

CLARKE COUNTY BOARD OF SUPERVISORS
November 12, 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 Wednesday, November 12, 2008.

Board Members Present

Barbara J. Byrd; J. Michael Hobert; John R. Staelin; David S. Weiss

Board Members Absent

A.R. "Pete" Dunning, Jr.

Staff Present

David Ash, Chuck Johnston, Tom Judge, Archana McLoughlin

Also Present

Jeff Lineberry, Wilson Kirby, Robina Rich Bouffault, Mike Murphy, Alex Bridges, Laura Oleniacz

Call To Order

Chairman John Staelin called the meeting to order at 10:07 a.m.

Discussion—Proposed School site

A discussion of the proposed school site and access issues is anticipated. Included in the packet are previous cost estimates provided by VDOT and a copy of the plat. VDOT is planning on attending this meeting as well and is working on alternate cost estimates and seeking to identify any sources or use limitations on funds available for varying scenarios.

Jeff Lineberry, VDOT, reviewed his October 30, 2008 written response to Chairman Staelin Re: New Clarke County High School. Highlights included:

- Estimates based on worst case or a complete build-out of the project.
- High-level estimate was used to get a ballpark estimate - cost per mile and per foot for general construction without anything special.
- All suggested improvements could be redesigned.
- All designs include curb and gutter.
- Options are available to reduce costs if scope is narrowed by shortening length, phasing of project and removal of curb and guttering.
- Road improvements can be removed from the School project.
- Revenue sharing option is available for off-site road improvement.
- School entrances are funded directly out of the School budget.
- VDOT prefers fewer or no entrances off of Route 7.
- For better access management, VDOT would prefer school entrances off of Early or Mosby.
- Westwood Road funds can used but must have federal review and approval.
- VDOT revenue forecast is expected to reduce by as much as 30 to 40%. Potentially \$3.3MM in funding depending on cuts in future allocations.
- Secondary funding could be used for Main Street if the Board of Supervisors approves.
- Preliminary road improvements can begin if 70% of funding is on hand with 30% of funding for the year the project completed. This would require approximately \$2.7MM for 2010/2011 as currently estimated.
- Mosby Boulevard is one of the critical links for improvements of Business 7 and Westwood.
- A scoping meeting this afternoon with the Schools and the consultant performing traffic impact analysis is planned.

Chuck Johnston reviewed potential drainage issues for suggested road improvements.

Robina Rich Bouffault provided photographs of the affected area and reviewed the Schools proposed access. She referenced the July 28 presentation to the Board of Supervisors including layout. She noted that the design was developed in accordance with VDOT specifications. She stated that if Early were built out it would cut out approximately 10 acres and would take out the flat area designated for athletic fields. She noted that if Early were built out the Schools would have to have the architects reconfigure the design.

Jeff Lineberry responded to queries by Michael Hobert regarding drainage issues, which he advised were not taken into consideration for the estimates had not used that level of detail.

Robina Rich Bouffault noted that there would be major costs to move utilities if these roads are extended.

Jeff Lineberry stated that the cost of utilities could be included as part of the project and paid for by secondary road funds.

John Staelin asked if land was needed and, if so, how much would be taken from Coleman Lane.

Jeff Lineberry stated that some right of way was available to allow some shift but there will need to be some shift to align.

Barbara Byrd asked about using Coleman Lane.

Robina Rich Bouffault interjected that the road in question was Whitaker not Coleman Lane, which is not built out. She further noted that Whitaker is a Town lane and Coleman belongs to the Ruritan.

Jeff Lineberry, responding to John Staelin's query, replied that for the traffic impact analysis VDOT would be looking at the larger area, identifying background traffic, potential migration of traffic movement from other areas, as well as the direct impact from the school - buses, traffic and would be compared to the existing high school.

Robina Rich Bouffault asked if the downzoning of a residential subdivision by 94 homes at 10 trips per day per home be taken into consideration in the TIA.

Jeff Lineberry stated that VDOT would only be looking at the impact of the school development plus migration that might occur as a result of extending Mosby.

