

CLARKE COUNTY BOARD OF SUPERVISORS  
September 27, 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, September 27, 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

Robert Mitchell; Tony Roper; Jill Keihn; Michael Murphy; Keith Dalton; Gem Bingol; Val Van Meter; Ed Leonard and other citizens

1. Call to Order

Chairman Hobert called the meeting to order at 1:08 p.m.

2. Adoption of Agenda

- A written update for the new high school construction from Robina Rich Bouffault, who was unable to attend the regular meeting, was distributed.
- David Ash advised that Robert Mitchell, County attorney, was scheduled to join the meeting at 2 pm to discuss Shenandoah Area Agency on Aging Active Living Facility / Senior Center.

By consensus, the Board of Supervisors adopted the agenda as presented.

### 3. Public Hearing PH 11-11

Consider adoption of the Regional Water Supply Plan and Ordinance Implementing the Drought Response and Contingency Plan to comply with the State Water Control Board regulation 9 VAC 25-780, Local and Regional Water Supply Planning. This regional water supply plan facilitates comprehensive assessment of existing water sources and uses, estimation of projected water demand in the Northern Shenandoah Valley to 2040, and a determination of water surpluses and or deficits to meet the projected water demands; and consider amendment of ARTICLE X. Water Conservation / Drought Response to reference the Regional Drought Response and Contingency Plan rather than the local Drought Plan CC-11-04.

Chuck Johnston summarized the request before the Board to adopt the Regional Water Supply Plan and Ordinance Implementing the Drought Response and Contingency Plan.

Supervisor Byrd commented that the study contained so much information and the document was amazing.

Supervisor Staelin commented that he wanted to identify the fact that the plan used high growth projections for the area. He opined that the plan was a step in the right direction but did not solve all the water problems facing the valley.

Supervisor Staelin answered various questions posed by Supervisor Dunning regarding the proposed plan.

Chairman Hobert, noting how active and outspoken Mr. Staelin had been over the past six to seven year, opined that he would like to hear more about the subject from other jurisdictions in the region.

At 1:10 pm Chairman Hobert opened the public comment portion of the public hearing. Being no persons present desiring to address the matter the public comment portion of the public hearing was closed.

**Supervisor Dunning moved to adopt an amendment to the ordinance implementing the Drought Response and Contingency Plan CC-11-04. 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

## ARTICLE X. Water Conservation / Drought Response

- 180-34.53. Purpose The purpose of this Article is to provide for the voluntary and mandatory restriction on the nonessential use of ground water during declared water shortages or water emergencies.
- 180-34.54. Scope This Article shall apply to all Clarke County residents and businesses which are served by well water. This Article shall not apply to those residents and businesses which are supplied by a public water supply system by the Town of Berryville or the Clarke County Sanitary Authority.
- 180-34.55. Drought Response Plan The Board of Supervisors (Board) shall adopt by resolution the ***Regional Drought Response and Contingency Plan as stated in the Regional Water Supply Plan*** ~~Drought Response Plan~~.
- 180-34.56. Drought Indicators The indicators used to indicate drought severity shall be precipitation, streamflow, and groundwater levels. When at least two indicators exceed the threshold for drought stage determination, as set forth in ***Regional Drought Response and Contingency Plan as stated in the Regional Water Supply Plan***, ~~Appendix L of the Clarke County Drought Response Plan~~, the Board may declare a specific drought stage.
- 180-34.57. Drought Stages The drought stages shall be Drought Watch, Drought Warning, and Drought Emergency, as determined by the Board pursuant to the ***Regional Drought Response and Contingency Plan as stated in the Regional Water Supply Plan*** ~~Drought Response Plan~~.
- 180-34.58. Declaration Upon the Board finding that a drought stage exists, the Board may issue a declaration of a drought stage. The County Administrator, upon the declaration of a drought stage by the Commonwealth of Virginia, may issue a declaration of a drought stage to be in effect until the next regular Board meeting.
- 180-34.59. Drought Stage Response Upon declaration by the Board or the County Administrator of a Drought Watch or Drought Warning, voluntary conservation measures will be requested of residents and businesses as set forth in the ***Regional Drought Response and Contingency Plan as stated in the Regional Water Supply Plan*** ~~Drought Response Plan~~. Upon declaration of a Drought Emergency, mandatory restrictions shall apply as set forth in the ***Regional Drought Response and Contingency Plan as stated in the Regional Water Supply Plan*** ~~Drought Response Plan~~.

