

CLARKE COUNTY BOARD OF SUPERVISORS
November 18, 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, November 18, 2008.

Board Members Present

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

Staff Present

David Ash, Chuck Johnston, Lora Walburn

Others Present

Keith Dalton, Gem Bingol, Jeanne Abigail Custis Marcy, Laura Oleniacz, Dennis Cox and other citizens

Call to Order

Chairman Staelin called the meeting to order at 1:01 p.m.

Adoption of Agenda

Supervisor Dunning moved to approve the agenda as modified:

- **Miscellaneous:**
 - o **Conservation Easement Authority Item – Raven Rocks Association**

The motion carried 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	-	Absent

Approval of Minutes

Vice Chairman Hobert moved to approve the minutes for October 21, 2008 Regular Meeting as presented.

The motion was approved by the following vote:

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

Supervisor David Weiss joined the Supervisors at 1:06 pm.

Consent Agenda

Conservation Easement Authority – Proposed Amendment of Income Criteria 08-23R

Adoption of Easement Value Criteria Amendment Resolution 08-23R

WHEREAS, the 2007 Clarke County Comprehensive Plan calls for the preservation of open land in:

Goal 1, which states:

Preserve and protect the agricultural, natural, and open-space character of unincorporated areas;

and in Objective 1 which states:

Encourage agricultural operations and productivity and ensure the preservation and availability of agricultural lands for the continued production of crops and livestock through the following policies and the Agricultural Land Plan.

and Policy 15 of Objective 1, which states:

Encourage and expand support for the Conservation Easement Purchase Program, both philosophically and financially, to retain land essential to agriculture and to encourage its agricultural use.

and in Objective 2, which states:

Preserve the natural beauty and protect the ecology of forested areas to ensure that development in those areas is in conformance with their environmental limitations through the following policies and the Mountain Land Plan.

and Policy 5 of Objective 2 which states:

Promote the placement of conservation easements on lands adjoining or visible from the Appalachian National Scenic Trail and the Shenandoah River and protect the scenic value of those lands when making land use decisions and plans.

WHEREAS, the Clarke County Board of Supervisors adopted Easement Value Criteria in September 2002 to focus the purchase of easements on properties owned by low- and middle-income households;

WHEREAS, an inflationary adjustment of the Easement Value Criteria is recommended to reflect changes in economic conditions;

WHEREAS, equating income levels of nonprofits with adjusted gross income presents complications not normally associated with for-profit entities, causing the Authority to consider developing a different set of criteria for nonprofits.

WHEREAS, funding levels may change requiring the Authority to offer less than 25% payment of the appraised value of the easement;

WHEREAS, at their 15 October 2008 meeting, the Conservation Easement Authority unanimously recommended amending the Easement Value Criteria to include provisions for easement purchases from nonprofit organizations;

NOW THEREFORE, BE IT RESOLVED THAT the Clarke County Board of Supervisors hereby establishes the attached revised Easement Value Criteria to include criteria for purchases from nonprofit organizations.

Attest:

David L. Ash, Clerk to the Board

Statement of Support for the Guard and Reserve

Resolution Acknowledging the Accomplishments of the Clarke County High School Boys' Cross Country Team and the Girls' Cross Country Team 08-24R

Resolution Acknowledging the Accomplishments of the Clarke County High School Boys' Cross Country Team and the Girls' Cross Country Team
08-24R

WHEREAS, the Clarke County High School Boys' Cross Country Team won the Single A State Championship in Cross Country Boys'. Clarke's boys scored 34 points; Radford was 2nd with 88; and Altavista was 3rd with 127.

WHEREAS, Ben Veilleux was 1st in 15:37, a Single A course record; Chris York was 2nd in 16:18; Paul Myer was 7th in 16:49; Adam Owens was 9th in 16:56; Sean Healy was 15th in 17:09. These runners were all on the All-State team. Also of note, Steven Trayer was 22nd; and Harley Biddle-Snead was 24th.

