

July 17, 2012
Clarke County Board Of Supervisors
Regular Meeting
Main Meeting Room
1:00 p.m.

At a regular meeting of the Board of Supervisors of Clarke County, Virginia, held in the Main Meeting Room, 2nd Floor Berryville Clarke County Joint Government Center, 101 Chalmers Court, 2nd Floor, Berryville, Virginia on Tuesday, July 17, 2012.

Board Members Present

Barbara Byrd; J. Michael Hobert; Beverly McKay; John Staelin

Board Members Absent

David Weiss

Staff Present

David Ash; Brandon Stidham; Jesse Russell; Alison Teetor; Lora B. Walburn

Others Present

David Steigmaier; Cliff Balderson; Jim Brinkmeier; Rick Catlett; Robina Rich Bouffault; Gem Bingol; Jeanne Abigail Custis Marcy; Keith Dalton; Val Van Meter; Ed Leonard; and other citizens

1) Call to Order

Chairman Hobert called the afternoon session to order at 1:05 p.m.

2) Adoption of Agenda

- Add Closed session:
 - §2.2-3711-A7 Consultation with legal counsel and briefings by staff members or consultants pertaining to actual or probable litigation, where such consultation or briefing in open meeting would adversely affect the negotiating or litigating posture of the public body; and consultation with legal counsel employed or retained by a

public body regarding specific legal matters requiring the provision of legal advice by such counsel.

- Add to Miscellaneous:
 - Discussion on Emerald Ash Borer report provided by Alison Teetor.
 - Tourism Slogans for Welcome Signs
 - Add Under Personnel Committee Recommendations:
 - Re-appoint Elizabeth Pritchard to the Economic Development Advisory Committee to serve a four-year term expiring August 31, 2016.
 - Correct: William Overbey appointment from Board of Supervisors to Board of Social Services.

Chairman Hobert announced that the Double Toll Gate Committee report had just been received by the Board of Supervisors. He stated that the Board would discuss the report at its August Work Session.

By consensus, the Board approved the corrected, revised agenda.

3) VDOT

Clif Balderson, Residency Administrator, appeared before the Board to provide the monthly update.

Maintenance - July:

- Continued mowing operations on secondary's (White Post and Mountain Rtes. Still remain);
- Graded high capacity non-hard surfaced Rtes.;
- Cleared brush from shoulder on Rt.7 in area of shoulder widening;
- Devoted large amount of time to storm damage clean-up.

Maintenance – August:

- Complete first mowing and storm damage clean-up;
- Resume patching operations and continue grading operations on non-hard surfaced Rtes. as needed;
- Johnson grass spraying began July 9th and is being administered by the District;
- Guardrail weed spraying will start on July 30th and continue through September, also administered by the District.

Projects

- Rt. 636, Mosby Rd.: Proceeding on schedule with no major delays identified as of yet.
- Rt. 604, Ebenezer Rd.: Proceeding with pipe replacements as permits are secured.
- Rt. 1014, Paige St., Town of Berryville: Waiting on funding verification, close to advertising.
- Rt. 7 crossovers: Under construction.

Supervisor Comments:

- Supervisor Byrd:
 - At the end of Westwood and Senseny, a downed tree on the northeast side of the road is obscuring the view.
 - On Westwood Road by Salvation Army land, trees are hanging over the road; and impeding traffic.
- Supervisor McKay:
 - Status No Thru Truck signs to address GPS erroneously routing traffic and trucks onto Route 624. Mr. Balderson will follow up with Ed Carter, who was unable to attend the meeting. He explained that the erroneous information provided by the GPS was a matter for the service provider.
- Chairman Hobert:
 - Route 7 approximately one mile west of Triple J Store, trees and branches are hanging over the road.

4) Clarke County Public Schools Update

Rick Catlett, Assistant Superintendent, and Jim Brinkmeier, Berryville District School Board Representative, appeared before the Supervisors to provide the monthly School update.

- Rick Catlett, Assistant Superintendent, provided an update. Highlights include:
 - Summer School, held at Boyce and Primary Elementary and Johnson Williams Middle, finishes this Friday.
 - Principals will meet today to review master schedules.
 - Anticipate being fully staffed by the end of the week with all hires.
 - Purchased new transportation routing software program:
 - Changed providers at a very comparable rate.
 - A GPS device on the bus will provide real-time data.

- Goal of new software:
 - Ensure the length of the bus runs is not too long.
 - Greater efficiency.
 - Possible elimination of bus routes through consolidation.
- Jim Brinkmeier provided the New High School and Elementary School Conversion Update:
 - Architect and Engineering Proposal Review:
 - School Board will review at a special meeting tonight.
 - 12 proposals received.
 - School Board is pleased with the variety of firms.
 - At the meeting, the firms will be ranked with a focus on renovation experience.
 - The top three shall be selected and contacted to schedule interviews within the next three weeks.
 - Anticipate selection and contract negotiations in August.
 - The comprehensive study of overall school needs should be complete within the next two weeks.
 - Bobby Levi has provided a report on each facility.
 - Preferred use of any leftover funds would be conversion of Primary for use by School Administration, as well as storage.
 - The School Board would prefer not to “mothball” any facility; however, funding will dictate its decisions.
 - The School Board wants to be smart in how they spend every dollar.

Chairman Hobert thanked Mr. Brinkmeier and Mr. Catlett. He asked that Mr. Brinkmeier provide an update at Board’s regular meeting in August.

5) Citizens Comment Period

No citizens addressed the Board.