Kirby Wilson stated that an engineer makes a lot of assumptions in a traffic study and not all engineers will agree with the assumptions of another. He further stated that they would analyze the streets connected to property and determine what the impact of the development of that property would be on the other streets.

Jeff Lineberry added that this is the reason for the scoping meeting with VDOT and the consultant performing the study so that everyone is in agreement starting out.

John Staelin asked for additional information on comparison of costs noting that the numbers were very different.

Jeff Lineberry stated that these were VDOT's comparisons and the numbers depended upon the assumptions. VDOT used a high-level program - more of a satellite view, where as VIEW's cost estimates were more detailed. He said that until you scope the project the estimates could fluctuate with the level of detail and with the market noting that a downturn in the economy might cause better pricing.

Barbara Byrd put forth that curb and gutter in areas that are not occupied by houses contributes to more runoff and asked if this was the direction VDOT was going with this requirement.

Jeff Lineberry responded that there was a push to lessen the footprint whenever VDOT could and having curb and gutter does increase the runoff. He said that you do have the ability for some of the water to infiltrate.

John Staelin apprised those present that during the recent VACo conference they had heard that DEQ is trying to minimize storm water runoff. He also stated that use of curb is to guide water or to serve as a protector for pedestrians.

Supervisor Byrd noted that there would be no major buildings other than the school and the parking lot, which would be less than 94 houses; and the school would have more green space.

Robina Rich Bouffault concurred noting that there would be considerably less impervious surface on the property built out with a school as compared to 94 homes.

Jeff Lineberry said that there was the potential to create things for runoff such as retention facilities or water gardens.

David Weiss inquired as to the Town's plans for the area including what they wanted and when. He said that it seemed everyone was in basic agreement and reminded that the phasing issue was due to finances.

Wilson Kirby said that since the late 1980's it was the Town's intention to have a subdivision, which is what was approved; and they knew what it would look like, and what the road network was there for. But, then, selling the property changed the complexity of the development. In many respects, the School site has advantages versus a residential there because, as said, it has less impervious areas. In development, you can do with open sod ditches the same thing as you can do with curb and gutter. He said that the Town does have a Comprehensive Plan that does have a set transportation system and that is what they are looking for to meet that Comprehensive Plan. He said he had no objections to having this be a school site and it did not offend him as far as being the subdivision where he lives for it meets the needs for the County and it will work for the Town.

David Weiss asked if the Town had any opposition to entrances off Route 7.

Kirby Wilson asked to speak from the standpoint of an engineer. He noted that the Schools had a four-lane roadway that connects to Main Street that runs up the hill parallel to Main Street and connects to the building and parking lot. He said that this was a four-lane roadway based on what was shown on this detail and would have some site cost.

Robina Rich Bouffault interjected that the four-laning was at the entrance and the other was an interior road advising that the diagram that Mr. Wilson was referencing was simply a simplification of the entrance. She said they had the right-lane turn into the school road and a left stacking lane; and that location, which allows for maximum sight distance as required by VDOT.

Kirby Wilson said that when you make this connection with West Main Street you would have a minimum radius that you will have to devise in order to make the transition around the curve for the school buses. He said that this length of roadway should be an entrance off of Mosby Street in the back up near the building and you would not have the length of driveway and would not have that expense. He said that expense could be put in the section up near the school in Mosby and then would not have any utility cost to relocate things along Main Street. He continued that wherever the entrance is it has to meet VDOT requirements of site distance, turn lanes, transitions, etc.

Jeff Lineberry asked for the Town's position on Early advising that VDOT could go either way on that street. He said that it was his understanding that there may be an issue with the length of the roadway that it exceeds the maximum length of a cul-de-sac street.

Wilson Kirby responded that currently if it were cul-de-saced where the construction is stopped, it exceeds maximum of 600 feet, which would be measured back all the way to Jackson and Mosby; because that is where the first outlet point occurs. Also, currently, Mosby is also in violation if that is going to be a cul-de-sac; but the Town does not want to consider that because they consider Mosby as a collector that serves a great purpose for the Town.

