

CLARKE COUNTY BOARD OF SUPERVISORS  
July 14, 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 Thursday, July 14, 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, Chuck Johnston, Alison Teetor, Tom Judge, Lora B. Walburn

Others Present

Barbara Lee; Robina Rich Bouffault; Keith Dalton; Becky Lane; Ed Leonard and other citizens

Call to Order

Chairman Hobert called the meeting to order at 1:04 p.m.

Adoption of Agenda

Supervisor Staelin moved to adopt the agenda as set forth. 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.	- Absent

John R. Staelin - Aye

Supervisor Dunning joined the meeting at 1:10 pm.

#### Clarke County Public Schools Update

Barbara Lee, Chair - Clarke County School Board, appeared before the Supervisors to provide the monthly update for Clarke County public schools. Highlights include:

- With the funds returned by the Supervisors to the Schools, it was possible to pay a \$446 one-time payment to all employees.
- Both new administrators are hard at work.
- Eleven members of the honor society will be going to Baton Rouge.
- Wellness initiative, Clarke In Motion, will include such perks as gym discounts, fitness challenges, healthy diets and menus. At some point, the Schools hope to extend this program to County employees.
- New web site hosting program is being developed and should be ready by the beginning of the school year.
- Investigating replacement of software for transportation and field trip management.
- Ordered 465 new computers for the new high school.
- Wireless networks fully installed at all schools.
- Supervisors are invited to tour the new high school.
- A meeting is planned this afternoon with representatives from Lord Fairfax Community College to discuss programs.

Robina Rich Bouffault provided an update on the new high school project.

- Continue to make progress.
- Considerable coordination is required with 13 contractors and sub-contractors currently working on the project: 11 contractors/sub-contractors in the building and 2 contractors/sub-contractors on the site.
- Project is still on schedule. The written schedule is a six-page detailed document updated on a monthly basis by Shockey and the program managers.
- January 23, 2012 continues to be the substantial completion date.
- The greenhouse has been integrated in schedule with an anticipated September completion.
- Base asphalt will be complete at end of this week for the entire project including roads, parking lots and other paved areas.

- o VDOT will provide revised plat.
- o Property fencing has been up since last week. Fencing is six-foot tall, board on board.
- o Ten-foot landscaping buffer will be placed around area adjacent to Battlefield Estates.
- o Just started working on FFE schedule with Mr. Baggett, Director of Technology.
- o In response to two on-site robberies, Shockey has ramped up security. Losses are covered under the contractor's insurance.
- o Supervisor Staelin urged the School Board to start thinking about the impending renovations projects. Barbara Lee responded that renovation project phasing discussion had begun. She also confirmed that a project manager had not yet been selected.
- o No serious damage from yesterday' rainstorm but contractors will need to stabilize the site and gather up topsoil spread by the winds and rain.

#### Approval of Minutes

**Supervisor Staelin moved to approve the June 21, 2011 Regular Meeting minutes 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

#### Verification of May 24, 2011 Closed Session Supervisor Dunning

Supervisor Dunning confirmed the following Certification of Closed Session for the May 24, 2011 Regular Meeting:

##### 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.

## Consent Agenda

- A. Reschedule Regular September Board of Supervisors' meeting for September 27 at 1 PM rather than the originally scheduled date of September 20 [Note: Meeting room is not available for an evening session due to scheduling conflict.]
  
- B. Reschedule Committee Meetings to September 19 at their regular time from the originally scheduled date of September 12
  
- C. 2011-14R Resolution in Appreciation of Service Clarke County Parks and Recreation Advisory Board Member

**Resolution in Appreciation of Service  
Clarke County Parks and Recreation Advisory Board  
Lawrence W. White, Jr.  
2011-14R**

**WHEREAS**, Lawrence W. White, Jr. first served as the Board of Supervisor's liaison to the Clarke County Parks and Recreation Advisory Board beginning in January of 1992;

**WHEREAS**, Mr. White became an official voting member of the Clarke County Advisory Board on March 19, 1996 and served on this Board for an additional period of over 14 years;

**WHEREAS**, Mr. White served as Vice Chairman of this Board from October 8, 1997 – July 5, 2000 and as chairman from July 5, 2000 to August 2010.

**WHEREAS**, throughout his tenure on the board, Mr. White demonstrated the character of a true leader, helping to guide the Park through a multitude of positive changes;

**WHEREAS**, during this time, Mr. White also assisted on the completion of many Park Master Plan projects which enhanced the recreational opportunities for the citizens of Clarke County;

**NOW THEREFORE BE IT RESOLVED**, by the Clarke County Board of Supervisors that Lawrence W. White, Jr. be recognized and congratulated for his service on the Clarke County Parks and Recreation Advisory Board and the impact this service has made on Clarke County;

**BE IT FURTHER RESOLVED**, that his dedication, loyalty, and service to the citizens of Clarke County be hereby memorialized and that a suitable copy of this resolution be presented to Mr. White as a token of the respect and high esteem in which he 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 15<sup>th</sup> day of June 2010.