6) Approval of Minutes

Supervisor Byrd moved to approve the minutes for June 19, 2012 as presented. The motion carried by the following vote:

Barbara J. Byrd - Aye

J. Michael Hobert	- Aye
Beverly B. McKay	- Aye
John R. Staelin	- Aye
David S. Weiss	- Absent

7) Consent Agenda

A. Lord Fairfax Emergency Medical Services Council Memorandum of Agreement Regarding Use of Medical Radios Revised

MEMORANDUM OF AGREEMENT (MOA)
Between
Lord Fairfax Emergency Medical Services Council (LFEMS), Inc.
and
the County of Clarke
(on behalf of all Clarke County Fire & Rescue agencies)

I. PURPOSE & SCOPE

The purpose of this Memorandum of Agreement between EMS Agencies, hospitals, and/or local governing bodies (County Administrators/City Managers) is to establish an agreement regarding the use of medical (med) radios licensed to the Lord Fairfax Emergency Medical Services Council, Inc. (LFEMS) by the Federal Communication Commission (FCC). The med radio frequencies are used for radio communications transmitted from ambulance to ambulance and ambulance to hospital for the purpose of pre-hospital patient care.

II. BACKGROUND

The LFEMS is responsible for the maintenance; repair, replacement, and license of all med radio frequencies within the LFEMS region since granted licenses by the FCC. The call signs for each license are KA91372, KNCS606, KNCS607, WGN601, WGN602, WGN603, WGN604, WNUG786, and WPGU207.

The frequencies are licensed to the LFEMS for use by pre-hospital providers in Clarke County, Frederick County, Page County, Shenandoah County, Warren County, and the City of Winchester per the FCC regulations.

III. RESPONSIBILITIES UNDER THIS MOA

The LFEMS is responsible for maintenance, repair, replacement, and license for all fixed and mobile med radio communications equipment ***owned and purchased by the Lord Fairfax EMS Council.***

IV. RESPONSIBILITIES UNDER THIS MOA

The local EMS Agencies, hospitals, and/or local governing body's responsibility is to comply with the FCC regulations.

V. IT IS MUTUALLY UNDERSTOOD AND AGREED BY AND BETWEEN THE PARTIES THAT:

The LFEMS grants permission for all pre-hospital providers to use the med radio frequencies to transmit patient care communication from ambulance to ambulance and ambulance to hospital for the purpose of pre-hospital patient care according to FCC regulations.

VI. FUNDING

The funding to maintain, repair, replace, and license for all fixed and mobile med radio communications equipment is paid for from the LFEMS's Communication Fund. The fund is supported by the local hospitals and LFEMS general fund.

VII. EFFECTIVE DATE AND SIGNATURE

This MOA shall be effective upon the signature of parties listed below. It shall be in force from the date of original signature of both parties and shall not expire unless there is a change or loss of frequencies granted by the FCC. Both parties indicate agreement with this MOA by their signatures.

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

Barbara J. Byrd	- Aye
J. Michael Hobert	- Aye
Beverly B. McKay	- Aye
John R. Staelin	- Aye
David S. Weiss	- Absent

8) Set Public Hearing SUP-12-01, Special Use and Site Plan Verizon Wireless

Verizon Wireless requests approval of a Special Use and Site Plan for constructing a monopole on the property located in the 100 block of Mount Carmel Road, Tax Map Parcel39-A-71, Millwood Election District, zoned Forestal Open-Space Conservation (FOC). SUP-12-01

At the Planning Commission July 6 meeting, the Planning Commission recommended approval to the Board of Supervisors the Special Use Permit and Site Plan on the following conditions:

- 1) Address all Chester Engineer comments prior to the BOS approving the Special Use Permit and Site Plan;
- 2) Revise Site Plan to correct the tree removal designations;
- 3) Revise Site Plan to add note that there will be no construction work on Sundays;
- 4) Revise Site Plan to note that that no blasting will be used in the construction of the road and monopole compound and erection of the monopole;
- 5) To waive the vegetated buffer requirement for that portion of road that narrows down to such a point that a vegetated buffer cannot be installed on satisfaction and agreement by Mt. Carmel Church.

The proposed access road was approved by VDOT for low volume traffic to the commercial monopole site. Staff would also recommend that the BOS consider adding a note to the site plan to state that should any additional request for either commercial or residential use must meet State regulations and County road design requirements.

RECOMMENDATION

Set public hearing for the Special Use and Site Plan for Verizon's monopole request on the property identified as TM# 39-A-71.

Jesse Russell provided an overview of the Verizon request for a special use and site plan and answered the Supervisors questions. He informed the Board that this would be a tree-style monopole.

Supervisor Staelin suggested additional language on the site plan regarding the road to include other commercial uses, residential, subdivisions, etc.

Supervisor Staelin moved to set public hearing on the proposed zoning ordinance on August 21, 2012 at 6:30 pm or as soon thereafter as the matter may be heard and to direct staff to seek legal opinion on the language to be added to the site plan specific to the road. The motion carried by the following vote:

- | | |
|-------------------|----------|
| Barbara J. Byrd | - Aye |
| J. Michael Hobert | - Aye |
| Beverly B. McKay | - Aye |
| John R. Staelin | - Aye |
| David S. Weiss | - Absent |

9) Board of Supervisors Personnel Committee Items

- A. Expiration of Term for appointments expiring through September 2012.

7/09/2012 Summary: A list of appointments expiring through September 2012 is provided for Committee review.

- 1) The Barns of Rose Hill Board of Directors: Ann St. Clair Lesman, Chair Board of Directors Barns of Rose Hill, is requesting the Board of Supervisors appoint a voting representative from Clarke County to serve a term expiring December 31, 2015. Action on this matter was deferred from the June 11 to the July 9 Personnel Committee meeting.
- 2) The Clarke County Library Advisory Council recommends the appointment of:
 - ✓ Shelley Daisley filling the unexpired term of Susan Wolk. Term expires 4/15/2016.
 - ✓ Dirck Holscher filling the unexpired term of Kathy Hudson. Term expires 4/15/2013.

