

CLARKE COUNTY BOARD OF SUPERVISORS
December 21, 2010 Regular Meeting
Main Meeting Room

1:00 p.m.

At a regular meeting of the Board of Supervisors of Clarke County, Virginia, held in the Main Meeting Room, 2nd Floor Berryville Clarke County Joint Government Center, 101 Chalmers Court, 2nd Floor, Berryville, Virginia on Tuesday, December 21, 2010.

Board Members Present

Barbara Byrd; John Staelin; David Weiss

Board Members Absent

A. R. Dunning, Jr.; J. Michael Hobert

Staff Present

David Ash, Chuck Johnston, Tom Judge, Tony Roper, Lora B. Walburn

Others Present

Robina Rich Bouffault, Mike Murphy, Chris Carey, Gem Bingol, Jeanne Abigail Custis Marcy, Lauren McKay, Ed Leonard, Val Van Meter and other citizens

Wilson Kirby; Jay Arnold; Lawrence Russell, III; H. Allen Kitselman, III; Mary Daniel; David L. Tollett; Keith Dalton

Call to Order

Vice Chairman Weiss called the meeting to order at 1:03 p.m.

Adoption of Agenda

- Add award presentation to immediately follow adoption of agenda.

Supervisor Staelin moved to adopt the agenda as modified. The motion was approved by the following vote:

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

Resolution of Appreciation of Service

John Staelin, explaining that the Supervisor had postponed presentation until it could be awarded in person, presented to Val Van Meter the following resolution:

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

Mrs. Van Meter thanked the Supervisors stating that covering Clarke County was always a pleasure.

Clarke County Public Schools Update

Dr. Murphy appeared before the Supervisors to provide the monthly update from the Clarke County public schools. Highlights include:

- Kids . .
 - Holiday concerts at all grade levels; singers and musicians abound
 - SB serenade last night by members of the high school chamber choir
 - Fourth grade Cooley student featured artist at the Fire Hall Gallery this month
 - Cooley and Boyce both participated in the district chorus – 20 kids total
 - High school students raised over \$400 dollars for United Way

- Staff...
 - Continued emphasis on staff development and training and the use of DATA
 - Boyce faculty provided Christmas gifts and food to seven needy families
 - Staff are collaborating with the Barns to bring featured artists to Clarke County
 - Primary and Cooley staff recently held a “team building” activity and made cookies for the residents of the Josephine Street Apartments
 - Two elementary teachers were recognized for innovative instruction in the area of American history

- Budget...
 - Still holding on to the Job Funds
 - Still waiting for word on what VRS and the Governor will do
 - Still under enrolled but doing OK budget wise due to ARRA payments
 - Still working on staffing issues for next year; reduction in force (RIF) more than likely.
 - Still keeping the \$470K plus in the bank
 - Anxious about approval for the expenditure of \$151K in carryover for capital projects
 - Supervisor Staelin commented that fluctuating school populations are part of a natural cycle and asked School personnel to emphasize that fact with parents and staff.

- Educational Program...
 - Lots of news in the press...
 - Family Life
 - Gifted and Talented
 - Bears are eating ham sandwiches at Nalls Farm Store
 - We are working on reading
 - We are working on master schedules
 - We are working on curriculum at all levels
 - We are changing the way we do business, one (sometimes painful) day at a time

- New High School
 - Work continues and is looking good.
 - Robina Rich Bouffault provided the following construction update.
 - At this juncture, the project is under budget and slightly ahead of schedule in spite of the inclement weather.
 - Have credit on some electrical items that have helped hold down cost of several change orders.
 - Had a good presentation from Milestone Communications, a wireless provider that installs and maintains poles on school property, offering a potential revenue source for the Schools, as well as general government can participate as well. It is cost free to the Schools and they further look into the offer.
 - VDOT meeting with Jerry Copp, Ed Carter, and Jeff Lineberry went well and considered by all in attendance to have been very productive. VDOT appears to understand concerns and will make alterations limiting space behind the school, stormwater concessions, repositioning the roundabout, etc. VDOT hopes to have the revised drawings by January 5. The Schools would like Jeff Lineberry to stay on until project end.
 - David Weiss added that he had attended the meeting and had observed the cooperative spirit.
 - Ed Carter, VDOT, echoed Ms. Bouffault stating that he was pleased with the cooperative effort of all the stakeholders. He expressed his belief that VDOT now had the ability to move forward.
 - Supervisor Byrd commented that her concerns over the stormwater pond had been addressed during the VDOT meeting.

Approval of Minutes

Supervisor Byrd requested the following change:

- FY11 Budget Supplemental Book 20 Page 413 change Supervisor Barbara Byrd from absent to aye.

Supervisor Staelin moved to approve the minutes of November 16, 2010 Regular Meeting as revised. The motion was approved by the following vote:

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

Consent Agenda

Request for Easement Donation Approval

MEMORANDUM

TO: Board of Supervisors, David Ash

FROM: Chuck Johnston

DATE: December 21, 2010

SUBJECT: Request for Easement Donation approval

The Clarke County Easement Authority has approved the following easement for donation. 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 DONATION

Teetor: The parcel is 54.94 acres and located on the west side of Salem Church Road, at 939 Salem Church Rd., approximately ¼ mile south of the intersection of Pyletown Road. The Property Resource Score is 47.58, one of the three remaining DUR's are being extinguished, and the parcel is adjacent to an existing easement, and is larger than 40 acres in size.

Of the 54+ acres approximately 15 are pasture the rest is wooded. The parcel has a barn with an apartment under 600 square feet. The Deed allows for construction of two additional single family residences with one subdivision not to exceed 4.9 acres.

Authorize Status of Blue Ridge Volunteer Fire Company, Inc. Loan

CHIEF ELECTED OFFICER'S APPROVAL
Pursuant to Section 147 (f) of the
Internal Revenue Code of 1986, As Amended

Chief Elected Executive Officer's Name: Michael Hobert

Chief Elected Executive Officer's Title: Chairman, Board of Supervisors

Political Subdivision: Clarke County

Volunteer Fire Department: Blue Ridge Volunteer Fire Company, Incorporated

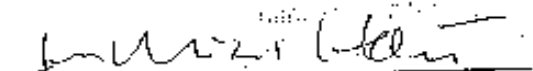
Under Section 147 (f) of the Internal Revenue Code of 1986, as amended, the undersigned hereby certifies that:

1. I am the Chief Elected Executive Officer, as such term is used in section 147 (f) of the Code, of the above Political Subdivision.
2. The Volunteer Fire Department is required by written agreement with the Political Subdivision or by an ordinance, resolution, or other law adopted by the Political Subdivision (the "Service Agreement") to furnish firefighting and rescue services in an area which is within jurisdiction of the Political Subdivision and which is not provided with any other firefighting and rescue services and the Service Agreement is, and is expected to remain, in full force and effect.
3. I hereby approve the Volunteer Fire Department entering into a loan agreement ("Loan") for the principal amount stated below to finance the equipment described below.

Amount to be Financed: \$ 80,000.00
Equipment: None
Location: N/A

This approval is given following a public hearing held at the time, date, and place stated on the attached copy of a Notice of Public Hearing and is solely for the purpose of satisfying the requirements of Section 147 (f) of the Code. I hereby inform all recipients of this Approval that the Political Subdivision has no obligation (as lessee or otherwise) to pay any rent/interest or to observe any agreement under the Loan.

IN WITNESS WHEREOF, I have duly executed and delivered this instrument as of the date set forth below.


(Signature of Chief Elected Executive Officer)

December 28, 2010
(Date)

Response to Equine Alliance Guidelines Letter Authorization

December 13, 2010

Ms. Robina Rich Bouffault, President
Clarke County Equine Alliance
P. O. Box 208
Boyce, Virginia 22620

Dear Ms. Bouffault:

Thank you for your letter of October 25, 2010, providing information and guidelines on dealing with cases of potential abuse or neglect of horses and alerting us to the very real possibility that the combination of this summer's drought and a continuing stagnant economy may result in an increase in the number of neglect/abuse incidents that the county is asked to investigate. We know that the costs of investigating, prosecuting, and providing temporary care for some of these animals can easily exceed budgeted funding.