180-34.60. Waiver of Restrictions      Upon prior written request by an individual, business, or other water user, the Board of Supervisors, or its designee, may permit less than full compliance with any drought restrictions if good cause can be shown, including evidence that the applicant is affected in a substantial manner not common to other businesses or persons generally. No waiver shall be granted by the Board or its designee unless the Board or its designee determines that the public health, safety, and welfare will not be adversely affected by the waiver. All waivers granted by the Board or its designee shall be reported at the Board's next regular or special meeting.

180-34.61. Penalties.                      Any person who shall violate any of the provisions of this Article shall, upon conviction thereof, be fined not less than one hundred dollars (\$100.00), nor more than five hundred dollars (\$500.00). Each act or each day's continuation of the violation shall be considered a separate offense.

**Supervisor Dunning moved to adopt the Regional Drought Response and Contingency Plan as applicable to Clarke County and presented in the Regional Water Supply Plan. 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

**4. Chesapeake Bay TMDL Local Responsibility Update by Alison Teetor**

Highlights of the update from Alison Teetor, Natural Resources Planner include:

- October 1 response deadline has been waived and the target moved out to February.
- Requested documentation has been revised and is now more realistic.
- Reviewing tipping receipts from the sewage plant to monitor credits.
- NSVRC is seeking funding.
- Jill Keihn, NSVRC, commented that Alison Teetor was spearheading this effort; and that she had heard that Clarke County was further ahead in the process than most counties in the Commonwealth.
- Samples are being taken and placed into the TMDL model.
- Next steps:

- o Work with Berryville and Boyce on urban bmp's.
- o Work with Department of Health.
- o Complete model by end of October and present at the November meeting
- o Work on a new draft table for bmp's and current on-ground uses.

## 5. Clarke County Public Schools Update

Dr. Michael Murphy, Superintendent - Clarke County Public Schools, appeared before the Supervisors to provide the monthly update for Clarke County public schools. He extended regrets for School Board Chair Barbara Lee, who was unable to attend. Highlights include:

- Student enrollment is up and the September 30 membership count sets the number for the coming year.
- The current year ADM estimate is 1,992.
- In meetings between Clarke County Public Schools and the President of Lord Fairfax Community College, it was opined that Clarke County has been under served in program participation. The Schools would like to work more closely on programs with LFCC moving forward.
- This has been a great year for hiring with good candidates from a large pool of candidates.
- Schools are fully staffed and within budget with some room for adjustments in FTE.
- Data on instruction is being aggregated.
- As a division, the Schools made AYP. It was noted that 97% of school divisions in the Commonwealth did not make AYP.
- SOL test scores have fallen.
- Need to pay greater attention to helping students prepare for PSAT tests.
- A Wellness Festival will be conducted at Johnson Williams Middle School from 6 to 8 pm this Thursday.
- Facility improvements,
  - o Division staff has been reviewing options for elementary school reconfiguration once the new high school is complete.
  - o Staff has consulted with VDOE, as well as other Divisions regarding the possible "best use" of the Berryville area facilities.
  - o Staff walk-throughs have been conducted, as well as initial space planning. It is a given that the facility that is most in need of improvements is the current CCHS, with D.G. Cooley Elementary School to follow given its ongoing status as a student learning center/school.

