plan for employees hired on or after July 1, 2010 (hereafter referred to as "Plan 2 Employees"). The legislation stipulates that Plan 2 Employees will pay their five [5] percent member contribution and that, absent other action by the employer, such contribution will be paid through salary reduction according to Internal Revenue Code § 414 (h) on a pre-tax basis; and

WHEREAS, the legislation allows certain employers, including the County of Clarke, Virginia to pick-up and pay all or a portion of the member contributions on behalf of its Plan 2 Employees as an additional benefit not paid as salary; and

WHEREAS, the election to pick-up and pay all or a portion of the member contributions on behalf of its Plan 2 Employees as an additional benefit not paid as salary shall, once made, remain in effect for the applicable fiscal year (July 1 - June 30) and shall continue in effect beyond the end of such fiscal year absent a subsequent resolution changing the way the 5 percent member contribution is paid; and

WHEREAS, VRS tracks such picked-up member contributions and is prepared to treat such contributions as employee contributions for all purposes of VRS.

NOW, THEREFORE, IT IS HEREBY RESOLVED that effective the first day of July 2010 the County of Clarke, Virginia shall pick-up member contributions of its Plan 2 Employees to VRS as an additional benefit not paid as salary in an amount equal to five [5] percent of creditable compensation subject to the terms and conditions described above; and it is further

RESOLVED that such contributions, although designated as member contributions, are to be made by the County of Clarke, Virginia in lieu of member contributions; and it is further

RESOLVED that nothing herein shall be construed so as to permit or extend an option to VRS members to receive the picked-up contributions made by the County of Clarke, Virginia directly instead of having them paid to VRS.

Adopted this 15th day of June, 2010.

Attest:

David L. Ash, Clerk
Clarke County Board of Supervisors

Miscellaneous Items:

Appointment to Planning Commission - Clay Brumback

Following a biography given by Supervisors Dunning and Weiss and discussion, **Supervisor Dunning moved to appoint Clay Brumback to a four-year term on the Clarke County Planning Commission to represent the White Post Voting District. 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 |

Bills & Claims May 2010 General Government

Chairman Hobert stated that he had reviewed the Bills and Claims; and for the most part, all the departments were under budget and on track.

Supervisor Staelin asked that Tom Judge be advised to monitor for last minute purchases.

Supervisor Staelin moved to accept the Bills and Claims. 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 |

Closed Session Pursuant to §2.2.3711-(A)(3) Acquisition of Property 2.2-3711-(A)(7) Probable Litigation

Supervisor Dunning 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. - Aye
John R. Staelin - Aye

The members of the Board of Supervisors being assembled within the designated meeting place, with open doors and in the presence of members of the public and/or the media desiring to attend, **Vice Chairman Weiss 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

Vice Chairman Weiss moved to execute the following Certification of Closed Session:

CERTIFICATION OF CLOSED SESSION

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

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

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

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

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

No action was taken on matters discussed in closed session.

Government Projects Update

David Ash updated the Board on continuing issues with the HVAC in the Government Center noting that a thermostat adjustment was made at the beginning of the meeting to correct the 94% humidity level in the meeting room that resulted in a drop in room temperature to 66°.

Mr. Ash reported that he was proceeding with the request that Rural Development Authority approve awarding the contract to Hammerhead Construction for renovations to the Clarke County Circuit Courthouse.

Summary Of Required Action

| <u>Item</u> | <u>Description</u> | <u>Responsibility</u> |
|-------------|--|-------------------------------------|
| 1. | Correct 5/18 minutes and process. | Lora B. Walburn |
| 2. | Advise Tom Judge of Supervisors approval VRS Voluntary Long-Term Care Option. | David Ash |
| 3. | Advise Tom Judge of Supervisors acceptance of Purchasing Policy Amendments. | David Ash |
| 4. | Process FY2011 contract for Maral Kalbian. | Lora B. Walburn / Chuck Johnston |
| 5. | Follow up with Urban on status of written changes to the site plan. | David Ash |
| 6. | Follow up on Boyce signal light Safe Routes to School application. | Chuck Johnston |
| 7. | Further review and modify the amendment to Chapter 57 and resubmit for consideration to set public hearing at the July 20 regular meeting. | David Ash / David Weiss |
| 8. | Prepare and submit for review the special event fee schedule. | David Ash / David Weiss |
| 9. | Process public hearing notice for CP-10-01. | Lora B. Walburn |
| 10. | Update website and calendars with June 23, 2010 Continued Meeting. | Lora B. Walburn |
| 11. | Process Resolution 10-14R VRS Member Share for New Hires. | Lora B. Walburn |