John Staelin asked if Mosby goes through does that change Early.

Wilson Kirby responded that it changes Early for the cul-de-sac to be at the intersection of Mosby and Early. This would not violate the 600 feet.

John Staelin commented that it would not be radically out of the way.

Jeff Lineberry stated that this was his true question if Mosby goes through what is the Town's position on Early connecting also.

Wilson Kirby responded that Early is a residential street and is not a collector road just like Jackson is not a collector road. If it is a cul-de-sac and doesn't violate the 600 feet, he stated that he didn't have a problem with that.

David Weiss asked if Early came through and was connected would the Town object to that because it is a residential street.

Wilson Kirby said that originally it was designed to go through.

David Weiss concurred noting that it had not been designed to have school traffic.

Wilson Kirby said that they would have to wait for the TIA because he did not know how it was going to impact Early based on the site being a school use.

John Staelin commented that there were a lot of open questions and expressed his appreciation for the Mayor's flexibility on discussing the issues including roads, stormwater and other things.

J. Michael Hobert asked for clarification on Coleman Lane and Whitaker Lane.

Keith Dalton said that he would like to answer a couple of questions. First, the Mayor said it exactly that many questions can be asked about what they want but they cannot answer or make an informed decision until the TIA is done. Also, the Mayor has expressed a concern. Extending Mosby makes a lot of sense; but if you do that off of Early, what you are potentially doing is to create a collector road, which it is not. What you do is potentially create the same sort of situation that the Town has on Jackson and those streets were not intended to be collectors. But, they have been left over time as the only connection; and there is concern on the affect on the residences in those areas. Obviously, we are waiting for the TIA; but Council's concern was Early being a connector and not building Mosby. There is a 50' right of way. It was designed as a residential street. Mosby is a very different creature. If you ride down Mosby, you will see that it is much wider. There is sidewalk on both sides for the majority of it. The lighting standards are different and it is even called a boulevard as opposed to a street or a road. Mosby is a very different thing but the TIA is going to have to tell us what is appropriate.

The Coleman Lane issue is something to be discussed. If you start at the Battlefield Estates property lines and you look to the west, there is a section of very old road – it is not known whether it is an old county road or an old Berryville road – that is called Coleman Lane. There is a quitclaim deed that gives some rights there. Then, there is a fee simple strip of land; and he believed that there is 25' to 24' range.

J. Michael Hobert asked if these roads were side by side.

Keith Dalton responded that they were side by side.

J. Michael Hobert clarified that Whitaker was west.

Keith Dalton affirmed that it was to the west stating that Battlefield Estates, Coleman Lane, Tom Whitaker Circle, which is a pipe stem and not something that is currently allowed; and then, there is the Howell property.

He continued that what he believed Supervisor Byrd was asking about is if you can use Coleman and Whitaker do you then reduce or limit the need to monkey with the intersection of Westwood and Main, and he did not think that you do. But, he did think that what Mr. Lineberry said was correct, you probably do reduce how much you have to move Westwood.

However, you will have to move Westwood to the east to get the alignment; and the question is how far. I think that earlier plans call for about 70'.

Jeff Lineberry stated that he believed 70 feet was correct.

Keith Dalton said that he believed they were in that range – plus or minus. But, it must be remembered that where that intersection of Mosby and Westwood and Main occurs, that there is going to have to be turn lanes there; and there are right-of-way issues there. It may be that taking it a little bit further east would help with some of those; and where you would start having significant conflicts would be more in the west quadrant of that activity, which is where you have the Howell house and maybe Poston. So, the affect on people's homes increases as you head west, which are things that must be taken into consideration.

