

CLARKE COUNTY BOARD OF SUPERVISORS  
January 18, 2011                      Regular Meeting                      1:00 p.m.  
Main Meeting Room

At a regular meeting of the Board of Supervisors of Clarke County, Virginia, held in the Main Meeting Room, 2<sup>nd</sup> Floor Berryville Clarke County Joint Government Center, 101 Chalmers Court, 2<sup>nd</sup> Floor, Berryville, Virginia on Tuesday, January 18, 2011.

Board Members Present

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

Staff Present

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

Others Present

Robina Rich Bouffault, Mike Murphy, Bryan Conrad, Jeanne Abigail Custis Marcy, Lauren McKay, Becky Lane, Ed Leonard and other citizens

Call to Order

Chairman Hobert called the meeting to order at 1:00 p.m.

Adoption of Agenda

- Add to Miscellaneous: Discussion of May Meeting Date

**Vice Chairman Weiss moved to adopt the agenda as modified. 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

## Clarke County Public Schools Update

Dr. Murphy appeared before the Supervisors to provide the monthly update from the Clarke County public schools. He distributed and reviewed *CCPS FY10 in FY11 Capital Request – Page 1*, specific to the matter set for public hearing during the evening session. The document was broken down into Maintenance/ Health and Safety; Safety; and Technology.

There was brief discussion on school closure due to inclement weather, as well as snow removal at the schools.

Robina Rich Bouffault, School Board representative, provided the following update on the high school construction project:

- The VDOT public hearing went well.
- VDOT has drawn-back to the existing right-of-way.
- VDOT will give the Schools capacity in their stormwater pond.
- The School Boards' attorney, Mr. Foote, attended the public hearing and his review of the materials presented did not find any legal issues.
- Missed days due to inclement weather were incorporated into the construction schedule; and so far, few have been needed this season.
- The parking lot is in place.
- Shockey is doing a remarkably good job.

## Approval of Minutes

Chairman Hobert requested the following changes:

- Page 449 Remove incomplete bullet beginning with Tom Judge...
- Page 459 Change from reappointment to reappointed where necessary.

**Supervisor Staelin moved to approve the minutes of December 21, 2010 Regular Meeting as corrected. The motion was approved by the following vote:**

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

Supervisor A.R. Dunning, Jr. joined the meeting at 1:15 pm

Consent Agenda

Auditor of Public Accounts Report on Annual Audit – Commissioner of the Revenue,  
Treasurer, Sheriff

Resolution of the Clarke County Board of Supervisors Relating to the Support of the  
Virginia Sesquicentennial of the American Civil War Commission 11-01R

Resolution of the Clarke County Board of Supervisors Relating to the Support of the Virginia  
Sesquicentennial of the American Civil War Commission  
11-01R

**WHEREAS**, the Clarke County Board of Supervisors supports the inclusion of all of its citizens in learning about the county's history and its relationship to the present and opportunities for the future, as well as supporting the promotion of economic development and heritage tourism in Clarke County; and

**WHEREAS**, the Virginia Sesquicentennial of the American Civil War Commission [the Commission] was created in 2006 by the General Assembly of Virginia for the purpose of preparing for and commemorating the 150<sup>th</sup> anniversary of Virginia's participation in the American Civil War; and,

**WHEREAS**, the Commission has requested that each locality in Virginia form a Sesquicentennial Committee to aid in planning and implementation of local activities for the commemoration period of 2011-2015; and,

**WHEREAS**, the Clarke County Board of Supervisors wishes to undertake this endeavor with the Commission, and with its regional planning partner the Shenandoah Valley Battlefields National Historic District [of which Clarke County is one of the eight constituent counties as determined by Congress], to promote and commemorate this important historic milestone.

**NOW, THEREFORE, BE IT RESOLVED**, by the Clarke County Board of Supervisors, that:

1. The Board of Supervisors hereby desires to support the Virginia Sesquicentennial of the American Civil War Commission and its efforts to commemorate the 150<sup>th</sup> anniversary of Virginia's participation in the American Civil War during the period 2011 through 2015.
2. Clarke County will be represented in the activities of the Commission by the Clarke County Committee on the Sesquicentennial of the Civil War and Emancipation [the 150<sup>th</sup> Committee], whose purposes will include:
  - a. To commemorate the 150<sup>th</sup> anniversary of the American Civil War and Emancipation as they happened in Clarke County, Virginia acknowledging the diversity of local historic positions concerning the War, the "home front" struggles during wartime, and the legacies of the War for county people.

- b. To enable all citizens of Clarke County to participate in the regional, state, and national commemorations, while learning more about the history of their own country.
  - c. To make Clarke County better known and more accessible to people interested in its history.
  - d. To leave an enriched record of this local history for future citizens of the county.
3. Membership of the 150<sup>th</sup> Committee shall include:
- One member of, or appointed by, the Clarke County Board of Supervisors;
  - One member of or appointed by the Clarke County Historic Preservation Commission;
  - One member of or appointed by the Clarke County Historical Association;
  - One member of or appointed by the Clarke County African-American Cultural Center / Josephine Community Museum;
  - One representing the administration of the Clarke County Public Schools; and one member representing the Shenandoah Valley Battlefields Foundation.
  - Other members, representative of the diversity of the community, shall be recruited by the Committee.
  - The organizing chairman, pending elections by the Committee, is Robert Stieg, Jr., with existing initial volunteers on the organizing committee including Adeela Al-Khalili, Charles Johnston, Maral Kalbian, Jennifer Lee, Howard Means, Michael Murphy, Jesse Russell, and John Sours.
4. The Clarke County Board of Supervisors shall be periodically kept informed of the activities of the Clarke County Civil War Sesquicentennial Committee.

Adopted this 18th day of January 2011

Attest:

\_\_\_\_\_  
J. Michael Hobert, Chair

Proposed Alternative Onsite Sewage System Regulations Letter to Allen Knapp Director,  
Division of Onsite Sewage and Water Services VDH

January 11, 2011

Allen L. Knapp  
Director, Division of Onsite Sewage and Water Services  
Virginia Department of Health  
109 Governor Street  
Richmond, VA 23219

RE: Proposed Alternative Onsite Sewage System Regulations

Dear Mr. Knapp:

The Clarke County Board of Supervisors appreciates the opportunity to comment on the proposed Final Regulations for Alternative Onsite Sewage Systems (AOSS).