| <u>Item</u> | <u>Description</u> | <u>Responsibility</u> |
|-------------|---|-------------------------------------|
| 12. | Process appointment to Planning Commission. | Lora B. Walburn |
| 13. | Provide a copy of the FY2011 Sanitary Authority budget to Supervisors. | Mike Legge |
| 14. | Provide notice of approval with conditions for Special Event Permit Application – Elysian Fields, 3-Year Application for 2010, 2011, 2012 [2010 Event August 6 thru 8] to applicant and adjoining property owners. | Lora B. Walburn |
| 15. | Provide notice of approval with conditions for Special Event Permit Application – Hunt Country Cluster [Dog Show] at Historic Long Branch 3-Year Application for 2010, 2011, 2012 [2010 Event October 1 thru 3] to applicant and adjoining property owners. | Lora B. Walburn |
| 16. | Process Ordinance TA-10-02 | Lora B. Walburn / Chuck Johnston |
| 17. | Advertise public hearing for People Inc. for August 17, 2010 regular meeting. | People Inc. |

Board Member Committee Status Reports

Water Resources Policy Committee by John Staelin

- At last meeting, the Commonwealth spoke about Chesapeake Bay rules.
- Commonwealth made it clear that the next target will be agriculture but they would prefer incentives and education to regulation.

Social Services by Barbara Byrd

- Have a new part-time employee Ann Lamanna, whose husband is the Chair of Frederick County School Board

Clarke County Sanitary Authority by A.R. Dunning, Jr.

- Replacing the tower in Browntown.
- Working on identifying a secondary water supply.
- Chairman Hobert requested that the Supervisors' be supplied a copy of the FY2011 Sanitary Authority budget.

Industrial Development Authority by John Staelin

- No recent meetings.

Economic Development Advisory Committee by John Staelin

- No recent meetings.

- Suggested that the Supervisors may want to consider making new appointments or adding to the committee for currently there is no one on this committee to represent tourism, hospitality, or website design.

Senior Center by David Ash

- Joint Administrative Services is reviewing the information and identifying available capital funding.
- Revising cost estimates to develop a plan.
- Issues with funding and liquidity of some donations.

At 3:50 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 10-15 Special Event Permit Application – Elysian Fields, 3-Year Application for 2010, 2011, 2012 [2010 Event August 6 thru 8]

David Ash reviewed the application and distributed the Certificate of Insurance provided by the applicant prior to the meeting.

Jack Schutte, landowner, was present to answer questions posed by the Board. He advised that this was the third-year for this event without complaint or problem. Further, he was able to satisfactorily clear up a misunderstanding as to the event entrance.

At 6:35 pm Chairman Hobert opened the public comment portion of the public hearing. Being no persons present desiring to address the Supervisors regarding this matter, the public comment portion of the public hearing was closed.

Supervisor Dunning moved to approve the event for one year subject to agreement to adhere to the recommendations of other regulatory agencies

Supervisor Staelin suggested amending the motion to include agreement to adhere to the recommendations of other regulatory agencies.

Supervisor Dunning moved to approve the event for one year subject to agreement to adhere to the recommendations of other regulatory agencies

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

PH 10-16 Special Event Permit Application – Hunt Country Cluster [Dog Show] at Historic Long Branch 3-Year Application for 2010, 2011, 2012 [2010 Event October 1 thru 3]

David Ash reviewed the event application advising that the application was complete with payment for the first event year.