7/09/2012 Action: The Personnel Committee recommends the following:

- 1) Appointment of Bill Johnston to the Barns of Rose Hill Board of Directors for a three-year term expiring December 31, 2015.
- 2) Appointment of Shelley Daisley and Dirck Holscher as recommended by the Clarke Library Advisory Council.
 - Shelley Daisley filling the unexpired term of Susan Wolk. Term expires April 15, 2016.
 - Dirck Holscher filling the unexpired term of Kathy Hudson. Term expires April 15, 2013.
- 3) Re-appoint Harry Jones to the Clarke County Sanitary Authority for a four-year term expiring June 30, 2016.
- 4) Re-appoint John Crawford to the Regional Airport Authority for a four-year term expiring June 30, 2016.
- 5) Re-appoint William Overbey Board of Social Services for a four-year term expiring July 15, 2016.
- 6) Re-appoint Jason Burns to the Lord Fairfax Emergency Medical Services Council for a three-year term expiring June 30, 2015.
- 7) Staff to add the Barns of Rose Hill to appointment database.
- 8) Re-appoint Elizabeth Pritchard to the Economic Development Advisory Committee to serve a four-year term expiring August 31, 2016.
- 9) Staff to ensure notification of required certifications with the Circuit Court

07/17/2012 Action: **Supervisor Byrd moved to confirm the recommendations of the Personnel Committee. The motion carried by the following vote:**

Barbara J. Byrd - Aye

J. Michael Hobert	- Aye
Beverly B. McKay	- Aye
John R. Staelin	- Aye
David S. Weiss	- Absent

10) Board of Supervisors Work Session Items

At the June 19, 2012 Regular Meeting, Chairman Hobert summarized the Work Session Items A thru E. No further action was taken.

A. Closed Session

- §2.2-3711-A7 Consultation with legal counsel and briefings by staff members or consultants pertaining to actual or probable litigation, where such consultation or briefing in open meeting would adversely affect the negotiating or litigating posture of the public body; and consultation with legal counsel employed or retained by a public body regarding specific legal matters requiring the provision of legal advice by such counsel re:
 - BCCGC HVAC
 - BZA Resolution

07/09/2012 Action: Bob Mitchell was unavailable therefore no closed session was conducted. Mr. Mitchell will be available for the regular Board meeting on July 17.

B. Clarke County Sheriff's Office Update

07/09/2012 Summary: Sheriff Roper will provide a departmental update

07/09/2012 Action: No action requested or required.

C. Memorandum of Understanding Regarding Oversight of and Dispatching for Shenandoah Farms Volunteer Fire Company

07/09/2012 Summary: This agreement was reviewed during Closed Session at the June 11 Work Session and is before the Board for approval as presented. Please note that agreement has been accepted on behalf of Shenandoah Farms Volunteer Fire Company by Donald L. Hoover, President.

07/09/2012 Action: Following review, **Supervisor Staelin moved to authorize the Chair and the County Administrator to execute the Memorandum of Understanding Regarding**

Oversight of and Dispatching for Shenandoah Farms Volunteer Fire Company as presented. The motion carried as follows:

Barbara J. Byrd	- Aye
J. Michael Hobert	- Aye
Beverly B. McKay	- Aye
John R. Staelin	- Aye
David S. Weiss	- Absent

MEMORANDUM OF UNDERSTANDING
REGARDING OVERSIGHT OF AND DISPATCHING
SHENANDOAH FARMS VOLUNTEER FIRE COMPANY

THIS MEMORANDUM OF UNDERSTANDING regarding oversight of and dispatching for Shenandoah Farms Volunteer Fire Company dated this ___ day of 2012, by and between the Board of Supervisors of Clarke County, Virginia (hereinafter referred to as Clarke), the Board of Supervisors of Warren County, Virginia (hereinafter referred to as Warren), and the Board of Directors of the Shenandoah Farms Volunteer Fire Department, Incorporated (hereinafter referred to as SFVFD);

Witnesseth:

SFVFD is physically located in Clarke County at a station facility on Howellsville Road less than one-quarter mile from Warren County, and primarily serves the Shenandoah Farms subdivision (located mostly within Warren County) and the Blue Mountain subdivision (located entirely within Warren County), plus an established response area of Clarke County, as determined by Clarke and subject to change by Clarke.

Since December 14, 2011 Warren County has assumed the responsibility for the financial management of SFVFD's publicly-donated income and of its expenses. The parties now desire that other managerial oversight be transferred from Clarke to Warren, and that Warren assume responsibilities for the radio, telephone, broadband, internet or other communications dispatching of SFVFD's fire and medical equipment and personnel for the purpose of responding to fire and emergency medical incidents.

The parties now desire to enter a written memorandum of understanding outlining this procedure and the manner in which operations of SFVFD between Clarke and Warren shall be managed.

To that end, and for and in consideration of the mutual covenants contained herein, it is agreed by the parties that:

1. Until further notice and written agreement, operational oversight and coordination, and operation medical direction of SFVFD shall be under the purview of the Warren County Department of Fire and Rescue Services, the Warren County Fire Chief, and the Operational Medical Director serving Warren County.

2. Warren County's fire and rescue dispatch center and personnel shall assume responsibility for dispatching of SFVFD personnel and equipment, and shall fully integrate SFVFD into its E-911 and dispatch hardware, software and protocols.

3. At all reasonable times, the Fire Chief of Warren County shall be granted and shall have access to all books, ledgers, accounts records, logs, notebooks, and any other financial, organizational, historical and operational records and documents of SFVFD

4. These procedures shall become effective immediately upon execution of this Memorandum of Understanding by all parties, and shall remain in effect until the parties agree to modification hereof by subsequent written instrument, or by termination by one of the parties of this Agreement as provided below.

5. Either Clarke or Warren can terminate this Memorandum of Understanding upon one-hundred twenty (120) days' advance written notification to the other of its intent to terminate.