We appreciate the guidelines provided as well as the alert that many in Clarke County are providing rescue/retirement homes for neglected/older animals, and that we should insure that residents providing this service not be unfairly accused of the very act they are attempting to remedy.

County policy is to act cautiously and to carefully document the facts on any animal abuse/neglect complaint. Many times the information available in the initial complaint is incomplete or inaccurate even though well intended. Frequently, the complaints report borderline instances in which the level of abuse or neglect has not yet reached the level that would be considered a violation of law. Often the exact location or possible owner is inaccurately identified.

For these reasons, all complaints will be investigated to some level by either the animal control staff or Sheriff's Office simply to verify the information reported. Should an employee determine that a reported instance rises to the level of potential neglect or abuse, the investigation will be shifted to the Sheriff's Office for a more formal review, with veterinary assistance in making a determination of abuse/neglect.

In order to insure that errors of judgment are minimized, the County has retained a licensed veterinarian to assist in determining if animal abuse or neglect can be documented and thereafter support the county with expert testimony in court should the need arise. To avoid any appearance of impropriety, this veterinarian will not offer to provide veterinary services to the owner of any animal determined to be abused or neglected. If the owner does not or cannot provide required services, the County will direct necessary intervention to save the animals life or end it humanely and will seek restitution from the animal's owner or keeper.

In the event the county must take custody of any animal, the preferred option is to impound the animal in place. If adequate shelter, food and water can be provided onsite, the cost of transporting or boarding animals can be avoided.

If the animals must be seized and removed, the County will try and use the most economical alternative. As you know, there were no responses to the county's efforts to secure contracts for transportation or boarding of animals. Relocation of any animals, should that be necessary, will be subject to the nature of the neglect/abuse and the facilities available at that time.

I understand that there may be some emerging interest in the community to provide boarding services for animals that may be seized, however, we do not have a commitment from any potential boarder at this time. Anything that the Equine Alliance can do to encourage interest would be appreciated. Interested persons should call Mike Legge at 540-955-5185 to discuss their interest. As there were no responses to the county's request for proposals, we have the ability to negotiate with providers individually and will use the provider that best matches the county's needs for any seizure that requires relocation.

Thank you for your continuing interest and assistance in this matter.

Sincerely,

Michael Hobert, Chair
Clarke County Board of Supervisors

2011 Legislative Priorities Approval of 3rd Draft Revisions

- | | |
|------------------------------|--|
| Issue: Water Supply Planning | <ul style="list-style-type: none">• Clarke County believes that science, rather than power politics, should govern the approval of the local and regional water supply plans (due 2011). Moreover, it is important that the Commonwealth honor the targets set in the minimum in-stream flow studies of the Shenandoah River so as to protect both the aquatic life in the river and the recreational use of the river. |
| Issue: Chesapeake Bay TMDL | <ul style="list-style-type: none">• Clarke County believes there must be a way to have clean rivers, a clean Bay and a viable agricultural community. Clarke recognizes that the Commonwealth is still negotiating with EPA on this issue so it is difficult to make specific comments. However, Clarke wants to see a supportable plan with "teeth" that will protect the Bay at a reasonable cost to farmers, towns and citizens.• Clarke County supports continued state funding of programs that will protect our groundwater, rivers and the Bay. |
| Issue: Groundwater Quality | <ul style="list-style-type: none">• Clarke County supports legislation that would allow counties to exempt areas within their jurisdiction from installing alternative onsite sewage systems due to environmental conditions. Moreover, Clarke believes the inspectors (operators) of alternative systems (AOSS) should be required to both sample the effluent of their AOSS and |

submit a written report to the Health Department annually. In addition, each local Health Department should be required to make an annual random sample of 10% of the AOSS in their area.

- Clarke County is very concerned about the environmental hazards associated with natural gas drilling in Marcellus Shale. Clarke believes that localities should have some control over natural gas drilling and believes state regulations with regard to drilling in Marcellus Shale should be strengthened.

Issue: Cost Shifting

- Clarke County is opposed to the gradual shifting of costs that has taken place over the past several years, especially the large cost shifting that occurred in the FY 2011-12 biennium budget with the reduction in aid to localities. With each passing year the County has been required to incrementally subsidize a variety of traditionally state funded (or state shared) costs (Compensation Board, Registrar, Cooperative Extension, Social Services and the court system). This cost shifting places a tremendous burden on a regressive real estate tax system. Cost shifting must stop and/or the tax system must be reformed to reduce the burden on the Real Estate tax.
- **Clarke County calls on the Commonwealth to fully fund state mandated retirement and employment benefits, including VRS and Line of Duty costs.**
- Clarke County opposes any reduction in aid to localities unless the tax system is reformed to reduce the burden on the Real Estate tax.

Issue: Education

- Clarke County asks the Commonwealth to take steps to fully fund its share of the true cost of K-12 public education without reducing other parts of the budget affecting local government or shifting costs from the Commonwealth to localities.
- Clarke County supports a change to the Composite Index, which would cause it to reflect land use values. Additionally, the income figure used to calculate the Composite Index should be average median income, not total countywide income.
- Clarke County supports legislation that would give Clarke County equal treatment with regard to "cost of competing" funds. At this time Clarke County gets 25% of the amount given to our neighbors to the east.

- Issue: Transportation
- Clarke County believes that transportation improvements should be funded by user fees, not the General Fund. General Fund revenues should not be used for transportation as doing so will undoubtedly take away from the funding of education, natural resources, etc.
 - Clarke County does not support the devolution or cost shifting of transportation responsibilities to counties, especially smaller counties, like Clarke, that do not have the scale of work to allow for the efficient provision of services.
 - Clarke County supports the concept of Urban Development Areas (UDAs) to better control the cost of transportation but believes that the creation of UDAs should be tied to mandatory development restrictions (e.g. downzoning) in areas outside of the UDA.
- Issue: Biosolids
- Clarke County supports changes to biosolids regulations that would give localities more control over how and where Biosolids are spread within their jurisdiction. Moreover, the funding the County receives for biosolids monitoring does not cover our costs and should be increased.
- Issue: Broadband Access
- Clarke County asks the Commonwealth to find ways to encourage private vendors to provide rural universal access to broadband Internet services in rural communities with hilly terrain.
- Issue: Growth Management
- **Clarke County believes that the** authority to plan and regulate land use should remain with local governing bodies and Clarke County opposes any legislation that would weaken that authority. Further the General Assembly should grant localities the tools necessary to adequately meet citizens' increasing, education, public safety and other vital public infrastructure needs that are driven by development. Such additional tools may include broad impact fee authority for all counties, adequate public facilities provisions in subdivision ordinances, state funds for purchase of development rights and a real estate transfer tax.
 - Clarke County supports full funding of the purchase of Development Rights Program as has been suggested by the Virginia Department of Agriculture and the Farm Bureau.
 - Clarke County supports increasing the caps on the Commonwealth's tax credit program for the donation of

easements as well as increased sanctions and penalties for fraudulent appraisals.

Issue: County Control and Rights

- Clarke County opposes legislation that exempts agricultural lands from local regulation of non-ag business activities such as restaurants, entertainment, festivals, etc.
- Clarke County believes the Dillon Rule should be abandoned or modified and opposes any legislation that would reduce county rights.

Issue: Waste and Litter Control

- Clarke County asks the Commonwealth to devolve to local governments the power to control the commercial use of throw-away plastic bags. The major economic and environmental costs resulting from the nearly universal use of throwaway plastic bags are numerous. They adversely impact wildlife and livestock, clog storm drains, pollute waterways, and litter roadways, fields and forests. Clarke County joins with other local jurisdictions in requesting the power to manage and control the commercial use of plastic bags in accordance with local needs.
- Clarke County supports a Beverage Container Bill.