Mr. Dalton stated that the idea of not having curb and gutter and sidewalk is something that the Town has debated for a very long time. If you go through Battlefield Estates, you will see on the cul-de-sacs in the early parts that the Town, through the BADA, agreed to not have curb, gutter and sidewalks in those areas and to go with a rural section for many reasons. One was to make the development more affordable and hopefully not raise development cost. He said he was not sure whose pocket that money ended up in and he had been told that could be debated. The other was that this is a sensitive stormwater area with the water headed down to Walnut Street. The BADA looked at this and never was the idea that Mosby, a collector, not being in curb and gutter even considered. I have serious doubts that it would make a lot of sense. Also, later, the BADA looked at this idea; and if you go into, probably, past Imboden or some of the other cul-de-sacs where they have not already been approved, they are now curb, gutter and sidewalk there. It was determined that there are a lot of problems associated with maintaining them. So, the BADA, examining what had occurred before, how it worked and how it didn't work, made a determination that curb, gutter and sidewalk was the proper thing. So, again, those are residential cul-de-sacs and that was what that debate was about.

Jeff Lineberry added that from a VDOT standpoint they would like to keep the same there unless there is a very noticeable change in traffic characteristics of the roadway. VDOT tries to maintain a critical section of that roadway throughout. It would be VDOT's expectation that Mosby be extended in its current configuration with curb, gutter, sidewalks and three lanes so that it would match the remaining portion so that there would not be huge changes in the appearance of the roadway when traveling from one section to another.

Barbara Byrd asked if this would be the case even though there will not be any residential usage of the road on either side other than when you get up to the high school.

Jeff Lineberry responded that there would still be potential pedestrian uses there from the standpoint there of having the sidewalk.

Barbara Byrd noted that there would be no driveways coming off onto the roadway as you would in a residential area.

Keith Dalton replied that he believed the width would provide a lot of flexibility as far as the turn lanes. Looking at an entrance in a configuration that he would think reasonable on a high school site you would want at least two significant entrances: one for buses, and you could imagine how much backing a turn lane for buses would take; and then you would be looking at an entrance for cars. So, that the width of road would probably be a little different. If you notice on Jackson Drive east to Buckmarsh on Mosby, it is three lanes with a series of cul-de-sacs on one side, Mary Hardesty, a day care, a business area, Food Line; and those turn lanes allow people to get over without tying up traffic. He said that he would expect at the school site a significant need for turn lanes but it may not be needed for the full length.

Robina Rich Bouffault responded that the school would not necessarily need all the width. She said that she had spoken to the architects about this and they visited a school with existing roads that are not that dissimilar from what has already been designed. She said that it was a very generic design and it was meant to meet cost calculations with a longer length of road, to over estimate instead of having a shorter length of road, with perhaps an entrance that was closer. She said that she would like the architects to make those design decisions.

John Staelin interjected that there was a lot to do and he did not want to get too far ahead.

Robina Rich Bouffault stated that there was another issue that needed to be pointed out. She reminded that the schools were down zoning 94 homes and that there were currently no dedicated right of ways on either Mosby or Early, which have never existed. She said that these were part of the comprehensive plan and she was fully aware of this having been the vice chair of the BADA for several years. She said that they would have to look at this if there is going to be a major reconfiguration. She said if the request is that Mosby be built out it will require major intersection changes on Westwood, which is a County road not a Town road. She said that West Main Street is a secondary access to the Town that also has the County on one side. She noted that this is a Town and County project that has actually been on the books for a very long time. She said that if the schools were being asked to take on any portion of this the schools would have to stop everything they were doing, go back to the drawing board, and ask the project managers and architects to completely change everything they were planning on doing to try to include this. Further, with the requirement of the intersection improvement, which is half in the Town and half in the County, the Schools would need to totally redo the timeline that had been initially done in order to wait for the modification of the utilities. She stated that this was a major change; and stated that she believed that a determination needed to be made by someone, as quickly as possible, noting that two months had already been lost. She observed that the TIA would take another month; and if this was going to be included in the project as a requirement by anyone, she stated that the School Board had a right to know as soon as possible.

John Staelin stated that the first thing needed was to complete the study. He stated that it was his desire that they would work together to get this done as quickly as possible within the rules. Mr. Staelin said that what he heard was that everyone was willing to work together.

Wilson Kirby added that as far as the Town goes you had his and their commitment to make it work without too much delay.

