

CLARKE COUNTY BOARD OF SUPERVISORS
March 15, 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, 2nd Floor Berryville Clarke County Joint Government Center, 101 Chalmers Court, 2nd Floor, Berryville, Virginia on Tuesday, March 15, 2011.

Board Members Present

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

Board Members Absent

None

Staff Present

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

Others Present

Barbara Lee, Robina Rich Bouffault, Mike Murphy, Kay Gunter, Keith Dalton, 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 the Consent Agenda - Approval of Right of Way Easement for Provision of Electrical Service to the Barns of Rose Hill

Supervisor Staelin 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

Supervisor Dunning joined the meeting at 1:04 pm

Clarke County Public Schools Update

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

- Students...
 - o DECA Rocks!
 - o VHSL Athletics and Activities
 - 351 boys participating in 1 or more VHSL activities
 - 332 girls participating in 1 or more VHSL activities
 - 683 students total participating in athletics and activities
- Teaching and Learning...
 - o Major emphasis on staff development and using data to drive instruction.
 - o Alphabet soup – CCPS, VDOE, DOE, SOL, IB, AP, VLSIS, MSDC, IPAL, SSWS, SCED, IEE, IEP, GEP, VMAST, VHSL, OTGR and the list goes on and on and on – all things done by the Schools are governed by a variety of agencies and program requirements.
 - o Down about 25 to 30 kindergarten students for the coming year.
- Food Service...
 - o Emphasis on change over time – rethinking how we think about food.
 - o Healthy vending vendor discussions taking place; also with Town and Government.
 - o Grab and go breakfast line #2 started at the HS this week.
 - o Cooley is the star – averaging 80 plus breakfasts a day and 300 plus lunches a day.
 - o Ala Carte menu for field days, field trips, and other events in process.
 - o Low balance process using Café Enterprise and AlertNow under development.
 - o Soliciting quotes for two steamers, three ice machines and one warming cart.

- Discussion with LFCC and others regarding culinary arts program for 2012 and beyond.
- Local foods / local produce focus has not been forgotten. Discussions continue with local producers.
- Technology...
 - Boyce Elementary School is now 100% wireless; Cooley soon to follow.
 - Boyce lap top cart has been implemented; Cooley soon to follow.
 - Government Center now has a Division wireless access point.
 - Website software (content management) review in process.
 - Transportation routing software review in process.
 - WeatherBug almost up and running – safety emphasis on lightening protection.
 - Track-it (technology support software) is up and running.
 - School Dude is close to up and running – another week or so – shared services.
 - BoardDocs training is at the end of April; will be live for the May 4th, 2010 SB meeting.
- Staff Evaluation...
 - Food service and custodial evaluation system now in place.
 - Staff are researching licensed evaluation tools to comply with anticipated state and federal mandates.
- New High School...
 - Robina Rich Bouffault, School Board representative, provided the following update on the high school construction project:
 - Work continues and is looking good.
 - Construction is rapidly progressing:
 - Second floor has started.
 - Roof is now on gym.
 - Installing framing of gym
 - Making progress on electricity and plumbing
 - Application of blue glaze on café walls is in progress.
 - Working on lighting pole bases.
 - Bid received from Singhas and Michael, well drillers, asserts that there is a high probability of drilling a high-yield well in the proposed location on the high school site. The estimate total, including fees, is \$5,200 for a 400 foot well.

- Confirmed that the Town of Berryville has dropped the requirement to build a temporary road entrance that should result in a \$16,000 to \$18,000 savings.

Approval of Minutes

Supervisor Byrd moved to approve the minutes of February 15, 2011 Regular Meeting 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.	- Aye
John R. Staelin	- Aye

Consent Agenda

Proclamation In Appreciation of Service

Proclamation In Appreciation of Service 2011-02P

WHEREAS, In 1978, Sharron Todd started as a page with the Handley Regional Library. She quickly became a circulation aide; and after serving eight years in that capacity, she was promoted to Head of Circulation. In January 2001, she became the Branch Manager of the Clarke County Library, a position that she held for the remainder of her career; and,

WHEREAS, Mrs. Todd has been very successful in recruiting and training a dedicated group of volunteers, many of whom have been with the Library for years; and,

WHEREAS, Mrs. Todd oversaw the successful relocation and transition of the Clarke County Library into the Berryville Clarke County Government Center in 2009; and,

WHEREAS, Mrs. Todd, in concert with the Clarke County Library Advisory Council, purchased tents so that the Clarke County Library could regularly provide children's programs; and,

WHEREAS, Over the last two years, Mrs. Todd has worked with the International Children's Festival in Winchester hosting a table on Australia, her native land.

NOW THEREFORE BE IT RESOLVED, by the Clarke County Board of Supervisors that Sharron Todd be recognized and congratulated on attaining more than thirty-one years of service to the citizens of Clarke County and the region and that she be congratulated on her successful career, and on the positive influence she has had on Clarke County;

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

her as a 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 15th day of March 2011.