WHEREAS, the Clarke County High School Girls' Cross Country Team finished second in the Single A State Championship in Cross Country Girls' to George Mason by 3 points. George Mason had 51 and Clarke had 53; Radford was 3rd with 98 points.

WHEREAS, Sophia Holmes was the second place finisher in 19:08; Erin Broy was 5th in 19:38; Ally Kuehm was 10th in 19:56. All three were on the All-State team. Also of note, Sami Wiltrout was 34th; Becca York was 38th; Tori Neuber was 62nd.

NOW, THEREFORE, BE IT RESOLVED that the Clarke County Board of Supervisors commends the Clarke County High School Boys' Cross Country Team and the Clarke County High School Girls' Cross Country Team for their excellent performance and individual accomplishments and wishes you well in your future endeavors.

BE IT FURTHER RESOLVED that the Board of Supervisors of Clarke County acknowledges the dedicated efforts of the track coaches and superb skills of the students, and the support of the parents. These students are all champions in the hearts and minds of the Clarke County Community.

Adopted this 18th day of November 2008.

Attest:

David Ash, Clerk
Clarke County Board of Supervisors

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

The motion was approved by the following vote:

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

Citizens Comment Period

No persons were present wishing to address the Supervisors.

Update from Historic Long Branch on the 12th Annual Hot Air Balloon Festival

Mary Rodriguez, with Tom Dunning, Harry Stimpson and Reid Basley. Balloonmeister, appeared before the Supervisors to provide an update on the 12th Annual Hot Air Balloon Festival. All present agreed that event, with 19 balloons, was successful. They expressed their hopes to expand the event in 2009.

David Ash advised that there were no reported complaints.

The Supervisors congratulated Long Branch on the success of the 2008 event.

VDOT

Jeff Lineberry, accompanied by Bob Childress and Charlie Monroe, provided the monthly update.

- Brush cutting in progress on Routes 52, 633, 655, and 644.
- Picking up many deer that have been involved in vehicle collisions.
- Grading on non-hard surface roadways is in progress.
- Performed spot treat on South Buckmarsh and Main Street at the request of the Town of Berryville.
- Snow and ice treatment on County roadways was performed this morning.
- Potholes in the road and on the shoulder on Westwood Road were noted and will be repaired.
- Sign issue at the intersection of Crums Church Road and Old Winchester Road has been identified and will be addressed.
- At Supervisor Dunning's request, VDOT will check rock issue on Salem Church Road on the right side going north. Staff was instructed to add this item to the December regular meeting agenda.

Mosby Boulevard Extension

Chairman Staelin requested instruction on required steps to change the Secondary Six-Year Plan. Jeff Lineberry stated that a letter of intent describing the scope would be necessary. He further advised that Westwood Road had federal funds assigned therefore federal review and approval would be necessary. He stated that these federal funds would not be available until next fall however construction could begin on the Mosby extension using state funds. Mr. Lineberry advised that each affected roadway would be listed with each assigned the same priority and grouped as a project under one contract. He further advised that the school entrance could not be built as part of the project.

Supervisor Byrd asked if the traffic impact analysis estimated for completion in February 2009 could be fast tracked. Jeff Lineberry stated that the traffic study timeline is impacted by the time constraints of the consultant; however, VDOT has promised to expedite the data collection and review process.

Vice Chairman Hobert suggested developing a memorandum of understanding with the Town of Berryville regarding their support of the extension of Mosby Boulevard. Supervisor Byrd reminded that the extension of Mosby was a requirement when an

additional subdivision with 94 homes with curb, guttering and sidewalk; however, the school was actually a downsizing.

Supervisor Dunning clarified that while the Town had gotten bonds for roadway extension for each segment of Mosby the Town did not have this agreement in place nor had they anticipated the developer selling this property to an institution.

Calmes Neck Intersection Issue Bond

Chairman Staelin requested an update on the Calmes Neck intersection bond. Jeff Lineberry stated that the situation remained unchanged since VDOT issued their request to the developer.