Attest:

\_\_\_\_\_  
J. Michael Hobert, Chairman

D. Request for Easement Purchase Approval: Arkfeld Farm; Buckley Farm; Moore & Dorsey Farm: Authorization Subject to the Availability of Designated State and Federal Grant Funding and Limits of Available Local Funding

MEMORANDUM

TO: Board of Supervisors, David Ash

FROM: Clarke County Conservation Easement Authority  
Alison Teetor, staff

SUBJECT: Request for Easement Purchase Approvals

DATE: July 5, 2011

The Clarke County Easement Authority has approved the following easements for purchase. The Authority requests the Board of Supervisors to authorize the Chairman of the Board of Supervisors to execute deeds, easements, and other documents necessary to the transactions, subject to the property owners and lenders signing the Deed prior to the Chair where appropriate. All of the funds requested are well within the current Easement Authority budget and the proposed expenditure of \$55,000 in local funds will leverage \$1,191,370 in state and federal funds.

DUR PURCHASE

**Arkfeld Farm**

Tax Map Parcel; 1-((A))-2, 200 acres with 6 remaining DUR's. Placing a conservation easement on this property will:

- 1) protect 200 acres of farmland currently used primarily as a cattle farm;
- 2) protect 85 acres (43%) soils identified as Prime and 25 acres (12%) local importance;
- 3) retire four of the remaining 6 development rights and allowing no further subdivision so as to maintain the integrity of this working farm;

- 4) protect nearly a mile of riparian area along an EPA designated impaired waterway, the Opequon Creek;
- 5) protect a farm enrolled in the County Agricultural/Forestral District, dedicated to preserving farm and forestland; and
- 6) protect numerous sinkholes on the property from disturbance associated with development;
- 7) protect a state and federally endangered species, the Madison Cave isopod by protecting runoff into sinkholes and limiting land disturbance;
- 8) protect a Virginia Department of Game and Inland Fisheries (VGDIF) "Threatened and Endangered Species Water, the Opequon Creek, which may have Wood Turtles, a threatened species, by maintaining the existing forest buffer along the riparian corridor;
- 9) protect an area identified by the Department of Natural Heritage, Virginia Conservation Lands Needs Assessment (VCLNA) as a landscape corridor which link cores with the greatest Ecological Integrity to facilitate movement of animals, seeds, and pollens between cores; and
- 10) not effect the County tax base as the farm is currently enrolled in use-value taxation for agriculture.

**Moore & Dorsey – Johnson & Bell Tracts:**

Tax Map #'s 15-((A)-64 & 15-((A))-65, 151 acres, 8 remaining DURs, 3 existing houses  
Placing a conservation easement on this property will:

- 1) protect 151 acres of farmland, originally used for apple production the current use is for the production of landscape nursery stock.
- 2) Retire 7 of the remaining 8 dwelling unit rights;
- 3) preserve 104.4 acres (69%) prime farmland, 14.1 acres (9%) statewide importance, and 30.3 acres (20%) locally important soils
- 4) protect a family farm, owned by Moore and Dorsey for more than 50 years. Preservation of family farms is a primary objective of the CEA.
- 5) Protect a farm within the Longmasrh Rural Historic District with two structures contributing to that district;
- 6) Moore and Dorsey own an additional 800 acres, a portion of which may also be placed in conservation easement, pending the outcome of the proposed purchase;
- 7) not effect the County tax base as the farm is currently enrolled in use-value taxation for agriculture/horticulture.

**M.S. Buckley & Son**

Tax Map #'s 28-((A)-13, 121 acres, 6 remaining DURs, vacant land  
Placing a conservation easement on this property will:

