

CLARKE COUNTY BOARD OF SUPERVISORS
January 15, 2008 Regular Meeting 1:00 p.m.
Board of Supervisors Meeting Room

At a regular meeting of the Board of Supervisors of Clarke County, Virginia, held in the Board of Supervisors' Meeting Room, 2nd Floor Circuit Courthouse, 102 N. Church Street, Berryville, Virginia on Tuesday, January 15, 2008.

Board Members Present

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

Staff Present

David Ash, Chuck Johnston, Tom Judge, Alison Teetor

Others Present

Robina Rich Bouffault, Bob Wade, Tom Nolan, Linwood Outlaw III, Stephanie Mangino, Ruth Marlow and other citizens and members of the press

Call to Order

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

Adoption of Agenda

Supervisor Weiss moved to approve the agenda as revised:

- **Add to Miscellaneous:**
 - o Conservation Easement Application for Donation - Hamilton / McCarthy
 - o Interstate Commission on the Potomac River Basin Rain Barrel Partnership Memorandum of Agreement
 - o Set Public Hearing:
 - TA-07-06 Zoning Text Amendment FOC, RR, When Site Plans Required, Boundary Line Adjustments
 - SUP-07-06 Gerald Jones, Jr. Special Use and Site Plan for Limited Vehicular Repair

The motion carried by the following recorded vote:

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

Approval of Minutes

Supervisor Byrd asked for the addition of the Supervisors request to Robinson Farmer and Cox to provide graphical comparisons with prior year audits and with comparisons to other jurisdictions of similar size be added to Summary of Required Actions in the December 18, 2007 minutes.

Vice Chairman Hobert requested that on Book 19 Page 383 his reason for abstention - Treasurer of Historical Association - from the vote on the Historical Association Request be noted in the minutes. He further requested that Book 19 Page 384 be modified to state that Mr. Livingston indicated that he would be willing to confirm privity of his contract between his firm and the Board of Supervisors. By consensus, the Supervisors instructed staff to draft a letter to Mr. Livingston addressing this matter."

Chairman Staelin requested that the revisions to the minutes be provided for review.

Vice Chairman Hobert moved to approve the minutes for the December 11, 2007 Work Session with Berryville Town Council and the January 7, 2008 Organization Meeting & Work Session as presented; and the December 18, 2007 Regular Meeting as revised.

The motion was approved by the following vote:

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

Consent Agenda

Lord Fairfax Environmental Health District Locality Agreement

David Ash provided an overview of the modifications made to the agreement. A copy of the Lord Fairfax Environmental Health District Locality Agreement is on file in the Board of Supervisors meeting material for January 2008.

Supervisor Byrd moved to approve the item on the Consent Agenda.

The motion was approved by the following vote:

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

Citizens Comment Period

Tom Nolan, requested time on the February 19, 2008 Board of Supervisors Regular Meeting Agenda to make an oral presentation on the Composite Index.

Chairman Staelin affirmed the addition of this item on the February 19, 2008 agenda.

Marie Applewood, expressed concern for the progression of the County. She put forth what she perceives as a need for wireless internet service opining that this was a professional community that needed to keep up with technology.

Ms. Applewood provided David Ash with contact information for ComCast, a cable provider.

Chairman Staelin responded that in conversations he has had with other similar providers he knew that there were certain thresholds that must be met.

Chuck Johnston, White Post Village Association board member, spoke in support of wireless internet service.

Mary Flagg, Clarke County resident, added her support for wireless internet service.

David Ash interjected that he and Michael Hobert have had discussion regarding wireless internet service with Mark Bayliss, Visuallink – an internet provider, who showed little interest in pursuing the matter.

Chairman Staelin asked staff to include wireless service in the Supervisor's goal setting discussions.

VDOT

Jeff Lineberry, with Bob Childress and Charlie Monroe, provided the monthly update from the Virginia Department of Transportation.

Maintenance, Construction Updates and Supervisor Concerns.