Jesse Russell and Chuck Johnston provided further explanation.

By consensus, staff was instructed to initiate legal review.

Information Technology Collaboration Agreement Discussion

Immediately prior to the meeting, Dr. Michael Murphy provided the revised Information Technology Collaboration Agreement, which was distributed to the Supervisors by David Ash.

Subsequent to review, **Supervisor Dunning moved to approve the agreement as presented.**

The motion was approved by the following vote:

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

TECHNOLOGY SERVICES COLLABORATION AGREEMENT CLARKE COUNTY PUBLIC SCHOOLS AND COUNTY OF CLARKE

THIS AGREEMENT is made and entered into this _____ day of _____ 2008 by and between Clarke County Pubic Schools, a school division organized under the laws of the State of Virginia, hereinafter called the Division, and the County of Clarke, hereinafter called the Government.

WHEREAS, it is in the public's interest to efficiently utilize Division-owned and Government-owned facilities; and

WHEREAS, there is considerable mutual interest in the joint use and operation of technology related facilities by each the Division and the Government; and

WHEREAS, with the progression of time, both the Division and the Government have become more aware of the need to collaborate on critical infrastructure projects, avoiding the need for duplication and therefore saving tax dollars; and

WHEREAS, the Division and the Government shall retain independent oversight for their own information technology systems, but those goals and timelines for joint activities shall be developed collaboratively for recommendation to their respective governing bodies; and

WHEREAS, there are multiple benefits to working together on issues regarding Information Technology, including the ability to share technical expertise, to maximize opportunities for staff development and training, and to lower or share the costs of software, hardware, and systems infrastructure.

NOW, THEREFORE BE IT RESOLVED that the parties hereby agree as follows:

The Division and the Government shall each appoint up to three (3) people to jointly create an Information Technology Oversight Committee with the following goals:

1. Identify, as appropriate, goals for a long-range technology plan, including, but not limited to, the needs associated with infrastructure development, disaster management and recovery, end-user hardware and software, purchasing integration, outsourcing, and professional development.
2. Recommend the best system design and management structure to integrate Government and Division systems.
3. Propose for adoption by the Division and Government an integrated technology plan, including budgetary priorities and timelines for implementation.

APPROVED by the Board of Supervisors _____, 2008

For Board of Supervisors

Chair, Board of Supervisors

APPROVED by the School Board of the Clarke County Public Schools _____, 2008

For Clarke County Public Schools

Chair, School Board

Vice Chairman Hobert moved to the appoint Gordon Russell and David Ash to represent the County on the Joint Information Technology Oversight Committee.

The motion was approved by the following vote:

John R. Staelin, Chair - Aye

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

Set Public Hearing CC-08-03

The Clarke County Board of Supervisors will consider the amendments of the Clarke County Well Ordinance section 184-1 definitions, add a separation distance between wells, section 184-10 General requirements to add requirements for the installation of closed loop groundwater systems and to eliminate the use of hydrofracturing, and Appendix 1, table 1 to clarify setback distances; and Clarke County Septic Ordinance, 143-9-H Subsurface Investigations, so as to exempt emergency repairs from the resistivity requirements and Section 143-10, to clarify the application of 100% reserve area to merged lots. CC-08-03

Chuck Johnston appeared before the Supervisors to review the proposed amendment to the Code of Clarke County, CC-08-03. At the request of Supervisor Byrd, Alison Teetor will research the matter of termite treatment.

Supervisor Weiss moved to set the matter for public hearing at 6:30 pm on Tuesday, December 16, 2008 or as soon there after as the matter might be heard.

The motion was approved by the following vote:

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

Set Public Hearing CC-08-04

The Clarke County Board of Supervisors will consider the amendment of Clarke County Code, Chapter 148, Soil Erosion and Sedimentation Control, so as to update this section and bring it into conformance with the Code of Virginia. CC-08-04

Chuck Johnston reviewed the proposed amendment to the Code of Clarke County, CC-08-04. Archana McLoughlin, County Attorney, provided explanation as to the differences between civil and criminal actions and penalties. Following discussion, the Supervisors opted to replace the proposed criminal penalty section with the civil penalty section as stated in the model ordinance.