Attest:

J. Michael Hobert, Chair

Lord Fairfax Health District 2010-2011 Locality Agreement

Chapel Rural Historic District, National Register Nomination [Architectural Survey Phase]

Approval of Right of Way Easement for Provision of Electrical Service to the Barns of Rose Hill

David Ash briefly reviewed this addition advising that the right of way crossed property with joint ownership between the County and the Town. He advised that the request was to authorize execution of the documents on behalf of the County.

Supervisor Staelin moved to approve the items on the Consent Agenda as modified adding Approval of Right of Way Easement for Provision of Electrical Service to the Barns of Rose Hill and removal of Resolution Rescinding Initiation of Zoning Ordinance Text Amendment TA-11-01 2011-03R to allow discussion. 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

Resolution Rescinding Initiation of Zoning Ordinance Text Amendment TA-11-01 2011-03R

Supervisor Byrd requested that the matter be revisited later in the year after more preparatory work.

Supervisor Staelin moved to adopt the resolution rescinding initiation of zoning ordinance text amendment TA-11-01 2011-03R. 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

RESOLUTION RESCINDING INITIATION OF ZONING ORDINANCE TEXT AMENDMENT
TA-11-01 2011-03R

WHEREAS, the Clarke County Board of Supervisors initiated an amendment to the County Zoning Ordinance on February 15th of 2011 to change:

- Section 3-A-1, Agricultural-Open Space-Conservation (AOC) Zoning District so as to add to the list of Special Uses and Structures: 'Housing for Seasonal Farm Workers' and
- Section 3-C, Supplementary Regulations, so as to add regulations for the use 'Housing for Seasonal Farm Workers' stating:
- "Housing for Seasonal Farm Workers shall be in compliance with all applicable County, State, and Federal regulations (including Occupational Safety and Health Administration (OSHA) regulations)"; and
- Section 9-B, Definitions, so as to change the term 'Labor Camp' to 'Housing for Seasonal Farm Workers'.

WHEREAS, after further deliberation, the Board has determined that consideration of this amendment is not warranted at this time;

WHEREAS, the Board may reconsider the initiation of this amendment at a future date when it would be beneficial to agriculture in the County to provide for this activity;

NOW THEREFORE BE IT RESOLVED THAT the initiation of the proposed amendment to the County Zoning Ordinance, as described below, is rescinded:

- Section 3-A-1, Agricultural-Open Space-Conservation (AOC) Zoning District so as to add to the list of Special Uses and Structures: 'Housing for Seasonal Farm Workers' and,
- Section 3-C, Supplementary Regulations, so as to add regulations for the use 'Housing for Seasonal Farm Workers' stating:
- "Housing for Seasonal Farm Workers shall be in compliance with all applicable County, State, and Federal regulations (including Occupational Safety and Health Administration (OSHA) regulations)."; and,
- Section 9-B, Definitions, so as to change the term 'Labor Camp' to 'Housing for Seasonal Farm Workers'.

Adopted this 15th day of March 2011.

Attest:

David L. Ash, County Administrator

Citizens Comment Period

No citizens desired to address the Supervisors.

VDOT

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

- Maintenance work completed in February:
 - Repaired potholes on various routes;
 - Used State forces to conduct brush removal operations on Routes 625, 612 and the median on Route 7;
 - Used Contract forces to conduct brush removal on various other routes;
 - Performed Boom-Ax operations on route 658;
 - Performed sign replacement through out County;
 - Mobilized for storm clean up.

- Maintenance work planned for March:
 - Continue brush removal on Routes 612, 636 and Primary medians using State forces;
 - Use Contractor forces for brush removal on other various routes;
 - Continue Boom-Ax operations on Route 658;
 - Continue with pothole repairs;
 - Continue sign replacements through out County;
 - Begin grading operations on non-hard surfaced roads;
 - Begin ditching operations on Routes 610,641 and 611.

- Other Projects:
 - Route 636, Mosby Road:
 - Held meeting with County and Town representatives to discuss lighting issues and options.

- Received an encouraging response from Central Office on request to include alternate bids on the project. We will be meeting with Central Office in the next few days to discuss the details and processes for moving forward.
 - Route 604 Ebenezer Rd: Still on schedule for a spring/early summer completion.
 - Route 723 Town of Boyce Revenue Sharing Project: Status unchanged, still in preliminary design.
- Supervisor Comments and Requests:
- Supervisor Staelin requested an update on the status of flooded roadways. Charlie Monroe indicated that Route 606, Route 621, Route 761 and Swift Shoals Road, all affected by flooding, were now open.
 - Vice Chairman Weiss reported safety issues with a ditch on Route 608 South Parshall Road, the turn past Hill & Dale and across from Mr. Lawson's house.
 - Supervisor Dunning requested an update on right of way issues on Salem Church Road at a narrow place approximately 3/8th mile due north of Route 723. VDOT advised that this would be a construction easement. Further, VDOT did meet with the property owner and reached agreement to move the bank back with the hope of gaining approximately three feet in that area long the shoulder; and while steep, it should hold sod.