- Shoulder work resulting from paving problems continues on Route 340.
- Clean up from the windstorm continues on Route 601.
- Grading of non-treated surfaces continues.
- Response to snow storms continues including the brief snowfall this morning.
- Speed zone review requests are still in process.
- Signal studies on Route 340 and Business 7 is in process with speed samples to be taken at the end of January to determine if they meet warrants for signalization. Mr. Lineberry stated that he would take the concerns expressed by the Supervisors back to the engineers who performed the study.
- The intersection of Route 340 and Route 723 in Boyce did not meet signalization warrants.
- Flashing lights will be added to Route 340 at Senseny Road.
- Bob Childress asked to be included on the Work Session Agenda for the Secondary Six-year Plan on February 11, set public hearing on February 19 and public hearing on March 18 in the afternoon.
- Supervisor Byrd provided pictures of the culverts on Russell Road. Charlie Monroe advised that he had reviewed and any remediation would have to go through VDOT's environmental group.
- Supervisor Byrd praised VDOT for doing a good job on Clarke County roads.
- Supervisor Byrd requested that VDOT give her three dates they would be available to meet with residents on Allen Road.
- Jeff Lineberry stated that studies on Stringtown Road are still on the list.
- Vice Chairman Hobert asked VDOT to look at the crosswalk at Hermitage and Buckmarsh.
- Bob Wade, Planning Commissioner, put forth speeding and other safety concerns on Route 7 going west.

Public Hearing PH 08-01 Grant of Right-of-Way to the Potomac Edison Company

The Clarke County Board of Supervisors proposes to grant a ten-foot wide right-of-way to the Potomac Edison Company [dba Allegheny Power] along northern property line of the site of the new Berryville-Clarke County Government Center (Tax Map Parcel 14A5-((A))- 65), which is jointly owned by the Town of Berryville and Clarke County. This easement would be approximately eighty-five feet in length and will accommodate the electrical service from an existing electric pole to a new transformer. This easement is necessary to provide electrical service to the Berryville-Clarke County Government Center.

The Berryville Clarke County Government Center Construction Committee members David Ash, County Administrator, and David Weiss, Supervisor Buckmarsh / Blue Ridge District, reviewed the requested easement.

At 2:15 p.m. Chairman Staelin opened the public comment portion of the public hearing. There were no persons present wishing to comment therefore this segment of the hearing was closed.

Supervisor Byrd moved to grant the right-of-way to the Potomac Edison Company [dba Allegheny Power].

The motion was approved by the following vote:

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

Clarke County Public Schools Update

Robina Rich Bouffault, Chair - Clarke County School Board, appeared before the Supervisors to provide an update on Clarke County Public Schools. Chairman Staelin welcomed Ms. Bouffault and extended the Boards' congratulations. He put forth that the Supervisors were hoping for greater communication with the new School Board and regular monthly updates. Mrs. Bouffault concurred.

The following are highlights of Ms. Bouffault's update:

- John Taylor, interim Superintendent, is settling well and is meeting with faculty.
- The School Construction Committee will have its first meeting January 16.
- Both Alton Echols and Beverly Byrd have given written permission to have testing done on their respective properties including cost feasibility studies. Results from previous studies of the Byrd site will be used. A progress report is expected in time for the February 4 School Board Meeting. The School Board's goal is to have all tests completed prior to the end of June 2008.
- There is still no response to the Schools or the Planning Department from the Salvation Army or their agents, PHR+A.
- The Construction Committee is gathering and reviewing documents with the contracts prior to authorizing payments.
- Vice Chairman Hobert advised that the contracts need to be protected and that if there was a breach of the contract it should be pursued. Mrs. Bouffault responded that the goal was to have review and comment completed by the end of March.
- CAD files will be provided for the site.
- The School Board would like to explore the creation of a joint maintenance service to maximize efficiencies.

Chairman Staelin requested staff provide letters of acknowledgment to Principal Susan Catlett at Boyce Elementary School for receiving the Board of Education's VIP Excellence Award and Principal Brenda Jones at D.G. Cooley Elementary School for receiving the Board of Education's VIP Competence to Excellence Award.

Discussion Regional Options to Periodic County Real Estate Assessment

David Ash provided a synopsis of the request from Page County to join them in considering the option of a regional real estate assessment. Tentative dates for the preliminary meeting are February 4 or February 6.

Supervisor Dunning moved for staff to investigate and provide an update to the Supervisors at the February meeting. Further that the Chair appoint an elected member to attend the preliminary meeting.

The motion was approved by the following vote:

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

Closed Session

Supervisor Byrd moved to convene into Closed Session pursuant to Section §2.2.3711-A4 of the Code of Virginia to discuss personnel matters. The motion was approved by the following vote:

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

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

Supervisor Weiss 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:

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

Supervisor Dunning left the meeting at 4:20 p.m.

