

CLARKE COUNTY BOARD OF SUPERVISORS  
May 20, 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, 2<sup>nd</sup> Floor Circuit Courthouse, 102 N. Church Street, Berryville, Virginia on Tuesday, May 20, 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, Linwood Outlaw III, Stephanie Mangino, and other citizens and members of the press

Call to Order

Chairman Staelin called the meeting to order at 1:03 p.m.

Adoption of Agenda

Supervisor Byrd moved to approve the agenda as modified:

- Add to Miscellaneous as time allows
  - o Discussion Status of VACo Position of Finance & Transportation Matters
  - o Closed Session Negotiation of Contract and Personnel Matters

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

#### Citizens Comment Period

No citizens were present wishing to address the Supervisors.

#### Approval of Minutes

Supervisor Dunning moved to approve, as presented, the minutes for:

- April 8, 2008 Public Hearing
- April 15, 2008 Regular Meeting
- April 29, 2008 Adjourned 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

#### Clarke County Public Schools Update

Robina Rich Bouffault, Chair - Clarke County School Board, appeared to speak at PH 08-08 School budget amendment. She advised that it would be premature to discuss other pending school matters such as the hiring of the Superintendent and the construction of the new high school.

#### 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,

- In process: patching for plant mix leveling operation, regular maintenance scheduled and resurface operations are scheduled.
- Grading a number of non-hard surface roads in preparation for dust control treatment. Anticipate completion by end of week.
- Pipe replacements on Route 621, Route 605, and Route 604.

- Pipe lining operations on Route 643 and Route 679.
- Removal of hazard trees on Senseny Road.
- Spraying on primary roads
- Contractor has begun paving on Route 7 mountain.
- Turn lanes have been completed: Route 50 and Route 255; Route 50 & Route 625; Route 50 & Route 602; Route 7 & Route 604; Route 7 & Route 603.
- Continue to look at crossovers on the Route 7 Corridor. Crossovers on Route 50 will be reviewed in future. Mr. Lineberry suggested that the preliminary list be reviewed at a Work Session.
- No additional funding cuts are anticipated per Mr. Lineberry.
- Due to the volume of traffic during special events, Chairman Staelin asked for review of turn lanes near Blandy Experimental Farm.
- Progress is being made on road improvement issue in Calmes Neck.
- Jeff Lineberry advised Supervisor Byrd that the railroad's schedule would be followed when addressing issues identified on Wadesville Road.
- Supervisor Byrd thanked Mr. Monroe for repairs to culverts on Russell Road.
- Supervisor Byrd asked for a progress report on speed studies. Mr. Lineberry assured that these were still in progress and reports would be forthcoming.
- There was discussion regarding the maintenance process followed by VDOT.
- Jeff Lineberry advised that shoulder work would be performed on various routes including 608 and 612. Supervisor Weiss noted deterioration of shoulders due to the heavy rainfall.
- Supervisor Weiss advised of a pothole and heavy brush grown in front of Grafton that is creating a hazard.

Supervisor Dunning left the meeting at 1:30 pm.

#### Dinosaur Land Development Update

Chuck Johnston distributed maps depicting planned improvements of the Dinosaur Land property at the Double Tollgate intersection noting that discussion continues. He advised VDOT of issues at this intersection including a large pothole, as well as grading problems that are creating drainage issues.

#### PH08-08 Public Hearing – FY08 Budget Amendment

The Clarke County Board of Supervisors will consider the amendment of the FY08 School Capital Projects budget to increase expenditures by a total of \$275,000 for flooring replacement, painting,

asphalt renovation, window and door replacements, air conditioning system repair, and additional lockers, and that the same be appropriated.

Tom Judge reviewed the proposed amendment of the FY08 School Capital Projects budget, which was adopted by the School Board without objection.

At 2:03 pm, Chairman Staelin opened the public comment portion of the public hearing.

Robina Rich Bouffault, Chair - Clarke County School Board – urged the Supervisors to approve the proposed budget amendment.