As you know, Clarke County is one of several counties in Virginia that has adopted a local septic ordinance and placed limits on the installation of alternative septic systems. The County has taken these steps in an effort to protect our ground-water resources. Seventy percent of the County is underlain by karst terrain, which has been scientifically proven to be more susceptible to contamination than other geologic regions in the State. History has shown that many of the alternative systems that were installed in the past ended up polluting the groundwater because they were not properly maintained.

The County strongly opposed the approval of HB1788, which denied the Counties right to prohibit alternative systems. After reviewing the final regulations the County believes that they are not nearly strong enough with regards to maintenance and monitoring. We are particularly concerned as localities do not appear to have any oversight over the ongoing maintenance of alternative systems. Annual inspections are to be made by a licensed operator but that operator is only required to submit a report to the State Health Department **upon request**. Sampling results are required to be submitted to the Health Department every five years but there is no requirement to submit the annual inspection reports.

The regulations do not give localities any power or oversight over the inspections and the law states that localities cannot create stricter rules or requirements. Local officials will not receive copies of the reports submitted by the licensed operator and Clarke cannot have its own personnel make any inspections. Our local Health Department tells us that they will probably summarize and file the inspection reports and their goal is to also make some random inspections on their own. However, their time is limited and they cannot promise what they will do.

Clarke would recommend that all AOSS be inspected **and sampled annually** and that the licensed operator be **required to submit** a written report of both the inspection and the test results to the local Health Department. This would provide at least a minimal amount of oversight to ensure these systems were being maintained and inspected as required. Then if problems were identified, the local environmental health specialists could inspect as needed. If annual testing is seen as unacceptable we request that, at a minimum, the licensed operator be required to submit the results of the inspection to the Health Department and that the Health Department be required to create an annual summary of the inspection reports, complete on-site inspections of at least 10% of the systems each year and forward all the information gathered about all AOSS to the locality.

The Clarke County Board of Supervisors appreciates the opportunity to comment on the proposed Final Regulations for Alternative Onsite Sewage Systems (AOSS). We remain hopeful that our concerns will be addressed in the adopted regulations.

Sincerely,  
Michael Hobert  
Chair, Clarke Board of Supervisors

Fiscal Agency Agreement between the Town of Berryville and Clarke County for the Berryville Clarke County Government Center

RTM/msp  
01/03/11

AGREEMENT FOR  
FISCAL AGENT FOR JOINT GOVERNMENT CENTER

This AGREEMENT ("Agreement"), dated the \_\_\_\_ day of \_\_\_\_\_, 2011, by and between the TOWN OF BERRYVILLE, VIRGINIA ("Town"), a Virginia municipal corporation, and the COUNTY OF CLARKE, VIRGINIA ("County"), provides as follows.

WHEREAS, by agreement dated October 10, 2006, the Town and the County agreed that the County would serve as fiscal agent for the financing of the cost of the construction of the Joint Government Center; and

WHEREAS, the construction of the Joint Government Center has been completed, and the Town and the County desire that the County, through its Joint Administrative Services, serve as fiscal agent with respect to the costs related to the occupancy, use, and operation of the Joint Government Center.

NOW, THEREFORE, the Town and the County hereby agree as follows:

1. The County, through its Joint Administrative Services, shall serve as fiscal agent for the Town and the County with respect to the costs related to the occupancy, use, and operation of the Joint Government Center, pursuant to the agreement referenced in Paragraph 2, below.

2. The method for allocation of costs between the Town and the County for utilities, insurance, repair and maintenance, and other costs related to the occupancy, use, and operation of the Joint Government Center shall be established by a separate written agreement between the Town and the County, which agreement shall also provide for a budget estimate to be provided to the Town and the County in advance of each fiscal year, for the timing of payments for allocated costs, and for related matters.

3. This Agreement may be terminated by the Town or the County by thirty (30) days written notice to the other.

WITNESS the following signatures and seals:

TOWN OF BERRYVILLE, VIRGINIA

Date: \_\_\_\_\_

By: \_\_\_\_\_ (SEAL)  
Mayor

COUNTY OF CLARKE

Date: \_\_\_\_\_

By: \_\_\_\_\_ (SEAL)

Chairman, Board of Supervisors

**Supervisor Staelin moved to approve the items on the Consent Agenda as presented. The motion carried by the following vote:**

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

#### Citizens Comment Period

Ed Leonard, Clarke Daily News: spoke about the passing of John Friant, Sr. a respected citizen of Clarke County and an active participant in civic affairs.

Bryan Conrad, Clarke County Farm Bureau: Read a prepared a letter for Supervisor's approval and forward to the Dean of Virginia Polytechnic pertaining to the proposed restructure of the Virginia Cooperative Extension Office in the Clarke County.

Chairman Hobert referred the matter to David Ash for review and recommendation at the next Work Session.

#### 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 December:
  - Conducted pipe replacement and cleaning operations on Rt. 605 via contractor;
  - Conducted boom-axe operations along Rt. 644 from Rt. 658 to Rt. 634;
  - Started brush cutting along Rt. 612 from Rt. 603 to Rt. 608;
  - Graded Rt. 621 in response to Board inquiry at last meeting;
  - Repaired potholes on various routes;
  - Removed hazardous trees and performed dead animal removal at various locations.

- Maintenance work planned for January:
  - Continue pipe cleaning operations along Routes 605, 606 and 604 with contractor;
  - Complete brush cutting on Rt. 612;
  - Continue boom-axe operations on Routes 638, 624, 622 and 627;
  - Continue hazardous tree removal at various locations;
  - Perform low shoulder repairs on various primary and secondary routes;
  - Begin additional brush cutting operations along various routes with a contractor.
  
- Other Projects:
  - Route 636, Mosby Road: The Public Hearing was held on January 12, 2011 at the Berryville/Clarke County Government Center. Twenty-Eight citizens signed in and reviewed the proposed project during the course of the hearing. Their comments and those received within the ten-day response window will be evaluated by our design group and incorporated where conducive to the final plans. Preliminary discussions have been held with those property owners who will be impacted by the project. We were very pleased with the positive flavor of the comments we heard during the hearing. The concerns expressed primarily dealt with the round-a-bout vs. signalization. This is to be expected when introducing an unfamiliar concept. We again thank the Board of Supervisors, The Town of Berryville and The School Board for their assistance and cooperation during this process.
  - Route 604 Ebenezer Rd: On hold until spring and placement of the box culvert.
  - Route 723 Town of Boyce: Currently in District Design.
  