Following discussion, **Supervisor Dunning** moved to set the matter, as revised, for public hearing at 6:30 pm on Tuesday, December 16, 2008 or as soon there after as the matter might be heard.

The motion was approved by the following vote:

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

Set Public Hearing - Rezoning RZ-08-01

7-Eleven, Inc. (Agent: Jason Azar, Huron Consulting) requests the amendment of the County Zoning Map to rezone a 1.5137 acre portion of Tax Map Parcel 7-((A))-37 from the Agricultural-Open Space-Conservation (AOC) District to the Highway Commercial (CH) District and Historic Access Corridor Overlay District (HC), located at 10929 Harry Byrd Highway, Longmarsh Magisterial District. RZ-08-01

Chuck Johnston reviewed the rezoning request, RZ-08-01.

Following discussion, **Supervisor Dunning** moved to set the matter for public hearing at 6:30 pm on Tuesday, December 16, 2008 or as soon there after as the matter might be heard.

The motion was approved by the following vote:

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

Continued Discussion: PH 08-14 SUP-08-02 (aka SUP-04-01) Special Use / Site Plan – Determination Of Proposed Utility Being In Accord With Comprehensive Plan

The Town of Berryville requests approval of a Special Use and Site Plan for a Public Utility Facility (outfall line for treated effluent) located generally on the south side of the public right of way for Harry Byrd Highway (Virginia Route 7) from the Berryville Waste Water Treatment Plant (362 Parshall Road) to the Shenandoah River (approximately 800 feet south of the Robert W. Smalley Sr. Bridge at Castleman's Ferry, [Route 7 bridge]), through Tax Map Parcels 15-((A))-8, 11, 13, 17C, 18, 20, 21; 15-((3))-8; 16-((A))-33, 36, 36A, 39, all located in

Battletown Magisterial District, zoned Agricultural-Open-Space-Conservation (AOC). SUP-08-02 (aka SUP-04-01)

Chuck Johnston stated that the Planning Commission had reviewed and concurred that the special use was in compliance with the Comprehensive Plan but could not effectively determine the impact deferring determination to VOF and the landowner. Mr. Johnston distributed a letter from the Town of Berryville to the Clarke County Board of Supervisors dated November 15, 2008 requesting an appeal of the determination by the Clarke County Planning Commission. He further noted that County Attorney, Bob Mitchell, would review and provide legal opinion. He requested that the matter be held over to the December 16 meeting.

Chairman Staelin reiterated that the County would make no decision until the Town of Berryville had resolved the matter with VOF.

Supervisor Weiss moved to continue discussion until the December 16, 2008 Regular Meeting of the Clarke County Board of Supervisors.

The motion was approved by the following vote:

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

Committee Action

Personnel

Appointment to Authorities, Boards and Commissions

<i>Committee/Board</i>	<i>Appointee</i>	<i>Expiration Date</i>
Clarke County Sanitary Authority <i>Mr. Williams is re-appointed to serve a four-year term.</i>	Ian Williams	1/5/2013
Conservation Easement Authority <i>Ms. Radford is re-appointed to serve a three-year term.</i>	Jane Radford	12/31/2012
Northwestern Regional Juvenile Detention Center Commission <i>Mr. Wyatt is re-appointed to serve a four-year term.</i>	James Wyatt	12/20/2012

<i>Committee/Board</i>	<i>Appointee</i>	<i>Expiration Date</i>
Parks and Recreation Advisory Board <i>Mr. Lichliter is re-appointed to serve a four-year term.</i>	Gary Lichliter	12/31/2012
Lord Fairfax Emergency Medical Services Council <i>Mr. Coffelt is appointed to serve a three-year term as the career staff representative for the County of Clarke, Virginia.</i>	Lee Coffelt	11/30/2011
Northwestern Community Services Board <i>Northwestern Community Services has requested that the Board authorize a change in the expiration date and an extension of term for Robert Stieg to December 31, 2012. This change is necessary to correct inconsistencies in the Community Service Board membership.</i>	Robert Stieg, Jr.	12/31/2012

Supervisor Byrd moved to approve the appointments and term adjustments as presented.