- o Depending on funds available and potential usage, Berryville Primary could also be improved. At minimum, ADA accommodations should be addressed.
- o At the present time, staff have formulated a tentative plan that seems to make sense from a variety of perspectives and serves to support the long-range needs of the division:
  - Fall of 2011 - Issue RFQ for services of Construction Manager
  - Winter of 2012 - Hire Moving Coordinator (position has been posted - internal - budgeted)
  - Spring of 2012 - Consideration of leased portable removal at Boyce during Summer of 2012
  - Summer of 2012 - Return of two leased portables currently located at Clarke County High School
  - Summer of 2012 - Move from current CCHS to new CCHS
  - August 2012 - School begins at new CCHS
  - August 2012 - Begin remodeling of "old" CCHS for occupancy in August of 2013; remove most portables; consideration given to ADA accommodations at Primary
  - August 2013 - Vacate D.G. Cooley Elementary School and begin remodeling process; consideration given to ADA accommodations at Primary
  - August 2014 - Finish all student and staff moves, including the recommended closure of F&M, SBO, Annex and JAS; move maintenance to the "old" CCHS and double square footage of purchasing department
- o Final configuration of schools / sites as follows (proposed):
  - Boyce - K-5 (head start moves to D.G. Cooley Lower Elementary)
  - D.G. Cooley Upper Elementary School (old CCHS) - Grades 1 - 5 (greenhouse remains for school and division use)
  - D.G. Cooley Lower Elementary School (current D.G. Cooley) - ECSE, Head Start (moves from Boyce), Kindergarten, Student Assessment Center
  - JWMS - Stays as is
  - Old CCHS - becomes D.G. Cooley Upper Elementary School
  - New CCHS - stays as is
  - Annex – re-purposed (records retention; unheated storage) or closed
  - JAS – re-purposed or closed
  - SBO – re-purposed or closed
  - F&M - vacated

- Primary - evolves into support center for Governmental and School Operations
- Current CCHS Ag Shop and Ag Portable - evolves into JAS Maintenance Shop and Training Center
- Current JAS Maintenance Shop - evolves into additional space for JAS Purchasing and Procurement
- Dr. Murphy acknowledged the \$7.2MM, left over from the bond issuance, would be all that is available for the renovation of the buildings for quite a while. Supervisor Staelin encouraged Dr. Murphy to make sure to allocate enough to renovate Primary to use and ensure all three are workable for the long term

Randy Trenary – Director Transportation, Food Service, Safety and Maintenance & Custodial, provided the following update:

- School operations
  - In-school transportation – studying schedules
  - Changed school end and start times.
  - Adjusted bus routes to address overcrowding
- Food Service
  - Continue to work toward bringing healthier choices in cafeteria and vending machines.
  - Federal regulations are changing to more stringent requirements to provide healthier choices.
  - Working with local growers to provide fresh produce.
  - Working to make it self-sustaining.
  - Have eliminated two positions.
- Safety
  - Meeting regularly law enforcement – on agenda this week crosswalk safety.

Robina Rich Bouffault provided the following written comments via email:

*I regret that I will be unable to be at your Tuesday BOS meeting to report on construction. I am therefore sending you this short report on progress.*

*The construction is proceeding on schedule. If you are interested, I am attaching the latest Shockey 5-page construction schedule.*

*There are currently 24 sub-contractors, in addition to Shockey themselves, on-site and working on both the building and the site itself.*

*The only small delay is due to the greenhouse supplier, Jaderloon, who have advised that they will be late delivering the greenhouse structure. The foundation for that structure is complete. This delay does not impact any of the work being done on the building.*

*The wet weather has slowed down the site work somewhat, nothing major to-date.*

*The storm water work on Main Street will take longer than originally anticipated, due to incorrect information having been given concerning the depths of the existing utilities. Urban (Jon Erickson) is working on a re-design between the sewer and water lines, and the gas line will also have to be raised, to provide space for the new storm water pipe to be attached to the existing line at Hermitage.*

*Budget-wise, there have been a very small number of minor change orders, and even with the addition of the greenhouse, the project remains within budget and with a good contingency available. That can of course change, however after a 3-hour walk-thru on Tuesday September 20th, our architect Crabtree's engineer found very little in the way of corrections needed. Our commissioning agents from Gannett-Fleming are also monitoring the installation of the HVAC and other equipment, for their subsequent commissioning tests and balancing once fully installed.*

