

CLARKE COUNTY BOARD OF SUPERVISORS
July 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, July 15, 2008.

Board Members Present

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

Board Members Absent

John Staelin

Staff Present

David Ash, Chuck Johnston, Jesse Russell, Tom Judge

Others Present

Robina Rich Bouffault, Dr. Michael Murphy, Gem Bingol, Linwood Outlaw III, Laura Oleniacz, and other citizens and members of the press

Call to Order

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

Adoption of Agenda

Supervisor Byrd moved to approve the agenda as modified:

- Move Clarke County Public Schools Update before VDOT

The motion carried by the following vote:

John R. Staelin, Chair - Absent

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

Approval of Minutes

Supervisor Byrd requested a change on Page 536 first bullet to read *From Route 7 to Route 660 Pierce Road 45 MPH.*

Supervisor Byrd moved to approve the minutes for June 17, 2008 Regular Meeting as modified.

The motion was approved by the following vote:

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

Consent Agenda

- USGS Contract

THIS AGREEMENT is entered into as of the 30th day of June, 2008, by the U.S. GEOLOGICAL SURVEY, UNITED STATES DEPARTMENT OF THE INTERIOR, party of the first part, and the COUNTY OF CLARKE, party of the second part.

1. The parties hereto agree that subject to availability of appropriations and in accordance with their respective authorities there shall be maintained in cooperation an appraisal of the Northern Shenandoah Valley aquifer systems, herein called the program. The USGS legal authority is 43 USC 36C; 43 USC 50; and 43 USC 50b.
2. The following amounts shall be contributed to cover all of the cost of the necessary field and analytical work directly related to this program. 2(b) includes In-Kind Services in the amount of \$0.

(a) \$75,000.00 by the party of the first part during the period
 July 1, 2008 to June 30, 2009

(b) \$100,000.00 by the party of the second part during the period
 July 1, 2008 to June 30, 2009

USGS DUNS Number 137784646

- (c) Additional or reduced amounts by each party during the above period or succeeding periods as may be determined by mutual agreement and set forth in an exchange of letters between the parties.
- (d) The performance period may be changed by mutual agreement and set forth in an exchange of letters between the parties.
3. The costs of this program may be paid by either party in conformity with the laws and regulations respectively governing each party.
4. The field and analytical work pertaining to this program shall be under the direction of or subject to periodic review by an authorized representative of the party of the first part.
5. The areas to be included in the program shall be determined by mutual agreement between the parties hereto or their authorized representatives. The methods employed in the field and office shall be those adopted by the party of the first part to insure the required standards of accuracy subject to modification by mutual agreement.
6. During the course of this program, all field and analytical work of either party pertaining to this program shall be open to the inspection of the other party, and if the work is not being carried on in a mutually satisfactory manner, either party may terminate this agreement upon 60 days written notice to the other party.
7. The original records resulting from this program will be deposited in the office of origin of those records. Upon request, copies of the original records will be provided to the office of the other party.

8. The maps, records, or reports resulting from this program shall be made available to the public as promptly as possible. The maps, records, or reports normally will be published by the party of the first part. However, the party of the second part reserves the right to publish the results of this program and, if already published by the party of the first part shall, upon request, be furnished by the party of the first part, at costs, impressions suitable for purposes of reproduction similar to that for which the original copy was prepared. The maps, records, or reports published by either party shall contain a statement of the cooperative relations between the parties.
9. USGS will issue billings utilizing Department of the Interior Bill for Collection (form DI-1040). Billing documents are to be rendered **quarterly**. Payments of bills are due within 60 days after the billing date. If not paid by the due date, interest will be charged at the current Treasury rate for each 30 day period, or portion thereof, that the payment is delayed beyond the due date. (31 USC 3717; Comptroller General File B-212222, August 23, 1983).

U.S. Geological Survey
United States
Department of the Interior

COUNTY OF CLARKE

Supervisor Weiss moved to accept the items on the Consent Agenda as presented.

The motion was approved by the following vote:

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

Citizens Comment Period

No citizens were present wishing to address the Supervisors.

Supervisor Dunning joined the Supervisors at 1:11 pm.

Clarke County Public Schools Update

Robina Rich Bouffault, Chair - Clarke County School Board, appeared before the Board of Supervisors to provide the monthly update. Highlights include:

- Introduction of Dr. Michael Murphy, Superintendent Clarke County Public Schools, who assumed these duties on July 14.
- Reviewed results of site testing on the Ketocin site. A copy of the report has been provided to Chuck Johnston. It appears that there are some hot spots requiring remediation and a reinforced foundation would be needed but there was nothing to preclude building on the Ketocin site.
- Gannett Fleming is to provide cost estimates by July 23.
- Anticipating presentation on high school construction site to the Board of Supervisors the week of July 28.

- Testing reports on the current high school are expected by Thursday, July 17, for review by the Construction Committee.
- Currently, RFP's are out for an architect and construction manager.

Supervisor Weiss stated that he was very impressed and please by the quality and quantity of the accomplishments of the School Board over the last six months.

VDOT

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

Maintenance, Construction Updates and Supervisor Concerns.