Issue: Power Lines

- Clarke County supports legislation that would require all or part of new transmission lines to be placed underground if economic and environmental studies show that undergrounding is a viable alternative to overhead. Moreover, Clark believes that any such economic analysis consider the cost impact on adjacent property owners and that the environmental studies consider the health hazards from EMF, the impact on wildlife and historic sites, the visual impact, etc.
- Clarke County opposes the construction of power lines that do not benefit the region through which the line will traverse.

Issue: Tax Reform

- Clarke County supports tax reform as long as:
 - it ends up reducing Clarke's dependence on the real estate tax.
 - any change that reduces or eliminates an existing local funding source is offset by a new or expanded source.
 - it gives equal taxing authority to cities and counties.
 - it protects the Commonwealth's General Fund. The General Fund should be used for core government

functions such as public education (K-12 and higher education), health and human services, public safety, natural resources and environmental services. Transportation maintenance and improvements should be paid by user fees.

- Clarke County supports reform of the BPOL tax as long as it meets the above criterion.
- Clarke County opposes repeal of the Machinery and Tools tax.
- Clarke County supports passage of the Streamlined Sales Tax Project agreement (SST) by both the Federal and State governments so as to compel all out-of-state vendors to collect and remit sales taxes due by Virginia citizens to the Commonwealth and its localities.
- Clarke County supports the implementation of a local option transfer tax for all property sales.
- Clarke County supports increased federal and state funding and appropriate incentives to encourage the provision of affordable housing.
- Clarke County opposes any unreasonable restriction that would limit the ability of citizens to hunt with hounds.
- Clarke County supports legislative measures to increase the efficient use of energy throughout the Commonwealth, both for governmental operations and for the private sector.

Issue: Affordable Housing

Issue: Hunting With Hounds

Issue: Energy Efficiency and Conservation

CCEA Application to NRCS Farm & Ranch Lands Protection Program

December 21, 2010

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

Dear Mr. Bricker:

The Clarke County Easement Authority is applying for funds through the Natural Resource Conservation Service (NRCS) Farm and Ranch Lands Protection Program to purchase conservation easements on a farm with a high percentage of soils of prime and statewide importance. The Clarke County Board of Supervisors is submitting this letter to indicate its

endorsement of the application. In addition we have tentatively approved the County funds needed to match the NRCS funds for purchase should the grant be approved.

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

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

Sincerely,

J. Michael Hobert
Chairman, Clarke County Board of Supervisors

Supervisor Byrd moved to approve the items on the Consent Agenda. The motion carried by the following vote:

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

Citizens Comment Period

Jeanie Abigail Custis Marcy, Berryville: suggested seeking alternate power generation in our area opining that this might help delay building the proposed power plant. She further suggested educating citizens on the proper care of animals. She asked the Supervisor for the coming year to work toward increasing job opportunities for residents.

David Weiss explained that the Board of Supervisors had recently approved construction of a solar field in the County, as well as actively encouraging the use of alternative energy. He opined that while the Board of Supervisors supported these activities, alternate energy sources and uses, as well as creation of job opportunities were private sector goals. He further commented that Cooperative Extension and the Equine Alliance were doing an excellent job of educating citizens.

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.

- Maintenance work completed in November –
 - Conducted shoulder rehab on Rts. 761 and 661;
 - Conducted boom-axe operations on Rt. 655;
 - Performed flood repairs on Rts. 604, 605, 606 and the bridge approach on Rt. 761;
 - Graded various non-hard surfaced roads in the County;
 - Conducted brush-trimming operations on Rt. 340 North and Hazardous tree removal on various routes in the County.

- Maintenance work planned for December –
 - Perform pipe replacements at Rt. 606 and Rt. 605 at Radford's;
 - Conduct ditching operations in Northeast quadrant of County on Rts. 603, 608, 610, 611 and 612;
 - Continue brush cutting and hazardous tree removal on various secondary routes in the County.

- Other Projects:
 - Route 604 Ebenezer Road - Currently under construction. New box culvert is scheduled for placement in the spring.
 - Route 636 Mosby Road - The Public Hearing has been advertised for January 12, 2010. All issues and concerns resulting from the comments received will be addressed before final plans are completed. Public Hearing will be conducted at the Government Center and will be a “come and go” session with VDOT staff on hand to take comment and answer questions.
 - Route 723 Town of Boyce - District Location & Design has assigned a Project Manager to begin design of sidewalk/curb and gutter replacement on the south side of the street between the Town Hall and the railroad tracks.

- Supervisor Comments and Requests:
 - Supervisor Byrd complimented VDOT on the placement of chevrons that are working to aid in reducing incidents.
 - Vice Chairman Weiss asked VDOT about sizeable potholes in the dirt section of Lockes Mill Road. Mr. Monroe indicated that this area was on his repair list.

Status Update on Transfer of Cost from Unfunded State Program Line of Duty Benefit Coverage by Chris Carey, VACo

Chris Carey provided background information on the line-off duty program advising that the act goes back to 1966 and was initiated to provide a death benefit for officers killed in the line of duty. The act required that the Commonwealth pay all benefits. Some highlights of the presentation and discussion include:

- Right now public safety official injured in the line of duty that cannot return to their regular duties qualifies for the benefit.
- State has set forth that counties will be responsible on a going-forward basis, as well as past liability.
- Mr. Carey stated that he had a fundamental problem with the manner in which this matter was enacted.
- Actual cost is unknown. However, he had submit a freedom of information request for the list that goes back 40 years; and he is projecting an annual liability of \$30 to \$40 million with about 70% of the costs to fall back on localities.
- Our county could expect to pay, on a go forward basis – for paid staff, something in the neighborhood of \$300 to \$400 per person.
- If volunteers are included, it gets more complicated. The act will require localities to negotiate with any jurisdiction that assists in providing public safety services.
- VACo has already done an actuarial report and have projected all the costs out.
- It is VACo's preference to partner with VML and other lobbies for public safety that do not want this shifted to localities.
- Should have answers by February 1.
- Mr. Carey is concerned with the case monitoring noting that there appear to be no rules, no case law, and no established criteria.
- He opined that the oversight of the program should be moved to workers compensation while the state retains control of the program.
- Sheriff Tony Roper commented that it was still very early and his association held that cost of this benefit should remain with the state.
- Vice Chairman Weiss expressed appreciation to Mr. Carey on behalf of the Supervisors.
- John Staelin added that the Supervisors would speak to local state legislators about this matter.

Presentation of FY 10 Financial Report by Matthew McLearn, CPA of Robinson, Farmer, Cox Associates

Matthew McLearn, CPS, Robinson, Farmer, Cox Associates, reviewed required audit items:

- Auditors encountered no difficulties accessing data.
- Auditors had no disagreements with management.
- Audit adjustments were immaterial, accepted and made by management.
- No external opinion was sought for another agency regarding audit findings.
- Audits are performed to specific federal requirements and no violations were found during the audit.
- Assets, as well as general fund balance, have increased over last year.
- Hope to have trend analysis with comparisons to other jurisdiction ready in January once all audits are complete.
- In response to queries whether the County was financially sound, it was noted that the County's general fund balance had increased while most others had not suggesting a very stable position.
- In response to queries on staff, it was noted that the staff stability lends itself to the audit report.
- Vice Chairman Weiss thanked Mr. McLearn, Tom Judge and the Joint Administrative Services staff, the Finance Committee, as well as those that had helped.
- Tom Judge added that a good audit and fiscally sound practice involves everyone particularly department managers and supervisors, who stayed within budget and who had followed procurement rules.

Reconsideration of Motion from November 16, 2010 Regular Meeting Pertaining To Planning Commission Fee Adjustment

Supervisor Byrd read into the record, **"Having voted with the prevailing side at the November 16th Board of Supervisors meeting on the matter regarding the adjustment of Planning Commission Fees, the specific motion being one made by Supervisor Staelin proposing to approve Planning Commission Fee Adjustment Option 2, as presented at that time, to reduce the Special Use fees by 67% and leave the Site Plan fee unchanged: Special Use \$825 + Site Plan \$2,500 with \$250/required parking space = \$3,575, I move to reconsider the vote on this matter."**

Vice Chairman Weiss responded, Supervisor Byrd, having voted with the prevailing side on this motion at the previous regular meeting of the Board of Supervisors, has made a timely and proper motion to reconsider the action voted upon at the last regular meeting of the Board of Supervisors on November 16, specifically identified as the vote on the motion to approve Option 2 to reduce the Special Use fees by 67% and leave the Site Plan fee unchanged: Special Use \$825 + Site Plan \$2,500 with \$250/required parking space = \$3,575.