- Supervisor Comments and Requests:
  - Vice Chairman Weiss asked VDOT to consider placing cinders more frequently in the area of the dip by the store at Shepherd's Mill and Route 7 to improve safety at this time of year.
  - Supervisor Byrd asked questions about the possibility of a new low water bridge on Old Charlestown Road as reported in a news article this morning. Jerry Copp responded that the proposed bridge would be higher than the low water bridge in Supervisor Dunning's district and that it would follow a similar curve to lessen the impact on surrounding property.
  - Supervisor Staelin, noting the news article, asked whether the reported \$1.7 million spent in Clarke on improvements to Route 604 and bridge reconstruction were new or previously-scheduled projects. Ed Carter responded that he had not reviewed the report from the Governor's Office and was not certain who had supplied the project information therefore he could not comment on specifics.

## Energy Management Update

Alison Teetor, Natural Resources Planner, presented an energy management update on the eve of the one-year anniversary of the adoption of the program. Some highlights of the presentation and discussion include:

- Background information
- Methodology
- A free database is being used that aids in analysis of usage.
- Factors affecting energy use include: types of fuel; weather; building size and age; energy use intensity; and energy cost
- Spending approximately \$125,000 per year on energy including water.
- Reviewed a breakdown of annual energy cost noting that the Circuit Court building is the most expensive to operate.
- Energy Use per square foot places the District Court, Sheriff's Department and Animal Shelter as the top three users.
- The Animal Shelter is a new building with energy efficient components and are required to meet certain state regulations that place demands on energy. It was noted that since changing director energy costs have been reduced. No recommendations to have been made to address any specific issues.
- Joint Administrative Services building has had the greatest energy usage reduction over the past three years.
- Receiving considerable assistance in the project from Maintenance group, Ruby Miller and Bobby Levi.
- Review of water usage indicates, as expected, that the largest water user is the Parks and Recreation pool.
- Water use costs have dropped with the repair of water leaks in several buildings, such as the Rec Center.
- Changes in employee behavior have helped reduce energy usage.
- Suggest designating someone in each building to monitor energy usage.
- Suggest use of programmable thermostats in the Circuit Court;
- Next Steps: Continue monitoring annually; Install recommended ECM's; Assign energy management responsibilities; Identify additional savings opportunities.
- Retrofits are necessary to see significant differences.
- Supervisor Staelin noted that consumption has reduced but employees have no control over increases in cost and he suggested reducing btu's. Alison Teetor drew attention to those figures that had been incorporated in her report.

- Alison Teetor emphasized that repairs and corrective actions were important to realize reductions noting that there were limits to what employees could affect.
- Chairman Hobert concluded that employee behavior and departmental leadership were important factors.

**Supervisor Byrd moved to instruct David Ash to take recommendations presented by Alison Teetor and, with her assistance, develop job descriptions and task lists for building energy managers. Further to work with Maintenance to address implementation of programmable thermostats and other retrofits.**

**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

#### Set Public Hearing TA-10-05

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

- Section 3-A-1-a, Permitted Uses and Structures in the AOC Zoning District, so as to change the Special Use "Institutional Uses" to "Community Services" and to show "Churches and other places of religious assembly (with a maximum seating capacity of 500 people)" and "Historic Structure Museums" as Special Uses;
- Section 3-A-2-a, Permitted Uses and Structures in the FOC Zoning District, so as to change the Special Use "Institutional Uses" to "Community Services" and to show "Churches and other places of religious assembly (with a maximum seating capacity of 500 people)" and "Historic Structure Museums" as Special Uses;
- Section 3-A-3-a, Permitted Uses and Structures in the Rural Residential Zoning District, so as to change the Special Use "Institutional Uses" to "Community Services" and to show "Churches and other places of religious assembly (with a maximum seating capacity of 500 people)" and "Historic Structure Museums" as Special Uses;
- Section 3-A-12-a, Permitted Uses and Structures in the Neighborhood Commercial Zoning District, so as to change the Principal Use "Institutional Uses" to "Community Services" and to show "Churches and other places of religious assembly" as a Principal Use;
- Section 3-A-13-a, Permitted Uses and Structures in the Highway Commercial Zoning District, so as to change the Principal Use "Institutional Uses" to "Community Services" and to show "Churches and other places of religious assembly" as a Principal Use;
- Section 9-B, Definitions, so as to change the term: "Institutional Uses" to "Community Services" and revise the definition of this use and to establish a definition for the terms: "Churches and other places of religious assembly", "Museums of Historic Structures", and "Passive Use Public Parks"

Chuck Johnston reviewed the proposed text amendment and answered various questions posed by the Board. He advised that the vote of the Planning Commission was 4 to 3 for recommendation with 3 members absent.

Supervisor Dunning advised caution before proceeding with the proposed regulation.

Vice Chairman Weiss indicated a desire to change maximum seating for churches from 500 to 250.

Supervisor Staelin suggested leaving the 500 maximum unchanged but with consideration of lowering the maximum capacity subject to comment received at the public hearing.

With Robert Mitchell present, the Supervisors asked if advertising at a higher number [500] and reducing to a lower number [250] made the ordinance more restrictive. Mr. Mitchell advised that the "more restrictive" clause applied to zoning matters not regulations of this type; therefore, they could reduce the number subsequent to public hearing if it were so determined.

**Vice Chairman Weiss moved to set public hearing on the amendment of the zoning ordinance as shown above but amending the maximum seating capacity number specific to churches from a maximum of 500 to a maximum of 300 and to set the matter for public hearing on February 15, 2011 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

Committee Action

Personnel Committee

*Expiration of Term for appointments expiring through February 2011*

Summary January 10, 2011: The Personnel Committee recommends the appointments below.