- 1) result in the retirement of 4 of the 6 remaining dwelling unit rights (DURs), protecting the farm from future development or subdivision;
- 2) protecting a family farm, M.S. Buckley & Son have owned this property and surrounding parcels totaling 491 acres near White Post in Clarke County Virginia since the 1930's and farmed it since 1882, three previous generations;
- 3) Preserving a farm primarily used for as a cow calf operation the Buckley's also utilize the farm for crop, hay, and pasture production;
- 4) protecting 60% important soils including 18 acres (15%) Prime soils, 30 acres (25%) statewide importance, and 26 acres (21%) locally important;
- 5) protecting a viewshed from a primary highway (Route 340, Lord Fairfax Highway);
- 6) protecting open space immediately adjacent to the Greenway Rural Historic District;
- 7) protecting the headwaters of Westbrook Run, a tributary in the Spout Run watershed, an EPA designated impaired waterway and has practiced best management practices including no till planting along with the use of grass filter strips to improve water quality and reduce runoff;
- 8) protecting a farm enrolled in the Clarke County Agricultural and Forestal District and use value taxation program thus not impacting the County tax base.
- 9) The County is funding the purchase with multiple sources including a Farm and Ranchland Protection Program FY10 grant (50%), landowner donation (25%), Virginia Department of Agriculture and Consumer Service and local (25%), and if successful Virginia Land Conservation Fund monies (25%).

**E. FY2012 One-time Payment General Government Employee Recommendation**

To: Board of Supervisors  
From: David Ash  
Re: One-time Employee Payment  
Date: July 5, 2011

I propose that the sum of \$35,716, representing the compensation portion of the amount established by the board to provide a one-time payment to general government employees be distributed in a fixed amount of \$500 each, to full-time employees on the general government payroll on August 1, 2011 and to permanent part-time employees working an average of 30 hours or more per week as general government employees as of August 1, 2011, provided that general government employees that have received

promotions or increases in compensation since January 1, 2010 not be included in this one-time distribution.

I further propose that part-time employees who regularly work reduced hours to cover positions normally covered by full-time employees of the general government as well as full-time employees not qualifying for the distribution recommended above, be granted a one-time payment of \$100.

These proposals would not include contract, seasonal, or casual employees who work on specific projects or activities of limited duration.

Said compensation to be added to the regular payroll and disbursed along with the regular pay for the month of August 2011.

Chairman Hobert requested Item E FY2012 One-time Payment General Government Employee Recommendation be removed from the Consent Agenda and added to the August 2011 Finance Committee Agenda. Approved by consensus of the Board.

**Supervisor Staelin moved to approve Items A through D on the Consent Agenda. 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

## VDOT

Edwin Carter, Program Manager, appeared before the Supervisors to provide the monthly update.

- Maintenance work completed in June/July:
  - o Repaired low shoulders on primary's;
  - o Repaired sink holes on Rte. 50 and an abandoned well on State R/W in Berryville;
  - o Completed mowing and performed patching on secondary's;
  - o Performed brush trimming around signs on primary's and secondary's and started bridge sweeping on primary's;
  - o Did some prep work for the box on Rte. 604;
  - o Repaired low shoulders on Rte. 608 south of Hillendale Farm.
  
- Maintenance work planned for July/August:



- Continue shoulder work on primary's and secondary's including Rte. 601;
  - Conduct mowing operations behind guardrails;
  - Continue bridge sweeping operations on primary's and brush trimming on primary's and secondary's;
  - Clean pipes and ditches on various secondary's;
  - Schedule contractor for leaning tree on Rte. 601.
- Other Projects:
- Mosby Boulevard is still on schedule.
  - Route 604 waiting on right of way clearance to place box; Letters to property owners for second phase were sent out 6/30/2011.
  - Route 7 crossovers notified this morning that District Traffic Engineering has completed the design.
  - 723 Bridge the status is unchanged.
  - Route 761 Bridge project has been advanced from 2017 to 2015 due to the enhancement package from the state. Project is in the preliminary scooping/design stage.
  - Route 340 District Traffic is reviewing accident history and hopes to have a recommendation by the next meeting. Mr. Carter advised that no funds were available at this time for a major project; but if recommended, the process could be started.
  - Cannot come up with warrants to justify placement of requested guardrails on Route 7.

#### Citizens Comment Period

No citizens appeared before the Supervisors.

Notification: Code of Virginia Change Effective July 1, 2011 Chapter 180 § 15.2-1418 Relating to Calling of a Special Meeting; Provide Written Request for File Purposes.

David Ash reviewed the amendment of the Code of Virginia specific to special meeting notice that took effective July 1, 2011. He distributed the following form to the individual Supervisors for their review, completion and submission.

*County of Clarke*  
*Special Meeting Notification Authorization*

To:

*[Send to Clerk of the appropriate  
body.]*

*With this document, I authorize the following means of notice for a special meeting pursuant to §15.2-1418, of the Code of Virginia, as amended.*

Name: \_\_\_\_\_  
Title: \_\_\_\_\_  
Body: \_\_\_\_\_  
Notice Method:  Email       Fax       Served By Sheriff  
Date: \_\_\_\_\_  
Signature \_\_\_\_\_

*Return completed form to the Clerk of the above-listed body.*

*The executed notification authorization shall be valid for all special meeting notifications until such time as withdrawn by the requestor.*

F1211-36

Rev Date: 07/07/2011

#### Board of Supervisors Personnel Committee

##### Expiration of Term for appointments expiring through October 2011

Chairman Hobert advised that action on personnel matters would be held until after the August Personnel Committee meeting.