Roger Riggins, applicant, was present to answer any questions posed by the Board.

At 6:43 pm Chairman Hobert opened the public comment portion of the public hearing. Being no persons present desiring to address the Supervisors regarding this matter, the public comment portion of the public hearing was closed.

Supervisor Dunning moved to approve the three-year special event application for the Hunt Country Cluster [Dog Show] at Historic Long Branch.

Supervisor Staelin put forth the following amendments for consideration and inclusion in the motion.

- Subject to agreement to adhere to the recommendations of other regulatory agencies.
- Receipt of full payment of fees for subsequent years within ten days of Board approval.
- Agreement that event shall be kept within the same time period for each subsequent year of approval.
- Notify County Administration 60 days prior to the next event and provide any changes in contracts, vendors, and/or certificates of insurance.

Supervisor Dunning's motion, as amended, was 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

Following brief discussion, **Supervisor Dunning** moved to amend his earlier motion to approve **Special Event Permit Application – Elysian Fields, 3-Year Application for 2010, 2011, 2012 [2010 Event August 6 thru 8]** to include:

- Subject to agreement to adhere to the recommendations of other regulatory agencies.
- Receipt of full payment of fees for subsequent years within ten days of Board approval.
- Agreement that event shall be kept within the same time period for each subsequent year of approval.
- Notify County Administration 60 days prior to the next event and provide any changes in contracts, vendors, and/or certificates of insurance.

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 |

PH 10-17 TA-10-02: CornerStone Power Development LLC (

Nicholas Bullinger, agent requests approval of the following amendments to the County Zoning Ordinance:

- Section 3-A-1-a-3, Special Uses in the Agricultural-Open Space-Conservation (AOC) Zoning District, so as to add "Large Photovoltaic Solar Power Plant" as a Special Use;
- Section 3-C-2, Supplementary Regulations for Uses in Various Districts, so as to add regulations for "Large Photovoltaic Solar Power Plant";
- Section 9-B, Definitions, so as to add a definition of the use: "Large Photovoltaic Solar Power Plant".

Chuck Johnston reviewed the proposed text amendment allowing for the special use of a solar power plant, establish regulations stipulating aspects of function and location, and to add definition of large photovoltaic solar power plant. He advised that a facility of this type must be adjacent to a large substation and opined that this would limit its impact on agricultural land. Further, for consideration, once facility construction was complete, the plant would have few visitors, single-digit number of employees, no-noise / passive withdrawal process, and a minimal physical construction footprint. He opined that he felt comfortable stating that this would be a use that would fit within the county's environment.

Mr. Johnston further described the process by which CornerStone would proceed to apply for special use should the Supervisors approve the amendment.

Supervisor Dunning noted that the property was tangent to highway commercial zoning. He further noted that this solar plant would bring in significant tax revenue.

Responding to Supervisor Byrd, Mr. Johnston stated that land reclamation was one of the set conditions.

Vice Chairman Weiss complimented Mr. Johnston on the thoroughness of his report.

Chuck Johnston introduced Nick Bullinger, agent for CornerStone Power Development LLC, made a presentation to the Board of Supervisors titled "Overview of Proposed Solar Power Facility in Clarke County, Virginia." Highlights of the presentation include:

- Utility-level facility for distribution into power grid.
- Set to displace use of natural gas and coal.
- In business 15 years.
- Looking at 20-mega watts that provides certain advantages when connecting to the power grid.
- Power flows as AC.
- Solar has only recently become economically viable on the East coast.
- Solar facilities are now in operation in New Jersey and North Carolina.
- Solar produces higher power when the demand is higher.
- Greenest of all renewable power.
- Defers the need for future transmission lines.
- Currently, Virginia has a voluntary portfolio standard and does not require purchase of solar power allowing it to remain voluntary. States such as Pennsylvania have made purchase of renewable energy mandatory.
- Demand for renewable energy is high and rising.
- Virginia has high electricity prices.
- A company can get a higher price for electricity in this state making the facility financially viable.
- Land in Clarke County is relatively flat and dry.
- Increases tax base for county.
- 25-50 years of operation.
- \$80 million dollar installation.
- After construction, most of the area would still be covered by vegetation.