Mr. Weiss called for discussion on the motion to reconsider the previous action. There being no discussion, he called the motion to reconsider the previous action to approve Option 2 to reduce the Special Use fees by 67% and leave the Site Plan fee unchanged: Special Use \$825 + Site Plan \$2,500 with \$250/required parking space = \$3,575, all as detailed in the minutes of the prior meeting and contained in the supporting documents in the agenda package on pages 61 through 69. He advised all in favor of reconsideration signify by saying "Aye" and those opposed signify by saying "Nay".

The motion was carried by the following vote:

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

Vice Chairman Weiss then stated that the matter now before us is the motion made by Supervisor Staelin at the November 16, 2010 Regular Meeting of the Board of Supervisors, specifically identified as the vote on the motion to approve Option 2 to reduce the Special Use fees by 67% and leave the Site Plan fee unchanged: Special Use \$825 + Site Plan \$2,500 with \$250/required parking space = \$3,575, all as detailed in the minutes of the prior meeting and contained in the supporting documents in the agenda package on pages 61 through 69.

Mr. Weiss called for discussion on the motion to reconsider the previous action.

There being no discussion, **Vice Chairman Weiss called the motion to approve Option 2 to reduce the Special Use fees by 67% and leave the Site Plan fee unchanged: Special Use \$825 + Site Plan \$2,500 with \$250/required parking space = \$3,575, all as detailed in the minutes of the prior meeting and contained in the supporting documents in the agenda package on pages 61 through 69.**

The motion carried by the following vote:

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

TO: Michael Hobert, Chair BOS
FROM: Chuck Johnston, Planning Director
RE: Fees for Kennels
DATE: 2010 November 10

This is an update to the October 15 memo you requested of options for Board consideration to reduce the planning application fees charged for Kennels. Just to reiterate, a request for approval of Special Use (in the AOC and FOC Zoning Districts) for a kennel for more than 15 canines currently would have the following fees for a kennel of 16 dogs:

Special Use application » \$2,500 + Site Plan » \$2,500 with \$250/required parking space = \$5,500 (1 space required for every 4 canine runs – max of 2 dogs per run).

The SU and SP application fees for properties in AOC, FOC, or RR are currently discounted from the fees charged for properties zoned commercial or industrial. Currently, a SU fee for AOC/FOC/RR properties is a flat \$2500, while for commercial properties \$2500 is per acre. The base SP fee for AOC/FOC/RR properties currently is 50% the base SP fee for commercial properties, while there is no reduction in the parking space fee.

I understand that of the four options presented in the October 15 memo, the Board focused on options 2 and 4:

Option 2: reduce the SU fees by 67% and leave the SP fee unchanged:

SU» \$825 + Site Plan» \$2,500 with \$250/required parking space = \$3,575

This adjustment follows the pattern in Fauquier and Frederick Counties where the charge for a Special Use application is much lower than Clarke, while the charge for a Site Plan app is similar to Clarke.

Option 4: reduce all fees by 50% for all properties zoned AOC, FOC, or Rural Residential from the fee charged for commercial or industrially zoned properties

SU» \$1,250 + Site Plan» \$1,250 with \$125/required parking space = \$2,750

or reduce all fees by **60%** for all properties zoned AOC, FOC, or Rural Residential from the fee charged for commercial or industrially zoned properties

SU» \$1,500 + Site Plan» \$1,500 with \$150/required parking space = \$3,500

The Board requested a justification for fees. The following shows the relationship of Planning revenue to expenditures:

Fiscal Years	7/05–6/06	7/06-6/07	7/07–6/08	7/08-6/09	7/09-6/10
Total Expenditures	\$533,061	\$601,041	\$643,657	\$527,347	\$494,624
Total Revenue	\$248,063	\$250,607	\$414,900	\$122,611	\$ 86,289
	(47% of revenue)	(42% of revenue)	(64% of revenue)	(23% of revenue)	(17% of revenue)

Set Public Hearing TA-10-13

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

- Section 3-A-12-c, Neighborhood Commercial Yard Setbacks, so as change minimum street setbacks to maximum setbacks on parcels of less than 1.5 acres and no required street setbacks for parcels of 1.5 to 3 acres,
- Section 3-A-12-d, Neighborhood Commercial Maximum Height, so as to limit structure height to two stories, in addition to the current limit of 30 feet,
- Section 3-A-13-e, Highway Commercial Maximum Height, so as to limit structure height to three stories, in addition to the current limit of 40 feet;
- Section 3-C-2, Supplementary Regulations for Uses in Various Districts, so as to modify the regulations for Country Inns, so as that the maximum number of guest rooms is increased from 12 to 15;
- Section 9-B, Definitions, so as to delete a portion of the definition of “Country Inns”, transferring this text to Supplementary Regulations.

Chuck Johnston reviewed the proposed text amendment.

Supervisor Staelin moved to set for public hearing on January 18, 2011 at 6:30 pm or as soon thereafter as the matter might be heard the following matters:

The motion carried by the following vote:

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

Double Tollgate Community Development Planning Grant/Project

Chuck Johnston advised that an update to the Comprehensive Plan required addition of water and sewer in the Double Tollgate area. He briefed the board on the plan developed to community development block grant standards; a draft letter to the Virginia Department of Corrections; project budget of approximately \$41,000 to develop the plan less CDBG grant funds, as well as other potential funding. Mr. Johnston stated that his goal was to bring a phase I capital grant application to the Board of Supervisors in March 2011. He cautioned that the deadline for submission was the end of March; and if missed, the County would have to delay action until next year.

**Supervisor Staelin Move to adopt the recommendations for the project management plan, endorse the proposed letter to the Department of Corrections and authorize the County Administrator to sign, and approve the task order to Chester Engineers.
The motion carried by the following vote:**

J. Michael Hobert, Chair	-	Absent
David S. Weiss, Vice Chair	-	Aye

Barbara J. Byrd - Aye
A.R. Dunning, Jr. - Absent
John R. Staelin - Aye

December 21, 2010

*Virginia Department of Corrections
P.O. Box 26963
Richmond, VA 23261*

Attention: Harold W. Clarke, Director

Earlier this year, Clarke County was awarded funding to conduct a planning project to identify the economic development potential and related infrastructure needs in the area known as Double Tollgate. The planning project is funded in part by the Virginia Department of Housing and Community Development (DHCD) and includes an assessment of existing and needed infrastructure such as water and sewer service and road access, development of a market analysis for potential economic growth opportunities in the area over the next ten to fifteen years, and an overall implementation plan and budget for installation of necessary infrastructure and business development and recruitment. The Project Management Team is currently working to advance all three activities simultaneously.

Currently, there is insufficient water and sewer service to accommodate potential development opportunities in the Double Tollgate area. The County and its engineers have identified three options for providing sufficient sewer service. At this time, the preferred option identified is to work with the Virginia Department of Corrections (DOC) to utilize the existing sewer treatment facility adjacent to the project area. Based on preliminary analysis of the three options, we believe this is both the most cost-effective and potentially mutually beneficial of each of the options.

In order to move forward with our planning project, the County is working to develop an implementation plan that will include application for construction funding from the DHCD Community Development Block Grant (CDBG) Program. We would like to request your consideration of commitment of access to up to 10,000 gallons of capacity at the existing facility to facilitate the identified development objectives for the Double Tollgate project area. Your commitment would allow us to proceed in developing a pro forma project budget and initiate the necessary agreements and approvals needed to engage in a partnership arrangement with the DOC.

Should you have any questions regarding this project or our request, please feel free to contact me.