David Weiss put forward the question if there could be any way to figure out an entrance observing that the re-alignment of Mosby and the intersection of Westwood would take a long time and the County needed to get the school underway. He asked if there was any way that an entrance could be granted temporarily until the roads could be completed suggested that maybe the entrance could be put temporarily off of Early. He asked if the Town could look at other options.

Barbara Byrd asked again about Coleman Lane saying that it was right across from Westwood Road. She said that Ruritan bought that, along with 18 acres, and that the road used to go back to the land on the other side of Route 7.

Robina Rich Bouffault interjected that the alignment with Westwood was not Coleman Lane but actually west of that on Whitaker. She stated that they did have a quitclaim deed to half of Coleman Lane so there is also a strip there that is no mans land.

Keith Dalton stated that nothing is being used on Coleman. He said that a depression could be seen there but what was being seen in the picture was Tom Whitaker Circle, which is a fee simple strip.

John Staelin said that the discussion had been helpful. He instructed Chuck Johnston to help the Schools where he could, as he had in the past.

David Weiss asked Ms. Bouffault to explain her comment that everything would have to stop.

Robina Rich Bouffault stated that to build out Mosby there would need to be a re-alignment of the intersection and moving of utilities, which is a Town and County project. She said the utilities would have to go to Allegheny Power, Shenandoah Gas for estimates as to how much it would cost to re-align. She said the Schools could not do that asking who would design the intersection – the Town or the County. She asked who would make the determination who owns Coleman Lane. She said that all of this would involve legalities and determinations that do not depend up the school's land or their project, which they will no longer control for it is a determination between the Town and the County as to the entire Mosby extension, which is why the schools had made a point of staying away from it for they were trying to get a school built – not improving the entire secondary road system in the Town. She said this would have an affect independently of the cost issues. She opined that the schools were not impacting the Town negatively commenting that the project was down zoning from a much more intense development. She restated that the schools were not negatively impacting instead they would mainly be taking the traffic off of Westwood Road onto the Ketocin land.

David Weiss said that he understood that delay but does that prevent the schools from continuing on in the footprint design.

Robina Rich Bouffault responded in the affirmative stating that to get permitting you have to have a site plan, which includes the roads. So, without the roads, they cannot begin to build anything until the utilities are moved if they will be required to extend Mosby. She said that if Mosby is built out the utilities have to be moved and construction cannot be started. She stated that this was not a small item but a major deal, which she has been trying to say from the beginning. She said that the reason they did this design was to avoid this intersection and avoid what is happening now. She commented that the children have needed the school and the school has been delayed for ten years and with each delay it costs more. She said that a delay of a year or more would result in their inability to guarantee the cost estimates. She put forth that she could not, in good faith, make a recommendation to the School Board to spend one more dime on anything until such time as the road matter was sorted out between the Town and the County.

David Weiss said that what had been expressed here was that the Town and County would work together on a compromise and he hoped that the Schools would be able to continue work in some areas on the school design.

Robina Rich Bouffault said that the building could be designed but asked what would happen if no agreement was reached. She asked how they would justify the use of taxpayer money to continue on the design without having roads, which are essential, or knowing where the entrance will be – Mosby or Main?

J. Michael Hobert interjected that an entrance off of both would be best.

David Weiss responded that VDOT did not want the entrance from Main.

Robina Rich Bouffault said that the entrance was requested off of Mosby and Mosby must be built out and needs utilities. She stated that there is a domino affect, which is the reason why they had the entrance off of Main. She said that she knew that VDOT prefers fewer accesses off of main roads; and ideally that is fine, but in the residential subdivision plan, the Town had both Early and Mosby going through since no one seemed to object. She said that as far as the School Board and the school project are concerned, they were down zoning and using less than a residential subdivision would use and did not feel that there was a need for them to do a full build out of roads. She opined that nothing said here today had changed her mind. She noted that this build out has been part of the Town's comprehensive plan for over twenty years and the reason it has not been built out yet is because it is very expensive and complex that will take a lot of time, a lot of engineering and agreement between multiple parties.