Committee Appointments - Board of Supervisors Chair

John Staelin moved to adopt the Board of Supervisors Chair appointments as follows

David Ash

- **Northwestern Regional Jail Authority**
- **Regional Airport Authority**
- **Housing Rehabilitation Board**

Barbara Byrd

- **Clarke County School Board**
- **Our Health**
- **Personnel Committee**
- **Clarke County Litter Committee**
- **Northern Shenandoah Valley Regional Commission**
- **Clarke County Humane Foundation**
- **Board of Social Services**
- **The Barn Projects**
- **Towns and Villages: Berryville**

- A.R. Dunning, Jr.**
- Finance Committee
 - Regional Airport Authority
 - Finance Committee
 - Economic Development Advisory Committee
 - Personnel Committee
 - Planning Commission
 - Clarke County Sanitary Authority
 - Towns and Villages: Boyce
 - Sheriff's Department
 - Water Resources Policy Committee
 - Board of Well & Septic Appeals
 - ShenAir [NSVRC Subcommittee]
 - Clarke County School Board
 - Towns and Villages: White Post
- J. Michael Hobert**
- Clarke County Library Advisory Board
 - Finance Committee
 - Towns and Villages: Berryville
 - Economic Development Advisory Committee
 - Personnel Committee
 - Conservation Easement Authority
 - Parks & Recreation Advisory Board
 - Clarke County Industrial Development Authority
 - Joint Administrative Services Board
 - Clarke County School Board
- Chuck Johnston**
- NSVRC Disability Services Board
 - Northern Shenandoah Valley Regional Commission
- John Staelin**
- Personnel Committee
 - Clarke County Sanitary Authority
 - Water Resources Policy Committee
 - Northern Shenandoah Valley Regional Commission
 - Technology Committee
 - Towns and Villages: Millwood
 - Emergency Services
 - Finance Committee
 - Housing Rehabilitation Board
 - Towns and Villages: Pine Grove
 - Joint Administrative Services Board
 - Legislative Liaison and High Growth Coalition
- David Weiss**
- Planning Commission
 - Building and Grounds
 - NSV Home Consortium Advisory Committee
 - Joint Administrative Services Board
 - Finance Committee
 - Towns and Villages: Pine Grove
 - Personnel Committee

The motion was approved by the following vote:

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

Planning Department Application Fees

Chuck Johnston, Planning Administrator, reviewed the Planning Department application fee increase request that would substantially cover expenses and answered questions from the Supervisors. Chairman Staelin requested staff to look at what other jurisdictions charge for comprehensive plan changes.

Supervisor Dunning moved to adopt the Planning Department Application Fees as shown with the exception of the text amendment for Comprehensive Plan Changes increasing from \$2,500 to \$5,000 effective. Fee schedule effective January 15, 2008.

The motion was approved by the following vote:

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

Planning Department Application Fees
 Approved – ~~21 February 2006~~ *DRAFT 2008*

<u>Zoning Map Amendment</u>	\$ 3250 3500 per acre or portion of
Down-zoning	\$ 1625 1750 <i>½ Zoning Map Amendment Fee</i>
<u>Amendment to Rezoning Proffers</u>	½ Zoning Map Amendment Fee
<u>Text Amendment</u>	\$ 2250 2500
(Zng Ord; <i>Subd Ord</i>)	
(<i>Comprehensive Plan</i>)	\$5000
<u>Appeals to Board of Supervisors</u>	\$ 1625 1750
<u>Special Use Permit</u>	
for property zoned commercial/indus. Fees	\$ 1625 1750 for each disturbed acre or portion thereof + Site Plan Fees
for property zoned AOC, FOC, resid. Amendment	\$ 1625 1750 + Site Plan Fees ½ Regular Fee
<u>Site Development Plan</u>	
for property zoned commercial/indus.	\$ 3750 4000 + \$ 150 165 /required parking space
for property zoned AOC, FOC, or	\$ 1625 1750 + \$ 150 165 /required parking space