Route 723 Bridge Closure During Construction

Ed Carter advised that closure will result in savings of more than \$1MM, as well as an additional year of road construction. He further advised that the anticipated project start was October 2014 with public hearing held a year prior to that date.

Supervisor Dunning put forth that from constituent comments he had received VDOT will need to convince the locals of the necessity of bridge closure, as well as replacement.

Supervisor Staelin moved to adopt the resolution as modified to read:

*Resolution in Support of Route 723 [Old Winchester Road] Construction Closure
2011-04R*

WHEREAS, Representatives from VDOT have presented information sufficient to show that the bridge located on Route 723 [Old Winchester Road] crossing the Opequon creek is deficient in the structure, and must be replaced or repaired; and,

WHEREAS, VDOT has only presented two options, both for replacing the bridge and none for repairing it. Option one is to close Route 723 [Old Winchester Road] to traffic, imposing a 6.8 mile detour, but providing an estimated savings of \$500,000 in cost and requiring a

much shorter construction period of 10 months, directly affecting 5 properties; and Option two that would avoid closing Route 723 [Old Winchester Road] by constructing a parallel temporary bridge structure, adding approximately \$500,000 in cost, and requiring approximately two years to complete; impact an additional property in VOF easement for which environmental clearance may add additional delay, time and cost; and,

WHEREAS, the bridge is located in Frederick County, and the costs of replacement of the bridge are to come from funds allocated to Frederick County, and subject to approval granted by the Frederick County Board of Supervisors, said approval for option one having already been granted on February 23, 2011; and

WHEREAS, the Clarke County Board of Supervisors believes the citizens living near and/or using the bridge would prefer to see it repaired.

NOW THEREFORE BE IT RESOLVED that the Clarke County Board of Supervisors would prefer to see the bridge repaired; but, if it is replaced or repaired, the Board of Supervisors concur with the decision of the Frederick County Board of Supervisors in its selection of option one, providing for cost savings, a shorter construction period, and lesser environmental impact to an area now protected in part by an easement granted to the VOF.

Jerry Copp interjected that he understood the Board's concerns regarding repair versus replacement however he needed clarification as to whether VDOT would be allowed to block the road for replacement or repairs. By consensus, the Supervisors assured that the resolution would allow the road to be blocked whether it were repaired or replaced.

Due to the complexity of the changes proposed to the prepared resolution, by consensus, the Board of Supervisors deferred action on the matter until the evening session.

Secondary Six-Year Plan

Following discussion, **Supervisor Dunning moved to adopt the proposed public hearing notice and proposed plan and budget:**

PH 11-06 Public Hearing Notice Secondary Six-Year Plan for Fiscal Years 2012 through 2017 and the Secondary System Construction Budget for Fiscal Year 2012

The Virginia Department of Transportation and the Board of Supervisors of Clarke County, in accordance with Section 33.1-70.01 of the Code of Virginia, will conduct a joint public hearing in the Main Meeting Room of the Berryville Clarke County Government Center, 2nd Floor, 101 Chalmers Court, Berryville, VA at 6:30 pm on April 19, 2011.

The purpose of this public hearing is to receive public comment on the proposed Secondary Six-Year Plan for Fiscal Years 2012 through 2017 in Clarke County, and on the Secondary System Construction Budget for Fiscal Year 2012. Copies of the proposed Plan and Budget may be reviewed at the Edinburg Residency of the Virginia Department of Transportation, located at 14031 Old Valley Pike, Edinburg, Virginia, or at the Clarke County Administrative offices located at 101 Chalmers Court, Suite B, Berryville, VA 22611.

All projects in the Secondary Six-Year Plan that are eligible for federal funds will be included in the Statewide Transportation Improvement Program (STIP) that documents how Virginia will obligate federal transportation funds.

Persons requiring special assistance to attend and participate in this hearing should contact the Virginia Department of Transportation at (1-800-367-7623). Persons wishing to speak at this public hearing should contact the Clarke County Board of Supervisors at 540-955-5175.

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 – Redistricting

Chuck Johnston, with Barbara Bosserman, reviewed the redistricting necessitated by the recent census. Mr. Johnston also briefed the Supervisors on the corresponding Clarke County Code Chapter 40 amendment.

There was discussion regarding the inclusion of the maps with the resolution. Barbara Bosserman explained that maps of the voting precincts as they exist now and maps of what is approved must be submitted to the Department of Justice.

Supervisor Dunning moved to adopt the resolution presented with the modifications of Page 287 to 289 and further moved to set the matter, as presented, for public hearing on April 19, 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

Chairman Hobert requested that Mr. Johnston provide the Supervisors with a copy of the modified document at the evening session.

Committee Action

Personnel Committee

Expiration of Term for appointments expiring through February 2011

03/07/2011 Summary: The Personnel Committee recommends the appointment of Scott Kreider for the remainder of the unexpired term of Barbara Batterton Planning Commission expiring 4/30/2012.