<i>Committee/Board</i>	<i>Appointee</i>	<i>Expiration Date</i>
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<i>Committee/Board</i>	<i>Appointee</i>	<i>Expiration Date</i>
Old Dominion Alcohol Safety Action Policy Board <i>Mr. Johnson is reappointed to serve a three-year term.</i>	Jerry Johnson	12/31/2013
Old Dominion Community Criminal Justice Board <i>Mr. Johnson is reappointed to serve a three-year term.</i>	Jerry Johnson	12/31/2013
Board of Zoning Appeals <i>The Board of Supervisors recommends to the Clarke County Circuit Court the reappointment of Howard Means.</i>	Howard Means	2/15/2016

At the January 18, 2011 Regular Meeting, **Supervisor Byrd** moved to confirm the appointments as presented. The motion was approved as follows:

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

#### *2011 Conflict of Interest Filing*

Summary January 10, 2011: The Personnel Committee instructed staff to keep them apprised of progress and to continue to provide deadline reminders to appointees who have not yet filed.

#### *Appointee Information Feedback Update*

Summary January 10, 2011: The Personnel Committee approved the appointment information feedback questionnaire as presented. Staff was instructed to distribute following completion of the Conflict of Interest filing.

#### *2011 Board of Supervisors Appointments*

Summary January 10, 2011: The Personnel Committee asked that individual Supervisors review and comment on their continuing interest and availability to represent the Board in their currently assigned positions.

**At the January 18, 2011 Regular Meeting, Supervisor Byrd moved to approve the continuation of current assignments through 2011. 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

**2011 Board of Supervisors Appointments**

<i>Committee/Board</i>	<i>First Name</i>	<i>Name</i>	<i>Position</i>
Northwestern Regional Jail Authority	David L.	Ash	County Administrator
Regional Airport Authority	David L.	Ash	County Administrator
Joint Committee of the Joint Government Center	David	Ash	BOS - Appointed Member
Joint Administrative Services Board	David L.	Ash	County Administrator
Clarke County School Board	Barbara J.	Byrd	BOS - Liaison
Board of Supervisors Personnel Committee	Barbara J.	Byrd	BOS - Appointed Member
Clarke County Library Advisory Board	Barbara J.	Byrd	BOS - Liaison
The Barn Projects	Barbara J.	Byrd	BOS - Liaison
Board of Social Services	Barbara J.	Byrd	BOS - Appointed Member
Northwestern Regional Juvenile Detention Center Commission	Barbara J.	Byrd	BOS - Liaison
Northwestern Regional Jail Authority	Barbara J.	Byrd	BOS Liaison - Alternate
Clarke County Humane Foundation	Barbara J.	Byrd	BOS - Liaison
Board of Supervisors Finance Committee	Barbara J.	Byrd	BOS - Alternate
Towns and Villages: Berryville	Barbara J.	Byrd	BOS - Liaison
Clarke County Planning	A.R.	Dunning, Jr.	BOS - Appointed Member

<i>Committee/Board</i>	<i>First Name</i>	<i>Name</i>	<i>Position</i>
Commission			
Board of Supervisors Personnel Committee	A.R.	Dunning, Jr.	BOS - Alternate
Towns and Villages: Boyce	A.R.	Dunning, Jr.	BOS - Liaison
Board of Supervisors Finance Committee	A.R.	Dunning, Jr.	BOS - Alternate
Economic Development Advisory Committee	A.R.	Dunning, Jr.	BOS - Appointed Member
Water Resources Policy Committee	A.R.	Dunning, Jr.	BOS - Alternate
Board of Well & Septic Appeals	A.R.	Dunning, Jr.	BOS - Appointed Member
Clarke County Sanitary Authority	A.R.	Dunning, Jr.	BOS - Authority Member
Berryville Area Development Authority	A.R.	Dunning, Jr.	BOS - Appointed Member
Board of Supervisors Personnel Committee	J. Michael	Hobert	BOS - Appointed Member
Parks & Recreation Advisory Board	J. Michael	Hobert	BOS - Liaison
Board of Supervisors	J. Michael	Hobert	Chair
Legislative Liaison and High Growth Coalition	J. Michael	Hobert	BOS - Liaison
Joint Administrative Services Board	J. Michael	Hobert	BOS - Appointed Member
Towns and Villages: Berryville	J. Michael	Hobert	BOS - Liaison - Alternate
Board of Supervisors Finance Committee	J. Michael	Hobert	BOS - Appointed Member
Northern Shenandoah Valley Regional Commission	Charles	Johnston	Citizen Representative
Northern Shenandoah Valley Regional Commission	John	Staelin	BOS - Alternate
Towns and Villages: Millwood	John	Staelin	BOS - Liaison
Board of Supervisors Finance Committee	John	Staelin	BOS - Appointed Member
Emergency Services	John	Staelin	BOS - Liaison
Towns and Villages: Pine Grove	John	Staelin	BOS - Liaison

<i>Committee/Board</i>	<i>First Name</i>	<i>Name</i>	<i>Position</i>
Economic Development Advisory Committee	John	Staelin	BOS - Appointed Member
Clarke County Planning Commission	John	Staelin	BOS - Alternate
Towns and Villages: Boyce	John	Staelin	BOS - Alternate
Clarke County Litter Committee	John	Staelin	BOS - Liaison
Clarke County Industrial Development Authority	John	Staelin	BOS - Liaison
Clarke County Sanitary Authority	John	Staelin	BOS - Alternate
Water Resources Policy Committee	John	Staelin	BOS - Appointed Member
Water Resources Policy Committee	Alison	Teetor	Staff Representative
Conservation Easement Authority	David	Weiss	BOS - Appointed Member
Northern Shenandoah Valley Regional Commission	David	Weiss	BOS - Appointed Member
Board of Supervisors Personnel Committee	David	Weiss	BOS - Alternate
Towns and Villages: Pine Grove	David	Weiss	BOS - Liaison
Clarke County Agricultural Advisory Committee	David	Weiss	BOS - Appointed Member
Housing and Community Services Board	David	Weiss	BOS - Appointed Member
Regional Airport Authority	David	Weiss	BOS - Liaison
Joint Administrative Services Board	David	Weiss	BOS - Alternate
Joint Committee of the Joint Government Center	David	Weiss	BOS - Appointed Member
Building and Grounds	David	Weiss	BOS - Appointed Member
Clarke County School Board	David	Weiss	BOS - Alternate
Board of Supervisors Finance Committee	David	Weiss	BOS - Alternate
Board of Supervisors	David	Weiss	Vice Chair

Work Session

*Board of Supervisors Organizational Meeting*

a. Election of Chair

Summary January 10, 2011: David Ash, Clerk to the Board of Supervisors, called the Organizational meeting to order at 10:05 am. Immediately thereafter, he called for nominations for Board of Supervisors Chair.