WITNESSETH the following signatures:

For Clarke County, Virginia	For Warren County, Virginia	For Shenandoah Farms Volunteer Fire Department, Inc.
J. Michael Hobert Chairman, Clarke County Board of Supervisors	Archie A. Fox, Chairman Warren County Board of Supervisors	Donald L. Hoover, President

Attest:

David L. Ash, County Administrator	Douglas P. Stanley, County Administrator
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Approved as to form:

Robert T. Mitchell, Jr., Clarke County Attorney	Blair D. Mitchell, Warren County Attorney
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D. John H. Enders Fire Company, Inc. – Parking Lot Loan

07/09/2012 Summary: To qualify for a tax-exempt interest rate, Robert J. Hobbs, Loan Officer - Bank of Clarke County, is requesting the Chief Elected Executive Official [J. Michael Hobert, Chair Clarke County Board of Supervisors] execute a resolution approving John H. Enders Fire Company, Inc. entering a loan agreement in the amount of \$170,000 for the installation of a parking lot. The political subdivision [Clarke County] has no obligation

(as lessee or otherwise) to pay any rent/interest or to observe any agreement under the Loan.

07/09/2012 Action: Upon the request of John H. Enders Fire Company, **Supervisor Byrd moved to authorize the Chair to execute the loan authorization permitting John H. Enders to qualify for preferential interest rates upon a loan they are obtaining to finance the expansion of their parking area. The motion carried as follows:**

- Barbara J. Byrd - Aye
- J. Michael Hobert - Aye
- Beverly B. McKay - Aye
- John R. Staelin - Aye
- David S. Weiss - Absent

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

Chief Elected Executive Officer's Name: J. Michael Hobert

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

Political Subdivision: Clarke County

Volunteer Fire Company: John H, Enders Fire Company, Incorporated

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

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

Amount to be Financed: \$170,000.00

Project: New Parking Lot

Location: 9 S. Buckmarsh St.
Berryville, VA 22611

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

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

(Signature of Chief Elected Executive Officer) (Date)

(Form 2)

Pursuant to published notice, in the Winchester Star on Wednesday May 16, 2012, the John H. Enders Fire and Rescue Company held a public bearing on May 31, 2012 at 19:30 boors at the John H. Enders Social Hall located at 9 South Buckmarsh Street, Berryville, Virginia.

Mr. Chris Ship called the hearing to order at 19:30 hours.

The following is a list of persons who spoke at the hearing, and a summary of their comments:

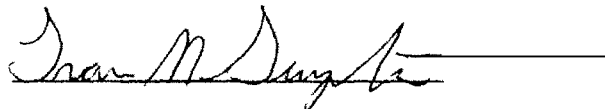
None

There being no further persons wishing to speak, Mr. Shipe called an end to the hearing at 19:35 hours.

The foregoing constitutes a complete and accurate summary of the proceedings at a public hearing held by the John H. Enders Fire and Rescue Company at the time and place indicated above.

Dated this 31st Day of May 2012.

(SEAL)



Secretary

E. Resolution 2012-13R Local Governing Body Concurrence with School Division Electing to Pay the VRS Board-Certified Rate (In accordance with the 2012 Appropriation Act Item 468(H))

07/09/2012 Summary: At its June 19, 2012 Regular Meeting, the Board adopted Resolution 2012-11R Employer Contribution Rates for Counties, Cities, Towns, School Divisions and Other Political Subdivisions (In accordance with the 2012 Appropriation Act Item 468(H)); and Resolution 2012-12R Member Contributions by Salary Reduction for Counties, Cities, Towns, and Other Political Subdivisions(In accordance with Chapter 822 of the 2012 Acts of Assembly (SB497)). Resolution 2012-13R Local Governing Body Concurrence with School Division Electing to Pay the VRS Board-Certified Rate (In accordance with the 2012 Appropriation Act Item 468(H)) was inadvertently missed; and to finalize this issue, action at the Work Session is requested.

07/09/2012 Action: Following review by Tom Judge, **Supervisor Staelin moved to authorize the Chair and the County Administrator to execute Resolution 2012-13R Local Governing Body Concurrence with School Division Electing to Pay the VRS Board-Certified Rate (In accordance with the 2012 Appropriation Act Item 468(H)) Resolution 2012-13R Local Governing Body Concurrence with School Division Electing to Pay the VRS Board-Certified Rate (In accordance with the 2012 Appropriation Act Item 468(H)) as presented. The motion carried as follows:**

- Barbara J. Byrd - Aye
- J. Michael Hobert - Aye
- Beverly B. McKay - Aye
- John R. Staelin - Aye
- David S. Weiss - Absent

**Local Governing Body Concurrence with School Division
Electing to Pay the VRS Board-Certified Rate
(In accordance with the 2012 Appropriation Act Item 468(H))
Resolution 2012-13R**

BE IT RESOLVED, that Clarke County 55121 does hereby acknowledge that the Clarke County Public Schools has made the election for its contribution rate to be based on the employer contribution rates certified by the Virginia Retirement System Board of Trustees pursuant to Virginia Code § 51.1-145(I) resulting from the June 30, 2011 actuarial value of assets and liabilities (the "Certified Rate"); and

BE IT ALSO RESOLVED, that Clarke County 55121 does hereby certify to the Virginia Retirement System Board of Trustees that it concurs with the election of the Clarke County Public Schools to pay the Certified Rate, as required by Item 468(H) of the 2012 Appropriation Act; and

NOW, THEREFORE, the officers of Clarke County 55121 are hereby authorized and directed in the name of the Clarke County Board of Supervisors to execute any required contract to carry out the provisions of this resolution. In execution of any such contract which may be required, the seal of the Clarke County, as appropriate, shall be affixed and attested by the Clerk.

J. Michael Hobert, Chair
Clarke County Board of Supervisors

CERTIFICATE

I, David Ash, Clerk of the Clarke County Board of Supervisors, certify that the foregoing is a true and correct copy of a resolution passed at a lawfully organized meeting of the Clarke County Board of Supervisors held at the Berryville Clarke County Government Center in Berryville Virginia on at 10:00 o'clock on Monday, July 9, 2012 Given under my hand seal of the Clarke County this 9th day of July, 2012.