*We have just received confirmation from VDOT that they have incorporated trees into the project: there will be 30 street trees lining the new Mosby – 15 on each side, and there will be 16 'screening' trees located in front of the aluminum tank, to camouflage it to the extent possible. The trees are a 'swap' for the additional review costs for the SB to review the second set of deeds of easement and plats. A good swap, I think. VDOT are also going to place some decorative shrubs in the round-about itself. They should be thanked for their rapid response to our tree request.*

*The Masonic cornerstone for the building is going to be laid on Saturday, November 19th and there will be a ceremony to which you will all be invited in due course.*

*The substantial completion date continues to be January 23d, 2012 with the final completion date March 20th, 2012. The building will then be handed over to the schools, who will commence the installation of the F, F&E.*

*If you have any questions, please let me know before your meeting Tuesday.*



## 6. Approval of Minutes

- Page 739; Change last word, second bullet from regulations to goals.
- Page 737: Change Crims Church to Senseny Road and Mr. Watson to Mr. Watkins.
- Page 746: Change Dunning vote from aye to absent
- Page 748: JLAR to JLAC; imminent to eminent.

**Supervisor Byrd moved to approve the August 16, 2011 Regular Meeting minutes subject to corrected. 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

### Verification of July 14, 2011 Closed Session Supervisor Dunning

#### 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.

Supervisor Dunning confirmed the Certification of Closed Session for that period he was present.

## 7. Consent Agenda

### A. VACo 2011 Annual Meeting Voting Credentials

**Supervisor Byrd moved to approve Item A on the Consent Agenda listing J. Michael Hobert as Voting Delegate with David Weiss as alternate. 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

#### 8. Citizens Comment Period

No citizens appeared to address the Supervisors.

#### 9. VDOT

Edwin Carter, Program Manager, with Cliff Balderson, Residency Maintenance Administrator, and Charlie Monroe, appeared before the Supervisors to provide the monthly update.

- Maintenance work completed in August/September:
  - o Conducted mowing operations on primaries and secondary's ( It was necessary to start secondary's for sight distance issues before finishing fence to fence on all the primaries. We will return to complete when secondary's are finished.);
  - o Completed bridge replacement/repairs on Rt. 603;
  - o Trimmed brush and trees at Crims on Rt. 657 and at Rt. 636;
  - o Performed pipe flushing operations on Rt. 340, 7, and 679;
  - o Began grading non-hard surfaced roads.
  - o Addressed sight distance issue on Westwood Rd. raised at last Board meeting.
  - o Note: We have been operating with decreased manpower in order to assist with recovery in those areas hit by Hurricane Irene and Tropical Storm Lee. Both the completed and planned work is impacted.
- Maintenance work planned for September/October:
  - o Continue/complete mowing operations;
  - o Continue grading of non-hard surfaced roads;
  - o Perform boom-axe operations on secondary routes;
  - o Address remaining Board concerns expressed at last meeting:
    - 1) Shoulder drop off on Rt. 340;

- 2) Low shoulders on Summit Point Rd.
- 3) Drainage on Senseny Rd.

– Other Projects:

- Mosby Road – Proceeding with Right of Way acquisition. Pre-advertisement conference is scheduled for October 5.
- Route 604 - Ebenezer Road- Easement issues have been resolved and box is being scheduled for placement.
- Route 7 Crossovers - Status unchanged.

Route 723 Bridge - Awaiting County's input on detour change request to go out Sulfur Springs Road.

Supervisor Dunning expressed his opposition to the proposed project. He suggested that flashing lights be used in trouble areas during the construction phase.

Mr. Carter indicated that the public hearing is schedule for the 1<sup>st</sup> quarter 2013.

Supervisor Staelin reminded of the Board of Supervisors' preference for repair over replacement.