- Buildings on the property would be an office, security station, and maintenance shed, as well as the solar panels and inverter boxes that can be designed to be visually pleasing.
- Full-time security will be present. Solar modules are very expensive and easily removed.
- Working on first phase of project – dealing with County on zoning. Working with PJM to comply – power grid running from Chicago to New Jersey. PJM approves of Clarke County. Need a power purchase agreement and must work with a utility to purchase power.

Responding to Supervisor Byrd, Mr. Bullinger advised:

- Other municipalities also want to know about visual impact, as well as physical impact should the business go under. He assured that such businesses were typically profitable and, should that business fail, are readily sellable.
- Solar modules have been subjected to rigorous testing under various conditions included hurricane-strength winds, rain, hail and freezing temperatures.
- Lenders will conduct their own due diligence to protect the investment.

At 7:40 pm Chairman Hobert opened the public comment portion of the public hearing.

Jack Schutte, Huntingdon Farm: spoke in support of approval. He stated that he was a strong proponent of increasing the tax base, as well as supportive of green initiatives noting that such a facility was in keeping with the county's vision. He did ask where the text amendment would tie in if he would choose to power his own farm. He also asked if it was true that the power company had to purchase back power.

Nick Bullinger responded that the utility does buy back or "true up" at year-end the amount is capped.

Chuck Johnston explained that this would not prohibit individual installation of solar power.

Ron Heath, Frederick County: spoke in support of approval. He informed the Supervisors that he lives close to the site, works for a solar installation company and advised that a small solar facility was being installed in Warren County.

At 7:46 pm, there being no further persons desiring to speak on this matter, Chairman Hobert moved to close the public comment portion of the public hearing.

Vice Chairman Weiss put forth that he had previously expressed concern and some level of hesitation about the proposed change and the potential impact on farmland. He

commented that he was now more comfortable knowing this application fit in with other areas of the comprehensive plan, as well as agriculture.

Responding to Supervisor Byrd, Richard Thuss, Planning Commissioner, assured that the Planning Commission had unanimously approved the proposed amendment.

Supervisor Dunning moved to approve the amendment of the Clarke County Zoning ordinance TA-10-02.

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 |

**ORDINANCE
10-07ORD**

At a regular meeting of the Board of Supervisors of Clarke County, Virginia, held at the Berryville Clarke County Government Center of said County on 2010 June 15 at 6:30 p.m. On motion by Supervisor Dunning, the Board of Supervisors (Byrd-Yes, Dunning-Yes, Hobert-Yes, Staelin-Yes, Weiss-Yes) approved the proposed Text Amendment of the Zoning Ordinance.

WHEREAS, solar energy is an abundant and renewable energy resource, and its conversion to electricity can help reduce dependence on nonrenewable energy resources and decrease the air and water pollution that may result from the use of conventional fossil fuels for power production;

WHEREAS, the Clarke County Comprehensive Plan Goal 3 states: "Encourage and maintain a diverse and viable local economy compatible with the County's size and character;

WHEREAS, the Planning Commission has recommended and the Board of Supervisors has set a public hearing to add a fifth Goal to the County Comprehensive Plan, which states: "Exercise stewardship over resources so as to reduce the consumption of nonrenewable resources to the greatest extent feasible, utilizing renewable energy whenever possible; and foster within the private sector of the county this conservative approach to managing resources."

WHEREAS, with appropriate zoning regulation, Large Photovoltaic Solar Power Plants can be allowed in a manner that protects the agricultural character of the County and that protects the health, safety, and welfare the general citizenry of the County as well as the residents adjacent to the site of such a power plant;

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

Section 3-A-1-a-3, Special Uses in the Agricultural-Open Space-Conservation (AOC) Zoning District, so as to add "Large Photovoltaic Solar Power Plant" as a Special Use;

Section 3-C-2, Supplementary Regulations for Uses in Various Districts, so as to add regulations for "Large Photovoltaic Solar Power Plant";

Section 9-B, Definitions, so as to add a definition of the use: "Large Photovoltaic Solar Power Plant";

Approved 2010 April 20

ATTEST:
TA-10-02

David L. Ash, County Administrator

See below for specific changes.