- Patching in progress on secondary routes north of Route 7 for next year's surface treatments.
- Replaced pipe and cleaned a box culvert on Route 667.
- Addressed citizen complaint by fixing water issue at Route 7 and Route 604.
- Performing brush clean up resulting from storms.
- Completed shoulder work on Route 7 eastbound.
- Completed truck restriction signage in Berryville and county.
- Added increased fine signs on residential routes in Berryville.
- Supervisor Weiss asked VDOT to address a low shoulder on Route 608 and Route 7.
- Jeff Lineberry suggested that Supervisor Weiss meet with Charlie Monroe concerning the pothole at the entrance of Grafton on Route 608.
- Supervisor Dunning requested warning signs on Route 723 for a 3-foot deep drainage ditch by Duck Pond just before Ginns Road.
- Supervisor Dunning request that VDOT trim the bottom of some trees hanging over in the road at Route 340 past Pigeon Hill/Milton Valley.
- Supervisor Dunning advised the Supervisors that constituents have told him that the railroad is privately negotiating with landowners along the railroad. He suggested that the Board Chair or Vice Chair contact the railroad. Vice Chairman Hobert advised that he is working with the Town Of Berryville to set up a meeting with the railroad.
- Supervisor Byrd expressed her appreciation for the speed limit warning signs on Stringtown Road. Jeff Lineberry advised that the reduction to 35 MPH is in the works in Richmond.
- Supervisor Byrd noted that the railroad was fixing the crossing on Wadesville Road.
- Jeff Lineberry thanked the Supervisors for taking action on the Secondary Six-Year Plan.

- Vice Chairman Hobert asked that the crosswalks be repainted in Berryville. Jeff Lineberry interjected that this was needed in the Town of Boyce as well.
- The Supervisors agreed to Jeff Lineberry' request to make a thirty-minute presentation on crossovers at the August 11 Work Session.

Commuter Parking

Supervisor Byrd put forward commuter parking for discussion. She told the Board that some of her constituents have suggested renting church parking lots during the week. Jeff Lineberry contributed that nothing precludes private entity from providing commuter parking. However, if VDOT provides parking, it must acquire property and construct. While the need for commuter parking in this region is known, due to the current financial climate, no new projects are being added.

Chuck Johnston advised that the Regional Commission is working with the ride share program and they have approached the Catholic Church, who is open to the idea. Vice Chairman Hobert asked Mr. Johnston to keep the Supervisors apprised of any developments.

Jeff Lineberry told the Board that the County could request this as a priority project. Vice Chairman Hobert requested information on whether Blue Ridge Fire & Rescue still provided commuter parking. He also asked VDOT to provide data on the number of parking slots needed, if available.

Set Public Hearing: TA-08-04

Chuck Johnston provided an overview of the proposed text amendment TA-08-04.

The Clarke County Planning Commission recommends the amendment of the County Zoning Ordinance:

Section 3-A-1, Agricultural-Open Space-Conservation District – AOC so as to:

1. delete the requirement that Tenant Houses be occupied by persons employed on site;
2. delete from the list of Special Uses: Labor Camps, Livestock Auction Markets, Livestock Processing and Meat Storage Lockers, Retail Stores and Shops, and Limited Vehicular Repair; and
3. change "Processing of Fruit and Vegetables" to " Processing of Agricultural Products";

Section 3-A-2, Forestal-Open Space-Conservation District – FOC so as to:

1. delete the requirement that Tenant Houses be occupied by persons employed on site;
2. delete from the list of Special Uses: Retail Stores and Shops, Sawmills, and Limited Vehicular Repair; and
3. amend the list of Special Uses to change "Processing of Fruit and Vegetables" to "Processing of Agricultural Products";

Section 3-C, Supplementary Regulations, so as to:

1. establish a six acre minimum lot size for Summer Camps and for Private Clubs/Lodges and establish a twenty acre minimum lot size for Special Trade Contractors;

2. establish for Retail and Service Businesses a prohibition on outdoor storage and to limit the outdoor display of the business products (excluding living plant material) to 25% of the square footage of the heated area of on-site building(s);
3. delete the regulations for: Fairgrounds (as this use is regulated elsewhere in the ordinance), Labor Camps (as this use is to be deleted), Motor Freight Terminal (as this use is not allowed in the ordinance), and Vehicular Repair (as this use is to be deleted); and

Section 9-B, Definitions, so as to:

1. change "Processing of Fruit and Vegetables" to "Processing of Agricultural Products";
2. change the term: "Retail Stores and Shops" to "Retail and Service Businesses" and specifically state such activities must be conducted on-site, and;
3. add the term "Agricultural Products" with a definition derived the Code of Virginia TA-08-04

The Supervisors discussed at length the proposed text amendment. There was lengthy discussion of the proposed deletion of labor camps from special uses with Supervisors Byrd and Weiss expressing a desire to leave these items in the ordinance.

By consensus, the Supervisors requested that the proposed changes specific to tenant houses which would permit the use of dwelling unit rights for tenant houses without requiring subdivision of a parcel should be further reviewed and a recommendation provided by the Planning Commission.

Supervisor Dunning moved to set the matter for public hearing at 6:30 pm on Tuesday, August 19, 2008 or as soon there after as the matter might be heard.

The motion was approved by the following vote:

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

Committee Action

Personnel

Appointment to Authorities, Boards and Commissions

| <i>Committee/Board</i> | <i>Appointee</i> | <i>Expiration Date</i> |
|--|------------------|------------------------|
| Green Advisory Committee | Bill Johnston | 7/7/2009 |
| <i>Mr. Johnston is appointed to serve a one-year term.</i> | | |

Supervisor Dunning moved to approve the appointment as presented.

The motion was approved by the following vote:

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

Reminder of pending appointments

The Board of Supervisors has been asked to participate in the Regional Mental Health Task Force. The BOS appointed Supervisor Byrd as the Board representative. Two additional appointments are needed. The task force is anticipating an August start-up and a life span of 6 months to one year, meeting approximately once a month.

There remains a vacancy on the Parks and Recreation Advisory Board.