Regards,

Rural Long Range 2035 Transportation Plan

Chuck Johnston explained the rural long-range transportation plan reminding the Supervisor of a public meeting to be held at the Samuels Library in Front Royal.

Supervisor Staelin suggested amendments to the proposed letter.

Supervisor Byrd noted that the Supervisor wanted a Park and Ride located by the Opequon.

Vice Chairman Weiss suggested presenting the list at the Regional Commission meeting.

Supervisor Staelin moved to authorize Chuck Johnston to forward the letter as a draft subject to modification based upon what is learned at the January 3 meeting. The motion carried by the following vote:

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

2010 December 21

*Christopher Price, Executive Director
Northern Shenandoah Valley Regional Commission
103 East Sixth Street
Front Royal, VA*

RE: Proposed 2035 VDOT Rural Long Range Transportation Plan

Thank you for the opportunity to comment on VDOT's 2035 draft plan for this region, which includes Clarke County.

The County Board of Supervisors understands that the recommendations in this Plan were based on the Comprehensive Plans for each jurisdiction and extrapolation of the number of vehicle trips.

The Board does not believe that the Comprehensive Plan of Clarke County, which goes to great effort to limit rural residential development and focus development where access is already available, justifies the major projects recommended, particularly the proposed widening of Route 7 to six lanes, Route 340 to four and six lanes, and Route 723 to three lanes. The lack of any proposals to provide for shared ridership, through projects such as a Park and Ride facility on Route 7 in Frederick County, is a major deficiency.

The Board acknowledges the need for intersection improvements and the judicious addition of turn lanes. The Board also strongly supports road improvements for the roads adjacent to the new Clarke County High School on the west side of Berryville. However, the wholesale reconstruction of Routes 7, 340, and 723 for additional lanes is simplistic, short sighted, and financially unrealistic. Further, most of the Secondary Road improvements are only necessary, in our view, to meet a general standard and due not reflect local conditions.

The following attached provides the Board's draft comments on each specific proposal. These comments may be revised after the January 3rd public meeting.

Again thank you for this opportunity. The Board looks forward to working with VDOT on this issue.

*Regards,
David L. Ash, County Administrator*

	<u>Location</u>	<u>Project Description</u>	<u>Position</u>
County			
1.	Rts 340 and 657 – Lord Fairfax Hwy / Senseny Rd intersection:	add turn lanes (no light)	Support
2.	Rts 7 and 612 – Harry Byrd Hwy / Shepherds Mill Rd:	close some driveways, reconstruct/ widen lanes, lengthen turn lanes, add light	<u>Support</u>
3.	Rts 340 and 611 – Lord Fairfax Hwy and Summit Point Rd intersection:	deficient design w/ low priority: monitor	No comment
4.	Rts 7 Bypass and Business – Harry Byrd Hwy and West Main intersection:	deficient design w/ low priority: monitor	No comment
5.	Rts 7 and 653 – Harry Byrd Hwy and Kimble Rd intersection:	deficient design w/ low priority: monitor	No comment
6.	Rts 7 and 632 – Harry Byrd Hwy and Triple J/Crums Church Rds intersection:	deficient design w/ low priority: monitor	No comment
7.	Rts 50 and 601 – John Mosby Hwy and Blue Ridge Mtn Rd intersection:	deficient design w/ low priority: monitor	No comment
8.	Rts 340/522 and 277 – Stonewall Jackson Hwy / Lord Fairfax Hwy intersection:	close some driveways, add thru lanes and turn lanes, modify light timing	Support
9.	Rts 50 and 340 – John Mosby Hwy and Lord Fairfax Hwy intersection:	close some driveways, add thru lanes and turn lanes, modify light timing, monitor to determine is interchange is warranted	Support
10.	Rt 340 – Lord Fairfax Hwy: south leg of Double Tollgate intersection	widen to six lanes	Support
11.	Rt 340 – Lord Fairfax Hwy: from DT intersection to south of Waterloo intersection	widen to six lanes	Oppose
12.	Rt 277 – Lord Fairfax Hwy: west leg of Double Tollgate intersection	widen to four lanes	Support

	<u>Location</u>	<u>Project Description</u>	<u>Position</u>
13.	Rt 340 – Lord Fairfax Hwy: north leg of Waterloo intersection	widen to four lanes	Support
14.	Rt 340 – Lord Fairfax Hwy: from Rt 620 (Pyletown/Browntown Rds) to Rt 255 (Bishop Meade Rd)	widen to four lanes	Oppose
15.	Rt 340 – Lord Fairfax Hwy: from Rt 255 (Bishop Meade Rd) to Rt 657 (Senseny Rd)	widen to four lanes	Oppose
16.	Rt 340 – Lord Fairfax Hwy: from Rt 657 (Senseny Rd) to South corp limits of Berryville	widen to four lanes	Oppose
17.	Rt 7 – Harry Byrd Hwy: from Frederick County line to Rt 7 Business (West Main)	widen to six lanes	Oppose
18.	Rt 7 – Harry Byrd Hwy: from Rt 7 Business (West Main) to Rt 340 (Lord Fairfax Hwy)	widen to six lanes	Oppose
19.	Rt 7 – Harry Byrd Hwy: from Rt 340 (Lord Fairfax Hwy) to Rt 612 (Shepherds Mill Rd)	widen to six lanes	Oppose
20.	Rt 7 – Harry Byrd Hwy: from Rt 612 (Shepherds Mill Rd) to Rt 603 (Castleman Rd)	widen to six lanes	Oppose
21.	Rt 7 – Harry Byrd Hwy: from 603 (Castleman Rd) to Rt 606 (River Rd)	widen to six lanes	Oppose
22.	Rt 7 – Harry Byrd Hwy: from Rt 606 (River Rd) to Loudoun County line	widen to six lanes	Oppose
23.	Rt 601 – Blue Ridge Mtn Rd from Rt 50 (John Mosby Hwy) to 4.5 miles of Rt 50	widen existing lanes	Oppose
24.	Rt 601 – Blue Ridge Mtn Rd from 4.5 miles of Rt 50 to Rt 605 (Morgans Mill Rd)	widen existing lanes	Oppose
25.	Rt 601 – Blue Ridge Mtn Rd from Rt 605 (Morgans Mill Rd) to Loudoun County line	widen existing lanes	Oppose
26.	Rt 601 – Raven Rocks Rd from Loudoun County line to WVA state line	widen existing lanes	Oppose
27.	Rt 606 – River Road Rd from Rt 607 (Saw Mill Hill Rd) to Rt 7 (Harry Byrd Hwy)	widen existing lanes	Oppose
28.	Rt 723 – Old Winchester Rd from Frederick County line to North corp limits of Boyce	widen existing lanes	Oppose
29.	Rt 723 – Millwood Rd from South corp	widen existing lanes	Oppose

	<u>Location</u>	<u>Project Description</u>	<u>Position</u>
	limits of Boyce to Rt 255 (Bishop Meade Rd)		
30.	Rt 657 – Senseny Rd from Frederick County line to Rt 634 (Salem Church Rd)	widen existing lanes	Oppose
31.	Rt 657 – Senseny Rd from Rt 634 (Salem Church Rd) to Rt 340 (Lord Fairfax Hwy)	widen existing lanes	Oppose
32.	Rt 636 – Westwood Rd from Rt 7 Business (West Main) to Rt 657 (Senseny Rd)	widen existing lanes	Support
33.	Rt 611 – Summit Point Rd from Rt 340 (Lord Fairfax Hwy) to WVA state line	widen existing lanes	Oppose
34.	Rt 761 – Old Charlestown Rd from Frederick County line to Rt 632 (Crums Church Rd)	widen existing lanes	Oppose
35.	Rt 632 – Crums Church Rd from Rt 639 (Allen Rd) to Rt 761 (Old Charlestown Rd)	widen existing lanes	Oppose
36.	Rt 636 – Westwood Rd from Rt 7 Business (West Main) to Rt 657 (Senseny Rd)	widen existing lanes	Support
37.	Rt 636 – Westwood Rd from south of Rt 7 Business (West Main)	widen to three lanes	Support
38.	Rt 723 – Millwood Rd, bridge at Page Brook	replace bridge	Support
39.	Rt 604 – Ebenezer Rd from Rt 605 (Morgans Mill Rod to Rt 607 (Saw Mill Hill Rd)	reconstruct/pave road	Support
40.	Rt 340 – Lord Fairfax Hwy thru Waterloo Tollgate intersection	widen to four lanes (rural)	Support
41.	Rt 7 Business – West Main from Rt 7 (Harry Byrd Hwy) to West corp limits of Berryville	widen to three lanes (urban)	Support
Berryville			
42.	Rts 340 and 7 Business – Buckmarsh St / Main St intersection	deficient design w/ low priority: monitor	No comment
43.	Rt 340 – Buckmarsh St from South corp limits of Berryville to Rt 7 Business (Main St)	widen to four lanes (w/ median)	Oppose
44.	Rt 616 – Bundy/Church Sts from Rt 1005 (Liberty St) to Rt 340 (Buckmarsh St)	build/widen lanes	Support
45.	Rt 7 Business – West Main St from West	widen to three lanes (urban)	Support