**Supervisor Byrd moved to nominate J. Michael Hobert to continue as chair for 2011.**

Being no other names put forth for consideration, **Supervisor Byrd moved to close the nominations. The motion carried as follows:**

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

**The motion to nominate J. Michael Hobert to serve as Chair for the ensuring calendar year 2011 carried as follows:**

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

Immediately following the vote, David Ash turned the meeting over to Chairman Hobert.

b. Election of Vice-Chair

Chairman Hobert called for nominations for Vice Chair.

**Supervisor Byrd moved to nominate David Weiss to continue as Vice Chair.**

Being no other names put forth for consideration, **Supervisor Staelin moved to close the nominations. The motion carried as follows:**

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

The motion to nominate David S. Weiss to serve as Vice Chair for the ensuring calendar year 2011 carried as follows:

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

c. Set Date, Place and Time of Regular Meeting

Supervisor Staelin moved to approve the current schedule for date, place and time of regular meeting as the 3rd Tuesday of each month beginning at 1 pm in the Main Meeting Room, Berryville Clarke County Government Center, 101 Chalmers Court, Berryville, VA and fixing the following Thursday as the day on which a regular meeting shall be continued should the Chair later declare that weather or other conditions make it hazardous for members to attend. Further, the Monday the week preceding the regular meeting shall be set for committee meetings. The motion carried as follows:

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

d. Adopt Rules of Procedure

Proposed modifications to Rules of Procedure: Section 3.3 change from [www.co.clarke.va.us](http://www.co.clarke.va.us) to [www.clarkecounty.gov](http://www.clarkecounty.gov); Section 3.4 change from ~~the Public Library~~ to **official County website**; **add** Individuals desiring complete **paper** copies . . .

Supervisor Byrd moved to approve the Rules of Procedure with the proposed modifications. The motion carried as follows:

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

*Resolution Sesquicentennial of the American Civil War Commission*

Summary January 10, 2011: Robert Stieg addressed the Supervisors regarding the Sesquicentennial of the American Civil War. He advised that the General Assembly was

urging the participation of all localities in the 150th anniversary commemoration. He summarized points from his proposed resolution, as well as planned activities on the state and local level. Mr. Stieg concluded that to receive grant funding the governing body must endorse the local committee.

**Supervisor Byrd moved to refer the resolution to the January 18, 2011 Consent Agenda. The motion carried as follows:**

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

By consensus, nominations to the sesquicentennial committee were forwarded to the Personnel Committee for recommendation. Vice Chairman Weiss expressed interest in serving on this committee. Chairman Hobert requested periodic updates from the sesquicentennial committee.

*On January 10, 2011 at 11 am, Chairman Hobert called for a moment of silence to reflect upon the recent tragedy in Arizona.*

### *2035 Transportation Plan*

Summary January 10, 2011: Chuck Johnston reviewed the draft letter provided in the meeting materials. He advised that he had received confirmation of specific points from Chris Price NSVRC. Highlights of review include:

- Item 32: change to oppose widening Westwood lanes to 22 feet or 11 feet each.
- Item 37: Chuck Johnston noted that no indication of length is provided. Supervisor Staelin asked to include statement of support for widening the road as far as Ramsburg Lane.
- Cross through project 35.
- Item 36 will become 35.
- Old Charlestown Road – oppose widening lanes to 24 feet.
- Item 45 - widening to three lanes is not supported. Chuck Johnston instructed to seek opinion from the Town of Berryville.
- Item 46: Chuck Johnston will clarify.
- Boyce issues were discussed at the most recent Town Council meeting and a resolution has been drafted in support of Item 47 and opposed to Items 48 and 49. Chuck Johnston shall add to the Board of Supervisors position "addition of a light over time as warranted."

- Before the next regular meeting, Chuck Johnston was instructed to seek clarification and make revision to letter and project list.

At the January 18, 2011 Regular Meeting, Chuck Johnston reviewed the letter as revised at the Supervisor's direction at the January 10, 2011 Work Session.

**Supervisor Staelin moved to approve the current draft of the 2035 Transportation Plan letter to Christopher Price, NSVRC. The motion carried as follows:**

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

2011 January 18

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.

The Board is particularly opposed to:

1. the widening of Route 7 to six lanes. It is the Board's understanding that the 20-year transportation plans in Frederick and Loudoun Counties do not show additional lanes on Route 7, making this proposal illogical. The lack of any specific proposals to provide for shared ridership, through projects such as a Park & Ride facility in the Route 7 corridor close to trip origins, is a major deficiency. The general goal in the Plan in support of ride-sharing/transit facilities has no meaning without specific implementing projects. The Board would support efforts to create turn lanes, and to consolidate median crossover and driveways, where agreed to by property owners.
2. the widening of Route 340 to four and six lanes. The above comments regarding ride sharing, turn lanes, and consolidation of crossovers and driveways are also

applicable to this corridor. This project's disruption to the communities of Berryville and Boyce would be devastating and fail cost/benefit analysis.

3. the widening of Route 723 to three lanes in Boyce. Such a project would encourage higher speeds where traffic calming is the goal and devastate the physical and qualitative character of a quintessential small town.
4. the widening of rural road lanes on five secondary routes to 12 feet and on three routes to 11 feet. Rather than making rural road safer, such work would encourage higher speeds making the roads less safe. Interstate highway lanes are 12 foot wide; such a width on rural roads is unnecessary. In most instances, shoulder improvements would improve safety without encouraging higher speeds.

The Board requests these improvements be stricken from the 2035 Plan.

The Board supports the intersection improvements for Rts 7 & 657, Rts 340 & 612, Rts 340 & 50, and Rts 340 & 522. In addition, the Board strongly supports improvements to West Main Street (Rt 7 Bus), Westwood Road (Rt 636), and Mosby Blvd, adjacent to the new Clarke County High School on the west side of Berryville. In the Town of Berryville, the Board supports the North Church Street (Rt 616) improvements if they connect to Fairfax Street (Rt 1016) instead of Bundy Street. The Board also supports an additional project: the extension of Jack Enders Blvd (Rt 613), for .25 miles from the Norfolk Southern Railroad to Rt 340. This connection will complete one of a network of streets designed to relieve congestion of the Main Street (Rt 7 Bus) and Buckmarsh Street (Rt 340) intersection.