Appointments to Northern Shenandoah Valley Regional Commission—Revised Board

The charter amendment resolution providing for a change in the make-up of the NSRVC Board of Directors was distributed. This resolution will be on the BOS consent agenda. The names of the individual appointees and an alternate will be needed to meet the August deadline requested by NSRVC.

The committee recommends the appointment of Barbara Byrd and Chuck Johnston to the NSRVC board and naming John Staelin as alternate.

Supervisor Weiss moved to adopt the resolution as provided and to name Barbara Byrd and Chuck Johnston as representatives and John Staelin as alternate.

The motion was approved by the following vote:

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

**Resolution Authorizing Amendments to the
Northern Shenandoah Valley Regional Commission Charter
08-18R**

WHEREAS, the Northern Shenandoah Valley Regional Commission seeks to maintain an active Commission membership while ensuring broad regional participation; and

WHEREAS, the Northern Shenandoah Valley Regional Commission further seeks to increase efficiencies in the Commission's governance structure; and

WHEREAS, recommendations have been presented to the Northern Shenandoah Valley Regional Commission's member jurisdictions to amend the Commission's Charter; and

WHEREAS, these amendments would reduce the overall number of Commission voting representatives from thirty-four to twenty-three; and

WHEREAS, these amendments would transfer decision-making functions from the Executive Committee to the Full Commission; and

WHEREAS, these amendments would enable each jurisdiction to appoint an alternate voting representative.

NOW, THEREFORE BE IT RESOLVED, that the Board of Supervisors of the County of Clarke, Virginia, as a member jurisdiction of the Northern Shenandoah Valley Regional Commission, hereby supports the proposed amendments to the Commission's Charter to ensure broad regional participation and increase efficiencies in the Commission's governance structure.

Adopted this 15th day of July 2008.

Attest:

David L. Ash, Clerk
Clarke County Board of Supervisors

Update on Compensation and Pay Plan implementation

The final versions of the job descriptions were received on June 30. Copies of the descriptions will be distributed to each department supervisor along with a request that the supervisor meet with each employee in order to review the description, review the expectations for the employee, obtain up-to-date information from the employee and provide employees with the latest policy information.

Work Session

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.

The matter was not discussed at the regular meeting.

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 Weiss moved to approve the FY09 General Government Salary Resolution retroactive to July 1, 2008.

The motion was approved by the following vote:

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

FY09 General Government Salary Resolution
08-16R

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, 2008 provided, however, that for those salaries depicted for the Sheriff's Office, the salaries shall be maximum amount to be paid, and shall be subject to reduction by direction of the Sheriff, for such time and in such amounts, as he shall determine to be necessary to offset the reduction in funding from the State Compensation Board.

| | | <u>FY 09 Salary</u> |
|-----------------------|----------|---------------------|
| Administration | | |
| Ash | David | 126,330 |
| Walburn | Lora | 41,991 |
| Animal Shelter | | |
| Kelican | Jennifer | 26,031 |
| Moye | Jennifer | 26,184 |
| Ritenour | Tina | 28,484 |
| Building | | |
| DeHaven | Holly | 34,781 |
| Pope | Gary | 57,233 |
| Commonwealth Attorney | | |
| Arthur | Beth | 34,885 |
| McLoughlin | Archana | 64,985 |

| | | <u>FY 09 Salary</u> |
|-----------------------------|----------|---------------------|
| Rhodes | Clesta | 50,646 |
| Commissioner of the Revenue | | |
| Crabbe | Mary | 30,045 |
| Peake | Donna | 42,459 |
| Sheckels | Sally | 25,614 |
| Smoot | Page | 40,444 |
| E911 Communications | | |
| Chambers | Kimberly | 31,820 |
| Hess | Pam | 51,532 |
| McKay | Robin | 32,912 |
| Poston | Sonny | 29,532 |
| Richards | Rebecca | 31,820 |
| Schuller | Becky | 31,820 |
| Shriver | Justin | 28,288 |
| Sutherland | Victor | 32,912 |
| White | Rebecca | 37,623 |
| Wilkerson | Robert | 32,912 |
| Willingham | Lee | 32,912 |
| Emergency Medical Services | | |
| Barenklau | Mark | 19.23 |
| DeHaven | Steve | 19.23 |
| Jackson | Donald | 20.03 |
| Peach | David M. | 19.23 |
| Wilson | Wade | 19.23 |
| Cooperative Extension | | |
| Vaughan | Susanne | 32,796 |
| GIS / IT | | |
| Piepenburg | Matthew | 43,866 |
| Russell | Gordon | 69,416 |
| Maintenance | | |
| Barnard | Charles | 28,114 |
| Drummonds | Dale | 37,344 |
| Frazier | P. | 44,308 |
| Huff | Franklin | 27,074 |
| Levi | Robert | 62,645 |
| Miller | Ruby | 37,623 |
| Parks & Recreation | | |
| Barbour | Shannon | 42,340 |
| Boothe | Ann | 32,796 |
| Braithwaite | Tanya | 34,885 |
| Cooke | Lisa | 65,780 |
| Knoll | Christie | 31,641 |
| Kovak | Brandon | 40,383 |
| Pitcock | Tracey | 41,248 |

FY 09 Salary

| | | |
|------------------|----------|---------|
| Planning | | |
| Bean | Debra | 38,434 |
| Johnston | Charles | 101,451 |
| Olin | Nancy | 37,539 |
| Russell, II | Jesse | 61,886 |
| Teetor | Alison | 61,794 |
| Sheriff's Office | | |
| Chambers | Nicholas | 43,740 |
| Coumes | Jim | 57,696 |
| Ermerins | Scott | 37,032 |
| Feltner | Alvin | 44,522 |
| Gall | Kenneth | 41,214 |
| Hammond | Richie | 43,456 |
| Herron | James | 36,629* |
| Lichliter | Gary | 57,696 |
| Mason | Allen | 36,629 |
| McWilliams | Mike | 59,664 |
| Moore | Karen | 38,447 |
| Nicholson | Acrey | 46,268 |
| Putnam | Patricia | 45,430 |
| Rose | Janine | 38,000 |
| Rosenberry | Brian | 52,597 |
| Sumption | Travis | 44,522 |
| Thompson | Mike | 39,695 |
| Treasurer | | |
| Compher | Teresa | 33,564 |
| Jenkins | Tiana | 25,974 |
| McDonald | Whitney | 28,274 |

*New salary effective August 1, 2008

Attested: July 15, 2008

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.