Barbara Byrd asked if the comprehensive plan had been set for the build out of all of the land with houses.

Robina Rich Bouffault responded in the affirmative.

Barbara Byrd asked if the comprehensive plan would have to be modified.

Robina Rich Bouffault, again, responded in the affirmative, stating that it was part of the permitting process. She said there has to be an amendment and modification in both the Town of Berryville Comprehensive Plan and the Berryville Area Comprehensive Plan.

David Weiss said that he believed a collector made sense but to him it was a question of when it gets built.

Robina Rich Bouffault said that the school had stated from the beginning that they were willing to give a dedicated right of way for Mosby. She said that a dedicated right of way does not currently exist but the Schools would be quite happy to give that to the Town. She further stated that they were not against Mosby being built out but the Schools were not going to pay for it or to wait for all of this to be done – Mosby extension, the intersection of Westwood and Main, and the utilities.

School Carryover Request

Dr. Murphy joined the Supervisor with Robina Rich Bouffault to discuss the Schools request for carryover funds, approximately \$697,000. He distributed and reviewed *CCPS Operating Carryover – Targeted Investments [Estimates] dated 11/12/08* and *Fall Memberships FY09*. Tom Judge provided additional input.

There was discussion surrounding the projected shortfall in operating funds for Special Ed – occupational, speech and physical therapy. Dr. Murphy and Robina Rich Bouffault provided an insight into the budgeting and staffing issues in this area advising that the Schools required by law to provide these services, which is unfunded mandate. Vice Chairman Hobert stated that the Supervisors preferred that carryover funds be used for one-time expenditures. Tom Judge noted that there was a recurring element in this budget item and provided additional input into the difficulties of budgeting for these programs.

Following discussion, the Supervisors expressed their support of the School request for carryover funds. Supervisor Weiss voiced his appreciation for the thoroughness of the presentation.

Dr. Murphy provided a progress report on the joint maintenance venture. He stated that the Schools were providing a full-time painter to the Maintenance Department to be used by the Schools and County. Also, courier services have been revamped; and now, the Schools and the County will share a courier. He reviewed several changes made in their ongoing effort to reduce redundancy, improve communication, maximize efficiency and reduce cost.

Robina Rich Bouffault provided a draft of the Technology Services Agreement for discussion. Following discussion between the Supervisors, Dr. Murphy and School Board Chair Robina Rich Bouffault, it was agreed to revise Item 1 to state that the committee would clearly identify a list of goals, schedules pertaining to the scope of the work provided to both boards within a month. Further, it was agreed that members of the working committee be appointed as soon

as possible and would provide a first-step report that includes achievable goals with comments on management. Finally, it was agreed that the agreement should include that there would always be two separate technology groups.

Energy Conservation Efficiency Recommendation Implementation

David Ash stated that he had met with department heads. He had also met with Chuck Johnston to secure his approval about the additional responsibility being assigned to Alison Teetor. He recommended appointing Bobby Levi, Tom Judge and Tony Roper as core committee to review and implement some of the suggestions made by Ms. Teetor. He noted that department heads expressed general interest and a willingness to review and make recommendations. Everyone equally desired to effect a change but there was concern about becoming involved in another committee.

Planning Text Amendment Discussion TA-08-06

Chuck Johnston provided additional information regarding the Planning Commission request for consideration of text amendment TA-08-06 specific 3-C-2 Tenant Houses.

Following discussion, the Supervisors agreed that they did not approve of the proposed change and would not adopt 3-C-2 Tenant Houses.

Chuck Johnston stated that he and Bob Mitchell were engaged in continuing discussion on the proposed change to TA-08-06 Section 4-K-6. The Supervisors agreed to Mr. Johnston's request not adopt the change proposed.

Adjournment

Chairman Staelin adjourned the Work Session at 12:20 pm.

Next Meeting Date

The regular meeting of the Board of Supervisors is set for Tuesday, November 18, 2008 at 1:00 p.m. in the Board of Supervisors' Meeting Room.

ATTEST: November 12, 2008

John Staelin, Chairman

David L. Ash, County Administrator

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