In short, 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 do not reflect local conditions.

The following attached provides the Board's draft comments on each specific proposal. Again thank you for this opportunity. The Board looks forward to working with VDOT on this issue.

Regards,

David L. Ash  
County Administrator

Comments from Clarke County Board of Supervisors on 2035 Transportation Plan  
Projects

2011 January 18

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  
Support lanes, lengthen turn lanes, add light

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  
Support turn lanes, modify light timing
9. Rts 50 and 340 – John Mosby Hwy and Lord Fairfax Hwy intersection: close some driveways, add thru lanes and  
Support turn lanes, modify light timing, monitor to determine if interchange is warranted
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
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 limits of Boyce to Rt 255 (Bishop Meade Rd)  
widen existing lanes

Oppose

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

Oppose

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 761 – Old Charlestown Rd from Rt 632 (Crums Church Rd) to WVA state line  
widen existing lanes

Oppose

36. Rt 632 – Crums Church Rd from Rt 639 (Allen Rd) to Rt 761 (Old Charlestown Rd)  
widen existing lanes

Oppose

37. Rt 636 – Westwood Rd from south of Rt 7 Business (West Main)  
widen to three lanes

Support to a distance of .45 miles south of Rt 7 Bus

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 (rural)  
widen to four lanes

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 if Bundy Street is replaced by Fairfax Street (Rt 1016)

45. Rt 7 Business – West Main St from West corp limit to Buckmarsh St  
widen to three lanes (urban)

Support

46. Rt 7 Business – East Main St from Rt 340 (Buckmarsh St) to Rt 7 (Harry Byrd Hwy)  
widen to three lanes (urban)

Support

*New project: Rt 613 – Jack Enders Blvd: extending two-lane urban section .25 miles from Norfolk Southern RR to Rt 340. This connection will complete one of a network of streets designed to relieve congestion of the Main Street (Rt 7 Bus) and Buckmarsh Street (Rt 340) intersection.*

Support

Boyce

47. Rt 340/723 intersection add stop bars/ add left turn lanes on Main/ signalize  
Support with signalization provided when future with increased traffic volumes warrant

48. Rt 723 – Main St widen to three lanes (urban)

Oppose

49. Rt 340 – Greenway Ave widen to four lanes (with median)

Oppose

### *Mosby Boulevard Status*

Summary January 10, 2011: David Ash provided the Board with the most current map provided by VDOT reflecting the most recent modification to the Mosby Boulevard project. He noted:

- This revision of the VDOT project map will be the one available to the public during the VDOT public hearing.
- Water lines were not shown on the most recent project map however he had been assured that there were no conflicts.
- Drainage/stormwater changes including ditch lines, drainage, drop inlets, storage, etc. advising that the Schools must maintain access to the ponds by VDOT.
- Relocation of a stormwater pond impacted a neighboring property.
- Greenhouse is closely located to a VDOT drainage easement.
- Changes to the bicycle path.

### *Fiscal Agency Discussion*

Summary January 10, 2011: David Ash advised that the Joint Building Committee had met and reviewed the Fiscal Agency agreement drafted by Robert Mitchell and had recommended approval to their respective governing bodies.

Tom Judge responded to the Supervisor's queries covering expense tracking, factors to determine cost division, maintenance fees, grounds maintenance, charge for fiscal agency – amount to be determined pending on the agreement, inclusion of Central Reception in the shared costs, clarified that the Library is not a shared cost, etc.

David Weiss advised that David Ash would be continuing as Joint Building Committee Chair and Building Manager.

David Ash stated that the first priority for the Joint Building Committee was to move forward the fiscal agency agreement then move on to the other matters of cost division.

By consensus, the matter was referred to the January 18, 2011 Consent Agenda.

#### *Construction Close Out and Settlement*

Summary January 10, 2011: Robert Mitchell distributed the revised, executed documents advising that outstanding issues at the time the Supervisors previously approved a settlement agreement with Brechbill and Helman Construction had been resolved. Highlights of his review included:

- The agreement has been executed by Brechbill and Helman.
- Distributed extended warranty from Miller and Anderson.
- Brechbill and Helman is looking specifically to the engineer for direction on how to reverse coils.
- Written confirmation of installation of vapor barrier was provided.
- Affidavit and Indemnity agreement executed with out change by Brechbill and Helman.

Supervisor Staelin moved to approve the agreements in present form and authorize Chairman Hobert and David Ash to execute the documents. The motion carried as follows:

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

#### *Clarke County Sheriff's Office Leave Liability*

Summary January 10, 2011: This item was added at the Work Session. Sheriff Tony Roper appeared before the Supervisors to address the matter of leave liability for his department. He distributed and reviewed a prepared memorandum including current leave policy, Virginia Code, current leave liability figures and minutes of administrative staff meetings. Highlights include:

- Sheriff's Department overtime is paid in compensation time however limited staff impairs the ability to reduce leave levels.
- Over the past five years, it has been difficult to reduce leave.
- Limited staff requires replacement coverage adding overtime and build up of comp time.
- Reducing scheduled hours or paying out excess leave could resolve leave liability.
- Leave payouts were given by the previous Sheriff and recently authorized by Warren County to address their leave issue.
- The Sheriff is opposed to reducing coverage.
- Would like to annually devote funds to address such situations.
- The matter was referred to the Finance Committee.

There being no further business to be brought before the Board at 11:55 am Chairman Hobert adjourned the Board of Supervisors Work Session.

### Finance Committee

Tom Judge appeared before the Supervisors to review the Finance Committee recommendations from the January 10, 2011 meeting.

#### *Supplemental Appropriations.*

Clarke County Public Schools: The School Supplemental will be addressed as PH 11-02 "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."

Double Tollgate Project: Subsequent to review on January 10, 2011, the Finance Committee recommends acceptance: "Be it resolved that the FY11 General Government Capital Projects budgeted expenditure be increased \$25,000, and the same appropriated, that revenue from the Commonwealth of Virginia in the amount of \$25,000 be recognized, and that budgeted capital expenditures for economic development in the amount of \$12,100 be transferred to the Double Tollgate Project, all for the purpose of conducting a study."