ZONING ORDINANCE TEXT AMENDMENT

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

9-B DEFINITIONS

9-B-# *SOLAR POWER PLANT, LARGE PHOTOVOLTAIC: is a utility-scale commercial facility with a rated nameplate capacity greater than 100kW (DC), which uses solar energy specifically for the conversion of sunlight into electricity by photovoltaics (a technology that converts light directly into electricity).*

DISTRICT REGULATIONS

3-A SCHEDULE OF DISTRICT REGULATIONS

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

3-A-1-a Permitted Uses and Structures

3-A-1-a 3. Special Uses

**.Solar Power Plant, Large Photovoltaic*

3-C SUPPLEMENTARY REGULATIONS

3-C-2 Uses in Various Districts

*3-C-2.** Solar Power Plant, Large Photovoltaic*

The following regulations establish minimum requirements and standards for the placement, construction and modification of large photovoltaic solar power plants, while promoting the safe, effective and efficient use of such energy systems.

1. Location

If such plant is not part of a "behind-the-meter" program, then such plant shall be adjacent to and all facilities located within one mile of a pre-existing electrical sub-station of 138 kV or higher voltage.

2. Minimum Lot Size

No such plant shall be erected on any lot less than twenty acres in size.

3. Setbacks

All above ground facilities associated with such plant (excluding perimeter security fencing) shall be considered a structure for the purposes of determining required setbacks.

4. *Safety/Access*

A security fence (height and material to be established through the special use permit process) shall be placed around the perimeter of the solar power plant and electrical equipment shall be locked. Knox boxes and keys shall be provided at locked entrances for emergency personnel access. Warning signage shall be placed on electrical equipment and plant entrances.

5. *Noise*

No such plant shall exceed sixty-five dBA as measured at the property line or fifty dBA as measured at the nearest neighboring inhabitable building.

6. *Landscaping*

Such a power plant shall be considered a commercial use for the purposes of determining landscaping requirements.

7. *Local, State and Federal Permits*

Such a plant shall be required to obtain all necessary permits from the U.S. Government, Commonwealth of Virginia, and Clarke County, and comply with standards of the major code and safety organizations that apply to generation projects (the National Fire Protection Association (NFPA), Underwriters Laboratories (UL), and Institute of Electrical and Electronics Engineers (IEEE)).

8. *Electrical Interconnections.*

All electrical interconnection or distribution lines shall comply with all applicable codes and standard commercial large-scale utility requirements. Use of above ground transmission lines shall be minimized.

9. *Additional Special Use Criteria*

The following topics shall be addressed in a Special Use application for such plant in addition to the Special Use Review Criteria in Section 5-B-4:

A. *Project description and rationale*

Identify the type, size, rated power output, performance, safety and noise characteristics of the system, including the name and address of the manufacturer, model. Identify time frame, project life, development phases, likely markets for the generated energy, and possible future expansions;

B. *Economic analysis*

Provide economic cost/benefit analysis describing generated property taxes, sales taxes, other taxes, construction dollars spent locally, estimated construction jobs and construction payroll, estimated permanent jobs and continuing payroll, and costs associated with impact on roads and other county infrastructure in the area;

C. *Visual impacts, appearance and scenic view sheds;*

Provide visual simulations providing vantage points considering a three hundred sixty degree view of the project site;

D. Wildlife habitat areas and migration patterns

Address potential impact on wildlife especially endangered or threatened species, on the site and in a biologically significant area surrounding the site;

E. Environmental analysis

Identify impact analysis on historic, cultural and archaeological resources, soil erosion, flora in the project area, water quality and water supply in the area, dust from project activities, and cumulative impacts of other adjacent power plant projects;