residential or for non-profit uses

<u>Amendment</u>		
by Planning Commission	1/2 Regular Fee	
by Planning Administrator	1/4 Regular Fee	
<u>Major Subdivision</u> (3 or more new lots)	\$ 3250 3500 /lot, plus \$ 225 for each road sign & pole set as needed	
<u>Minor Subdivision</u> (one or two new lots)	\$ 3250 3500 plus \$ 225 for each road sign & pole set as needed	
<u>Boundary Line Adjustment</u>	\$ 400 450 plus \$ 2250 2500 for each DUR transferred	
<u>Maximum Lot Size Exception</u> <i>requiring Planning Commission approval</i>	\$ 1250 1375	
<u>Subdivision Ordinance Waiver</u>	\$ 1000 1125	
<u>Vacation of Plat</u>	\$ 1625 1750	
<u>Erosion and Sediment Control Plan</u>	\$ 200 per plan + \$ 50/acre of disturbed area	
For site plans, major subdivisions, or land disturbances of 10,000 sq ft or more with significant impact as determined by the Zoning Administrator. This fee shall be submitted to the County but paid in a separate check made payable to the Lord Fairfax Soil and Water Conservation District. The District may charge an additional hourly fee for projects requiring extraordinary review or for third party review at a rate \$125 per hour.		
<u>Board of Zoning Appeals</u>	\$ 400 450 (fee refunded if appeal upheld)	
<u>Board of Septic & Well Appeals</u> <i>Review of blasting plans</i>	\$ 400 450 \$1000	
<u>Septic and Well Applications</u>		
Sewage Disposal Application	\$ 225 237.50 (plus VDH fee: \$112.50) = \$350 all paid to VDH	
Well Water Supply Application	\$ 150 162.50 (plus VDH fee: \$ 77.50) = \$240 all paid to VDH	
<u>Drainfield/Well Location</u>	\$ 55 60	
<u>Sign Permit</u>	\$ 30 + \$12 per sq/ft	\$15 per sq /ft
<u>Zoning Permit</u>		
Initial review of Home Occup./Bus. License	\$ 55 60	
Structure not requiring a building permit	\$ 55 60	
Residential Structure		
New principal structure	\$ 225 240	
Accessory structure or heated addition	\$ 110 120	
Unheated additions (porches/decks)	\$ 55 60	
Commercial Structure		
New principal structure or any addition with sq ft increase of 15% or more	\$ 550 600	
Accessory structure or any addition with sq ft increase of less than 15%	\$ 275 300	
<u>Zoning Certification Letter</u> (identification of property zoning and permitted uses requiring interpretation of county regulations)	\$ 120 120	
<u>Zoning Determination Letter</u> (identification of property zoning and permitted uses)	\$ 60 60	

<u>Land Disturbance Permit</u>	\$ 50 60
For any disturbance of less than 10,000 sq ft and disturbances of 10,000 sq ft or more with minimal impact as determined by the Zoning Administrator. This fee is charged only when Zoning Permit fee not charged.	
<u>E&S Re-inspection</u>	<i>1st visit: no charge; 2nd: \$100; 3rd: \$200; 4th: \$400; etc.</i>
<u>Land Evaluation & Site Assessment(LESA)</u>	\$ 150 160
<u>New Structure Addresses</u>	\$ 110 120
<u>Certificate of Appropriateness</u>	
for property zoned commercial or industrial	\$ 75 80
for property zoned AOC/FOC/Residential or for non-profit uses	\$ 35 40

Acreage, square foot, or parking space numbers are rounded to next whole number for determination of fee.

Collection and Expense Reimbursement

Payment of all applicant fees and charges shall be made to the Treasurer of Clarke County at the time of application for actions pertaining to zoning and subdivision matters. Fees and expenses for professional consulting services deemed necessary by the Board of Supervisors, Planning Commission, or other review boards for the evaluation of applications shall be reimbursed to the County at cost. The County may require a deposit for professional consulting service fees to be paid at application submittal.

Fee Waiver

The Board of Supervisors may waive fees in whole or in part for hardship or other unique reasons justifying relief. The Board of Supervisors or Planning Commission, at no cost to the landowner, may initiate zoning Ordinance Amendments. The Board of Supervisors has granted waivers for the following circumstances:

1. Zoning Application for housing for low/moderate income elderly citizens developed by a non-profit entity;
2. Zoning Applications for volunteer emergency service provider uses;
3. Zoning Applications for municipal water storage uses;
4. Zoning Applications for County-owned recreational uses; and
5. Special Use Permit and Site Plan Applications for nursery, day care, or pre-school uses operated by a non-profit entity in an existing structure.