<i>Committee/Board</i>	<i>Appointee</i>	<i>Expiration Date</i>
Clarke County Planning Commission	Scott Kreider	4/30/2012
<i>Mr. Scott Kreider is appointed to fill the remainder of the unexpired term of Barbara Batterton.</i>		

At the March 15, 2011 Regular Meeting, **Vice Chairman Weiss moved to confirm the appointment 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

Appointee Information Feedback Update

03/07/2011: Appointee Questionnaire Summary Analysis Report has been prepared and distributed with the March 7 materials.

After reviewing the report, the Personnel Committee made the following recommendations:

1. Noting that a significant number of appointees expressed interest in securing additional information on FOIA, instructed staff to initiate a training session at the BCCGC and to make the session[s] available to appointees and staff.
2. Instructed staff to provide copies of the FOIA act to all responders indicating that they needed another copy.
3. Instructed staff to follow up on any non-responses asking specifically that at a minimum provide current contact information.
4. Instructed staff to follow up with any responders indicating that they were not in possession of bylaws or other organizational materials.
5. Instructed staff to further analyze the data as received and to provide letters to all members of each committee summarizing comments, general consensus and relaying any critical concerns or recommendations, as well as commendations.

Supervisor Byrd moved to proceed with the Personnel Committee recommendations to staff specific to appointee information feedback. 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

3/15/2011: The matter was summarized by the Chair.

Work Session

May 2011 Regular Meeting

02/15/2011 Summary: Supervisor Staelin asked the Board if they would advise him of their availability on May 24 should they decide to reset the regular meeting date for May.

3/7/2011 Summary: By consensus the Board agreed to move the May meeting from May 17 to May 24, 2011 and to leave the committee meetings on the regular day, May 9, 2011. Note: Due to existing meeting room scheduling conflicts, public hearings set for the May meetings shall be held during the afternoon session. Further, the Board moved the scheduled Budget Work Session meeting from March 15 at 5:30 pm to 6:30 pm to coincide with the regular meeting schedule

3/15/2011: The matter was summarized by the Chair.

Joint Building Committee

3/7/2011 Summary: The Joint Building Committee unanimously recommends approval of the following documents outlining policies, procedures, agreements and fee schedules.

- BCCGC Facility Use and Grounds Use PD-121101-07*
- BCCGC Facility Use and Grounds Use Scheduling Request, Fee Schedule and Agreement F1211-31*
- BCCGC Facility – Display of Flyers, Brochures, Other Materials PD-121101-08*
- BCCGC Exhibits Policy, Agreement and Release F1211-35*

Following review, by consensus, the Board approved the Joint Building Committee policy documents and forms with the following suggested modifications:

- Clarify that users in Tiers 1, 2 and 3 are not required to complete the Agreement form or pay the fee for their routine use of the meeting rooms.*
- Direct the Committee to include a provision for waiving the insurance requirement when it is determined by the Committee that there is good and sufficient reason to do so.*

3/15/2011: The matter was summarized by the Chair.

VDOT – Route 723 Bridge Closure

3/7/2011 Summary: VDOT is seeking Board recommendation on the matter of detour versus keeping the road open with a temporary structure. Frederick County has recommended approval of the plan using a detour. Additional information was presented by VDOT at the Work Session. The Board held the matter over for further discussion at the March regular meeting at which time a decision is expected.

3/15/2011: This item was reviewed during the VDOT portion of the regular meeting and action deferred to the evening session.

VDOT – Secondary Six-Year Plan

3/7/2011 Summary: Ed Carter, VDOT, has supplied samples of a standard VDOT public hearing notice and county resolution of approval for the secondary six-year plan. VDOT shall be present to review and discuss the secondary six-year plan. VDOT presented a draft plan at the Work Session.

Vice Chairman David Weiss moved to approve the Secondary Six-Year Plan as provided by VDOT for discussion at the March regular meeting at which time the final version would be set for public hearing in April. 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

3/15/2011: Action was taken during the VDOT portion of the regular meeting.

HOME Applications

3/7/2011 Summary: Help with Housing and Blue Ridge Housing Networks are requesting letters of support for the HOME Applications program. The Board is asked to take action due to the funding deadlines for these grants. Chuck Johnston will be available to provide further explanation and to answer questions.

Supervisor Dunning moved to approve letters for Help with Housing and Blue Ridge Housing Network in support of their HOME applications. 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

3/15/2011: The matter was summarized by the Chair.

Double Tollgate Planning Project and CIG Application Materials

3/7/2011 Summary: Chuck Johnston will provide a status update to the Board on the Double Tollgate Plan set for public meeting at the March 15, 2011 Regular Meeting. Chuck Johnston advised the Board that the business client necessary to pursue the CIG grant had withdrawn; and, therefore, there would be no CIG grant request this year. However, work on the planning grant would continue with efforts made to redefine the service area. A copy of the notification letter sent to area property owners was provided for the March regular meeting packet.

3/15/2011: The matter was summarized by the Chair.