The motion was approved by the following vote:

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

Work Session

- 1. Discussion—Proposed School site. Requested Action: Information Only*
- 2. School Carryover Request. Requested Action: Approve appropriation of carryover funds from FY08*

Following discussion, Supervisor Dunning moved to set the matter for public hearing at 6:30 pm on Tuesday, December 16, 2008 or as soon there after as the matter might be heard.

“Be it resolved that FY 09 School Operating Fund expenditure be increased by \$475,655, and that FY 09 School Capital Fund expenditure be increased \$221,641, for a combined total of \$697,296, representing unspent funds from FY 08, and that the same be appropriated to each fund, for expenditures relating to

contingency planning, safety and security, infrastructure, technology, and instructional materials.”

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

David Weiss stated that he was pleased with the openness, as well as the thoroughness of the report presented by Dr. Murphy.

- 3. Energy Conservation Efficiency Recommendation Implementation. Requested Action: Approve recommendation to assign the Natural Resources Planner to coordinate energy efficiency efforts and provide regular updates*

Supervisor Dunning moved to ratify the assignment of Alison Teetor as the coordinator of the energy efficiency efforts.

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

- 4. Planning Text Amendment Discussion TA-08-06. Requested Action: Review text amendment with proposed changes.*

Chuck Johnston briefed the Supervisors on the issues raised at previous meetings.

By consensus, the Supervisors agreed to the removal of 3-C-2-3, 4-K-6 and to advertise for public hearing with the proposed amendment pertaining to tenant houses.

By consensus, the Supervisors added the requirement to review the special use and site plan by the Board of Supervisors, as well as the Planning Commission if not acted upon within two years.

Following discussion, **Supervisor Byrd** moved to set the matter, as revised, for public hearing at 6:30 pm on Tuesday, December 16, 2008 or as soon there after as the matter might be heard.

The motion was approved by the following vote:

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

Chuck Johnston requested additional discussion on the request to add a requirement to return to the Board of Supervisors. He noted that 5-C Revocation was in place and would be the appropriate section. He told the Supervisors that the Zoning Enforcer has been investigating special uses approved beginning in the 1970's.

Following discussion, **Supervisor Weiss** moved to set the matter, as revised deleting the section on special use review, for public hearing at 6:30 pm on Tuesday, December 16, 2008 or as soon there after as the matter might be heard.

The motion was approved by the following vote:

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

Chairman Staelin instructed staff to review the matter with legal counsel.

Finance Committee

Tom Judge joined the Supervisors to discuss matters reviewed by the Finance Committee

1. FY10 Budget Calendar Proposed. Requested Action: Approved draft calendar.

By consensus, the Supervisors agreed to operate with the FY10 Budget Calendar as presented subject to further review.

2. Security for Public Deposits Act. Requested Action: Information only.

Chairman Staelin advised that the Finance Committee had reviewed the matter and County funds were protected by statute, as well as required banking practice to set aside asset.

3. *Standing Reports. Requested Action: Information only.*

4. *Fund Balance Designations. Requested Action: Set fund balance designations.*

Chairman Staelin reviewed the recommendations for fund balance designation.

Supervisor Dunning moved to adopt fund balance designations as presented as of June 30, 2009.

The motion was approved by the following vote:

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

Bills And Claims

Supervisor Byrd noted that some line items for several departments were at or near 100% of budget. She advised that she would follow up with Tom Judge on expenditures of grant funds by the Sheriff's Department.

Supervisor Byrd moved to approve the report for the October 2008 General Government Bills and Claims.