Refund

Withdrawal of application before Planning Commission (or other review bd.) sets public hearing on request = 50% refund

Withdrawal of application before Board of Supervisors sets public hearing on request = 25% refund

Republication Costs

If the County has published a request in accord with public notice requirements and the applicant fails to meet their obligation for providing notice by posting signs and/or sending legal notice to adjoining property owners, the additional costs of republishing the request shall be paid by the applicant in addition to standard fees paid.

HOME Consortium Update

Chuck Johnston, Planning Administrator and staff representative to the HOME Consortium, provided an update on public comments received from all eleven jurisdictions. More information will be forthcoming in April and May.

Committee Action

Personnel

Appointment to Authorities, Boards and Commissions

<i>Committee/Board</i>	<i>Appointee</i>	<i>Expiration Date</i>
Board of Well and Septic Appeals <i>Mr. Blatz is re-appointed to serve an additional four-year term.</i>	Joe Blatz	2/15/12
Board of Zoning Appeals <i>Mr. Kackley is recommended to the Circuit Court for re-appointment to serve an additional four-year term.</i>	Charles Kackley	2/15/13

Supervisor Dunning moved to approve the appointments as presented.

The motion was approved by the following vote:

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

Update on Compensation and Classification Study

David Ash advised the Personnel Committee that the draft report had been returned to the consultant for revision of several key components and that the consultant would be available at the February Committee meeting to review the document and the consultant's recommendations. The Consultant will also plan to be available at the February 19 BOS meeting to present the recommendation to the Board. Chairman Staelin advised Mr. Ash that he and Supervisor Byrd would work with him on an alternate date for review by the Personnel Committee.

Work Session

Board of Supervisors Organizational Meeting

Election of Chair; Election of Vice-Chair; Set Date, Place and Time of Regular Meeting; Adopt Rules of Procedure. Action on these matters is recorded in the January 7, 2008 Organization Meeting & Work Session minutes.

USGS Status Report on Ground Water Study and Proposal for Continuation

David Nelms provided the Board with an update on the status of the Ground Water project in Clarke County, identified information and/or trends that can be helpful to the Board in adopting ordinances or regulations benefiting the health, safety and welfare of the public and provided the Board with a proposal identifying the benefits and costs of continuing the project for another year.

Discussion is recorded in the January 7, 2008 Organization Meeting & Work Session minutes.

Update on status of HOME Consortium Program

Due to time constraints, this item was moved to the January 15, 2008 regular meeting.

Finance

Budget Calendar Update

An update of the budget calendar was distributed that included adjustments based on input from the Board of Supervisors since their last meeting. The Finance Committee recommends the adoption of the proposed calendar with the understanding that it can be further modified should the need be presented.

Supervisor Weiss asked that the evening Work Session times be moved from 5:00 to 5:30 pm.

Waterloo Agreement

Mike Legge provided a memorandum describing action taken by the Clarke County Sanitary Authority with respect to the Waterloo agreement. The Finance Committee recommends implementation of the proposed settlement as soon as possible with the understanding that doing so will halt the accrual of interest on the part of the investors and that the County will have to wait until such time as payments for new connections are made to receive payment.

Tom Judge provided a short summary advising that no additional appropriation would be needed.

Composite Index Research

Results of an investigation into the source of the increase in the composite index were reviewed. The Finance Committee recommends that Board Members support representatives in the General Assembly who are working to change the composite index so as to avoid this adverse condition caused by such a small number of individuals.

Chairman Staelin stated that he had spoken with Delegate Joe May regarding this matter today; and it is anticipated that he would be monitoring this in the General Assembly. Further, Senator Jill Vogel has proposed a new bill that would change the process.

Tom Judge stated that there is still some hope that a small adjustment could be made for land in conservation easement at its use value.

View Engineering

The Finance Committee recommends staff continue contract negotiation efforts to resolve this matter as discussed. There is a desire to hire an engineer for School construction matters and View Engineering is being considered.

Clarke County Historical Association

Robert Levi, Maintenance Director, met with Ms. Lee and is preparing a cost estimate for the desired work and will have it available by the date of the meeting provided some additional information regarding fixtures etc is provided. The Finance Committee recommends a supplemental appropriation of \$38,979 to the Clarke County Historical Association with funds to come from those designated as Government Savings.