There being no additional persons desiring to address the Supervisors regarding this matter at 2:04 the public comment portion of the public hearing was closed.

**Vice Chairman Hobert moved to amend the FY08 School Capital Projects budget to increase expenditures by a total of \$275,000 for flooring replacement, painting, asphalt renovation, window and door replacements, air conditioning system repair, and additional lockers, and that the same be appropriated.**

**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

**Set Public Hearing Special Use Permit Amendment / Site Plan Amendment Community Housing Partners (Samantha Brown, Agent) SUP-08-03, SP-08-03.**

Community Housing Partners (Samantha Brown, Agent) requests approval of a Special Use Amendment and Site Plan Amendment for a special trade contractor located at 1329 Fish Paw Road, Tax Map #7-((A))-1A, Longmarsh Magisterial District, zoned Agricultural Open-Space Conservation (AOC). SUP-08-03, SP-08-03.

Chuck Johnston reviewed the special use permit amendment / site plan amendment request by Community Housing Partners, a non-profit entity. He advised that Bob Mitchell was reviewing the request. Mr. Johnston told the Supervisors that equipment used in construction would be stored at this location.

Mr. Foltz, property owner, addressed questions raised by the Supervisors advising that he had been in this location for approximately 24 years. He said that the new owner was based in Richmond and this location would be used as a hub to send workers in the region. He also relayed to the Supervisors that discussion with the engineer and the Health Department continued.

Supervisor Byrd moved to set the matter for public hearing at 6:30 pm on Tuesday, June 17, 2008 or as soon there after as the matter might 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.	- Absent
David S. Weiss	- Aye

## Committee Action

### Personnel

#### *Appointment to Authorities, Boards and Commissions*

<i>Committee/Board</i>	<i>Appointee</i>	<i>Expiration Date</i>
Regional Airport Authority <i>Mr. Crawford is reappointed to serve an additional four-year term.</i>	John Crawford	6/30/2012
Clarke County Historic Preservation Commission <i>Ms. Carter is reappointed to serve an additional four-year term.</i>	Paige Carter	5/31/2012
Board of Social Services <i>Mr. Davis is reappointed to serve a second four-year term subject to administration of Oath of Office by the Clerk of the Clarke County Circuit Court.</i>	Richard Davis	7/15/2012

Supervisor Byrd 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.	- Absent
David S. Weiss	- Aye

Chairman Staelin asked for the Supervisors consideration of candidates for Historic Preservation Commission advising that due to time constraints and travel itinerary Robert Holmes would not be seeking reappointment.

#### *FY09 Compensation Adjustments/Plan implementation*

At the May 12, 2008 Personnel Committee meeting, there was discussion of pay plan and annual merit/market adjustments for FY09. The Personnel Committee requested that a compensation schedule based upon the adopted classification plan and the financial constraints included in the FY09 budget be prepared for the committee's review.

#### Work Session

##### *Reassessment Discussion*

At the May 12, 2008 Work Session, the Board discussed the upcoming reassessment process including the RFQ details, recommendations from the past equalization board, updates on the regional reassessment effort and updated assessment cost estimates. Warren Arthur, Gordon Russell, Alison Teetor, and Joe Blatz – former chair Board of Equalization, were present at the work session. The Board members discussed the issues resulting from the last reassessment and ways to improve the procurement and contract to resolve those issues. Staff was directed to work with the Commissioner of Revenue and to proceed with procurement of the reassessment vendor.

##### *Update on Joint Admin Building and Circuit Courthouse Renovations*

The Board was provided with updates on the status of renovations to the Circuit Courthouse including additional work requested by the Judge.