Redistricting

3/7/2011 Summary: The Voter Registrar provided guidelines that have been included in the Work Session packet. Chuck Johnston will be present to review proposed redistricting. Chuck Johnston presented the proposed revisions to the voting district maps. By consensus, the Board agreed to place the proposed revisions to the voting districts on the March agenda for the purpose of setting public hearing.

3/15/2011: Action was taken during the Set Public Hearing - Redistricting portion of the regular meeting.

Closed Sessions Items

A. Senior Center Update

The Board anticipates convening in closed session pursuant to 2.2-3711(A)(7) to consult with staff regarding specific legal matters.

B. Other Items

The Board anticipates convening in closed session pursuant to 2.2-3711(A)(7) to consult with staff regarding the potential need to secure legal assistance.

03/07/2011 Summary: Supervisor Staelin moved to convene into Closed Session pursuant to 2.2-3711-(A)(7) for Items A and B.

*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

3/7/2011 Summary: No action was taken on matters discussed in Closed Session.

3/15/2011: The matter was summarized by the Chair.

FY2012 Budget Review and Discussion

2/7/2011 Summary: Tom Judge, Director Joint Administrative Services, was present to review the FY2012 Budget. Supervisor Staelin moved to direct staff

to ensure that any proposed budget require no increase in the real estate property tax rate above the current rate. The motion passed by the following vote:

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

Following the direction given to staff, the Board agreed by consensus to send a letter to the School Board encouraging their fiscal constraint as well.

2/15/2011 Summary: The Board of Supervisors confirmed the actions taken by the Finance Committee and instructed the County Administrator to prepare a budget ensuring that any proposed budget require no increase in the real estate property tax rate above the current rate.

3/7/2011 Summary: David Ash, in conjunction with the Finance Committee, will present the FY2012 General Government Budget for review and discussion by the Supervisors. The document shall be distributed at the Work Session.

Tom Judge reviewed the most recent information available on the budget with the Board noting that there would be changes to both revenue and expenditure line items as additional information from the Commonwealth became available.

Representatives from the Shenandoah Area Agency on Aging were present to discuss matters regarding the inclusion of the proposed Senior Center construction and the FY2012 budget.

3/15/2011: Additional review of the FY2012 Budget is covered in the FY2012 Budget Discussion portion of the regular meeting minutes.

Labor Camp Text Amendment TA-11-01

The Clarke County Board of Supervisors requests the amendment of the County Zoning Ordinance:

- Section 3-A-1, Agricultural-Open Space-Conservation (AOC) Zoning District, so as to add to the list of Special Uses and Structures: 'Labor Camps' and
- Section 3-C, Supplementary Regulations, so as to add regulations for the use 'Labor Camps' stating: "Labor Camps shall be in compliance with all

applicable County, State, and Federal regulations (including Occupational Safety and Health Administration (OSHA) standards).”

This amendment would add Labor Camps to AOC Zoning Ordinance Section 3-A-1, Special Uses and Structures. In August of 2008, the Board of Supervisors approved several amendments to the list of uses allowed in the AOC Zoning District. One of these amendments deleted the use ‘Labor Camps’. At that time there were three facilities that were identified as having been Labor Camps, but none were operating. Any use that is not allowed in a zoning district that is discontinued for more than two years cannot start operation again unless it conforms to current regulations. The Board was not unanimous in the decision to delete Labor Camps. Board members observed that ‘Labor Camps’ could facilitate agricultural activities in the County. Board members also observed that the three inactive Labor Camps were probably not in conformance with current state and federal rules. After some discussion, which is generally captured in the August of 2008 meeting minutes (*see page 607 in the attached*), the Board agreed to delete Labor Camps, but after two years consider reestablishing the use. Such action would require former Labor Camps, as well as new Labor Camps, to conform to contemporary state and federal standards. The proposed text is basically the same as the text that was deleted in 2008. If the Board initiates this amendment, the amendment will go to the Planning Commission on March 4th to set public hearing on April 1st. Action to be taken: Approve a resolution initiating an amendment to the County Zoning Ordinance so as to add ‘Labor Camps’ to the list of Special Uses and Structures in the AOC Zoning District and add Supplementary Regulations for Labor Camps.

2/7/2011 Summary: By consensus, the Board of Supervisors directed staff to add discussion of this item on the February 15, 2011 Regular Meeting Agenda.

2/15/2011 Summary: The Board of Supervisors adopted 2011-02R to initiate consideration of the text amendment TA-11-01 by the Planning Commission.

3/07/2011 Summary: The Board directed that a resolution Rescinding Initiation of Zoning Ordinance Text Amendment TA-11-01 be added to the Consent Agenda of the regular March meeting

3/15/2011: This resolution was adopted as reflected in the Resolution Rescinding Initiation of Zoning Ordinance Text Amendment TA-11-01 2011-03R portion of the meeting minutes.