David L. Ash, Clerk

F. FY2013 General Government Employee Salaries

07/09/2012 Summary: The FY2013 Salaries for General Government employees have been adjusted to reflect the 5% statutory increase mandated by the State and a 2% offset as discussed and agreed by the Board of Supervisors at its March 20, 2012 Budget Work Session. The Board is asked to confirm the specific salary adjustments provided for in the approved budget.

07/09/2012 Action: Staff was directed to prepare a salary resolution for Board consideration and action at their regular July meeting.

At the 7/17/2012 Regular Meeting: **Supervisor Staelin moved to adopt the FY2013 General Government Salary Resolution 2012-14R. The motion carried by the following vote:**

Barbara J. Byrd	- Aye
J. Michael Hobert	- Aye
Beverly B. McKay	- Aye
John R. Staelin	- Aye
David S. Weiss	- Absent

**FY2013 Clarke County General Government Salary Resolution
2012-14R**

BE IT RESOLVED, by the Board of Supervisors of the County of Clarke, Virginia, that the rate of pay for the following individuals, subject to agreement by affected Constitutional Officers, will be adjusted to the following rates effective July 1, 2012.

<i>Last Name</i>	<i>First Name</i>	<i>MI</i>	<i>Department</i>	<i>FY2013 Salary</i>	<i>Final % Increase</i>	<i>Comment</i>
Ash	David	L.	Administration	\$135,173	1.07	
Vaughan	Susanne	P.	Administration	\$ 35,092	1.07	
Walburn	Lora	B.	Administration	\$ 44,930	1.07	
Wright	Jenny		Animal Shelter	\$ 35,845	1.07	
Fewell	Brittany		Animal Shelter	\$ 9.44	1.02	Permanent Part-time, No Benefits
DeHaven H	Holly	A	Building	\$ 37,216	1.07	
Pope	Gary	R.	Building	\$ 61,239	1.07	
Mackall	Suzanne	Suni	Commonwealth Attorney	\$119,448	1.05	Constitutional Officer
Marple	Beth		Commonwealth Attorney	\$ 37,327	1.07	
McLoughlin	Archana		Commonwealth Attorney	\$ 69,534	1.07	
Rhodes	Clesta		Commonwealth Attorney	\$ 54,191	1.07	
Braithwaite	Susan		COR	\$ 26,473	1.07	
Peake	Donna		COR	\$ 68,072	1.05	Constitutional Officer
Smoot	Page		COR	\$ 43,275	1.07	
Hahn, Jr.	Lee		E911	\$ 29,246	1.07	
Hammond	Richie		E911	\$ 29,246	1.07	
Hess	Pam		E911	\$ 55,139	1.07	
Poston	Sonny		E911	\$ 31,599	1.07	
Richards	Leslie		E911	\$ 29,246	1.07	
Richards	Whitney		E911	\$ 29,246	1.07	
Richards	Rebecca		E911	\$ 34,047	1.07	
Schuller	Becky		E911	\$ 29,245	1.07	
White	Rebecca		E911	\$ 40,257	1.07	
Wilkerson	Robert		E911	\$ 35,216	1.07	
Willingham	Lee		E911	\$ 35,216	1.07	
Barenklau	Mark	E	EMS	\$ 20.58	1.07	
DeHaven S	Steve	A.	EMS	\$ 20.58	1.07	

<i>Last Name</i>	<i>First Name</i>	<i>MI</i>	<i>Department</i>	<i>FY2013 Salary</i>	<i>Final % Increase</i>	<i>Comment</i>
Jackson	Don	T.	EMS	\$ 21.43	1.07	
Peach	David	M.	EMS	\$ 20.58	1.07	
Wilson	Wade	W.	EMS	\$ 20.58	1.07	
Fuller	Robert	W.	GIS/IT	\$ 48,150	1.07	
Russell	Gordon	D.	GIS/IT	\$ 74,275	1.07	
Drummonds	Dale		Maintenance	\$ 39,958	1.07	
Huff	Franklin	D.	Maintenance	\$ 28,969	1.07	
Levi	Robert	M.	Maintenance	\$ 77,896	1.07	
Miller	Ruby	A.	Maintenance	\$ 44,512	1.07	
Royston, II	James	H.	Maintenance	\$ 42,800	1.07	
Boothe	Ann		Parks & Rec	\$ 35,092	1.07	
Cooke	Lisa	A.	Parks & Rec	\$ 70,385	1.07	
Knoll	Christie	T.	Parks & Rec	\$ 33,856	1.07	
Kovak	Brandon	T.	Parks & Rec	\$ 43,210	1.07	
Martin	Shannon	P.	Parks & Rec	\$ 45,304	1.07	
Myers	Tanya	A.	Parks & Rec	\$ 37,327	1.07	
Pitcock	Tracey		Parks & Rec	\$ 44,135	1.07	
Cather	Angela		Parks & Rec	\$ 11.48	1.02	Permanent Part-time, No Benefits
Bean	Debra	L.	Planning	\$ 41,124	1.07	
Russell, II	Jesse	L.	Planning	\$ 66,218	1.07	
Stidham	Brandon	L.	Planning	\$ 89,250	1.05	New Hire
Teetor	Alison		Planning	\$ 66,120	1.07	
Chambers	Nicholas	Don	Sheriff's Office	\$ 53,026	1.05	Early Raise
Curtis	Darrell	Duane	Sheriff's Office	\$ 38,520	1.07	
Ermerins	Scott		Sheriff's Office	\$ 45,228	1.05	Early Raise
Feltner	Alvin		Sheriff's Office	\$ 53,760	1.05	Early Raise
Herron	James	A.	Sheriff's Office	\$ 42,041	1.05	Early Raise
Hough	Jason		Sheriff's Office	\$ 38,460	1.05	New Hire
Jewell	Shane	R.	Sheriff's Office	\$ 38,520	1.07	
Lichliter	Gary		Sheriff's Office	\$ 61,735	1.07	
Mason	Allen		Sheriff's Office	\$ 39,193	1.07	
McWilliams	Mike		Sheriff's Office	\$ 63,840	1.07	
Moore	Karen		Sheriff's Office	\$ 41,138	1.07	
Putnam	Patricia		Sheriff's Office	\$ 48,610	1.07	
Roper	Anthony		Sheriff's Office	\$ 76,638	1.05	Constitutional Officer