##### *Continued Work Session with Closed Session to Discuss Site Acquisition for a High School*

*The work session was continued until May 13<sup>th</sup> at 2:00 pm for the purpose of discussing site acquisition for a high school. The Board members reconvened the continued work session at 2:00 pm on May 13<sup>th</sup>, 2008 with all members present.*

*Supervisor Hobert moved to convene in closed session pursuant to Section §2.2.3711-(A)(3) of the Code of Virginia, as amended, for discussion of acquisition of real property for a high school site, where discussion in an open meeting would*

*adversely affect the bargaining position or negotiating strategy with regard to the acquisition of the real property.*

*The motion was approved as follows:*

<i>Chairman Staelin</i>	-	<i>Aye</i>
<i>Supervisor Byrd</i>	-	<i>Aye</i>
<i>Supervisor Hobert</i>	-	<i>Aye</i>
<i>Supervisor Dunning</i>	-	<i>Aye</i>
<i>Supervisor Weiss</i>	-	<i>Aye</i>

*At this point, Supervisor Byrd announced that, depending upon the nature and course of the potential discussion that she may have, or be perceived to have a conflict of interest as a cousin of her husband currently owned one of the potential sites for the new school. She then left the meeting room. The chairman reviewed legal counsel's reminder to ensure that discussion did not stray from the stated purpose.*

*The members of the Board 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 Dunning moved to reconvene in open session. The motion carried as follows:*

<i>Chairman Staelin</i>	-	<i>Aye</i>
<i>Supervisor Byrd</i>	-	<i>Absent</i>
<i>Supervisor Hobert</i>	-	<i>Aye</i>
<i>Supervisor Dunning</i>	-	<i>Aye</i>
<i>Supervisor Weiss</i>	-	<i>Aye</i>

*Supervisor Dunning 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 this 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 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 members.*

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

Chairman Staelin	-	Aye
Supervisor Byrd	-	Absent
Supervisor Hobert	-	Aye
Supervisor Dunning	-	Aye
Supervisor Weiss	-	Aye

*Subsequent to the closed session, the Board Members agreed to again continue the work session and reconvene at 1:00 pm on May 15th, 2008.*

*The Board of Supervisors reconvened the work session at 1:00 pm on Thursday May 15th, 2008.*

#### *Closed Session*

*Supervisor Hobert moved to convene in closed session pursuant to Section §2.2.3711-(A)(3) of the Code of Virginia, as amended, for discussion of acquisition of real property for a high school site, where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy with regard to the acquisition of the real property.*

*The motion was approved as follows:*

Chairman Staelin	-	Aye
Supervisor Byrd	-	Absent
Supervisor Hobert	-	Aye
Supervisor Dunning	-	Aye
Supervisor Weiss	-	Aye

*The chairman reviewed legal counsel's reminder to ensure that discussion did not stray from the stated purpose.*

*The members of the Board 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 Weiss moved to reconvene in open session. The motion carried as follows:*

Chairman Staelin	-	Aye
Supervisor Byrd	-	Absent
Supervisor Hobert	-	Aye



Supervisor Dunning	-	Aye
Supervisor 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 this 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 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 members.*

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

Chairman Staelin	-	Aye
Supervisor Byrd	-	Absent
Supervisor Hobert	-	Aye
Supervisor Dunning	-	Aye
Supervisor Weiss	-	Aye

During the May 20, 2008, Board of Supervisors Regular Meeting the foregoing motions for Closed Session were reviewed, **Vice Chairman Hobert moved to accept the description of the Closed Sessions at Board of Supervisors Work Sessions on Tuesday, May 13, and Thursday, May 15, 2008.**

**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

Finance*Finance Director's Agenda*

At the May 5, 2008 Finance Committee meeting, the Finance Director's agenda was presented and contained four items including the standing reports. The Finance Committee recommended implementation of the proposed Policy on State Reductions in order to identify the impact of state funding cuts and to ensure that efforts have been made to off-set reductions where possible.

The Finance Committee also reviewed the FY09 Capital Budget document, revised to show the impact of proposed capital expenditure changes.

*Supplemental Appropriations*

The supplemental appropriations to cover additional engineering expense and revenue and to cover part-time personnel in the planning commission was reviewed and recommended.