Code Changes: Chapter 143 Septic Systems CC-11-01 and Chapter 154-4-B Stormwater Management CC-11-02 – Set Public Hearing

2/7/2011 Summary: Chuck Johnston reviewed the proposed Code changes with the Board and advised them that additional information, along with a request to set public hearing, would be available at the February 15, 2011 Regular Meeting. By consensus, the Board of Supervisors added these items to the February 15, 2011 Regular Meeting Agenda provided the backup information was available in time.

He further advised the Board that he hopes to have available the information necessary for the Board to consider setting a public meeting on the Double Tollgate Community Development Block Grant Project.

2/15/2011 Summary: The Board of Supervisors set public hearing for CC-11-01 and CC-11-02 and set a public meeting for Double Tollgate Capital Grant Application on Tuesday, March 15, 2011.

03/07/2011 Summary: See Work Session Agenda Item 6 for additional information specific to the public meeting for Double Tollgate Capital Grant Application.

3/15/2011: See public hearing PH 11-04 and PH 11-05 portion of the regular meeting minutes

Fee for Service

3/07/2011 Summary: This item was added at the Work Session. By consensus, the Board authorized and directed staff to seek an analysis of the feasibility of implementation of fee for service in Clarke County.

3/15/2011: The matter was summarized by the Chair.

Finance Committee

Tom Judge appeared before the Supervisors to review the Finance Committee recommendations from the February 7, 2011 committee meeting.

Supplemental Appropriations.

March 7, 2011: Finance Committee recommends the following resolutions:

- "Be it resolved that Litter Control FY11 budgeted expenditure be increased \$481, and the same appropriated, and be it further resolved that revenue of \$481 from the Commonwealth be recognized"

- "Be it resolved that the Historic Preservation FY2011 budgeted expenditure be increased \$11,000 and the same appropriated, and be it further resolved that donation revenue of \$6,000, and Commonwealth Revenue of \$5,000 be recognized."

March 15, 2011: Supervisor Staelin moved to accept the appropriation resolutions as presented.

- *"Be it resolved that Litter Control FY11 budgeted expenditure be increased \$481, and the same appropriated, and be it further resolved that revenue of \$481 from the Commonwealth be recognized"*
- *"Be it resolved that the Historic Preservation FY2011 budgeted expenditure be increased \$11,000 and the same appropriated, and be it further resolved that donation revenue of \$6,000, and Commonwealth Revenue of \$5,000 be recognized."*

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

Acceptance of January Bills and Claims.

March 7, 2011 Summary: The Finance Committee recommends acceptance of the February 2011 Bills and Claims report.

March 15, 2011: Supervisor Byrd moved to accept the February Bills and Claims report as presented. The motion passed by the following vote:

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

Standing Reports

March 7, 2011 Summary: Reconciliation of Appropriations; General Fund Balance; General Fund Expenditure Summary were recommended for approval by the Finance Committee.

3/15/2011: The matter was summarized by the Chair.

Government Projects Update

David Ash advised that progress was being made on the various government projects; however, at this time, he was unable to publicly comment on specifics.

Summary Of Required Action

<u>Item</u>	<u>Description</u>	<u>Responsibility</u>
1.	Process approved minutes.	Lora B. Walburn
2.	Process Proclamation 2011-02P.	Lora B. Walburn
3.	Present Proclamation 2011-02P.	J. Michael Hobert
4.	Execute and forward Lord Fairfax Health District Agreement.	David Ash
5.	Execute and forward Chapel Rural Historic District Application.	Chuck Johnston
6.	Execute Right of Way Easement for Provision of Electrical Service to the Barns of Rose Hill.	David Ash
7.	Process Resolution Rescinding Initiation Of Zoning Ordinance Text Amendment TA-11-01 2011-03R.	Lora B. Walburn
8.	Process and forward Resolution in Support of Route 723 [Old Winchester Road] Construction Closure 2011-04R	Lora B. Walburn
9.	Process, forward and upload to website PH 11-06 Public Hearing Notice Secondary Six-Year Plan for Fiscal Years 2012 through 2017 and the Secondary System Construction Budget for Fiscal Year 2012.	Lora B. Walburn / VDOT
10.	Develop and process advertisement for redistricting public hearing Chapter 40 Voting Districts.	Lora B. Walburn / Chuck Johnston
11.	Process appointments, update database and provide notice.	Lora B. Walburn
12.	Proceed with the Personnel Committee recommendations to staff specific to appointee information feedback.	David Ash / Lora B. Walburn
13.	Update County Code with CC-11-01.	Lora B. Walburn
14.	Update County Code with CC-11-02.	Lora B. Walburn

<u>Item</u>	<u>Description</u>	<u>Responsibility</u>
15.	Advertise for public hearing final propose FY2012 budget and FY2012 tax rate.	Annette Gilley / Lora B. Walburn

Board Member Committee Status Reports

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

- Authority met this morning.
- Currently exploring additional wells, as well as engineering costs.

Economic Development Advisory Committee by John Staelin

- New website, with a whole new architecture, is anticipated in the next few weeks.
- Attended the Forum for Rural Innovation last week.
- Need to look at ways to make it easier for agriculture to thrive.