<u>Location</u>	<u>Project Description</u>	<u>Position</u>
corp limit to Buckmarsh St		
46. Rt 7 Business – East Main St from Rt 340 (Buckmarsh St) to Rt 7 (Harry Byrd Hwy)	widen to three lanes (urban)	Support
Boyce		
47. Rt 340/723 intersection	add stop bars/ add left turn lanes on Main/ signalize	Support
48. Rt 723 – Main St	widen to three lanes (urban)	Oppose
49. Rt 340 – Greenway Ave	widen to four lanes (with median)	Oppose

Convenience Center – Recommendation to Proceed with Design

David Ash put forth that during their December 13 Work Session the Supervisors delayed action on this item to the regular meeting; however, Chester Engineering was still not able to provide the requested information,

Supervisor Staelin moved to forward the item to the January Work Session agenda should the information be available by that time. The motion carried by the following vote:

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

Committee Action

Personnel Committee

Expiration of Term for appointments expiring through February 2011

<i>Committee/Board</i>	<i>Appointee</i>	<i>Expiration Date</i>
Lord Fairfax Emergency Medical Services Council	Julie Wagaman	6/30/2013
<i>Ms. Wagaman is appointed to serve an initial three-year term.</i>		
Northwestern Community Services Board	Lucille Harris	12/31/2012

<i>Committee/Board</i>	<i>Appointee</i>	<i>Expiration Date</i>
Ms. Harris is appointed to fill the remainder of the unexpired term of Kathleen Ruffo.		
Clarke County Industrial Development Authority	David Juday	10/30/2014
<i>Mr. Juday is reappointed to serve a four-year term.</i>		
Conservation Easement Authority	Walker Thomas	12/31/2012
<i>Mrs. Thomas is appointed to fill the remainder of the unexpired term of Pat McKelvy beginning 1/1/2011.</i>		
Conservation Easement Authority	Wingate Mackay-Smith	12/31/2013
<i>Mrs. MacKay-Smith is re-appointed to serve a three-year term.</i>		
Conservation Easement Authority	Randy Buckley	12/31/2013
<i>Mr. Buckley is reappointed to serve a three-year term.</i>		
Economic Development Advisory Committee	Eric Myer	12/31/2014
<i>Dr. Myer is reappointed to serve a four-year term.</i>		
Economic Development Advisory Committee	Bryan Conrad	12/31/2014
<i>Mr. Conrad is reappointed to serve a four-year term.</i>		
Parks and Recreation Advisory Board	Paul Jones	12/31/2014
<i>Mr. Jones is reappointed to serve a four-year term.</i>		

Supervisor Byrd moved to confirm the appointments as presented. The motion was approved as follows:

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

2011 Conflict of Interest Filing

December 13, 2010: The Economic Disclosure forms have been distributed to those required to file them. The filing requirement is listed on the Criteria list. Potential

appointees should be made aware that serving in certain positions or on some committees requires completion of the economic disclosure forms in order to qualify and remain in the position.

The committee asked that they be provided with an update should any required disclosure forms not be provided as required.

This item was not discussed at the regular meeting.

Appointee Information Feedback Update

December 13, 2010: The Committee has asked staff to suggest a method to facilitate gathering information from appointees about the activities of the boards to which they are appointed and their level of participation and satisfaction in the process. Attached is a draft questionnaire that could be either sent to participants or used to facilitate individual discussions.

The committee asked that the Appointee Questionnaire be revised to include a request for updated contact information, and to inquire about the appointee's view of the current and future most important challenges faced by the boards on which they serve. The committee also recommended that the questionnaires be mailed in January to keep them out of the holiday mail.

The Committee chair reported that he has initiated contact with members of the Board of Supervisors seeking comment for inclusion in the County Administrator's evaluation.

This item was not discussed at the regular meeting.

Work Session

Joint Government Center Issues—Closed Session

December 13, 2010: The Board anticipates convening in closed session pursuant to 2.2-3711(A)(7) to consult with its attorney and staff on issues related to negotiation and probable litigation regarding the Joint Government Center. A copy of the engineering report prepared by Potomac Engineering Group is attached. Mr. Mitchell will be prepared to discuss and recommend specific action at the meeting.

Summary: Following Closed Session, the Board of Supervisors took no action on this item.

This item was not discussed at the regular meeting.

Board of Zoning Appeals Decision –Mt. Airy Kennel—Closed Session

December 13, 2010: The Board anticipates convening in closed session pursuant to 2.2-3711(A)(7) to consult with its attorney and staff on issues related to the Board of Zoning Appeals decision on the Mt. Airy Kennel decision.

Summary: Following Closed Session, the Board of Supervisors took no action on this item.

This item was not discussed at the regular meeting.

Change Order—Circuit Courthouse Project

December 13, 2010: A proposed change order for the Circuit Courthouse project was provided. This change order represents a change in the scope of the project as it includes replacement of the HVAC systems in the renovated wing and the second story levels of the building and upgrading of controls dampers on the remaining system. This work also includes replacement of the ceiling tiles and grids and updating most of the lighting to more energy efficient fixtures. This pushes the project to the top of the current budget. > (\$436,500) The Board of Supervisors must approve change orders in excess of \$50,000. Although our architect was present at the progress meeting at which this change order was discussed, his recent correspondence raises a question regarding the correct process for approving this change order. Jim Allen, from RDA has been contacted, however, he has not been available to provide further guidance on this matter as of the time of agenda preparation.

Closed Session 2.2-3711-(A)(7) Items 1, 2, and 3 pertaining to actual or probable litigation and consultation with legal counsel employed or retained by a public body regarding specific legal matters requiring the provision of legal advice by such counsel.

Vice Chairman Weiss moved to convene into Closed Session.

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

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:

<i>J. Michael Hobert, Chair</i>	-	<i>Aye</i>
<i>David S. Weiss, Vice Chair</i>	-	<i>Aye</i>
<i>Barbara J. Byrd</i>	-	<i>Aye</i>

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

Summary: Following Closed Session:

No action was taken on Items 1 and 2.

On Item 3, Vice Chairman Weiss moved to approve the Circuit Courthouse Change Order [Hammerhead Construction P.C.O. No. 019] subject to the process RDA verification and adherence. The motion was approved by the following vote:

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

This item was not discussed at the regular meeting.

Response to Equine Alliance Guidelines Letter

December 13, 2010: A letter from the Equine Alliance providing information helpful in determining if horses are suffering from abuse/neglect and outlining the statutory provisions for dealing with such was provided. Also a draft response from the BOS explaining the policy and procedure that the County follows to document and prosecute such matters as well as seeking continuing interest and assistance from the Equine Alliance was provided.

Summary: Chairman Hobert provided a brief summary. David Ash reviewed his response noting that the guidelines developed by the Equine Alliance were good. He advised that the County does proceed with caution in these cases and County policy requires verification by a licensed veterinarian. Sheriff Roper added that these cases were investigated in a deliberative manner.