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

2009 Legislative Priorities

Vice Chairman Hobert moved to adopt the 2009 Legislative Priorities as presented.

The motion was approved by the following vote:

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

**2009 Legislative Priorities And Positions
For Clarke County**

Positions

Issue: Growth Management

- Clarke County joins VACo, the High Growth Coalition, the Virginia Farm Bureau and the Virginia Education Association in supporting Adequate Public Facilities and Impact Fee legislation. Additionally, Clarke County believes that any new Impact Fee legislation should not limit Counties from recovering the full cost of new development.
- Clarke County supports full funding of the purchase of Development Rights Program as has been suggested by the Virginia Department of Agriculture and the Farm Bureau.
- Clarke County supports increasing the caps on the Commonwealth's tax credit program for the donation of easements as well as increased sanctions and penalties for fraudulent appraisals.

Issue: Education

- Clarke County asks the Commonwealth to take steps to fully fund its share of the true cost of K-12 public education without reducing other parts of the budget affecting local government.
- Clarke County supports a change to the Composite Index, which would cause it to reflect land use values. Additionally, the income figure used to calculate the Composite Index should be average median income, not total countywide income.
- Clarke County supports legislation that would give Clarke County equal treatment with regard to "cost of competing" funds. At this time Clarke County gets 25% of the amount given to our neighbors to the east.

Issue: Transportation

- Clarke County believes that transportation improvements should be funded by user fees, not the General Fund. General Fund revenues should not be used for transportation as doing so will undoubtedly take away from the funding of education, natural resources, etc.
- Clarke County does not support the devolution of transportation responsibilities to counties, especially smaller counties, like Clarke, that do not have the scale of work to allow for the efficient provision of services.
- Clarke County believes that railroad noise reduction methods (i.e. Quiet Zones) and provisions for ensuring appropriate delivery of emergency services and public access along the entire route effected by proposed rail improvement projects (not just those within the project proper) should be mandated/agreed upon before the Commonwealth agrees to fund or issue any required approval for any railroad expansion program.
- Clarke County supports the concept of Urban Development Areas (UDA) to better control the cost of transportation but believes that the creation of UDAs should be tied to mandatory development restrictions (e.g. downzoning) in areas outside of the UDA.

Issue: County Control and Rights

- Clarke County opposes legislation that exempts agricultural lands from local regulation of non-ag business activities such as restaurants, entertainment, festivals, etc.
- Clarke County believes the Dillon Rule should be abandoned or modified and opposes any legislation that would reduce county rights.

Issue: Chesapeake Bay Agreement

- Clarke County supports cleaning up the Bay and its tributaries as long as:
 - The cost of the clean up is not borne excessively by local government.
 - The regulations do not put our farmers and other business people at an unnecessary competitive disadvantage.

Issue: Biosolids

- Clarke County supports changes to Biosolids regulations that would give localities more control over how and where Biosolids are spread within their jurisdiction.

Issue: Waste and Litter Control

- Clarke County asks the Commonwealth to devolve to local governments the power to control the commercial use of throw-away plastic bags. The major economic and environmental costs resulting from the nearly universal use of throwaway plastic bags are numerous. They adversely impact wildlife and livestock, clog storm drains, pollute waterways, and litter roadways, fields and forests. Clarke County joins with other local jurisdictions in requesting the power to manage and control the commercial use of plastic bags in accordance with local needs.
- Clarke County supports a Beverage Container Bill.

Issue: Power Lines

- Clarke County supports legislation that would require all or part of new transmission lines to be placed underground if economic and environmental studies show that undergrounding is a viable alternative to overhead. Specific factors to be considered in all economic and environmental studies include, the cost impact on adjacent property owners, health hazards from EMF, the impact on wildlife and historic sites, the visual impact, etc.