Following review, **Supervisor Dunning moved to adopt the resolution "Be it resolved that FY 08 budgeted expenditures for the Clarke County Historical Association be increased \$38,979, and the same appropriated, for the purpose of donating toward the purchase of a media product describing land use in the County, and be it further resolved that the fund balance designation for government savings be reduced in the same amount."**

The motion was approved by the following vote:

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

Sheriff's Request to employ Replacement Deputy

The Sheriff has notified me that he will be losing an employee in April. A replacement will have to attend basic training for approximately 4 months. The Sheriff is requesting the Board authorize employment of the replacement immediately so that he/she may attend basic training while the current deputy is still employed.

The Finance Committee recommends approval of the Sheriff's request to hire an additional deputy in order to allow him to send the deputy to basic training in anticipation of the retirement of a current deputy in April. Funds to come from those already available in the sheriff's budget provided that the Board understands he will be using overtime funds that could be needed should some unanticipated event occur.

Supervisor Dunning moved to adopt the recommendation of the Finance Committee.

The motion was approved by the following vote:

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

Budget Transfers

David Ash and Tom Judge presented proposed transfers to cover Professional Services:

County Administrator	\$7,000
Board of Supervisors	-\$7,000
Board of Zoning Appeals	\$5,500
Development Rights	\$2,000
Contingency	-\$7,500
 Net	 \$0

Following review, Vice Chairman Hobert moved approve the transfers.

Be it resolved that \$7,000 of budgeted expenditure be transferred from Board of Supervisors professional services to County Administrator professional services.

Be it resolved that \$5,500 of budgeted expenditure be transferred from the contingency for professional services to Board of Zoning Appeals professional services.

Be it resolved that \$2,000 of budgeted expenditure be transferred from the contingency for professional services to Conservation Easement professional services.

The motion was approved by the following vote:

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

Bills And Claims

Supervisor Byrd reviewed the bills and claims for December 2007 for general government and November for Clarke County Public Schools.

Supervisor Byrd moved to accept bills and claims for general government for December 2007.

The motion was approved by the following vote:

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

Berryville Clarke County Government Center Update

David Ash stated that work continues and tanks are being installed. Progress meetings are being held regularly and Brechbill & Helman has been asked to provide to the architect a chart of future activities covering the rest of the project.

Miscellaneous

Conservation Easement Application for Donation - Hamilton / McCarthy

Alison Teetor summarized the conversation easement application for donation from Brian and Susan Hamilton McCarthy.

Supervisor Dunning moved for to approve the conservation easement application for donation Hamilton / McCarthy.

The motion was approved by the following vote:

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

Interstate Commission on the Potomac River Basin Rain Barrel Partnership Memorandum of Agreement

Alison Teetor provided a brief history of the effort put forth to promote this program. She told the Supervisors that Bobby Levi, Maintenance Director, had advised that the rain barrels could be stored in the barn at the Chet Hobert Park.

David Ash advised the Supervisors to strike the paragraph specific to indemnification and provide notification to the insurance company advising that the County would be holding property belonging to another entity.

Vice Chairman Hobert moved to approve the proposal as described with the condition that the language pertaining to indemnification be stricken and subject to confirmation by Mr. Judge that these barrels that even though are the property of another can be insured under our policy.

The motion was approved by the following vote:

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

Set Public Hearing TA-07-06 Zoning Text Amendment FOC, RR, When Site Plans Required,
Boundary Line Adjustments

The Clarke County Planning Commission will consider the amendment of:

Zoning Ordinance Sections:

3-A-2, Forestal-Open Space-Conservation District (FOC), so as to clarify that the requirement that subdivisions contain residual parcels with a minimum area applies to parcels that existed as of the date (2005 June 21) when this requirement was established;

3-A-3, Rural Residential District (RR), so as to state that land areas covered by access easements shall not be included in maximum or minimum lot area or any density calculations, or be used to meet open space requirements;

6-B, When Site Plans Are Required, so as to state that a site plan shall be submitted when a change of use of an existing structure requires conformance to current site plan requirements such as parking, landscaping, signage, lighting, storm water control, etc.;

Subdivision Ordinance Section:

10-D, Boundary Line Adjustments, so as to state that in the Forestal-Open Space-Conservation Zoning District, no required residual parcel, established in accord with Zoning Ordinance Section 3-A-2-b, shall be reduced in area by a boundary line adjustment. TA-07-06

Chuck Johnston reviewed the Planning Commission recommendation to amend the Zoning Ordinance TA-07-06. For clarification, Chairman Staelin instructed staff to add "private" preceding "access easement".