#### Board of Supervisors Finance

##### Acceptance of June Bills and Claims.

**Supervisor Staelin moved to accept the June General Government Bills and Claims as presented. The motion carried 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

The Board briefly reviewed the financial standing reports.

#### Government Projects Update

Highlights of the monthly project update provided by David Ash included:

Circuit Courthouse:

- o Project almost complete with only punch list work left.
- o Sound continuation panel for courtroom dome was shipped in one piece. Manufacturer will have to remanufacture or find some way to disassemble to enable installation.

Convenience Center:

- o Review of the RFP's by David Weiss and David Ash has been delayed.

Summary Of Required Action

<u>Item</u>	<u>Description</u>	<u>Responsibility</u>
1.	Process approved minutes.	Lora B. Walburn
2.	Coordinate change for the September meeting regular and committee meeting dates.	Susanne Vaughan
3.	Process 2011-14R.	Lora B. Walburn
4.	Notify Alison Teetor of BOS approval of easement purchase.	Lora B. Walburn
5.	Add discussion of FY2012 one-time payment to general government employees to August Finance Committee agenda.	Tom Judge
6.	Process completed F1211-36 Special Meeting Notification Authorization.	Lora B. Walburn
7.	Add confirmation by Supervisor Dunning of the July 14, 2011 Certification of Closed Session to the August 16, 2011 Regular Meeting Agenda.	Lora B. Walburn
8.	Relay to Library Director County Administrator's request to extend wireless service to the entire Government Center.	Barbara Byrd

Board Member Committee Status Reports

Clarke County Humane Foundation by Barbara Byrd

- o Ready to proceed with the addition of a run-in shed in the field at the Animal Shelter for the temporary housing of rescued livestock.
- o Animal cruelty reporting brochures are complete and have been distributed.

Clarke County Library Advisory Committee by Barbara Byrd

- o Chairman Hobert said that he had heard that the Library wished to install a wireless system.
- o David Ash indicated that he had not heard this but would suggest if wireless is added that it be extended to the entire building.
- o Supervisor Byrd will relay Mr. Ash's request to the Library Director.

Barns of Rose Hill by Barbara Byrd

- o The Barns will have their first event this Friday evening at 7 pm.
- o A temporary occupancy permit has been issued.

Economic Development Advisory Committee by John Staelin

- o Working on brochure that will focus on the county's website.
- o Need to identify distribution areas for the brochures.
- o Website is being reworked to maximize key word search.
- o Bonnie Jacobs is the brochure photographer.

Regional Water Resource Policy Committee by John Staelin

- o Alison Teetor continues to work on the County's submission to the regional water supply planning process.

Conservation Easement Authority by David Weiss

- o More applications than funds.

Northern Shenandoah Valley Regional Commission by David Weiss

- o Nothing to report.

Joint Building Committee by David Weiss

- o Moving ahead on fiscal agent designation.
- o Progress is being made on artwork selection.
- o Lower-level atrium photographs will be sepia with captions.
- o Upper-level atrium photographs will be modern without captions.

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

- o Still in the black.

Closed Session

Supervisor Staelin moved to convene into Closed Session pursuant to:

- §2.2-3711 A3 Potential litigation specific to the Berryville Clarke County Government Center; and a matter resolving a negotiated agreement with Warren County relating to shared services from Shenandoah Farms Volunteer Fire and Rescue Company.
- §2.2-3711 A29 Discussion of the award of a public contract involving the expenditure of public funds, including interviews of bidders or offerors, and discussion of the terms or scope of such contract, where discussion in an open session would adversely affect the bargaining position or negotiating strategy of the public body specific to the Shenandoah Area Agency on Aging and the proposed Active Living / Senior Center.

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 Dunning left the meeting at 2:25 pm.

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 Byrd 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.	- Absent
John R. Staelin	- Aye

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

CERTIFICATION OF CLOSED SESSION

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

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

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

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

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

No action was taken on matters discussed in Closed Session.

**Adjournment**

There being no further business to be brought before the Board at 3:10 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, August 16, 2011 at 1:00 p.m. in the Main Meeting Room, 101 Chalmers Court, 2<sup>nd</sup> Floor, Berryville, Virginia.

ATTEST: July 14, 2011

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

\_\_\_\_\_  
David L. Ash, County Administrator

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