Barbara Byrd provided an update on Humane Foundation discussions including the suggested addition of a shed for use in emergency situations.

Supervisor Staelin moved to place this item on the December 21, 2010 Regular Meeting Consent Agenda for final action. The motion was approved by the following vote:

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

This item was acted upon at the regular meeting under the Consent Agenda.

Legislative Priorities

December 13, 2010: The latest version of the Board's priority list was provided. The priority list as revised or approved at this meeting will be on the consent agenda for the December Board meeting.

Summary: Chairman Hobert reviewed the third draft revisions with comment by Supervisor Staelin regarding additions to Groundwater Quality and Tax Reform issues. David Ash provided more detail on the line of duty costs that the state would like to shift to localities.

Supervisor Byrd moved to place this item on the December 21, 2010 Regular Meeting Consent Agenda for final action. The motion was approved by the following vote:

<i>J. Michael Hobert, Chair</i>	<i>- Aye</i>
<i>David S. Weiss, Vice Chair</i>	<i>- Aye</i>

Barbara J. Byrd - Aye
A.R. Dunning, Jr. - Absent
John R. Staelin - Aye

Staff was instructed to leave additions in bold and to forward to all applicable parties subsequent to final action by the Board.

This item was acted upon at the regular meeting under the Consent Agenda.

Double Tollgate Community Development Planning Grant/Project

December 13, 2010: A proposed contract covering planning activities at Double Tollgate was provided. The contract establishes specific activities and milestones regarding the project.

A draft of a letter request to the Department of Corrections asking for a commitment to provide access and sewage treatment is currently being circulated and an affirmative response to that request is necessary before initiating this contract. The requested action is to approve the contract and the letter request (if available at the time of the meeting) in order to allow this project to continue forward.

Summary: Chuck Johnston briefly reviewed the history and scheduled steps. He advised that the focus originally was on sewer and water however the CDBG wants to see a larger development plan that he believes should be mixed use. He stated that staff was meeting on Wednesday morning to discuss the contract. Chairman Hobert requested review at the December 21 regular meeting of staff recommendations and the draft correspondence to the Department of Corrections.

This item was acted upon as a separate agenda item at the regular meeting.

Rural Long Range Transportation Plan

December 13, 2010: According an email, a presentation on the Rural Long Range Transportation Plan is scheduled for Monday, January 3, 2011 at the Samuels Library in Front Royal beginning at 5:30 PM. The Regional Plan was distributed earlier via email.

Summary: Chuck Johnston distributed and reviewed a synopsis of the 49 projects in Clarke County that he had prepared for the Supervisors. He said that the plan covers the period through 2035.

Chairman Hobert asked Chuck Johnston to provide a draft comment letter on the County's position to be reviewed at the December 21, 2010 meeting. He further asked that Mr. Johnston identify and question assumptions and methodology used, as well as solicit input on the pros and cons of three-lane and four lane roadways such as those suggested for Route 340.

This item was acted upon as a separate agenda item at the regular meeting.

Convenience Center Update

December 13, 2010: Summary: By consensus, this item was added to the Work Session agenda. David Ash advised that Chester Engineering had provided a non-engineered estimate of \$425,000 to construct the convenience center. This estimate was forwarded to Ed Strawsnyder, Director Frederick County Public Works, who reviewed and commented that with value engineering and working with the local quarry, he believed the cost could be further reduced.

David Weiss put forth that Wingate MacKay-Smith and Bill Johnston, Litter Committee members, had some ideas on facility use and would like to be involved in the conversation.

David Ash reminded that the County has a two-year option to exercise its lease.

Supervisor Staelin moved to place the recommendation to proceed with the Convenience Center design on the December 13, 2010 Regular Meeting agenda. The motion was approved by the following vote:

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

This item was acted upon as a separate agenda item at the regular meeting.

Finance Committee

Tom Judge appeared before the Supervisors to review the Finance Committee recommendations.

Supplemental Appropriations.

Sheriff's Cruiser Replacement: "Be it resolved that the FY11 General Government Capital Projects Budget be amended to increase expenditure by \$12,400, to appropriate the same, and to recognize revenue in the form of an insurance claim in the amount, all for the purpose of replacing a Sheriff's Cruiser damaged in a deer collision."

Software for Septage Tracking: "Be it resolved that the FY11 Planning Department expenditure budget be increased by \$3,538, and the same appropriated, and be it further resolved that the fund balance designation for

government savings be decreased in the same amount, all for the purpose of purchasing software for tracking of septage.

FY10 School Carryover: "Be it resolved that public hearing be set on the question as to whether \$151,447 unspent by the School Board in FY10 should be appropriated to the School Board for capital expenditure in FY11."

Review of Bills and Claims

"Be it resolved that authority for approval of bills and claims be delegated to the County Administrator, and be it further resolved that a report of all approved bills and claims be included in agendas of the Board of Supervisors for their regular meetings."

Distribution Procedure:

- a) The County Administrator will approve bills and claims by signature on the monthly bills and claims report.
- b) Each month, Government Bills and Claims reports will be provided to the Finance Committee for review and recommendation of acceptance to the Board of Supervisors.
- c) Government Expenditure Summary Reports will be provided to the Finance Committee and Board of Supervisors monthly for information and questioning.
- d) School Bills and Claims are separately approved by the School Board, and will be available for review in the Board of Supervisors conference room after approval by the School Board.
- e) School Expenditure Summary reports will likewise be provided in the conference room for review after approval by the School Board.
- f) All of the aforementioned reports will be distributed to all Board of Supervisors members via email.

Acceptance of November Bills and Claims.

The Finance Committee recommends acceptance of the November 2010 Bills and Claims report.

Standing Reports

Reconciliation of Appropriations; General Fund Balance; General Fund Expenditure Summary were provided for information

Supervisor Staelin moved to approve the Finance Committee recommendations for all items before the Board for consideration. The motion carried by the following vote:

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

Government Projects Update

David Ash provided the following highlights:

- Circuit Courthouse
 - Courthouse renovations continue, but much depends upon pending decisions on HVAC.
 - Waiting for recommendations from RDA on a suitable level of review with regard to pending HVAC changes.
 - Chester Engineering is reviewing the proposed HVAC change order.

Summary Of Required Action

<u>Item</u>	<u>Description</u>	<u>Responsibility</u>
1.	Revise and process approved 11/16/2010 minutes.	Lora B. Walburn
2.	Provide notice of authorization of status of Blue Ridge Volunteer Fire Company, Inc. loan.	David Ash
3.	Provide response to Equine Alliance Guidelines letter.	David Ash
4.	Provide Legislative Priorities 3 rd draft to interested parties.	David Ash
5.	Process public hearing notice for TA-10-13.	Lora B. Walburn
6.	Process letter to the Department of Corrections.	David Ash
7.	Process Rural Long Range 2035 Transportation Plan letter.	Chuck Johnston
8.	Carry forward to the January agenda Convenience Center – Recommendation to Proceed with Design item.	David Ash
9.	Process board appointments.	Lora B. Walburn
10.	Process public hearing notice for FY10 School Carryover.	Lora B. Walburn

<u>Item</u>	<u>Description</u>	<u>Responsibility</u>
11.	Process ordinance for TA-10-09.	Chuck Johnston / Lora B. Walburn
12.	CCEA Application to NRCS Farm & Ranch Lands Protection Program letter.	Alison Teetor

Closed Session with Robert Mitchell § 2.2-3711-(A)(7) briefings by staff members or consultants pertaining to actual or probable litigation and consultation with legal counsel employed or retained by a public body regarding specific legal matters requiring the provision of legal advice by such counsel.

Berryville Town Council Wilson Kirby - Mayor; Jay Arnold - Recorder; Lawrence Russell, III; H. Allen Kitselman, III; Mary Daniel; David L. Tollett; and Keith Dalton joined the Board of Supervisors to conduct a joint Closed Session with attorney Robert Mitchell.

Supervisor Staelin moved to convene into Closed Session.