Supervisor Dunning moved to set public hearing on Tuesday, February 19, 2008 at 6:30 pm or as soon thereafter as the matter may be heard.

The motion was approved by the following vote:

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

Set Public Hearing SUP-07-06 Gerald Jones, Jr. Special Use and Site Plan for Limited Vehicular Repair

Gerald Jones, Jr., requests approval of a Special Use and Site Plan for Limited Vehicular Repair in an existing garage on the property located at 633 Shenandoah River Lane, Tax Map #37A1-((3))-26, Greenway Magisterial District, zoned Forestal Open-Space Conservation (FOC). SUP-07-06

Chuck Johnston briefed the Supervisors on the application of Gerald Jones, Jr. for a Special Use and Site Plan for limited vehicular repair that comes to the Board on a split vote by the Planning Commission. He advised that only one negative written comment has been received at this juncture and opinion sought from an appraiser on the impact to adjoining property was not favorable.

Supervisor Weiss moved to set public hearing on Tuesday, February 19, 2008 at 6:30 pm or as soon thereafter as the matter may be heard.

The motion was approved by the following vote:

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

Golf Course Update

The Supervisors consented to Michael Hobert's request to have Chuck Johnston follow up with National Capital Golf, LLC and Solstice, LLC (Scot Lessler, agent) to determine what, if any, progress has been made on the approval conditions of the Special Use/Rezoning/Site Plan Amendment SUP-07-02 RZ-07-02 SP-07-05

Summary Of Required Action

<u>Item</u>	<u>Description</u>	<u>Responsibility</u>
1.	Revise 12/18/07 minutes and provide copies of corrections.	Lora B. Walburn
2.	Process final approved minutes.	Lora B. Walburn
3.	Execute and forward the Lord Fairfax Environmental Health Locality Agreement.	David Ash
4.	Add Tom Nolan to the February 19, 2008 Board of Supervisors Regular Agenda to make an oral presentation on the Composite Index.	Lora B. Walburn

<u>Item</u>	<u>Description</u>	<u>Responsibility</u>
5.	Refer to Economic Development Advisory Committee the interest in wireless internet service and include in Supervisors 2008 Goals.	David Ash
6.	Add review of the Secondary Six-year Plan to the February 11 Work Session Agenda.	David Ash
7.	Provide letters of acknowledgement to the principals of DG Cooley and Boyce Elementary.	David Ash
8.	Follow up with Page County on regional assessment discussions providing notification of attendance to the February meeting on reassessment.	David Ash
9.	Update Appointments Database with 2008 Chair Appointments.	Lora B. Walburn
10.	Provide letter of appointment to BWSA and recommendation to the Circuit for BZA. Update database.	Lora B. Walburn
11.	Change start times from 5 to 5:30 pm for BOS FY09 Budget Work Sessions on County Calendar.	Lora B. Walburn
12.	Interstate Commission on the Potomac River Basin Rain Barrel Partnership Memorandum of Agreement strike paragraph specific to indemnification and provide notification to the insurance company advising that the County would be holding property belonging to another entity	Alison Teetor
13.	Verify with insurance company that even though the rain barrels are the property of another they can be insured under our policy.	Tom Judge
14.	Write a letter to Main Street Architecture asking for confirmation of privity of contract between them and Clarke County.	David Ash
15.	Schedule discussion of goal setting for work session.	David Ash
16.	Advertise for public hearing TA-07-06 and SUP-07-06.	Lora B. Walburn
17.	Follow up with National Capital Golf, LLC and Solstice, LLC (Scot Lessler, agent) to determine what, if any, progress has been made on the approval conditions of the Special Use/Rezoning/Site Plan Amendment SUP-07-02, RZ-07-02, SP-07-05	Chuck Johnston
18.	Follow up with other jurisdictions on what they charge for Comprehensive Plan changes.	Chuck Johnston

Adjournment

There being no further business to be brought before the Board at 4:24 p.m. Chairman Staelin adjourned the meeting.

Next Meeting Date

The regular meeting of the Board of Supervisors is set for Tuesday, February 19, 2008 at 1:00 p.m. in the Board of Supervisors Meeting Room.

ATTEST: January 15, 2008

John Staelin, Chairman

David L. Ash, County Administrator

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