– Supervisor Comments:

- Chairman Hobert –
  - Instructed David Ash to add review of the Primary Highway Plan for the Commonwealth Transportation Board to the October agenda.
- Supervisor Weiss -
  - Route 608 north, near the sharp turn, the culvert has been shut off
  - Request VDOT to review Route 612 and Route 7 by J & J – the incline of the road at the stop sign is sharp enough that water pools there and in winter it freezes.
- Supervisor Dunning –
  - Mr. Carter assured that VDOT was reviewing enhancement of the crosswalk used by students in Boyce.
  - South off Route 50 and Gun Barrel – road there on the right to the monastery needs grading.

## 10. Board of Supervisors Personnel Committee

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

9/19/2011 Summary: The Personnel Committee made the following recommendation:

<i>Committee/Board</i>	<i>Appointee</i>	<i>Expiration Date</i>
Lord Fairfax Emergency Medical Services Council	Lee Coffelt	6/30/2014
<i>Mr. Coffelt is reappointed to an additional three-term and the expiration date has been adjusted to 6/30/2014 to coincide with the expiration dates of other members.</i>		

Supervisor Dunning moved to approve the appointment. 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

## 2. Appointee Information Feedback Update

09/19/2011 Summary: The Personnel Committee acknowledged the efforts of staff to obtain and verify membership term and qualifications of appointees of various boards and committees. The Committee was advised that they would be updated as new information was received and their assistance in identifying errors, omissions or changes would be helpful. The Personnel Committee requested staff to provide a link to the recently recorded FOIA presentation to all individuals appointed or reappointed by the Clarke County Board of Supervisors.

9/27/2011 Summary: Information Only – no Board action.

## 3. Closed Session.

09/19/2011 Summary: The Personnel Committee entered closed session Pursuant to §2.2-3711-A4 Privacy of individuals in personal matters. No action was taken on matters discussed in closed session.

9/27/2011 Summary: Information Only – no Board action.

## 11. Board of Supervisors Work Session

### 1. Closed Session

9/19/2011 Summary: The Board of Supervisors entered closed session for §2.2-3711-A7 Berryville Clarke County Government Center Litigation / Settlement update; §2.2-3711-A4 Privacy of individuals in personal matters; §2.2-3711-A7 Shenandoah Fire and Rescue Company; §2.2-3711-A7 Shenandoah Area Agency on Aging, Inc. No action was taken on matters discussed in closed session.

9/27/2011 Summary: Information Only – no Board action.

## 2. 2012 Legislative Priorities and Positions.

09/19/2011 Summary: The 2011 Legislative Priorities and Positions were provided for review and update. The Board discussed potential modifications to the legislative priorities and positions including:

- Adding a position statement on pension funding deficiencies for shared employees;
- Developing a position on the pending constitutional amendment regarding taking;
- Removing from the priorities statement the issue of hunting with hounds;
- Revising the document to reorder the issues in accordance with their local importance.

Mr. Staelin will work with staff to prepare a modified document. Also, VACo has been asked to provide its most recent version of the 2012 Legislative Priority list and any position statement that may have been adopted regarding the constitutional amendment.

9/27/2011 Summary: Supervisor Staelin distributed and reviewed the 9/26/2011 revision of the 2012 Legislative Priorities and Positions. By consensus, the Board approved the following changes:

- Elimination of the request for grant funding for green energy,
- Addition of a position on continuation of no hunting on Sunday

### *2011 Legislative Luncheon*

Subsequent to review of available dates to meet with Commonwealth senator and General Assembly delegates representing the County, the following dates were put forth for the legislative luncheon: December 8, 14, or 15. Staff was instructed to finalize arrangements and to report back to the Board.

## 3. Berryville Clarke County Government Center HVAC Repair Status Update.

9/19/2011 Summary: Information only – no action requested at this time.