**Vice Chairman Hobert moved to approve the Supplemental Appropriations to cover additional engineering expense and revenue and to cover part-time personnel in the Planning Commission.**

**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

*Cost Control Associates Contingent Contract*

Cost Control Associates has asked that the County consider contracting with them to review the County's utility billings to ensure that appropriate tariffs are being used, that double billing is not occurring, and that applications for any refunds due are made. The company claims that they are successful in identifying overcharges or better rate plans because they are knowledgeable about rate plans and billing codes of which consumers are not usually aware. The Finance Committee recommended additional information be obtained from the vendor and presented to the Board for consideration at the BOS meeting.

During the May 20, 2008 meeting, David Ash provided an update from his meeting with a representative from Cost Control Associates. He told the Supervisors that due to the pending move to the new joint facility telephone systems review had been removed from the list. The representative is to follow up with his firm to determine whether they would be willing to consider the lesser part. Mr. Ash concluded that he anticipated a response by month's end.

*Barns Of Rose Hill Request For \$50,000 Challenge Funding.*

The Barns of Rose Hill requested direction from the Board regarding the level of documentation required to qualify for the challenge grant and are asking that the Board transfer the funding upon submission of that documentation. The Finance Committee recommended that the Administrator contact The Barns of Rose Hill in order to confirm receipt of the matching funds and further, that the Barns organization be provided a copy of the Board action agreeing to provide funds upon assurance that all necessary funds have been committed and contracts for construction have been signed.

David Ash stated that The Barns of Rose Hill had provided documentation demonstrating compliance with the conditions as set forth by the Board of Supervisors.

**Supervisor Weiss moved that the Board of Supervisors provide certification that The Barns of Rose Hill have met the requirement to receive matching funds.**

**The motion was approved by the following vote:**

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

*Economic Development Consultant*

Procurement for an economic development consultant was also discussed at the Finance Committee. The Finance Director was authorized to complete the procurement document and proceed with the solicitation for proposals.

**Bills And Claims**

David Weiss reviewed the bills and claims for April 2008 for general government and March 2008 for Clarke County Public Schools.

Supervisor Weiss moved to accept bills and claims for general government for April 2008.

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

#### Update On Draft Work Plans for Important County Issues

John Staelin distributed a list of County Issues with designated representatives. By consensus the Supervisors agreed that this would be used as the master list for progress updates, as available.

#### Important County Issues (As Per February 19, 2008 BOS Discussion)

Tax Base Expansion	John Staelin David Ash
Recycling/Waste Transfer Center – Northwest area of County	David Weiss David Ash
Septage	Board David Ash
Better Public Relations/Communications	Barbara Byrd David Ash
Broad Band Access/High Speed Internet	John Staelin Gordon Russell & EDAC
Energy Efficient County – Government Operations and Public Policy	Michael Hobert Alison Teetor
Reuse of Lloyd House (old library)	Pete Dunning Chuck Johnston
Speeding on Roads	(partially addressed in FY09 Budget)

Government Construction and Renovation

David Weiss  
David Ash

Emergency Services

- Staffing
- Fee-For-Service

Affordable Housing

Park and Ride – Northeast area of County

Monitoring of Special Use Permits

Water Issues (State Mandated and Locally Desired)

- Quantity
- Quality

Land Use Value Issues and Information on Agricultural Economics

Town/County Merger – More Shared Services

Staggered BOS Terms – Investigate

Broadband Access / High Speed Internet: Chairman Staelin provided an update advising that he was working with Gordon Russell, Director IT/GIS. Vice Chairman Hobert added that the Economic Development Advisory Committee had met with a representative from Verizon, who indicated that it could be available in the near future but it would be more costly than dial up.

Recycling / Waste Transfer Center: Supervisor Weiss indicated that finding a place for recycling was the most difficult aspect of the recycling project.