Issue: Tax Reform

- Clarke County supports tax reform as long as:
 - it ends up reducing Clarke's dependence on the real estate tax.
 - any change that reduces or eliminates an existing local funding source is offset by a new or expanded source.
 - it gives equal taxing authority to cities and counties.
 - it protects the Commonwealth's General Fund. The General Fund should be used for core government functions such as public education (K-12 and higher education), health and human services, public safety, natural resources and environmental services. Transportation maintenance and improvements should be paid by user fees.
- Clarke County supports the implementation of a local option transfer tax for all property sales.

Issue: Cost Shifting

- Clarke County is opposed to the gradual shifting of costs that has taken place over the past several years. With each passing year the County has been required to incrementally subsidize a variety

of traditionally state funded (or state shared) costs (Compensation Board, Registrar, Cooperative Extension, Social Services and the court system). This cost shifting places a tremendous burden on a regressive real estate tax system. Cost shifting must stop and/or the tax system must be reformed to reduce the burden on the Real Estate tax.

Issue: Museum Grant

- Clarke County is requesting General Assembly funds for educational equipment at the Clarke County Museum. A public and private partnership has been forged to undertake this project, with the bulk of the funding for the renovation and education project to come from private donations. The theme of the project is "Our Land As Our Legacy", and it emphasizes the importance of land use planning to the community, both historically and for the future.-

Issue: Affordable Housing

- Clarke County supports increased federal and state funding and appropriate incentives to encourage the provision of affordable housing.

Issue: Broadband Access

- Clarke County asks the Commonwealth to assist communities throughout Virginia in providing universal access to broadband Internet services.

Issue: Hunting With Hounds

- Clarke County opposes any unreasonable restriction that would limit the ability of citizens to hunt with hounds.

Issue: Energy Efficiency and Conservation:

- Clarke County supports legislative measures to increase the efficient use of energy throughout the Commonwealth, both for governmental operations and for the private sector.

Closed Session Legal Matters §2.2.3711-A7 and Contract Negotiations §2.2.3711-A6

Supervisor Byrd moved to convene into Closed Session pursuant to Section §2.2.3711-A6 and A7 of the Code of Virginia to discuss contract negotiations and legal 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
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J. Michael Hobert, Vice Chair - Aye
Barbara J. Byrd - Aye
A.R. Dunning, Jr. - Aye
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. - Aye
David S. Weiss - Aye

Following Closed Session, **Supervisor Dunning moved to approve the service agreement between the County of Clarke, Virginia and the Frederick-Winchester Service Authority.**

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

Vice Chairman Hobert move to adopt Resolution No. 08-26R Virginia Department of Transportation Secondary Highway Construction Fund Priorities Resolution.

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

VIRGINIA DEPARTMENT OF TRANSPORTATION SECONDARY HIGHWAY
CONSTRUCTION FUND PRIORITIES RESOLUTION
08-26R

WHEREAS, the Clarke County School Board has purchased property in the Town of Berryville on which to construct a new County high school; and

WHEREAS, the property purchased was the location of a previously planned 94-unit single-family residential subdivision; and

WHEREAS, it was anticipated by the Town that, as a part of the development of the subdivision, Mosby Boulevard would be constructed from its present terminus to Main Street (Virginia Business 7); and

WHEREAS, the extension of Mosby Boulevard to Main Street is shown on the Town Comprehensive Plan; and

WHEREAS, the Town has indicated its desire that the extension of Mosby Boulevard be constructed; and

WHEREAS, the School Board is not able to construct the extension of Mosby Boulevard within its budget for the construction of the new high school; and

WHEREAS, in order for the construction of the new high school to go forward, the Board of Supervisors desires to advise the Town that it agrees to make the road improvements adjacent to the new school, including the extension of Mosby Boulevard, the County's first priority for Virginia Department of Transportation Secondary Highway Construction Funds ("State Highway Funds") until construction of the extension is completed.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors hereby agrees, as a moral obligation of the County, to maintain the road improvements adjacent to the new school, including the Mosby Boulevard extension, as the County's first priority for State Highway Funds until the construction of the extension is completed, or until the Town Council should sooner inform the County that the Town no longer desires that construction

of the extension be completed or the Town no longer requests that the extension be the County's first priority for State Highway Funds.