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

The members of the Board of Supervisors being assembled within the designated meeting place, with open doors and in the presence of members of the public and/or the media desiring to attend, **Supervisor Staelin moved to reconvene in open session. The motion carried as follows:**

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

The Berryville Town Council reconvened in open session following the Board of Supervisors.

Supervisor Staelin moved that the agreement between Brechbill and Helman Construction Company, Inc. dated December 21, 2010, be approved, subject to the Joint Building Committee having the authority to modify paragraph 5.e. of the Agreement as to the obtaining and payment for an "as is" air flow test.

Robert Mitchell summarized the difficulties encountered and actions taken to redress matters specific to the construction issues in the Berryville Clarke County Government Center.

Following Mr. Mitchell's review, Vice Chairman Weiss called for vote on the motion.

The motion was approved by the following vote:

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

Berryville Town Council Recorder Jay Arnold, seconded by Mary Daniel, moved the same action. The motion was unanimously approved.

Following this action, the Berryville Town Council adjourned at 3:58.

Closed Session with Robert Mitchell §2.2.3711-A3 Acquisition or Sale of Property and § 2.2-3711-(A)(7) briefings by staff members or consultants pertaining to actual or probable litigation and consultation with legal counsel employed or retained by a public body regarding specific legal matters requiring the provision of legal advice by such counsel.

Supervisor Staelin moved to convene into Closed Session.

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

The members of the Board of Supervisors being assembled within the designated meeting place, with open doors and in the presence of members of the public and/or the media desiring to attend, **Supervisor Staelin moved to reconvene in open session. The motion carried as follows:**

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

Following Closed Session, the Supervisors took no action.

Board Member Committee Status Reports

Clarke County Industrial Development Authority by John Staelin

- Considering hiring a consultant to provide advise on more specific economic development opportunities.

Clarke County Library Advisory Committee by Barbara Byrd

- Would like to include a library board member on the Barns of Rose Hill Board.

Social Services by Barbara Byrd

- Director doing a fine job.
- Charitable donations have been lower this season.

Conservation Easement Authority by David Weiss

- December was Pat McKelvy's last meeting as a member however she had indicated her willingness to assist with projects.
- Considering several properties.

Meals On Wheels by Barbara Byrd

- She delivered 23 meals last week with Meals on Wheels.
- The volunteers did a wonderful job and the recipients were very grateful.

At 3:50 pm Vice Chairman Weiss recessed the meeting until 6:30 pm.

At 6:31 pm Vice Chairman Weiss reconvened the meeting.

Citizens Comment Period

No persons appeared to address the Supervisors.

PH 10-31 TA-10-09

The Clarke County Board of Supervisors will consider the amendment of the County Zoning Ordinance:

- Section 4-I-2, Signs Prohibited, so as to prohibit signs that change displays frequently and that move, revolve, twirl, rotate, or flash and to state that no prohibited sign may be illuminated;
- Section 4-I-5, Nonconforming Signs and Removal, so as to state that no nonconforming sign shall be replaced; and
- Section 4-I-9, Sign Definitions, so as to establish definitions for the terms: 'Animated Signs', 'Changeable Message Signs', 'Electronic Display Signs', and 'Time & Temperature Signs'.

Chuck Johnston summarized the proposed text amendment. He recommended that the Board of Supervisors not make the changes provided in brackets regarding explaining that there was some confusion in the interpretation of prohibited and non-conforming signs.

Chuck Johnston responding to a query from Supervisor Byrd stated that he had received no feedback from local businesses.

Supervisor Staelin advised that the owner of a billboard he would abstain from the vote.

At 6:35 pm Vice Chairman Weiss opened the public hearing for public comment. There being no persons present desiring to address the Board the public comment portion of the public hearing was closed.

Supervisor Byrd moved to approve TA-10-09 not including the phrases shown in brackets as recommended by Chuck Johnston, Planning Administrator. The motion was approved by the following vote:

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

Chuck Johnston informed the Supervisors that, when information was available, he would be bringing additional regulations specific to sign brightness. Supervisor Byrd suggested Susan Nelson, A Sign Place, as a possible contact regarding brightness of signs.

ORDINANCE
10-15ORD
(Approved 2010 December 21)

At a regular meeting of the Board of Supervisors of Clarke County, Virginia, held at the Town/County Government Center on 2010 December 21 at 6:30 p.m. On motion by Supervisor Byrd, the Board of Supervisors (Byrd-Aye; Dunning-Absent; Hobert-Absent; Staelin-Abstain; Weiss-Aye) approved the proposed Text Amendment of the Clarke County Zoning Ordinance.

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

WHEREAS, signs with the ability to easily change the messages they display, and therefore attract the attention of consumers and other persons desiring to have such information immediately available to them, have the potential, without strict regulation of certain of such characteristics, to unreasonably distract motorists and to significantly and adversely affect the appearance of the County; and

WHEREAS, limiting the frequency of message changes and requiring messages to remain static for extended periods of time, rather than animated or intermittent, is of paramount importance in ensuring that signs are not garish, unattractive and unreasonably distracting to motorist; and

WHEREAS, the regulation of electronic display signs provided by this Ordinance will substantially protect and advance the interests in traffic safety and community appearance of the County, its residents and its businesses by limiting the frequency of message changes, and

WHEREAS, a limitation on the illumination of prohibited signs and explicitly prohibiting the replacement of prohibited signs minimizes the impact of such signs and better provides for their permanent removal;

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

- Section 4-1-2, Signs Prohibited, so as to prohibit signs that change displays frequently and that move, revolve, twirl, rotate, or flash and to state that no prohibited sign may be illuminated;
- Section 4-1-5, Nonconforming Signs and Removal, so as to state that no nonconforming sign shall be replaced; and

- Section 4-I-9, Sign Definitions, so as to establish definitions for the terms: 'Animated Signs', 'Changeable Message Signs', 'Electronic Display Signs', and 'Time & Temperature Signs'.

Attest:
TA-10-09

David L. Ash, County
Administrator

See the following for the specific changes.

ZONING ORDINANCE
TEXT AMENDMENT

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

4 GENERAL REGULATIONS
4-I SIGN REGULATIONS

4-I-2 Signs Prohibited

Signs with any of the following characteristics are prohibited:

4-I-2-h No prohibited sign shall be internally or externally illuminated.

4-I-2-i Changeable message signs (except time and temperature signs): Any sign on which the display or message changes more rapidly than once every five minutes and the display, message and/or background changes color.

4-I-2-j Moving Signs or displays: Any sign and/or its display/message that moves, revolves, twirls, rotates, flashes, including animated signs, multi-prism signs, floodlights and beacon lights except when required by the Federal Aviation Agency or other governmental agency.

4-I-2-k Time and temperature signs: Any sign displaying time and temperature in which such message changes more rapidly than once every five seconds.

4-I-5 Nonconforming Signs and Removal

4-I-5-c Repairs to a nonconforming sign shall not exceed 50 percent of the assessed valued of the sign at the time of the initial permit for repairs is granted. *No nonconforming sign shall be replaced.*

4-I-9 Definitions

4-I-9- *SIGN, ANIMATED: Any sign which includes action, motion, or color changes, or the optical illusion of action, motion, or color changes, including signs set in motion by movement of the atmosphere, or made up of a series of sections that turn.

4-I-9- SIGN, CHANGEABLE MESSAGE: A sign or portion of a sign where the message copy is changed manually or automatically through the utilization of attachable, reflective or illuminated letters, numbers, symbols, images and other similar characteristics, including electronic reader boards or electronic display signs.*

4-I-9- SIGN, TIME AND TEMPERATURE: Any sign whose only function is the display of information about current time and/or temperature.*

4-I-9- SIGN, ELECTRONIC DISPLAY: A sign containing light emitting diodes (LEDs), fiber optics, plasma display screen, or other similar electronic illumination.*

Adjournment

There being no further business to be brought before the Board at 6:41 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 Tuesday, January 18, 2011 at 1:00 p.m. in the Main Meeting Room, 101 Chalmers Court, 2nd Floor, Berryville, Virginia.

ATTEST: December 21, 2010

David S. Weiss, Vice Chair

David L. Ash, County Administrator

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