Barns of Rose Hill by Barbara Byrd

- Meeting tomorrow
- Gala planned for the fall.

Conservation Easement Authority by David Weiss

- Plenty of applicants.
- Alison Teetor, staff representative, does a tremendous job coordinating meetings, finding grants and other funding.

Regional Housing Policy Board by David Weiss

- Help with Housing was fully funded.
- Blue Ridge Housing Networks, due to funds remaining from the previous year, was not funded. This funding was reallocated to other applications.

At 2:53 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 11-04: CC-11-01 Chapter 143 Septic Systems:

The Clarke County Board of Supervisors will consider the amendment of the Code of Clarke County Chapter 143 Septic Systems so as to allow portable privies to be used in association with government owned facilities.

Chuck Johnston summarized the proposed Code amendment with regard to portable privies.

At 6:31 pm Chairman Hobert opened the public hearing for public comment. There being no citizens present desiring to address the Supervisors Chairman Hobert closed the public comment portion of the public hearing.

Supervisor Staelin moved to approval of Clarke County Code Chapter 143 Septic amendment. 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

Code of Clarke County, Virginia Chapter 143 Septic Systems

Article II Siting and Installation

[Adopted 12/15/87, as amended through 06/15/10]

§ 143-10. Design and installation. [Amended 00- 04-17; 02-02- 19; 05-03-15; 06-05-16; 08- 12-16; 09-08- 18; 10-06-15]	B. Privies. The Health Department may issue permits only for portable or vault privies. No other type of new privy shall be permitted except in remote areas where vehicular access is unavailable. (Refer to § 143-9C, Table 1, Minimum Separation Distances.) (1) Portable privies. (a) Portable privies are allowed only <i>for use in association with government owned facilities</i> or for temporary activities, such as construction sites, entertainment events,
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or agricultural or forestry activities.

(b) Within the Flood Plain District (one-hundred-year floodplain), portable privies:

- [1] Require a permit from the Health Department.
- [2] May not be located on a parcel for more than 15 consecutive days between October 1 and April 30.
- [3] Shall be located at least two feet above the elevation of the annual floodplain.
- [4] Shall be removed from the Ten-Year Floodway of the Shenandoah River when the National Weather Service predicts flooding of the river.
- [5] Shall submit a maintenance contract with the waste hauler, indicating that the privy will be pumped when the tank is 3/4 full, with the permit application.

(c) Agricultural activities requiring the use of pit privies are exempt from Subsection B(1) and (2).

PH 11-05: CC-11-02 Chapter 154, Stormwater Management

The Clarke County Board of Supervisors will consider the amendment of the County Code, Chapter 154, Stormwater Management Section 154-4-B Water Quality Criteria Requirements, so as:

- To clarify that the total phosphorus load of a project occurring on prior developed lands not within Urban Development Areas shall be 20% less than the existing load from the site or 0.28 pounds per acre per year, whichever is less stringent and to modify the paragraph headings to more clearly differentiate the regulations for development in and not in urban development areas and
- To state for development on prior developed lands within Urban Development Areas (land subject to County ordinance in the Berryville Annexation Area): The total phosphorus load of a project occurring on prior developed lands shall be 20% less than the existing load from the site or 0.45 pounds per acre per year, whichever is less stringent.

Chuck Johnston summarized the proposed Code amendment to Chapter 154 Stormwater Management to better clarify water quality criteria requirements.

At 6:36 pm Chairman Hobert opened the public hearing for public comment. There being no citizens present desiring to address the Supervisors Chairman Hobert closed the public comment portion of the public hearing.

Supervisor Staelin moved to approval of County Code amendment CC-11-02 Chapter 154 Stormwater Management. 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

Code of Clarke County, Virginia
Text to be added showed in bold Italics Text to be deleted showed struck through
Chapter 154 Stormwater Management

§ 154-4. Post-Construction Performance Criteria for Stormwater Management

§ 154-4-B Water Quality Criteria Requirements

Water Quality Design Criteria: In order to protect the quality of state waters and to control nonpoint source pollution, the following minimum technical criteria and statewide standards and minimum standards established by Clarke County for storm water management shall be applied to the site of a land disturbing activity.

- a. **New Development *not within an UDA*:** The total phosphorus load of new development projects shall not exceed 0.28 pounds per acre per year, as calculated pursuant to 154-4-C.
- b. **New Development within a UDA:** The total phosphorus load of new development projects located within designated UDA areas shall not exceed 0.45 pounds per acre per year, as calculated pursuant to 154-4-C.
- c. **Development on Prior Developed Lands *not within an UDA*:** The total phosphorus load of a project occurring on prior developed lands shall be 20% less than the existing load from the site or 0.28 pounds per acre per year, whichever is less *stringent*.
- d. **Development on Prior Developed Lands within an UDA:** *The total phosphorus load of a project occurring on prior developed lands shall be 20% less than the existing load*

from the site or 0.45 pounds per acre per year, whichever is less stringent.

