

CLARKE COUNTY BOARD OF SUPERVISORS
July 7, 2008 Work Session 10:00 a.m.
Board of Supervisors Meeting Room

At a work session 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 Monday, July 7, 2008.

Board Members Present

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

Staff Present

David Ash, Chuck Johnston, Tom Judge, Archana McLoughlin

Also Present

Sheriff Tony Roper, Chief Deputy Sheriff Mike McWilliams, David Jelinek, Alex Bridges, Laura Laura Oleniacz

Call To Order

Board of Supervisors Chair John Staelin called the meeting to order at 10:02 a.m.

Secondary Six-year Plan Approval Resolution

A copy of a proposed resolution is included in the packet. Mr. Lineberry has notified my office that the Board must take some action on the six-year plan in order to prevent the funding, as inadequate as the board believes it to be, from being allocated elsewhere.

Supervisor Weiss moved to approve the Virginia Department of Transportation Resolution Six-Year Plan for Secondary Roads (2008/09 through 2013/14) and the Construction Priority List (2008/09) for Clarke County 08-07R2.

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. - Absent
David S. Weiss - Aye

Resolution Six-Year Plan for Secondary Roads (2008/09 through 2013/14) and the Construction Priority List (2008/09) for Clarke County
08-07R2

At a regular work session of the Board of Supervisors of the County of Clarke, held at the Clarke County Court House, on Monday, July 7, 2008:

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

On motion by Supervisor David Weiss and carried Unanimously

WHEREAS, Section 33.1-23 and 33.1-23.4 of the 1950 Code of Virginia, as amended, provides the opportunity for each county to work with the Virginia Department of Transportation in developing a Secondary Six-Year Road Plan;

WHEREAS, this Board has previously agreed to assist in the preparation of this Plan, in accordance with the Virginia Department of Transportation policies and procedures, and participated in a public hearing on the proposed Plan (2008/09 through 2013/14) as well as the Construction Priority List (2008/09) on March 18, 2008 after duly advertised so that all citizens of the County had the opportunity to participate in said hearing and to make comments and recommendations concerning the proposed Plan and Priority List,

WHEREAS, Mr. J. A. Lineberry, Residency Administrator, Virginia Department of Transportation appeared before the board and recommended approval of the Six-Year Plan for Secondary Roads (2008/09 through 2013/14) and the Construction Priority List (2008/09) for Clarke County,

NOW, THEREFORE, BE IT RESOLVED that since said Plan appears to be the only option made available for the Secondary Road System in Clarke County and for the citizens residing on the Secondary System, said Secondary Six-Year Plan (2008/09 through 2013/14) and Construction Priority List (2008/09) are hereby reluctantly approved as presented at the public hearing.

A Copy Teste: July 7, 2008

David Ash, County Administrator

Supervisor Dunning joined the meeting at 10:08 am.

Continuation of July 15, 2008 Board of Supervisors Regular Meeting

The Supervisors discussed the possibility of continuing the Supervisors' regular meeting to the morning of July 28. John Staelin instructed staff to contact Robina Rich Bouffault, Clarke County School Board Chair, to coordinate availability and scheduling.

Employment of Sheriff's Deputies

This matter is continued from the Board of Supervisors meeting. The Sheriff has been requested to attend to discuss the employment and compensation of deputies and the assignment of Animal Control law enforcement to a position for which temporary funding has been offered by the Humane Foundation.

Sheriff Tony Roper presented an historical review of the assignment of an Animal Control enforcement position with the Sheriff's Office. He explained that his office could not assume additional duties without a position being added.

David Ash provided a brief synopsis of the difficulties presented with the current configuration of the Animal Control Department. He explained that Clarke County was the last county in the Commonwealth to assign animal control to the Sheriff.

Supervisor Byrd provided additional explanation and examples of difficulties presented by the increasing population that have resulted in an increase of complaints handled by Animal Control. She advised that the Humane Foundation was willing to cover the cost of the Animal Control Officer through the Sheriff's Department for the next fiscal year noting that the Humane Foundation has funded a Kennel Attendant position for three years. Supervisor Byrd stated that the Humane Foundation believed that this matter should not be delayed.

Supervisor Dunning put forth that some localities have deputized their Animal Control persons.

Sheriff Roper responding to Chairman Staelin's query stated that his position is that any person that carries the badge of his authority will answer to the Sheriff.

Supervisor Weiss suggested that with funding provided by the Humane Foundation that this might be the time to explore the possibilities. He stated that there was consensus on one point that Animal Control staff required more authority.

Vice Chairman Hobert advised that more authority could not be granted without additional training.

Chairman Staelin put forward that discussion regarding the abilities of current staff must be conducted in closed session.

Vice Chairman Hobert summarized three possible options advising these models should be explored before making a final decision.