F. Waste

Identify solid waste or hazardous waste generated by the project and methods of disposal;

G. Lighting

Provide lighting plan showing impacts on adjacent properties;

H. Transportation plan

Provide access plan during construction and operation phases. Show proposed project service road ingress and egress access onto primary and secondary routes, layout of the plant service road system and degree of upgrade plan to new and existing roads, anticipated volume and route for traffic, including oversized and heavy equipment needed for construction, maintenance and repairs, methodology of repairs and maintenance of roads and bridges used for the project, and related public pedestrian and vehicular access and associated fencing;

I. Public safety

Identify emergency and normal shutdown procedures. Identify potential hazards to adjacent properties, public roadways, communities, aviation, etc., that may be created and address response to such hazards;

J. Noise limitations

Identify noise levels at the property line of the project boundary;

K. Telecommunications interference

Identify electromagnetic fields and communications interference generated by the project;

L. Life of the project and final reclamation

M. Describe the decommissioning and final land reclamation plan after anticipated useful life or abandonment or termination of the project, including evidence of an agreement with the property owner that ensures proper final removal of power generating equipment.

Chapter 180, Water and Wastewater, so as to delete Section 180-5 Subsurface conventional septic tank and drainfield systems, required; alternative systems; and Chapter 143, Septic Systems, so as to establish standards for the siting and installation of alternative onsite sewage systems.

Alison Teetor briefly reviewed changes made since the matter was set for public hearing at the May regular meeting.

Chairman Hobert provided clarification as to the indemnity clause.

Supervisor Dunning had Ms. Teetor clarify for the record that alternative systems are only installed on land that would not be acceptable to a normal gravity system.

There was discussion pertaining to protecting systems from vehicular traffic or livestock. Chairman Hobert asked the Supervisors to defer addressing the matter of requiring fencing of all systems regardless of location until later in the session.

There was discussion regarding requiring shrink swell testing. Supervisor Dunning requested that this requirement be added.

There was discussion regarding the revised requirement for 100% reserve for all properties.

There was discussion on set backs established to limit impact on the water shed. Supervisor Staelin asserted that the exact location of the water shed in karst conditions could not be identified. Chuck Johnston suggested keeping the proposed amendment and changing to non-karst.

At 8:14 pm Chairman Hobert opened the public comment portion of the public hearing.

Bob Marshall, Cloverleaf Environmental: worked with ordinance for last 15 years and cautioned the Supervisors to deeply weigh the proposed changes. Some of his objects include:

- 143.1 putting forth that he supported education but this should be done through the operations and maintenance department of the equipment manufacturer.
- 143.2c include licensed operators.
- 143.8 redundant – indemnification – it is understood in the permit that the homeowner is responsible.
- 143.9a adds an unnecessary requirement. Multiple places – should be karst topography not karst soil.
- 143.9b1 write to allow drip systems in karst.

Frank Lee, Alternative Soil Consultant licensed by the Commonwealth: He expressed agreement with Mr. Marshall's statements noting that they were steering toward

certain systems in certain areas of the County that may not be the best suited for the environment. He complimented Alison Teetor for trying to protect karst areas noting the difficulty to work with two distinct geographic areas. He spoke in support of drip systems and provided additional detail as to the installation requirements and system capability recommending that sufficient top fill be required anywhere drip systems are allowed.

Mr. Lee further note that the ordinance did not address spray irrigation systems, apparently considering them an on-site system; and in his opinion, these were the best systems and were allowed by the state. He urged the Supervisors to consider inclusion in this system.

Rob Charnley, Berryville: soil scientist with Cloverleaf Environmental: spoke against passage of the ordinance as written. He noted that the state had approved the use of alternate systems. He further opined that the proposed changes would put the Supervisors on a slippery slope.

Alex Blackburn, soil scientist: was unable to attend the public hearing but had provided a written statement that was read by Alison Teetor and is included in the Board of Supervisors meeting materials for June 2010.