Warren Arthur
Commission of the Revenue

Sharon Keeler
Treasurer

Suzanne Perka
Commonwealth Attorney

Anthony Roper
Sheriff

Supervisor Byrd moved to approve the FY09 General Government Supplemental Salary Resolution as modified.

The motion was approved by the following vote:

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

FY09 General Government
Supplemental Salary Resolution
08-17R

BE IT RESOLVED, by the Board of Supervisors of the County of Clarke that beginning July 1, 2008 the rate of pay for the following individuals be supplemented as follows:

| | |
|-------------|----------|
| Bobby Levi | \$10,155 |
| Ruby Miller | \$ 3,977 |

BE IT FURTHER RESOLVED that such supplement is to be paid at the same time and in the same manner as the base compensation and further that its continued payment is contingent upon the execution of an agreement within 60 days between the Clarke County School Board and the Clarke County Board of Supervisors providing for the consolidation of maintenance services under the direction of the Maintenance Director and that such supplement is dependent upon that agreement remaining in effect and the duties and responsibilities imposed remaining with the above-named persons.

Attest:

David L. Ash, Clerk
Clarke County Board of Supervisors

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.

The matter is carried forward for further review 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.

Supervisors Weiss requested that the anticipated setting of public hearing be delayed and the final product be brought to the August Work Session.

Consolidated Maintenance Agreement

The document that resulted from discussions at the last Joint Administrative Services Board meeting was provided. 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.

The revised document will be reviewed at the August Work Session

Finance Committee

Revised Fee Schedule for Planning and Health Department

A proposed fee schedule revision for various planning related fees and to modify the local fees assessed for Health Department activities associated with inspection and regulation of wells and septic systems was provided.

The Finance Committee recommends the Board approve the revised fee schedule as presented.

Supervisor Dunning moved to approve the revised fee schedule for the Planning and Health Department.

The motion was approved by the following vote:

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

Utility Cost Reduction Agreement

The Utility cost reduction proposal revised to acknowledge that the County is making changes in the phone system and providing that changes in the telecommunications system will not be subject to fees imposed by this agreement was provided.

The Finance Committee recommends contracting with Cost Control Associates for review of the General Government's utility billings for electricity, gas, propane, oil, petroleum fuels, telecom services (as limited in section F.) and cellular service.

Supervisor Byrd moved to approve the contract with Cost Control Associates for the review of the General Government's utility billings for electricity, gas, propane, oil, petroleum fuels, telecom services (as limited in section F.) and cellular service.

The motion was approved by the following vote:

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

Bills And Claims

Supervisor A.R. Dunning, Jr. requested that review of the bills and claims for June 2008 for general government and May 2008 for Clarke County Public Schools be carried over to the August regular meeting.

Update On Draft Work Plans for Important County Issues

Green Advisory Committee: Vice Chairman Hobert told the Board that the Green Advisory Committee would conduct an organizational meeting on Tuesday, July 22, 2008 at 7 pm in the Board of Supervisors Meeting Room.

Recycling/Waste Transfer Center – Northeast area of County: Supervisor Weiss asked for input from the Supervisors regarding a recycling center on the east side of the county.

Berryville Clarke County Government Center Update

David Ash provided a brief update advising that a progress meeting was scheduled for July 16. He said that the stormwater was still incomplete. As for office furnishing, he had met with department heads and apprised them of the availability of used office furniture donated by the schools.

Closed Session with Robert Mitchell

Supervisor Byrd moved to convene into Closed Session pursuant to Section §2.2.3711-A7 of the Code of Virginia for consultation with legal counsel. The motion was approved by the following vote:

| | | |
|-------------------------------|---|--------|
| John R. Staelin, Chair | - | Absent |
| 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 Weiss moved to reconvene in open session. The motion carried as follows:**

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

Supervisor Byrd moved to execute the following Certification of Closed Session:

CERTIFICATION OF CLOSED SESSION

WHEREAS, the Board of Supervisors of the County of Clarke, Virginia, has convened a closed meeting on the date pursuant to an affirmative recorded vote and in accordance with the provisions of the Virginia Freedom of Information Act; and

WHEREAS, Section 2.2-3700 of the Code of Virginia requires a certification by the Board of Supervisors of the County of Clarke, Virginia that such closed meeting was conducted in conformity with Virginia law.

NOW, THEREFORE BE IT RESOLVED, that the Board of Supervisors of the County of Clarke, Virginia, hereby certifies that, to the best of each members knowledge, (i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which the certification resolution applies, and (ii) only such public business matters as were identified in the motion convening the closed meeting were heard, discussed or considered by the Board of Supervisors of the County of Clarke, Virginia.

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

| | | |
|-------------------------------|---|--------|
| John R. Staelin, Chair | - | Absent |
| J. Michael Hobert, Vice Chair | - | Aye |
| Barbara J. Byrd | - | Aye |

A.R. Dunning, Jr. - Aye
David S. Weiss - Aye

No action was taken on matters discussed in closed session.