<i>Last Name</i>	<i>First Name</i>	<i>MI</i>	<i>Department</i>	<i>FY2013 Salary</i>	<i>Final % Increase</i>	<i>Comment</i>
Rose	Janine		Sheriff's Office	\$ 40,660	1.07	
Rosenberry	Brian		Sheriff's Office	\$ 56,279	1.07	
Sumption	Travis		Sheriff's Office	\$ 53,760	1.05	Early Raise
Thompson	Mike		Sheriff's Office	\$ 42,474	1.07	
Voorhess	Greg		Sheriff's Office	\$ 43,275	1.05	New Hire
Allen	Gay	M.	Social Services	\$ 61,140	1.07	
Austin	Michael	A.	Social Services	\$ 43,591	1.07	
Casarotti	Erin	L.	Social Services	\$ 43,591	1.07	
Chanselle	Robin	L.	Social Services	\$ 52,662	1.07	
Cresce	Heidi		Social Services	\$ 42,309	1.07	
Henry	Susan	A.	Social Services	\$ 42,309	1.07	
Johnson	Ilene		Social Services	\$ 31,630	1.02	Permanent Part-time, No Benefits
Jones	Angie		Social Services	\$ 67,536	1.07	
Lamanna	Ann		Social Services	\$ 27.48	1.02	Permanent Part-time, No Benefits
Mason	Beth		Social Services	\$ 43,160	1.07	
Mclsaac	April	J.	Social Services	\$ 36,084	1.07	
Perry	Bonnie	M.	Social Services	\$ 51,624	1.07	
Rivera	Elaine	F.	Social Services	\$ 42,309	1.07	
Smith	Tammy	M.	Social Services	\$ 45,816	1.07	
Turkowsky	Lillian	A.	Social Services	\$ 42,309	1.07	
Snyder	Bonnie	L.	Social Services	\$ 10,729	1.02	Permanent Part-time, No Benefits
Coffman	Deborah		Social Services	\$ 17.00	1.00	Emergency Part-time Temporary
Collins	Elizabeth		Treasurer	\$ 31,030	1.07	
Jenkins	Tiana		Treasurer	\$ 32,072	1.07	
Keeler	Sharon		Treasurer	\$ 68,072	1.05	Constitutional Officer
McDonald	Whitney		Treasurer	\$ 30,253	1.07	
Bosserman	Barbara		Voter Registration	\$ 45,531	1.05	State Employee
				\$3,815,182.58		

*New salary effective July 1, 2012

Attested: July 17, 2012

David Ash
County Administrator

By my signature below, I acknowledge agreement with the salary change and affirm that all listed employees reporting to me are eligible for a pay increase.

Donna Peake
Commission of the Revenue

Sharon Keeler
Treasurer

Suzanne Mackall
Commonwealth Attorney

Anthony Roper
Sheriff

G. Amend Code of Clarke County Chapter 106 Hunting and Firearms.

07/09/2012 Action: Chapter 106 Hunting and Firearms Article II Firearms 106.7 Fingerprinting Applicants for Concealed Handgun Permits; Repeal section effective July 1, 2012 an ordinance amending Chapter 106 of the Code of Clarke County, Virginia, entitled "Hunting and Firearms," Article II, Entitled "Firearms," by repealing Section 106-7, consistent with recently amended Virginia code section 18.2-308, which removes the option for a locality to require that an applicant for a concealed handgun permit submit fingerprints as part of the application.

Supervisor Staelin moved to direct staff to advertise the matter for public hearing at the next meeting following the required public notice. The motion carried as follows:

Barbara J. Byrd	- Aye
J. Michael Hobert	- Aye
Beverly B. McKay	- Aye
John R. Staelin	- Aye
David S. Weiss	- Absent

H. Request to Purchase Electronic Poll Books

07/09/2012 Action: **For the purpose of purchasing electronic poll books, Supervisor Staelin moved to increase the fiscal year 2013 budget for the General Registrar by \$3,400, to appropriate same, and to reduce the prior year's general fund balance designation by the same amount. The motion carried as follows:**

Barbara J. Byrd	- Aye
J. Michael Hobert	- Aye
Beverly B. McKay	- Aye
John R. Staelin	- Aye
David S. Weiss	- Absent

July 5, 2012

TO: David Ash
 FROM: Barbara Bosserman
 RE: Electronic Pollbook Purchase

The electronic pollbook (EPB) program is again available through the State Board of Elections. The program is supported by Help America Vote Act (HAVA) funds designed to assist localities with the implementation of the EPB systems. Under the state program, SBE is absorbing all but \$200 of the costs associated with the initial deployment of the EPBs. The latest information shows the cost without SBE assistance is approximately \$1,025 per unit.

The EPB system consists of the laptop, EPB software, necessary cabling, mouse and USB sticks. The software maintenance will be provided through June 2013, after which it is \$56 per unit / per year.

The Electoral Board is requesting a supplemental appropriation in the amount of \$3,400 to purchase 17 units. Our deadline for notifying SBE of our desire to purchase the units is July 31, 2012.