At the January 18, 2011 Regular Meeting, **Supervisor Dunning** moved to accept "Be it resolved that the FY11 General Government Capital Projects budgeted expenditure be increased \$25,000, and the same appropriated, that revenue from the Commonwealth of Virginia in the amount of \$25,000 be recognized, and that budgeted capital expenditures for economic development in the amount of \$12,100 be transferred to the Double Tollgate Project, all for the purpose of conducting a study."

The motion carried as follows:

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

#### *Transfer*

Summary January 10, 2011: The Finance Committee took no action on the Virginia Association of Counties request for financial assistance in its effort to defeat legislation concerning the appeal of tax assessments.

#### *FY12 Budget Calendar*

Summary January 10, 2011: The Finance Committee recommends approval of the FY12 budget calendar.

At the January 18, 2011 Regular Meeting, **Supervisor Staelin** moved to approve the FY12 Budget Calendar. The motion carried as follows:

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

#### *Virginia Regional Transit Route Extension*

Summary January 10, 2011: The Finance Committee took no action on this matter.

*Acceptance of November Bills and Claims.*

Summary January 10, 2011: The Finance Committee recommends acceptance of the December 2010 Bills and Claims report. Questions were raised about the Legal Services and Victim Witness accounts. JAS is reorganizing these two accounts, and the V-stop grant, and hopes to eliminate most, if not all, of the overages without supplemental appropriation.

At the January 18, 2011 Regular Meeting, **Vice Chairman Weiss moved to accept the December Bills and Claims. The motion carried as follows:**

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

*Standing Reports*

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

**Government Projects Update**

David Ash provided the following highlights:

- Berryville Clarke County Government Center: Negotiations are underway.
- Circuit Courthouse: Detail of change orders is being prepared per RDA's requirements.
- Citizen's Convenience Center: Response from Chester Engineers on Convenience Center has been received. Chairman Hobert requested that the matter be placed on the February Work Session agenda.

**Miscellaneous**

May 2011 Board of Supervisors Regular Meeting Date

John Staelin advised that he would not be available for the scheduled May 17, 2011 Regular Meeting.

Chairman Hobert instructed the Supervisors to review their calendars specifically looking at May 10, the date of the regularly scheduled Work Session. He instructed staff to place the matter on the February 15, 2011 Regular Meeting for review.

### Summary Of Required Action

<u>Item</u>	<u>Description</u>	<u>Responsibility</u>
1.	Correct and process approved minutes.	Lora B. Walburn
2.	Process Resolution 11-01R.	Lora B. Walburn
3.	Process proposed alternative onsite sewage systems regulations letter to Allen Knapp.	Lora B. Walburn
4.	Execute Fiscal Agency agreement.	J. Michael Hobert
5.	Review letter drafted by the Clarke County Farm Bureau and prepared for the Supervisors endorsement of retaining the local Virginia Cooperative Extension office. Provide recommendation at the next Work Session.	David Ash
6.	Take recommendations presented by Alison Teetor and, with her assistance, develop job descriptions and task lists for building energy managers. Further to work with Maintenance to address implementation of programmable thermostats and other retrofits.	David Ash / Alison Teetor
7.	Advertise public hearing.	Lora B. Walburn
8.	Process appointments.	Lora B. Walburn
9.	Add nominations to the sesquicentennial committee to the February Personnel Committee agenda .	David Ash
10.	Complete mailing of Appointee Information Feedback questionnaire.	Lora B. Walburn
11.	Execute and forward 2035 Transportation Plan response to Chris Price NSVRC.	David Ash
12.	Update database with 2011 Board of Supervisors Committee Appointments.	Lora B. Walburn
13.	Review and determine how to best capture summary minutes of the January 10, 2011 Work Session.	David Ash
14.	Update the affected calendars with the dates approved on the FY12 Budget Calendar.	Susanne Vaughan

<u>Item</u>	<u>Description</u>	<u>Responsibility</u>
15.	Place review of the Citizen Convenience Center on the February Work Session agenda.	David Ash
16.	Place May 2011 Board of Supervisors Regular Meeting Date discussion on the February 15, 2011 Regular Meeting agenda.	David Ash
17.	Process Ordinance for TA-10-13.	Chuck Johnston / Lora B. Walburn

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.

**Supervisor Byrd moved to convene into Closed Session pursuant to 2.2-3711-(A)(7).**

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, **Supervisor Staelin moved to reconvene in open session. The motion carried as follows:**

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

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

#### CERTIFICATION OF CLOSED SESSION

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

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

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

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

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

No action was taken on matters discussed in closed session.

#### Board Member Committee Status Reports

##### Clarke County Industrial Development Authority by John Staelin

- Meets tomorrow for its annual organizational meeting.
- Discussing the hire of a consultant to give advise on specific economic development ideas.

##### Economic Development Advisory Committee by John Staelin

- Meets tomorrow for its annual organizational meeting.

##### Department of Social Services Board by Barbara Byrd

- Meets tomorrow.

##### Barns of Rose Hill by Barbara Byrd

- Meets tomorrow at 4 pm.

Conservation Easement Authority by David Weiss

- Program is going well – currently, there are more applicants than available funds.

Joint Building Committee by David Ash

- Meetings continue with priority given to resolving building issues.
- Review of building use has been given a high priority.

Parks and Recreation Advisory Council by J. Michael Hobert

- Meetings have been changed to quarterly and more often as needed.
- Exploration of creating a Park board focused on raising private funds has been placed on hold.

At 4:16 pm Chairman Hobert recessed the meeting until 6:30 pm.

At 6:30 pm Chairman Hobert reconvened the meeting.

**Citizens Comment Period**

No citizens present desired to address the Supervisors.

**PH 11-01 TA-10-13**

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

- Sect 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,
- Sect 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,
- Sect 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;
- Sect 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 summarized the proposed text amendment.

Supervisor Staelin asked for specific neighborhood commercial properties noting that those in Millwood have a more uniform appearance. Chuck Johnston offered locations of these zoned properties in Millwood, White Post, Pine Grove, and Shenandoah Farms.

Supervisor Staelin clarified that the proposed legislation affected no vacant lots.

At 6:40 pm Chairman Hobert 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 Staelin stated that generally speaking he does not agree with over regulation however he does support regulating certain characteristics

Vice Chairman Weiss expressed his support for the increase of rooms for country inns from 12 to 15 that would allow greater opportunity to improve income.