- 1) Add Sheriff Position – agreed to by the Humane Foundation and Sheriff Roper.
- 2) Deputize Current Animal Control Officers
- 3) Hire higher-level, non-deputized person to run Shelter and provide more training to handle animal control calls with back up by the Sheriff.

Supervisor Dunning moved that David Ash, Tony Roper and a representative from the Shelter study the options put forth by Vice Chairman Hobert. Further, that more

information be provided on Humane Foundation funding that has been donated to this cause and whether the donors are cognizant of how the money is being used and how long it will be funded.

The motion carried by the following recorded vote:

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

Sheriff Roper provided a log of all animal control and livestock calls in 2007.

There was limited discussion of the Sheriff's intention to use salary adjustments to meet the required 4½% budget cut. By consensus, the Supervisors agreed to allow the Sheriff to make decisions regarding salary for the Sheriff's Department.

FY2009 Compensation Resolution

The FY2009 Compensation Resolution and Supplemental Resolution has been prepared for the Board's adoption. Discussion regarding individual salaries should be conducted in closed session. Action adopting the resolution(s) must be in public session. The documents will be provided to the Board at the time of the meeting.

Supervisor Byrd moved to convene into Closed Session pursuant to Section §2.2.3711-A1 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 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 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

David Ash advised that he would incorporate the changes discussed during closed session and would present the revised salary resolution for Board action at the July 15 regular meeting.

Green Advisory Committee

Supervisor Hobert read the list of proposed appointees to the volunteer Green Advisory Committee that includes:

1. Tod Adamson, Shenandoah Farms
2. Leyland del Re, Boyce
3. J. Michael Hobert, Chair – Berryville [Board of Supervisors]
4. Allen Kitseiman, Berryville [Berryville Town Council]
5. Ed Novak, Russell [Clarke County Public Schools]
6. Lowell Smith, Russell
7. Merrill Smith, Boyce
8. Alison Teetor, Staff Representative

9. Jon Turkel, River Road
10. Laure Wallace, Bluemont

Supervisor Dunning moved to approve the appointment of the volunteer Green Advisory Committee members with Vice Chairman Hobert acting as chair.

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

Vice Chairman Hobert stated that an interim report would be presented to the Supervisors within 90 days.

Payment in lieu of compensatory time off

This matter is continued from the previous Board meeting. The supporting information from the prior meeting has been reproduced.

Chairman Staelin presented the difficulties with compensatory time explaining that currently there is no means by which an employee can be compensated for leave when they are unable to use the earned compensatory time or accrued annual leave within set time limits.

Vice Chairman Hobert put forth that at the Board's discretion they could increase the time limits or they could allow compensatory time to be banked.

The matter was held over for further discussion at the August Work Session.

Discussion of Special Events Ordinance

A copy of the proposed Special Events Ordinance was previously distributed and is attached for your reference.

Chuck Johnston provided a brief summary of the proposed Special Events ordinance followed by discussion by the full Board.

David Jelinek, Special Events Ordinance Committee member, stated that the goal of the committee was to create a policy that was not as toxic as the problem they were attempting to address. He advised that they hoped to provide the County with the ability to regulate events without overburdening the public.

Chuck Johnston put forth that the event ordinance does not address sound/noise noting that the County Attorney is reviewing a noise ordinance that may be presented to the Supervisors as early as August 2008.

There was extensive discussion regarding the appeals process and suggested revisions. Chairman Staelin requested further review of the ordinance by David Ash, Chuck Johnston and Supervisor Weiss.

Consolidated Maintenance Agreement

Attached is the document that resulted from discussions at the last Joint Administrative Services Board meeting. I believe that it accurately reflects the scope of the topics on which general consensus was reached. The County attorney has been asked to prepare an agreement based upon this scope. She hopes to have a draft available for review by the date of the Work Session and will be attending that meeting.

David Ash briefed the Supervisors on the current revision of the consolidated maintenance agreement between the County of Clarke and the Clarke County School Board. Supervisor Dunning requested that item 3 be changed from joint to consolidated.

Archana McLaughlin requested closed session to discuss legal opinion.

Vice Chairman Hobert moved to convene into Closed Session pursuant to Section §2.2.3711- A7 of the Code of Virginia to consult with legal counsel. 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

Supervisor Dunning left the meeting at 12:50 pm.

The members of the Board of Supervisors being assembled within the designated meeting place, with open doors and in the presence of members of the public and/or the media desiring to attend, **Supervisor Byrd moved to reconvene in open session. The motion carried as follows:**

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

Adjournment

Chairman Staelin adjourned the Work Session at 1:22 pm.

Next Meeting Date

The regular meeting of the Board of Supervisors is set for Tuesday, July 15, 2008 at 1:00 p.m. in the Board of Supervisors' Meeting Room.

ATTEST: July 7, 2008

John Staelin, Chairman

David L. Ash, County Administrator

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