Alison Teetor addressed the issues raised as follows:

- 10-inch installation soil depth. She noted that all speakers raised this issue. She said that the county attorney had advised that this ordinance is on the leading edge with the new legislation. She indicated she was not opposed to taking out minimum install depth in karst.
- Drip systems: She opined that drip systems would open up additional areas in karst that should not have such systems installed.

Ryan Fincham, Health Department, stated that hundreds of things could make a drip system fail; and when the county had allowed them in the 1990's, there had been many problems. He further noted that a minimum installation depth of 3" on the mountain and 10" in the valley would eliminate spray irrigation.

Frank Lee, added that because of the Dillon Rule Board of Supervisors' couldn't establish where alternate systems will be allowed in a county. He opined that some types have been used for 30 years without problem.

Richard Thuss, Planning Commission: spoke in support of passage. acknowledged Ms. Teetor's efforts to address a bad situation opining that, while not perfect, it provided a point from which the county could work.

Greg Lloyd, Health Department, expressed support for soil testing commenting that not all such testing is expensive.

Being no other persons desiring to address the Supervisors, at 9:15 pm, Chairman Hobert closed the public comment portion of the public hearing.

Supervisor Byrd thanked Alison Teetor for her contribution. She further extended appreciation to Mr. Thuss for his involvement and comments.

Supervisor Staelin moved to approve the text amendment CC-10-04 with the following additional modifications:

143-2-D

Prior to issuance of an operations permit by the Health Department, any Alternative Onsite Sewage System located within an active livestock area (pasture) must be fenced so as to exclude access by livestock. ~~If the system is located in an area that provides vehicular access,~~ **In all other areas** vehicular access must be prevented by fencing or landscaping the system site.

143-2-E

No alternative onsite sewer system shall be approved for use until the owner or owners of the property have provided to the County a written indemnity agreement, in a form approved by the County, indemnifying the County and **other** property owners in the County from any damages or liabilities resulting from the malfunction or failure of the alternative onsite sewer system. The indemnity agreement shall remain in force for the duration of the validity of the permit for the alternative onsite sewer system. In the event of the sale or conveyance of the property, the owner may obtain a release of the indemnity agreement upon the new owner or owners providing the required indemnity agreement.

143-9-B-(8)

Onsite Sewage Systems shall not be installed in soil horizons having "high shrink-swell potential", **soils** classified as "poorly drained" or having "slow permeability", or have known descriptions of pans of any type. ***A soil test is required to confirm the aforementioned characteristics.*** ~~as defined in the Soil Survey of Clarke County, Virginia, 1982, unless a satisfactory percolation rate is verified by tests according to the current Sewage Handling and Disposal Regulations, Virginia Department of Health, as amended, and approved by the Health Department.~~ If the percolation rate is satisfactory, all vertical and horizontal siting requirements must also be satisfied.

Springs ~~downslope from~~
~~and within watershed of~~ at
a lower elevation than the
septic system

Springs ~~upslope from~~ at
~~and within watershed of~~ a
higher elevation than the
septic system

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 |

PH 10-20 People Inc. – Request for Approval Microenterprise Development Program Application

Bryan Phipps, Vice President for Development People, Inc., appeared before the Supervisors to review the Community Development Block Grant Program and its eligibility requirements. He advised that no action was required from the Board for the matter advertised for public hearing; however, he asked the Supervisors to set the second required public hearing for their regular meeting in August.

At 9:31 pm Chairman Hobert opened the public comment portion of the public hearing. Being no persons present desiring to address the Supervisors regarding this matter, the public comment portion of the public hearing was closed.

Supervisor Dunning moved to set the matter for public hearing for August 17, 2010 at 6:30 pm or as soon thereafter as the matter might be heard. The motion carried by the following vote:

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 |

Recess

There being no further business to be brought before the Board at 9:37 pm Chairman Hobert recessed the meeting to Wednesday, June 23, 2010 at 8:30 pm in Meeting Room AB.

Next Regular Meeting Date

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

ATTEST: June 15, 2010

J. Michael Hobert, Chair

David L. Ash, County Administrator

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