- e. **Compliance:** Compliance with 154-4-B-1-a and 154-4-B-1-b shall be determined in accordance with 154-4-C.
- f. **Water Quality Requirement across HUC:** Where a site drains to more than one HUC, the pollutant load reduction requirements shall be applied independently within each HUC, unless reductions are achieved in accordance with a comprehensive watershed storm water management plan in accordance with 154-4-F.

FY2012 Budget Discussion

Tom Judge, with Annette Gilley, reviewed the current FY2012 budget that included the most recent state budget decisions. Highlights of the review included:

- Sheriff’s Office realized the greatest reduction in state funding.
- Line of duty will be carried as a separate line item in the Sheriff’s and the EMS budgets.
- Senior Center is included in the budget pending signing of the documents and receipt of bids.
- Even though the personal property rate has gone down this year it will remain revenue neutral.
- Real estate tax remains unchanged at .62.

Supervisor Staelin moved to set public hearing for Tuesday, April 5, 2011 at 7:30 pm or as soon thereafter as the matter might be heard on the FY2012 Budget as presented by Tom Judge at the March 15, 2011 meeting. 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

Supervisor Staelin moved to set public hearing for Tuesday, April 5, 2011 at 7:30 pm or as soon thereafter as the matter might be heard on the FY2012 Tax Rate as presented by Tom Judge at the March 15, 2011 meeting.

	Current	Proposed
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1. Tangible personal property except machinery and tools and qualified Fire and Rescue Vehicles	\$4.83	\$ 4.69
2. Tangible Machinery and tool	\$1.25	\$1.25
3. Tangible personal property of qualified Fire & Rescue Vehicles	\$2.42	\$2.35
4. Real Estate, including the real estate of public service corporations**	\$0.62	\$0.62

** Mobile Homes will be assessed as personal property, but taxed at the same rate as real estate.

Personal Property Tax Relief by the Commonwealth of Virginia for vehicles valued between \$1,001 and \$20,000 will increase from 58% to 62%

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

Advertising

Tom Judge stated that the full text of the proposed FY2012 budget and tax rate had to be advertised at least once in the Winchester Star seven days prior to the public hearing. He advised that he was seeking legal opinion from Archana McLoughlin as to whether the full text had to be advertised twice in the local newspaper.

Chairman Hobert and Supervisor Staelin requested that the County pay Clarke Daily News to place a link on their website to the FY2012 budget and tax rate public hearing notice on the Clarke County government website and that this link remain active for a period of ten days prior to the April 5 public hearings.

Route 723 Bridge Construction Closure 2011-04R

Following review of the revisions made during the afternoon session, **Vice Chairman Weiss moved to adopt Resolution in Support of Route 723 [Old Winchester Road] Construction Closure 2011-04R. The motion was approved by the following vote:**

J. Michael Hobert	- Aye
David S. Weiss	- Aye

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

Resolution in Support of Route 723 [Old Winchester Road] Construction Closure
2011-04R

WHEREAS, Representatives from VDOT have presented information sufficient to show that the bridge located on Route 723 [Old Winchester Road] crossing the Opequon creek is deficient in the structure, and must be replaced or repaired; and,

WHEREAS, VDOT has only presented two options, both for replacing the bridge and none for repairing it. Option one is to close Route 723 [Old Winchester Road] to traffic, imposing a 6.8 mile detour, but providing an estimated savings of \$500,000 in cost and requiring a much shorter construction period of 10 months, directly affecting 5 properties; and Option two that would avoid closing Route 723 [Old Winchester Road] by constructing a parallel temporary bridge structure, adding approximately \$500,000 in cost, and requiring approximately two years to complete; impact an additional property in VOF easement for which environmental clearance may add additional delay, time and cost; and,

WHEREAS, the bridge is located in Frederick County, and the costs of replacement of the bridge are to come from funds allocated to Frederick County, and subject to approval granted by the Frederick County Board of Supervisors, said approval for option one having already been granted on February 23, 2011; and

WHEREAS, the Clarke County Board of Supervisors believes the citizens living near and/or using the bridge would prefer to see it repaired.

NOW THEREFORE BE IT RESOLVED that the Clarke County Board of Supervisors would prefer to see the bridge repaired; but, if it is replaced or repaired, the Board of Supervisors concur with the decision of the Frederick County Board of Supervisors in its selection of option one, providing for cost savings, a shorter construction period, and lesser environmental impact to an area now protected in part by an easement granted to the VOF.

Adopted this 15th day of March, 2011

Recognition of 20 Years Service with the County of Clarke, Virginia

Chairman Hobert congratulated David Ash on attaining 20 years in service to the County in March 2011.

Adjournment

There being no further business to be brought before the Board at 7:05 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, April 19, 2011 at 1:00 p.m. in the Main Meeting Room, 101 Chalmers Court, 2nd Floor, Berryville, Virginia.

ATTEST: March 15, 2011

J. Michael Hobert, Chair

David L. Ash, County Administrator

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