**Supervisor Staelin moved to approve TA-10-13 as presented. The motion was approved by the following vote:**

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

ORDINANCE  
10-16ORD  
(Approved 2011 January 18)

At a regular meeting of the Board of Supervisors of Clarke County, Virginia, held at the Town/County Government Center on 2011 January 18 at 6:30 p.m. On motion by Supervisor Staelin, the Board of Supervisors (Byrd-Aye; Dunning-Absent; Hobert-Aye; Staelin-Aye; 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**, in the Neighborhood Commercial District, the minimum front setback requirement of 35 feet on small parcels created non-conforming buildings on all 17 of the parcels in this district that are than 1.5 acres or less in area;

**WHEREAS**, a maximum setback of 35 feet for parcels of less than 1.5 acres would ensure that any new construction would be consistent with the pattern of development on such parcels;

**WHEREAS**, it was also noted that structures on the four parcels of 1.5 to 3 acres were either just under the 35 foot front setback or just over, so having no minimum nor maximum front yard setback for such parcels would be consistent with their variable circumstances;

**WHEREAS**, there is currently a maximum height limit of 30 feet in the Neighborhood Commercial and 40 feet in the Highway Commercial Zoning Districts;

**WHEREAS**, maintaining an appropriate scale of structures and the intended character of these districts would be better achieved if a limit on the number of stories was applied, in addition to the number of feet; and

**WHEREAS**, a limited increase in the number of rooms for overnight accommodations in the rural areas of the County would improve the potential economic viability of such uses without unduly impacting adjacent rural uses;

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

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.

Attest:  
TA-10-13

\_\_\_\_\_  
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~~

3 DISTRICT REGULATIONS  
3-A SCHEDULE OF DISTRICT REGULATIONS

3-A-12 Neighborhood Commercial District (CN)  
3-A-12-c Minimum Yard Requirements

1. **Minimum Yard Requirements**

a. **For parcels of any area**

i. From all property lines of properties zoned AOC, FOC or Rural Residential:  
25 feet

ii. From intermittent streams: 50 feet

iii. From perennial streams & springs: 100 feet

b. **For parcels larger than 3 acres**

i. From the edge of any street or right-of-way 50 feet or greater in width: 35 feet

ii. From the centerline of any street or right-of-way less than 50 feet in width: 60 feet

2. **Maximum Yard Requirements**

a. **For parcels of less than 1.5 acres**

i. **From the edge of any street or right-of-way 50 feet or greater in width: 35 feet**

ii. **From the center line of any street or right-of-way less than 50 feet in width: 60 feet**

b. **For parcels with frontage on more than one street, the maximum yard requirement shall be applied to only one street or right of way to be determined by the Zoning Administrator based on the following site conditions: access, topography, and the pattern of development on the subject property and adjacent properties.**

3-A-12-d Maximum Height of All Structures: 30 feet **and two stories (not including basements as defined by the Commercial Building Code)**, except as otherwise provided

3-A-13 Highway Commercial District (CH)  
3-A-13-e

Maximum Height of All Structures: 40 feet **and three stories (not including basements as defined by the Commercial Building Code)**, except as otherwise provided

3 DISTRICT REGULATIONS  
3-C SUPPLEMENTARY REGULATIONS

3-C-2 Uses in Various Districts

3-C-2-g Country Inn:

1. **An establishment offering, for compensation to the public, not more than 15 guestrooms for transitory lodging or sleeping accommodations of not more than 14 days of continuous occupancy.**

2. *As accessory uses to a Country Inn, meal service and/or permanent place(s) of public assembly may be provided. The total maximum capacity of areas used for meal service and/or permanent places of public assembly shall be 149 people and as regulated by the Virginia Department of Health.*
3. One bathroom shall be provided per each bedroom in structures less than 50 years old or one bathroom shall be provided per each two bedrooms in structures 50 years or older.
4. Any need for parking shall be met off the street and other than in a required front yard, and shall conform in all other ways with the provisions of Section 4-J of this Ordinance;
5. No equipment, process, or vehicles which create unreasonable noise, vibration, glare, fumes or odors which are detectable to the normal sense off the premises shall be permitted;
6. The structure satisfies all applicable requirements of the Commonwealth of Virginia and the local Health Official;
7. All applicants for a country inn in an AOC zoning district shall accept the fact that adjoining agricultural land, due to fertilizing, manure spreading, lime spreading, feedlots, and other farming methods may produce offensive odors.
8. In the AOC or FOC Zoning Districts, a country inn shall be allowed only as an accessory use to a Single Family Detached Dwelling. Guestrooms shall be located in or attached to such a dwelling. For parcels larger than 20 acres, the Single Family Detached Dwelling may be the principal dwelling on the property and/or a tenant house. The defined accessory uses of meal service and/or permanent place(s) of public assembly shall be located in or attached to such a Single Family Dwelling.
9. Events, as defined by Clarke County Code Chapter 57, shall obtain all necessary approvals.

## 9 DEFINITIONS

### 9-B DEFINITIONS

9-B-46 COUNTRY INN: An establishment offering, for compensation to the public ~~not more than 12, guestrooms for transitory lodging or sleeping accommodations of not more than 14 days of continuous occupancy.~~ As accessory uses to a Country Inn, meal service and/or permanent place(s) of public assembly may be provided. ~~The total maximum capacity of areas used for meal service and/or permanent places of public assembly shall be 149 people and as regulated by the Virginia Department of Health.~~ The term Country Inn includes Tourist Home, Guest Ranch, Guest Farm, or other similar use.

PH 11-02 "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."

Tom Judge reviewed the Schools' request for re-appropriation of funds remaining at the end of FY2010. He drew the Supervisor's attention to the document distributed earlier in the day by Mike Murphy, School Superintendent, *CCPS FY10 in FY11 Capital Request - Page 1*, specific to the matter set for public hearing.

At 6:44 pm Chairman Hobert 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.

Vice Chairman Weiss put forward that the explanation given earlier in the day by the School Superintendent was very thorough and answered all his questions.

**Supervisor Byrd** "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." 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

#### Adjournment

There being no further business to be brought before the Board at 6:50 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, February 15, 2011 at 1:00 p.m. in the Main Meeting Room, 101 Chalmers Court, 2<sup>nd</sup> Floor, Berryville, Virginia.

ATTEST: January 18, 2011

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J. Michael Hobert, Chair

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David L. Ash, County Administrator

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