Summary Of Required Action

| <u>Item</u> | <u>Description</u> | <u>Responsibility</u> |
|-------------|---|-----------------------|
| 1. | Correct and process June 17 minutes. | Lora B. Walburn |
| 2. | Add to August Work Session agenda VDOT presentation on crossovers. | David Ash |
| 3. | Advertise for public hearing TA-08-04. | Lora B. Walburn |
| 4. | Process and forward to NSVRC 08-18R. | Lora B. Walburn |
| 5. | Process and forward to Joint Administrative Services and Constitutional Officers 08-16R. | Lora B. Walburn |
| 6. | Process and forward to Joint Administrative Services 08-17R. | Lora B. Walburn |
| 7. | Add to August Work Session agenda continued discussion on compensatory leave. | David Ash |
| 8. | Add to August Work Session agenda continued discussion on the Special Events Ordinance. | David Ash |
| 9. | Add to August Work Session agenda review of consolidated maintenance agreement. | David Ash |
| 10. | Add review of June 2008 Bills and Claims by Supervisor Dunning to the August regular meeting agenda. | Lora B. Walburn |
| 11. | Add to County calendar adjourned meeting on July 28, 2008 9:30 am and joint meeting with Berryville Town Council on July 29 at 7:00 pm in Town Council Chamber. | Lora B. Walburn |

At 4:34 pm Vice Chairman Hobert recessed the meeting until 6:30 pm.

At 6:30 pm Vice Chairman Hobert reconvened the meeting with Supervisors Barbara Byrd and David Weiss.

Citizens Comment Period

No citizens were present wishing to address the Supervisors.

Public Hearing PH 08-09

Special Use Permit Amendment / Site Plan Amendment 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 application by Community Housing Partners SUP-08-03, SP-08-03 advising that it was a reuse of an existing structure changing the pre-existing use as limited vehicular repair to special trade contractor for a non-profit entity that performs home repair.

Vice Chairman Hobert asked for clarification on the letter dated April 29, 2008 from Community Housing Partners regarding making a donation to the county in lieu of annual county taxes for the property at 1329 Fishpaw Road. Chuck Johnston advised that attorney Robert Mitchell had favorably reviewed this proposition.

At 6:36 pm Vice Chairman Hobert opened the public comment portion of the public hearing. There being no persons desiring to address the Supervisors regarding this matter Vice Chairman Hobert closed the public comment portion of the public hearing.

Supervisor Byrd moved to approve SUP-08-03, SP-08-03 contingent upon confirmation from the applicant that there will be an annual donation to the County in lieu of annual county taxes for the property at 1329 Fishpaw Road.

The motion was approved by the following vote:

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

Public Hearing PH 08-10

The Clarke County Planning Commission recommends the amendment of the County Zoning Ordinance:

Section 1. Authority, Purpose and Intent, so as to amend this section in accordance with the Code of Virginia sections 15.2-2210 through 2222, as appropriate, concerning the establishment of Planning Commission, the authority of the Zoning Administrator, and to allow the Zoning Administrator to approve "Modifications" from Zoning Ordinance standards when such "Modifications" would be less than 10% of the standard, and

Section 10. Administrative Provisions, so as to shift provisions regarding the Zoning Administrator to Section 1 and add a provision entitled "Conflict with Statutes, Local Ordinances, or Regulations. TA-08-01

Chuck Johnston and Vice Chairman Hobert provided a review of the proposed text amendment TA-08-01.

Supervisor Weiss expressed his support noting that there were enough checks and balances in place to make him comfortable with the proposed amendment.

Vice Chairman Hobert put forward that there was no section on removal of a Commissioner and asked that it be considered. Chuck Johnston responded that attorney Robert Mitchell had advised that inclusion would be redundant since removal is covered in State Code.

Vice Chairman Hobert suggested a language change to 1-D-4 including property owner to read "informing the property owner and/or recipient".

Vice Chairman Hobert suggested a language change to 1-D-6-a to add quantifiable "with respect to quantifiable requirements."

At 7:02 pm Vice Chairman Hobert opened the public comment portion of the public hearing. There being no persons desiring to address the Supervisors regarding this matter Vice Chairman Hobert closed the public comment portion of the public hearing.

Supervisor Weiss stated that it was his hope that the Zoning Administrator would sparingly use 1-D-6-a.

Supervisor Weiss moved to approve TA-08-01 as modified:

- 1-D-4 including property to read "informing the "property owner and/or" recipient".
- 1-D-6-a to add quantifiable "with respect to quantifiable requirements."

The motion was approved by the following vote:

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

ZONING ORDINANCE TEXT AMENDMENT

Text to added showed *in bold Italics*

Text to be deleted showed ~~struck through~~

1 AUTHORITY, PURPOSE & INTENT, *PLANNING COMMISSION. AND ZONING ADMINISTRATOR*

1-C PLANNING COMMISSION

- 1-C-1 *The Clarke County Planning Commission is created and organized pursuant to Article 2, Chapter 22 of the Code of Virginia (§15.2-2210, et seq.) and shall have the purposes, duties, and authority set forth therein.*
- 1-C-2 *The Planning Commission shall consist of eleven members, appointed by the Board. Members of the Planning Commission shall be residents of the County, with there being two residents of each of the Board Election Districts. In addition, one member of the Commission shall be a member of the Board. Members of the Commission shall be qualified by knowledge and experience to make decisions on questions of community growth and development. At least one-half of the members of the Planning Commission shall be owners of real property in the County.*
- 1-C-3 *The term of the member who is also a member of the Board shall be coextensive with the term of office to which he or she has been elected or appointed, unless the Board, at the first regular meeting each year, appoints another to serve as its representative. The remaining members of the commission first appointed shall serve respectively for terms of one year, two years, three years, and four years, divided equally or as nearly equal as possible between the membership. Subsequent appointments shall be for terms of four years each. Vacancies shall be filled by appointment for the unexpired term only.*
- 1-C-4 *Each member of the Commission shall take an oath of office before the Clerk of the Circuit Court.*
- 1-C-5 *Meetings of the Planning Commission shall be in accordance with Virginia Code §15.2-2214.*
- 1-C-6 *A majority of the members shall constitute a quorum and no action of the Planning Commission shall be valid unless authorized by a majority vote of those present and voting.*
- 1-C-7 *The Planning Commission shall elect from its members a Chairman and a Vice-Chairman, whose terms shall be for one year.*

