

CLARKE COUNTY BOARD OF SUPERVISORS
June 23, 2010 Adjourned Meeting 8:30 p.m.
Meeting Room AB

At an adjourned meeting of the Board of Supervisors of Clarke County, Virginia, held in the Meeting Room AB, 2nd Floor Berryville Clarke County Joint Government Center, 101 Chalmers Court, 2nd Floor, Berryville, Virginia on Wednesday, June 23, 2010.

Board of Supervisors Members Present

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

Staff Present

David Ash, Chuck Johnston, Lora Walburn

Others Present

Wilson Kirby, Michael Dowling, Becky Layne

Call to Order

Chairman Hobert called the Board of Supervisors meeting to order at 8:30 p.m.

Adoption of Agenda

By consensus, Consideration of Option Agreement Convenience Center Stuart M. Perry, Inc. was added to Miscellaneous:

Citizens Comment Period

Franklin Bell - Bluemont resident and member of the Lyndon LaRouche Political Action Committee. Urged the Supervisors to pass a resolution requesting restoration of the Glass / Steagall Act to protect Main Street from Wall Street. Reading from a prepared statement, he spoke about the failure of the federal government to financially protect the citizens of the country. He asked if the Supervisors could consider the matter at their next meeting.

Chairman Hobert assured that he would review the matter.

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

Chairman Hobert summarized the purpose of the meeting to consider approving the acquisition of easement within the agricultural district by the Town of Berryville.

Chuck Johnston provided a brief synopsis of required actions.

Following summary discussion, **Supervisor Staelin moved to approve the findings as adopted by the Clarke County Planning Commission as read by Chairman Hobert:**

The Board of Supervisors finds that:

- 1. the location of the proposed Town of Berryville underground sewer outfall line on the property of Philip S. Shenk and Mark W. Shenk (Tax Map Parcel 15-A-13), located in the Clarke County Agricultural and Forestal District, will have no effect on the preservation and enhancement of agriculture and forestry and agricultural and forestal resources within the Ag/Forestal District and the policy of the Agricultural and Forestal District Act;**
- 2. the sewer outfall line is necessary to provide service to the public in the most economical and practical manner; and**
- 3. there is no reasonable alternative to the proposed location of the sewer outfall line, which would minimize or avoid any adverse impacts on agricultural and forestal resources within the District.**

The motion was approved as follows:

J. Michael Hobert, Chair	- Aye
David S. Weiss, Vice Chair	- Abstain
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 through Shenk Farm]
10-15R**

At a special meeting of the Board of Supervisors of Clarke County, Virginia, held at the Town/County Government Center on 2010 June 23 at 8:30 p.m. On motion by Supervisor Staelin, the Board of Supervisors (Staelin-aye, Hobert-aye, Byrd- aye, Dunning-aye, Weiss- abstain) approved the following resolution:

WHEREAS, The Town of Berryville proposes to acquire an easement to construct a pipe to convey treated sewage through Tax Map Parcel 15-A-13, 5273 Harry Byrd Hwy, located in the Clarke County Agricultural and Forestal District;

WHEREAS, Virginia Code Section 15.2-4313 requires the Board of Supervisors, after consulting with the Planning Commission and the Agricultural and Forestal District Advisory Committee, to review the proposed action and make finding as to the effect of the action, the necessity of the action, and whether there are reasonable alternatives;

WHEREAS, The Planning Commission at its June 4 meeting, unanimously (Yes: Caldwell, Dunning, McFillan, McKay, Ohrstrom, Smart, Steinmetz, Nelson, Wade; Absent: Batterton, Thuss) found that the location of the proposed underground sewer outfall line on the property of Philip S. Shenk and Mark W. Shenk (Tax Map Parcel 15-A-13), will have no effect on Clarke County Agricultural and Forestal District; that the sewer outfall line is necessary, and that there is no reasonable alternative to the proposed location.

WHEREAS, The Agricultural and Forestal District Advisory Committee met on June 4 and unanimously (Yes: Arthur, Buckley, Gordon, McFillen, and McKay; No: No one; Absent: Day, Dorsey, Shenk, and Weiss) found that the location of the proposed underground sewer outfall line on the property of Philip S. Shenk and Mark W. Shenk (Tax Map Parcel 15-A-13), will have no effect on Clarke County Agricultural and Forestal District; that the sewer outfall line is necessary, and that there is no reasonable alternative to the proposed location.

NOW THEREFORE BE IT RESOLVED THAT the Clarke County Board of Supervisors finds:

1. the location of the proposed Town of Berryville underground sewer outfall line on the property of Philip S. Shenk and Mark W. Shenk (Tax Map Parcel 15-A-13), located in the Clarke County Agricultural and Forestal District, will have no effect on the preservation and enhancement of agriculture and forestry and agricultural and forestal resources within the Ag/Forestal District and the policy of the Agricultural and Forestal District Act;
2. the sewer outfall line is necessary to provide service to the public in the most economical and practical manner; and
3. there is no reasonable alternative to the proposed location of the sewer outfall line, which would minimize or avoid any adverse impacts on agricultural and forestal resources within the District.

Adopted this 23rd day of June, 2010.

Attest:

AD-10-01

David L. Ash, Clerk
Clarke County Board of Supervisors

Convenience Center Option Agreement with Stuart M. Perry, Inc.

David Ash updated the Supervisors on the two-year option agreement to explore the feasibility of locating a convenience center on property owned by Stuart M. Perry, Inc.

Supervisors Staelin and Weiss spoke to the need of such a facility in the currently underserved northeast section of the County.

Supervisor Dunning urged consideration of erecting chain link fencing around the facility. Vice Chairman Weiss said that the County intended to fence the entire service area should a convenience center be found feasible at this location.

Supervisor Byrd opined that this was a great thing noting that the Recycling Committee has wanted such a facility for many years.

Vice Chairman Weiss moved to approve the option agreement and authorize the Chair to execute.

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

Vice Chairman Weiss stated that it had been great working with Denny Perry. He opined that a convenience center would provide service that everyone needs. He also commented that David Ash had done a tremendous amount of work on this project thus far.

Adjournment

There being no further business to be brought before the Board at 8:53 pm Chairman Hobert adjourned the Board of Supervisors meeting.

Next Regular Meeting Date

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

ATTEST: June 23, 2010

J. Michael Hobert, Chair

David L. Ash, County Administrator

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