CC: Electoral Board
 Tom Judge

11) Finance Committee:

1. FY 13 Supplemental Appropriations.

The Regional Jail Board assumed that Frederick County would opt to phase-in their VRS rate increase. When Frederick County decided to fully implement the actuarial rate, the member shares were recomputed and Clarke's share increased from \$453,049 to \$465,137. The following action is recommended:

"Be it resolved that FY 13 budgeted expenditures for the Regional Jail be increased \$12,088, and the same appropriated, for the purpose of funding additional VRS expenditures. "

At the 7/17/2012 Regular Meeting: **Supervisor Staelin moved to adopt the recommendations of the Finance Committee as presented. The motion carried by the following vote:**

Barbara J. Byrd - Aye

J. Michael Hobert	-	Aye
Beverly B. McKay	-	Aye
John R. Staelin	-	Aye
David S. Weiss	-	Absent

2. Acceptance of June Bills and Claims.

The Finance Committee recommends that the Board should consider accepting this report at their next regular meeting.

07/17/2012 Action: Supervisor Byrd moved to accept the June 2012 General Government Bills and Claims as presented. The motion carried by the following vote:

Barbara J. Byrd	-	Aye
J. Michael Hobert	-	Aye
Beverly B. McKay	-	Aye
John R. Staelin	-	Aye
David S. Weiss	-	Absent

3. Standing Reports.

Standing Reports Reconciliation of Appropriations. General Fund Balance. General Fund Expenditure Summary. General Government Capital Projects. Action: Information Only

12. Government Projects Update

The monthly project update was provided by Brandon Stidham and David Ash. Highlights include:

- Berryville-Clarke County Government Center
 - o HVAC base line monitoring is in progress.
 - o Met this morning with Keith Dalton, Roger Catlett and Bobby Levi to discuss the request for bids for repairs to the HVAC.
- Senior Center/Parks Building
 - o Moving forward quickly.
 - o Washington Gas has provided assurances that the gas line will be installed by the deadline.
- 36 East Main Street [former Library]

- Dunn Survey has staked and flagged the parcel.
- Supervisor Staelin suggested that at the end of the meeting the Board recess and reconvene at the property.
- Chairman Hobert suggested having Vice Chairman Weiss provide his opinion at the August meeting.
- Board members were directed to share their opinions with Mr. Weiss.

13) Miscellaneous Items

Emerald Ash Borer

Chairman Hobert noted that the emerald ash borer is becoming a problem in our area. He stated that Alison Teetor had prepared a document for dissemination on the County's website.

Chairman Hobert put forth that some counties have issued cautions and educational materials. Supervisor Staelin suggested drafting a resolution.

Chairman Hobert instructed Mr. Ash to follow up with Ms. Teetor to determine what other localities are doing and to instruct her to make the information available to the community.

Double Toll Gate Committee Recommendations

Supervisor Staelin summarized the rationale used by member of the Double Toll Gate Committee:

- Given the pace of development, recommend addressing as part of economic development in the pending comprehensive plan review process.
- Currently, there are no easy, simple solutions.
- The Committee used the various engineering studies commissioned by the Board when developing its recommendations.
- Review Committee recommendations at August Board of Supervisors Work Session.

Tourism Signage

Supervisor Staelin provided an update from the Economic Development Advisory Committee:

- County welcome signs are being discussed.
- Looking for a slogan for the welcome signs.
- Need to determine overall purpose of the sign.
- His personal choice is to target tourists.
- Discussion will continue at the July 18 EDAC meeting.

14) Summary of Required Action

<u>Item</u>	<u>Description</u>	<u>Responsibility</u>
1.	Add review of Double Toll Gate Committee Report to the August Work Session Agenda.	David Ash
2.	Process approved minutes and upload to website.	Lora B. Walburn
3.	Execute LFEMS MOA for medical radios.	David Ash
4.	Process and forward LFEMS MOA for medical radios.	Lora B. Walburn
5.	Advertise Public Hearing SUP-12-01, Special Use and Site Plan Verizon Wireless.	Lora B. Walburn
6.	Update database and process letters of appointment.	Lora B. Walburn
7.	Execute letters of appointment.	Michael Hobert
8.	Forward copies of executed letters of appointment to Circuit Court where applicable.	Lora B. Walburn
9.	Execute and forward the Memorandum of Understanding Regarding Oversight of and Dispatching for Shenandoah Farms Volunteer Fire Company	David Ash, Michael Hobert
10.	Execute and forward John H. Enders Fire Company, Inc. – Parking Lot Loan.	Michael Hobert
11.	Execute Resolution 2012-13R Local Governing Body Concurrence with School Division Electing to Pay the VRS Board-Certified Rate (In accordance with the 2012 Appropriation Act Item 468(H))	Michael Hobert
12.	Forward 2012-13R Local Governing Body Concurrence with School Division Electing to Pay the VRS Board-Certified Rate (In accordance with the 2012 Appropriation Act Item 468(H))	Tom Judge
13.	Secure signatures on 2012-14R.	Susanne Vaughan

<u>Item</u>	<u>Description</u>	<u>Responsibility</u>
14.	Process 2012-14R and provide notice to affected employees.	Lora B. Walburn
15.	Advertise CC-12-01 for public hearing.	Lora B. Walburn
16.	Provide notice of approval for electronic poll book purchase.	David Ash
17.	Follow up with Alison Teetor to determine what other localities are doing for the emerald ash borer.	David Ash
18.	Instruct Alison Teetor to make information on the emerald ash borer available to the community.	David Ash
19.	Forward suggestions on 36 East Main Street Property to David Weiss.	Supervisors
20.	Place review of 36 East Main Street Property on August Work Session agenda.	David Ash
21.	Notify Zoning Administrator of Board action on the BZA decision.	David Ash
22.	Contact staff to arrange tours of the Mt. Carmel site – SUP-12-01.	Supervisors

15) Board Member Committee Status Reports

Supervisor John Staelin

- IDA meets tomorrow to discuss the Supervisors’ recommendation to develop a program to help subsidize utility connection fees in the Waterloo area.