4. Active Living Center [aka Senior Center] Status Update.

**9/27/2011:** Robert Mitchell appeared before the Board at the regular meeting. Following a brief summary of the project history, he stated that the SAAA Board was ready at this time to transfer to the County the ear-marked funds, in excess of \$200,000, raised solely for the Clarke County Senior Center, as well as the Urban property that was conveyed to the SAAA for the specific purpose of the Clarke County Senior Center. He advised that the amended agreement changes the timing when the property and funds would be transferred.

Mr. Mitchell confirmed that the Supervisors would assume responsibility for the marketing of the Urban property upon transfer. He advised that while the SAAA had at one point worked on listing the property the listing agreement had not been executed therefore the County would have full discretion on how to market the property.

**Supervisor Staelin moved to approve the amended and restated agreement and to approve the acceptance of the Urban Property pursuant to the terms of the agreement and to authorize the Chairman to execute those documents. 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

5. Shenandoah Area Agency on Aging Status Update.

9/19/2011 Summary: Information only – no action requested at this time.

6. TA-11-02 Amendment of the County Zoning Ordinance.

Recommended Action: Set Public Hearing for Tuesday, October 18, 2011 at 6:30 pm or as soon thereafter as the matter may be heard as proposed.

**9/27/2011:** Chuck Johnston reviewed the first grouping of amendments advising that these amendments were proposed to address changes in the statewide building code.

**Supervisor Byrd moved to set the matter as proposed for public hearing at the October 18, 2011 regular meeting at 6:30 pm or as soon thereafter as the matter may 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

7. TA-11-03 Amendment of the County Zoning Ordinance.

Recommended Action: Set Public Hearing for Tuesday, October 18, 2011 at 6:30 pm or as soon thereafter as the matter may be heard as proposed.

**9/27/2011:** Chuck Johnston reviewed the proposed amendment. He clarified that since they are not considered living space garages are not included.

**Supervisor Byrd moved to set the matter as proposed for public hearing at the October 18, 2011 regular meeting at 6:30 pm or as soon thereafter as the matter may be heard as proposed. 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

8. TA-11-05 Amendment of the County Zoning Ordinance.

Recommended Action: Set Public Hearing for Tuesday, October 18, 2011 at 6:30 pm or as soon thereafter as the matter may be heard as revised.

**9/27/2011:** Chuck Johnston, joined by Jesse Russell, reviewed the proposed amendment and answered questions posed by the Supervisors.

Vice Chairman Weiss urged reconsideration of greater protection for the 25-foot buffer area.

**Supervisor Staelin moved to set the matter as proposed for public hearing at the October 18, 2011 regular meeting at 6:30 pm or as soon thereafter as the matter may be heard using the proposed alternate:**

Leave the definition in Section 9-B-41 unchanged and add the proposed text as item 7 in the Supplementary Regulations to read:

7. For the purposes of this section alone, the term 'Commercial' means any activity conducted with the Intent of realizing a profit from the sale of goods or services to others; and the term 'Noncommercial' means any activity conducted with the intent of not realizing a profit from the sale of goods or services to others.

Supervisor Weiss offered a friendly amendment changing the sunset clause from five to three years.

Supervisor Staelin accepted the suggested amendment.

The amended 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

Chuck Johnston advised that he would consult with Bob Mitchell on the sunset clause.

9. TA-11-06 Amendment of the County Zoning Ordinance.

Recommended Action: Set Public Hearing for Tuesday, October 18, 2011 at 6:30 pm or as soon thereafter as the matter may be heard as proposed.

9/27/2011: Chuck Johnston reviewed the proposed amendment.

Supervisor Byrd moved to set the matter as proposed for public hearing at the October 18, 2011 regular meeting at 6:30 pm or as soon thereafter as the matter may be heard as proposed. 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

10. TA-11-07 Amendment of the County Zoning Ordinance.



Recommended Action: Set Public Hearing for Tuesday, October 18, 2011 at 6:30 pm or as soon thereafter as the matter may be heard as proposed.

9/27/2011: Chuck Johnston reviewed the proposed amendment.