1-D ZONING ADMINISTRATOR

- 1-D-1 *This Ordinance shall be administered and enforced by an officer to be known as the Zoning Administrator who shall be appointed by the Board of Supervisors of Clarke County, Virginia.*
- 1-D-2 *The Zoning Administrator shall have all necessary authority on behalf of the Board to administer and enforce the Zoning Ordinance, including the ordering in writing of the remedying of any condition found in violation of this Ordinance, and the bringing of legal action to insure compliance with the Ordinance, including injunction, abatement, or other appropriate action or proceeding.*

- 1-D-3 The Zoning Administrator may request and shall receive the assistance and cooperation of appropriate officials of Clarke County, including, but not limited to, the Sheriff and Commonwealth's Attorney, and the Virginia Department of Health.
- 1-D-4 *Any written notice of a zoning violation or any written order or administrative determination made by the Zoning Administrator shall include a statement informing the recipient of the recipient's right to appeal the notice of zoning violation or the written order or administrative determination within 30 days, and that the decision shall be final and unappealable if not appealed within 30 days after the decision appealed from by filing with the Zoning Administrator, and with the Board of Zoning Appeals, a notice of appeal specifying the grounds thereof.*
- 1-D-5 *In no event shall a written order, requirement, decision, or determination made by the Zoning Administrator or other administrative officer be subject to change, modification, or reversal by any Zoning Administrator or other administrative officer after 60 days have elapsed from the date of the written order, requirement, decision, or determination where the person aggrieved has materially changed his position in good faith reliance on the action of the Zoning Administrator or other administrative officer, unless it is proven that such written order, requirement, decision, or determination was obtained through malfeasance of the Zoning Administrator or other administrative officer or through fraud. The 60-day limitation period shall not apply in any case where, with the concurrence of the attorney for the Board, modification is required to correct clerical or other nondiscretionary errors.*
- 1-D-6 *Administrative Modification of Zoning Ordinance Provisions by Zoning Administrator.*
- 1-D-6-a The Zoning Administrator may grant a modification from any provision contained in the Zoning Ordinance with respect to physical requirements on a lot or parcel of land, including but not limited to size, height, location or features of or related to any building, structure, or improvements, if the Administrator finds in writing that:
- (i) the strict application of the ordinance would produce undue hardship;
 - (ii) such hardship is not shared generally by other properties in the same zoning district and the same vicinity; and
 - (iii) the authorization of the modification will not be of substantial detriment to adjacent property and the character of the zoning district will not be changed by the granting of the modification.
- 1-D-6-b The Zoning Administrator may not grant a modification that is more than 10% of a regulation standard.
- 1-D-6-c *Before the granting of a modification, the Zoning Administrator shall give, or require the applicant to give, all adjoining property owners written notice of the request for modification, and an opportunity to respond to the request within 21 days of the date of the notice. Before the granting of a modification, the Zoning Administrator shall consult with the Chair and Vice-Chair of the Board of Zoning Appeals.*

1-D-6-d The Zoning Administrator shall make a decision on the application for modification and issue a written decision with a copy provided to the applicant and any adjoining landowner who responded in writing to the notice sent pursuant to this paragraph. The Zoning Administrator shall provide a copy of a written decision to the Board of Zoning Appeals within five working days from making the decision.

1-D-6-e The decision of the Zoning Administrator may be appealed to the Board of Zoning Appeals as provided in 7-B of this Ordinance.

10 ADMINISTRATION PROVISIONS

~~10-A ADMINISTRATION AND ENFORCEMENT CONFLICT WITH STATUTES, LOCAL ORDINANCES, OR REGULATIONS.~~

~~10-A-1 This Ordinance shall be administered and enforced by an officer to be known as the Zoning Administrator who shall be appointed by the Board of Supervisors of Clarke County, Virginia.~~

~~10-A-2 The Zoning Administrator shall have all necessary authority on behalf of the governing body to administer and enforce the Zoning Ordinance, including the ordering in writing of the remedying of any condition found in violation of this Ordinance, and the bringing of legal action to insure compliance with the Ordinance, including injunction, abatement, or other appropriate action or proceeding.~~

~~10-A-3 The Zoning Administrator may request and shall receive the assistance and cooperation of appropriate officials of Clarke County, including, but not limited to, the Health Officer, Sheriff, and Commonwealth's Attorney.~~

10-A-1 Whenever the regulations made under authority of this article require a greater width or size of yards, courts, or other open spaces, require a lower height of building or less number of stories, require a greater percentage of lot to be left unoccupied, or impose other higher standards than are required in any other statute or local ordinance or regulation, the provisions of the regulations made under authority of this article shall govern. Whenever the provisions of any other statute or local ordinance or regulation require a greater width or size of yards, courts, or other open spaces, require a lower height of building or a less number of stories, require a greater percentage of lot to be left unoccupied, or impose other higher standards than are required by the regulations made under authority of this article, the provisions of such statute or local ordinance or regulation shall govern.