This resolution is subject to the high school being constructed on the property and subject to the extension being eligible for State Highway Funds.

Adopted this 18th day of November 2008.

Attest:

David Ash, Clerk
Clarke County Board of Supervisors

Update On Draft Work Plans for Important County Issues

Due to time constraints, the matter was not discussed.

Berryville Clarke County Government Center Update

David Ash provided the monthly progress report for the new joint government center.

- The initial semi-final inspection has been conducted and there are numerous issues to be addressed.
- The building is close to being complete and ready for occupancy.

Chairman Staelin requested that discussion be added to the December Work Session.

Miscellaneous

Conservation Easement Authority Issue

David Ash distributed a memorandum from Alison Teetor requesting easement approval for easement donation by Raven Rocks Associates.

Vice Chairman Hobert moved to approve the donated easement by Raven Rocks Associates.

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

Summary Of Required Action

<u>Item</u>	<u>Description</u>	<u>Responsibility</u>
1.	Process approved minutes.	Lora B. Walburn
2.	Process approved resolutions 08-23R, 08-24R and Statement of Support for the Guard and Reserve.	Lora B. Walburn
3.	Initiate legal review of Calmes Neck Bond.	David Ash
4.	VDOT will check rock issue on Salem Church Road on the right side going north. Staff to add as a follow up to the December regular meeting agenda.	Lora B. Walburn
5.	Provide copy of executed Technology Agreement to Dr. Michael Murphy.	David Ash
6.	Add Joint Information Technology Oversight Committee to data base with appointees Gordon Russell and David Ash to represent the County.	Lora B. Walburn
7.	Publish notice of public hearing for CC-08-03, CC-08-04, RZ-08-01, School Capital Carryover, TA-08-06.	Lora B. Walburn
8.	Coordinate with Jesse Moffet service agreement between the County of Clarke, Virginia and the Frederick-Winchester Service Authority.	David Ash
9.	Provide copies of 08-26R Virginia Department of Transportation Secondary Highway Construction Fund Priorities Resolution to the School Board and Town of Berryville.	David Ash
10.	Add discussion of move to joint government center to Work Session agenda.	David Ash

At 4:47 pm Chairman Staelin recessed the meeting until 6:30 pm.

At 6:30 pm Chairman Staelin reconvened the meeting.

At 6:35 pm Supervisor Dunning joined the Supervisors meeting.

Citizens Comment Period

No citizens appeared to address the Supervisors.

Text Amendment – PH 08-16 Public Hearing TA-08-07

The Clarke County Planning Commission recommends the amendment of the County Zoning Ord.:

Sections 3-A-1-a, 3-A-2-a, 3-A-3-a, 3-A-12-a, and 3-A-13-a, Permitted and Special Uses and Structures in the AOC, FOC, Rural Residential, Neighborhood Commercial, and Highway Commercial Zoning Districts so as to add Small Wind Turbines that are 100 feet or less in height as a Accessory Use and such turbines taller than 100 feet as a Special Use; Section 3-C-2, Supplementary Regulations, so as to add regulations for Small Wind Energy Systems; and Section 9-B-2, Definitions, so as to add the definitions for Small Wind Energy Systems and Wind Turbines. TA-08-07

Chuck Johnston briefly reviewed the proposed text amendment, TA-08-07. As requested at the October meeting, he provided supplemental information and photographs of small wind energy systems and wind turbines. He answered the various questions posed by members of the Board.

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

Supervisor Dunning moved to approve text amendment TA-08-07 to the Zoning Ordinance.

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

Adjournment

There being no further business to be brought before the Board at 6:46 pm. Chairman Staelin adjourned the meeting.

Next Meeting Date

The regular meeting of the Board of Supervisors is set for Tuesday, December 16, 2008 at 1:00 p.m. in the Board of Supervisors Meeting Room.

ATTEST: November 18, 2008

John Staelin, Chair

David L. Ash, County Administrator

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