Better Public Relations / Communications: Supervisor Byrd advised that research on a newsletter has been conducted and information solicited from jurisdictions throughout the Commonwealth.

Energy Efficient County Operations and Policies: Vice Chairman Hobert stated that the Supervisors were not creating anything new observing that Clarke County has long been protecting resources and pursuing green initiatives. He put forth that it was significant to note that this project was coming at a time when peers countrywide were looking at these matters.

Mr. Hobert read from a revised energy resolution 08-06R first presented at the March 18, 2008 regular meeting. Chairman Staelin suggested several wording changes.

Supervisor Byrd said that the Litter Committee would be very interested in this initiative. She commended Mr. Hobert for his efforts.

Vice Chairman Hobert recommended that a conservation committee be formed to review and make recommendations. He suggested a useful committee life to be a period of six to twelve months.

**Vice Chairman Hobert moved to adopt Conservation Partnership Resolution No. 08-06R changing the date to May 20, 2008 and removing Number 8 from the list of considerations.**

**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

Conservation Partnership Resolution  
08-06R

WHEREAS, Clarke County has historically been proactive in recognizing the importance of natural resources and in protecting the environment; and

WHEREAS, Clarke County's Comprehensive Plan Objective 4 encourages sustainable development by conserving energy and protecting our environment through sound planning to meet the needs of the present generation without compromising the ability of future generations to meet their own needs; and

WHEREAS, Clarke County is committed to fostering partnerships between and among government, schools, businesses and individual citizens with the goal of creating policies, practices and procedures that will promote conservation and actions to protect and improve our environment.

NOW, THEREFORE, be it RESOLVED that the Board of Supervisors shall appoint a team of business leaders, citizens, elected officials and staff to work with the County Administrator to develop goals and policies which address energy efficiency, conservation, and education and create a plan to reduce the County's overall environmental impact, saving tax dollars and improving services.

Attest: Adopted at a regular meeting of the Clarke County Board of Supervisors on May 20, 2008.

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David L. Ash, County Administrator

Partnership Committee to consider:

1. Energy Efficiency Policies which promote:
  - a. Waste reduction and recycling;
  - b. Energy efficiency in County, residential and commercial buildings;
  - c. Green building certification for new County facilities;
  - d. Green building certification for new commercial facilities;
  - e. Energy conservation;
  - f. Clean, distributed energy projects (power generated on site rather than transmitted); and
  - g. Informed environmental purchasing and procurement policies.
2. Renewable Energy Policies which promote:
  - a. Use of energy from renewable energy resources; and
  - b. Use of incentives for residential and business buildings that generate energy from renewable energy resources.
3. Fleets/Vehicles/Equipment Policies which promote:
  - a. Driver behavior and/or incorporate technologies to reduce vehicle engine idling;
  - b. Use of hybrid alternative fueled vehicles;
  - c. Fuel economy goals for own fleet operations; and
  - d. Fleet management best practices and polices.
4. Land Use Policies which promote:
  - a. Transit-oriented development;
  - b. Tree preservation and tree planting efforts;
  - c. The protection and preservation of natural areas; and
  - d. Implementation of storm water best management practices.
5. Education and Outreach Policies which promote:
  - a. The education of County staff, County residents, schools and businesses on energy conservation; and
  - b. Informing County employees and citizens about the social, environmental and financial benefits of sustainability.
6. Water Conservation Policies which promote:
  - a. Education of County Staff, residents, businesses and schools on County efforts to conserve water through "wise water use" policies;
  - b. Development of a local and/or "regional" water conservation policies and plans; and
  - c. Protection of water, including use of buffers.

Next Steps:

Establish a committee to work develop the proposed plan.

### Berryville Clarke County Government Center Update

David Ash provided a brief update including the following:

- While the contractor has not requested an extension the project does appear to be behind schedule.
- The Veterans Memorial will not be ready by Memorial Day services as promised.
- Maintenance will assemble the modular furniture donated by the Schools so that employees and department heads to better demonstrate functionality and suitability.