Public Hearing PH 08-11

The Clarke County Planning Commission will consider the amendment of the County Zoning Ordinance:

Section 7, Board of Zoning Appeals, so as to delete and readopt this section as: Appeals, Variances, and

Interpretations, and to revise the section in accordance with the Code of Virginia sections 15.2-2308 through 2314 that addresses these topics. TA-08-02

Chuck Johnston reviewed the proposed text amendment TA-08-02

At 7:12 pm Vice Chairman Hobert opened the public comment portion of the public hearing. There being no persons desiring to address the Supervisors regarding this matter Vice Chairman Hobert closed the public comment portion of the public hearing.

Supervisor Weiss moved to approve TA-08-02 as modified.

The motion was approved by the following vote:

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

ZONING ORDINANCE TEXT AMENDMENT

Text to added showed ***in bold Italics***

Text to be deleted showed ~~struck through~~

~~7 BOARD OF ZONING APPEALS~~ ***APPEALS, VARIANCES, AND ZONING MAP INTERPRETATIONS***

7-A Board of Zoning Appeals – Organization and Procedures

There shall be established a Board of Zoning Appeals (Board) that shall consider appeals, variances, and zoning map interpretations.

7-A-1 *Membership*

The Board shall consist of five residents of Clarke County, appointed by the Circuit Court of Clarke County. Members of the Board shall hold no other public office in the locality except that one may be a member of the Clarke County Planning Commission.

7-A-2 *Alternate Members*

The Board of Supervisors may request the Circuit Court of Clarke County to appoint not more than three alternates to the Board of Zoning Appeals, pursuant to the provisions of Virginia Code §15.2-2308(A).

7-A-3 *Terms of Office*

The terms of office for members of the Board shall be for five years each except that original appointments shall be made for such terms that the term of one member shall expire each year. The Secretary of the Board shall notify the court at least thirty (30) days in advance of the expiration of any term of office, and shall also notify the Court promptly if any vacancy occurs. Appointments to fill vacancies shall be only for the unexpired portion of the term. Members may be reappointed to succeed themselves. A member whose term expires shall continue to serve until his successor is appointed and qualifies.

7-A-4 *Officers*

With the exception of its Secretary and the alternates, the Board shall elect from its own membership its officers who shall serve annual terms as such and may succeed themselves. The Board may elect as its Secretary either one of its members or a qualified individual who is not a member of the Board, excluding the alternate members. A Secretary who is not a member of the Board shall not be entitled to vote on matters before the Board.

7-A-5 *Quorum*

For the conduct of any hearing and the taking of any action, a quorum shall be not less than a majority of all the members of the Board.

7-A-6 *Procedures*

The Board may make, alter and rescind rules and forms for its procedures, consistent with County ordinances and general laws of the Commonwealth.

7-A-7 *Records*

The Board shall keep minutes and a full record of its proceedings and other official actions, which shall be filed in the office of the Board and shall be public records.

7-A-8 *Report*

The Board shall submit a report of its activities to the governing body at least once each year.

7-A-9 *Witnesses*

The Chairman of the Board, or the acting Chairman in the Chairman's absence, may compel attendance of witnesses and administer oaths of witnesses.

7-A-10 *Employees*

Within the limits of funds appropriated by the Board of Supervisors, the Board may employ or contract for secretaries, clerks, legal counsel, consultants, and other technical and clerical services.

7-A-11 *Compensation*

Members of the Board may receive such compensation as may be authorized by the Board of Supervisors.

7-A-12 *Removal*

Any Board member or alternate may be removed for malfeasance, misfeasance, or nonfeasance in office, or for other just cause, by the Court that appointed the member or alternate, after a hearing held after at least fifteen (15) days notice.

7-A-13 *Meetings*

The Board by resolution may fix a schedule of regular meetings, and may also fix the day or days to which any meeting shall be continued if the Chairman, or Vice-Chairman if the Chairman is unable to act, finds and declares that weather or other conditions are such that it is hazardous for members to attend the meeting. Such finding shall be communicated to the members and the press as promptly as possible. All hearings and other matters previously advertised for such meeting in accordance with Virginia Code §

15.2-2312 shall be conducted at the continued meeting and no further advertisement shall be required.

7-A-14 *Appeal of Decision of Board*

Any person or persons jointly or severally aggrieved by any decision of the Board, or any aggrieved taxpayer, or any officer, department, board, or bureau of the locality, may file with the Clerk of the Clarke County Circuit Court a petition specifying the grounds on which aggrieved within 30 days after the final decision of the Board.

7-B Appeals of Administrative Determinations

- 7-B-1** The Board shall hear and decide appeals from any order, requirement, decision, or determination made by an administrative officer in the administration or enforcement of the Zoning Ordinance. The decision on such appeal shall be based on the Board's judgment of whether the administrative officer was correct. The board shall consider the purpose and intent of any applicable ordinances, laws, and regulations in making its decision.
- 7-B-2** *An appeal to the Board may be taken by any person aggrieved or by any officer, department, board, or bureau of the County affected by any decision of the Zoning Administrator, or from any order, requirement, decision or determination made by any other administrative officer in the administration or enforcement of the Zoning Ordinance, or any modification of zoning requirements pursuant to Virginia Code Section 15.2-2286.*
- 7-B-3** Any written notice of a zoning violation or any written order or administrative determination of the Zoning Administrator shall include a statement informing the recipient of the recipient's right to appeal the notice of zoning violation or the written order or administrative determination within 30 days, and that the decision shall be final and unappealable if not appealed within 30 days. The appeal period shall not commence until the statement is given. The appeal shall be taken within 30 days after the decision appealed from by filing with the Zoning Administrator, and with the Board, a notice of appeal specifying the grounds thereof. The Zoning Administrator shall forthwith transmit to the board all the papers constituting the record upon which the action appealed from was taken.
- 7-B-4** *An appeal shall stay all proceedings in furtherance of the action appealed from unless the Zoning Administrator certifies to the Board that by reason of facts stated in the certificate a stay would in his opinion cause imminent peril to life or property, in which case proceedings shall not be stayed otherwise than by a restraining order granted by the Board or by a court of record, on application and on notice to the Zoning Administrator and for good cause shown.*
- 7-B-5** *The Board shall fix a reasonable time for hearing an appeal, and shall give public notice and hold a public hearing as provided by Virginia Code § 15.2-2204. However, when giving any required notice to the owners, their agents, or the occupants of abutting property and property immediately across the street or road from the property affected, the Board may give such notice by first-class mail rather than by registered or certified mail.*