Chairman J. Michael Hobert

- The Joint Administrative Services Board did not meet in July.

16) Closed Session

At 1:29 pm, **Supervisor Byrd moved to convene into Closed Session pursuant to 2.2-3711-A7 Consultation with legal counsel and briefings by staff members or consultants pertaining to actual or probable litigation, where such consultation or briefing in open meeting would adversely affect the negotiating or litigating posture of the public body; and consultation with legal counsel employed or retained by a public body regarding specific legal matters requiring the provision of legal advice by such counsel.**

The motion carried as follows:

Barbara J. Byrd	- Aye
J. Michael Hobert	- Aye
Beverly B. McKay	- Aye
John R. Staelin	- Aye
David S. Weiss	- Absent

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, at 1:42 pm, **Supervisor Staelin moved to reconvene in open session. The motion carried as follows:**

Barbara J. Byrd	- Aye
J. Michael Hobert	- Aye
Beverly B. McKay	- Aye
John R. Staelin	- Aye
David S. Weiss	- Absent

Supervisor Staelin further 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:

Barbara J. Byrd	- Aye
J. Michael Hobert	- Aye
Beverly B. McKay	- Aye
John R. Staelin	- Aye

David S. Weiss - Absent

Supervisor Staelin moved to approve the following resolution:

RESOLUTION

WHEREAS, the Clarke County Board of Zoning Appeals, upon an appeal filed by Thomas and Melissa Dunning, reversed an administrative determination by the Clarke County Zoning Administrator regarding berms constructed on the property of Stuart M. Perry, Inc. adjoining the property of Mr. and Mrs. Dunning; and

WHEREAS, Stuart M. Perry, Inc. has appealed the BZA decision to the Clarke County Circuit Court; and

WHEREAS, by statute the Board of Supervisors is a necessary party to the Circuit Court appeal; and

WHEREAS, the central issue in the appeal is the interpretation of written conditions placed on the approval of a Special Use Permit approved for Stuart M. Perry, Inc. by the Board of Supervisors in 1995; and

WHEREAS, no member of the current Board of Supervisors was on the Board in 1995 when the Special Use Permit and the conditions were approved; and

WHEREAS, the Board of Supervisors does not desire to take a position between the administrative determination made by the Clarke County Zoning Administrator and the decision of the Clarke County Board of Zoning Appeals.

NOW, THEREFORE, the Board hereby directs its counsel to take no position on behalf of the Board of Supervisors in the appeal pending in the Circuit Court.

The motion was approved by the following vote:

Barbara J. Byrd	- Aye
J. Michael Hobert	- Aye
Beverly B. McKay	- Aye
John R. Staelin	- Aye
David S. Weiss	- Absent

Chairman Hobert recessed the meeting at 2:46 pm.

Chairman Hobert reconvened the meeting at 3:00 pm at 36 East Main Street [former library].

The Board of Supervisors and the County Administrator viewed the survey stakes placed Dunn Survey. No action was taken.

Chairman Hobert recessed the meeting at 3:20 pm.

Chairman Hobert reconvened the meeting at 6:35 p.m.

17) Citizen Comment Period

David Steigmaier, Constituent Services Representative for Congressman Wolf, introduced himself to the Board. He stated that he was attending the meeting to report to the Congressman issues being addressed by localities.

18) Public Hearing PH 12-06 Amendment of the County Zoning Ordinance Section 6-B-Site Development Plans, when required so as to add Small Wind Turbines to the items not requiring a site plan. TA-12-01

The Planning Commission voted unanimously to recommend the proposed amendment to the Board of Supervisors at their June 1 meeting. At the June meeting the Board requested background material from the original ordinance adoption this material follows the current staff report.

RECOMMENDATION

Adopt the text amendment to the County Zoning Ordinance so as to add small wind turbines to the items not requiring a site plan.

Alison Teetor summarized the proposed ordinance change advising that it was being introduced as a means to encourage use of renewable energy sources. She answered various questions posed by the Board.

At 6:45 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.

Chairman Hobert called for further question or comment from the Supervisors. Being no further comment or question, **Supervisor McKay moved to approve Zoning Ordinance TA-12-01 as presented. The motion carried by the following vote:**

Barbara J. Byrd	- Aye
J. Michael Hobert	- Aye
Beverly B. McKay	- Aye
John R. Staelin	- Aye
David S. Weiss	- Absent

AMENDMENT TEXT (changes shown in bold italics):

6 SITE DEVELOPMENT PLANS

(7/20/93)

(6/15/04)

6-A INTENT

The purpose of these requirements is to promote the orderly development of certain activities in the County and to insure that such activities are developed in a manner harmonious with surrounding properties and in the interest of public health, safety, and welfare. The site plan shall be used to review:

1. a project's compatibility with its environment,
2. the ability of proposed traffic circulation systems to provide for safe and convenient movement of vehicles and pedestrians,
3. the quantity, quality, utility, and type of the project's community facilities, and
4. the location and adequacy of the provision for drainage and utilities.

6-B WHEN REQUIRED

6-B-1 A site plan shall be submitted in accordance with this article for all proposed buildings, structures, or uses, except:

- a. single family detached dwellings
- b. ***small wind turbines subject to the following requirements:***
 - (1) ***single structures greater than 100 feet in height; or***
 - (2) ***less than three wind turbine structures 100 feet or less***
- c. agricultural buildings.

6-B-2

A site plan shall be submitted when a change of use of an existing structure requires additional parking or other significant external improvements.

19) Adjournment

There being no further business to be brought before the Board at 6:47 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 21, 2012 at 1:00 p.m. in the Main Meeting Room, 101 Chalmers Court, 2nd Floor, Berryville, Virginia.

ATTEST: July 17, 2012

J. Michael Hobert, Chair

David L. Ash, County Administrator

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