### Miscellaneous

#### Discussion Status of VACo Position of Finance & Transportation Matters

Vice Chairman Hobert provided a brief summary of VACo issues as presented during recently attended meeting. He read from Governor Kaine's announcement that included budget shortfalls, use of rainy day funds, as well as hiring freezes. Mr. Hobert briefly described transportation issues facing the Commonwealth. He concluded that these were difficult financial times for all levels of government.

Following discussion, by consensus of the Board, staff was instructed to draft a letter to General Assembly delegates expressing the Supervisors position on transportation using dedicated funding based on need and funded through users and dedicated sources as expressed at the legislative luncheon.

#### Closed Session Contract Negotiation and Personnel

**Supervisor Byrd moved to convene into Closed Session pursuant to Section §2.2.3711- A1 and A7 of the Code of Virginia to discuss personnel matters and contract negotiations. 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

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. - Absent  
 David S. Weiss - Aye

**Vice Chairman Hobert 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. - Absent  
 David S. Weiss - Aye

**Summary Of Required Action**

<u>Item</u>	<u>Description</u>	<u>Responsibility</u>
1.	Process and upload approved minutes.	Lora B. Walburn
2.	Advertise for public hearing PH08-09.	Lora B. Walburn
3.	Schedule review with VDOT of crossover closures on Route 7 during Work Session.	David Ash

<u>Item</u>	<u>Description</u>	<u>Responsibility</u>
4.	Provide letters of appointment and update database.	Lora B. Walburn
5.	Provide certification to the Barns of Rose Hill that the requirements have been met to receiving matching funds.	David Ash
6.	Add discussion of Conservation Committee to the next work session.	David Ash
7.	Process Conservation Partnership Resolution.08-06R.	Lora B. Walburn
8.	Draft a letter to General Assembly delegates expressing the Supervisors position on transportation as expressed at the legislative luncheon.	David Ash
9.	Update County Code CC-08-01.	Lora B. Walburn

At 4:23 pm, Chairman Staelin recessed the meeting.

At 6:30 pm, Chairman Staelin reconvened the meeting in the Board of Supervisors Meeting Room.

**Citizens Comment Period**

No citizens were present wishing to address the Supervisors.

**PH08-07 Public Hearing CC-08-01 Chapter 180 Water and Wastewater Drought Response and Drought Plan**

Alison Teetor advised that the County is currently in a drought "Watch" stage. Following review of the impact of recent rainfall on local monitoring stations, Ms. Teetor recommended issuing a statement that the County was no longer in a drought "watch" situation.

**Supervisor Byrd moved to cancel the drought watch.**

**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

Alison Teetor briefly reviewed the request to amend the Code of Clarke County Chapter 180 Water and Wastewater adding Article X. Drought Response / Water Conservation to provide for the voluntary and mandatory restriction on the nonessential use of ground water during declared water shortages or water emergencies.

At 6:45 pm, Chairman Staelin opened the public comment portion of the public hearing. There being no persons desiring to address the Supervisors regarding this matter the public comment portion of the public hearing was closed.

**Vice Chairman Hobert moved to adopt CC-08-01 amending the Code of Clarke County Chapter 180 Water and Wastewater adding Article X.**

**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

**ARTICLE X. DROUGHT RESPONSE / WATER CONSERVATION**

- 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 that are served by well water. This Article shall not apply to those residents and businesses that 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 a 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 Appendix I 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 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 Drought Response Plan. Upon declaration of a Drought Emergency, mandatory restrictions shall apply as set forth in the 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.

### Adjournment

There being no further business to be brought before the Board at 6:47 p.m. Chairman Staelin adjourned the meeting.

### Next Meeting Date

The regular meeting of the Board of Supervisors is set for Tuesday, June 17, 2008 at 1:00 p.m. in the Board of Supervisors Meeting Room.

ATTEST: May 20, 2008

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John Staelin, Chairman

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David L. Ash, County Administrator

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