- 7-B-6 *The Board shall make its decision within 90 days of the filing of the appeal, unless the appellant and the Board mutually agree upon an extended period.*
- 7-B-7 *In exercising its powers, the Board may reverse or affirm, wholly or partly, or may modify, an order, requirement, decision, or determination appealed from.*
- 7-B-8 *The concurring vote of a majority of the membership of the Board shall be necessary to reverse any order, requirement, decision, or determination of an administrative officer.*

7-C Variances

- 7-C-1 *The Board shall hear upon appeal or original application in specific cases requests for variances, as defined in Virginia Code §15.2-2201, from the terms of this ordinance. A variance shall not include a change in use.*
- 7-C-2 *Any property owner, tenant (with the written consent of the property owner), government official, department, board, or bureau may make application for a variance. Applications shall be made to the Zoning Administrator in accordance with rules adopted by the Board. The application and accompanying maps, plans, or other information shall be transmitted promptly to the Secretary of the Board, who shall place the matter on the docket to be acted upon by the Board.*
- 7-C-3 *The Zoning Administrator shall also transmit a copy of the application to the Planning Commission, which may send a recommendation to the Board or appear as a party at the hearing.*
- 7-C-4 *No variance shall be authorized except after public notice and hearing as required by Virginia Code §15.2-2204. However, when giving any required notice to the owners, their agents or the occupants of abutting property and property immediately across the street or road from the property affected, the Board may give such notice by first-class mail rather than by registered or certified mail.*
- 7-C-5 *Action on Variance Application*
 - 7-C-5-a *In order to consider granting a variance, the Board must find that the effect of the zoning ordinance on the property under consideration, as it stands, interferes with all reasonable beneficial uses of the property, taken as a whole.*
 - 7-C-5-b *No variance shall be granted by the Board unless it finds that:*
 - (1) *The property owner has shown that*
 - (a) *the property was acquired in good faith, and*
 - (b) *The strict application of the terms of the ordinance would effectively prohibit or unreasonably restrict the utilization of the property because of (i) the exceptional narrowness, shallowness, size, or shape of the property, or (ii) exceptional topographic condition or other extraordinary situation or condition of*

the piece of property, or (iii) the condition, situation, or development of property immediately adjacent thereto; or

(2) The Board is satisfied, upon the evidence heard by it, that the granting of the variance will alleviate a clearly demonstrable hardship approaching confiscation, as distinguished from a special privilege or convenience sought by the applicant.

7-C-5-c No variance shall be granted by the Board unless it further finds that:

- (1) the strict application of the Zoning Ordinance would produce undue hardship relating to the property; and*
- (2) the hardship is not shared generally by other properties in the same zoning district and the same vicinity; and*
- (3) the authorization of the variance will not be of substantial detriment to adjacent property and that the character of the district will not be changed by the granting of the variance; and*
- (4) the condition or situation of the property concerned is not of so general or recurring a nature as to make reasonably practicable the formulation of a general regulation to be adopted as an amendment to the zoning Ordinance.*

7-C-6 The concurring vote of a majority of the membership of the Board shall be necessary to approve a variance.

7-C-7 In approving a variance the Board shall tailor the variance to provide the minimum variance necessary to alleviate the hardship, and the Board may impose such conditions regarding the location, character, and other features of the proposed structure or use as it may deem necessary in the public interest. The Board may require a guarantee or bond to ensure that the conditions imposed are being and will continue to be complied with.

7-C-8 The Board will not consider substantially the same application within one year of previous Board action.

7-D Zoning District Map Interpretation

The Board shall hear and decide applications for interpretation of the zoning district map where there is any uncertainty as to the location of a district boundary. After notice to the owners of the property affected by the question, and after public hearing with notice as required by Virginia Code Section 15.2-2204, the Board may interpret the map in such way as to carry out the intent and purpose of the ordinance for the particular section or district in question. However, when giving any required notice to the owners, their agents, or the occupants of abutting property and property immediately across the street or road from the property affected, the Board may give such notice by first-class mail rather than by registered or certified mail. The Board shall not have the power to change substantially the locations of district boundaries as established by ordinance. The concurring vote of a majority of the membership of the Board shall be necessary to decide in favor of the applicant.

7-E Limitation on Powers of Board

The Board shall not have the power to rezone property or to base Board decisions on the merits of the purpose and intent of County ordinances duly adopted by the Board of Supervisors.

Recess

There being no further business to be brought before the Board at 7:13 pm. Vice Chairman Hobert recessed the meeting to Monday, July 28, 2008 at 9:30 am in the Board of Supervisors Meeting Room.

Next Meeting Date

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

ATTEST: July 15, 2008

J. Michael Hobert, Vice Chair

David L. Ash, County Administrator

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