**Supervisor Byrd moved to set the matter as proposed for public hearing at the October 18, 2011 regular meeting at 6:30 pm or as soon thereafter as the matter may 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

On behalf of the Board, Chairman Hobert expressed appreciation for Mr. Johnston's dedicated service to the county. By consensus, the Board instructed staff to prepare a proclamation in appreciation of service.

Supervisor Dunning left the meeting at 3:55 pm.

## 12. Board of Supervisors Finance

### 1. Supplemental Appropriations.

The Finance Committee recommends acceptance: "Be it resolved that FY 12 budgeted expenditures and appropriations for the V-Stop Grant in the General Fund be increased \$2,250, and revenue from the Federal Government recognized in/the same amount, to adjust for a change in the approved grant."

**Supervisor Staelin moved to approve the recommendation of the Finance Committee. 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

### 2. Acceptance of August Bills and Claims.

**Supervisor Staelin moved to accept the August 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.	- Absent
John R. Staelin	- Aye

### 3. Standing Reports

**9/27/2011:** Chairman Hobert informed the Board that he had asked Tom Judge to review and distribute the Houck/Staelin report. Supervisor Staelin and Tom Judge provided insight into the history of and the information conveyed in this report. Vice Chairman Weiss suggested sharing this report at a School Board meeting.

### 13. Government Projects Update

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

- o Circuit Courthouse: Project is essentially complete; the sound continuation panel in the Courtroom is questionable.
- o Active Living Center:
  - At 4:15 pm, Mike Legge delivered a spreadsheet listing the 8 bids opened earlier in the afternoon.
  - It was not certain whether the bids included roof replacement, budgeted at \$196,000.
  - This is a multi-faceted project including repair of a wall crack, roof replacement, new park office and the active living center.
- o Berryville Clarke County Government Center: The most recent HVAC repairs are questionable when just this morning there were repairs being made to the repairs. Thus far, there has been no evidence that the repairs have affected an acceptable change.

### 14. Miscellaneous Items

No miscellaneous items were identified or advanced that were not included in the September 27, 2011 Clarke County Board of Supervisors Regular Meeting Agenda.

15. Summary Of Required Action

<u>Item</u>	<u>Description</u>	<u>Responsibility</u>
1.	Update County Code CC-11-04.	Lora B. Walburn
2.	Correct and process approved minutes.	Lora B. Walburn
3.	Process and forward VACo 2011 Annual Meeting Voting Credentials.	Lora B. Walburn
4.	Add review of the Primary Highway Plan for the Commonwealth Transportation Board to the October agenda.	David Ash
5.	Process board appointments.	Lora B. Walburn
6.	Update 2012 Legislative Priorities and Positions.	John Staelin
7.	Coordinate legislative luncheon dates with County representatives to the General Assembly.	Lora B. Walburn
8.	Execute the amended and restated SAAA agreement the Urban Property deed.	J. Michael Hobert
9.	Process public hearing notices.	Lora B. Walburn
10.	Follow up with Social Services on employee hours.	David Ash
11.	Prepare a proclamation in appreciation of service for Chuck Johnston.	David Ash

16. Board Member Committee Status Reports

Supervisor Barbara Byrd

- o There are currently 15 persons on the Social Services day care waiting list.
- o Supervisor Byrd asked David Ash to follow up with Angie Jones on the matter of employee hours.
- o Clarke County Library has a long list of activities scheduled at The Barns of Rose Hill.

Vice Chairman David Weiss

- o Easement Authority has several good options on large parcels.

17. Closed Session 2.2-3711-A4 Privacy of individuals in personal matters.

**Supervisor Byrd moved to convene into Closed Session pursuant to §2.2-3711 A14 Privacy of individuals in personal matters and §2.2-3711-A1 Specific Employees or appointees of the Board. 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

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.

### 18. Adjournment

There being no further business to be brought before the Board at 6:05 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, October 18, 2011 at 1:00 p.m. in the Main Meeting Room, 101 Chalmers Court, 2<sup>nd</sup> Floor, Berryville, Virginia.

ATTEST: September 27, 2011

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

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

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