

Personnel Committee Meeting

September 19, 2011, 9:30 AM
Second Floor, Conference Room AB
Berryville/Clarke County Government Center
101 Chalmers Court, Berryville, Virginia 22611

<i>Item No.</i>	<i>Description</i>	<i>Packet Page No.</i>
1.	Expiration of Term for appointments expiring through November 2011.	3
2.	Appointee Information Feedback Update	11
	09/27/2011 Update: As instructed, staff reviewed the Committee Detail Report and provided responses to specific questions raised during the 8/8/2011 Personnel Committee in the memo titled Committee Detail Listing – Corrections, Additions, Revisions August 2011. FOIA Training scheduled for 9/14/2011 with 34 confirmed attendees that include representation from the Town of Boyce, Town of Berryville and the Schools. <i>08/08/2011 Summary: With respect to the Committee Detail Listing, the Personnel Committee instructed staff to clarify a number of apparent omissions and/or inconsistencies in the document. The Personnel committee will be provided with the requested changes and/or explanations at the September 19, 2011 Committee meeting.</i> <ul style="list-style-type: none">√ Preliminary FOIA Training notification was mailed June 10. Mailing of a second notice with request for rsvp is scheduled for August 11.√ Membership requirements, bylaws and mission statements sought and database updated with requested information on May 31, 2011.√ Review of Committee Detail Report is requested. <i>5/9/2011 Summary: Administration is coordinating training dates with FOIA Council. The Personnel Committee:</i> <ul style="list-style-type: none">√ Recommended providing notice to all appointees and employees of the September 14, 2011 training date.√ Requested staff to verify those entities that require representation from specific election districts.√ Requested staff to check status of bylaws / mission statements requested of each entity on March 21, 2011. <i>04/11/2011 Summary: The Personnel Committee instructed staff to provide them with the compiled data and inquired if the chairs of the various boards and committees had been provided with the data. Suggested FOIA training dates are still needed.</i> <i>04/11/2011: FOIA Training: On 3/21/2011, initial contact was made with Alan Gernhardt, Virginia Freedom of Information Advisory Council to arrange a training session tailored to appointees and staff representatives / employees. A two-hour training session is suggested broken into two one-hour segments to address meetings and records requirements. Committee Follow Up: A list of suggested training dates is requested. Distribution FOIA Guide: On 3/21/2011, "4th Edition 2007 Local</i>	

Government Officials' Guide to the Virginia Freedom of Information Act" by Roger C. Wiley was mailed to all responders requesting a copy. Non-responders: As of 3/21/2011, 72 of 82 [88%] responding. All non-responders have been contacted several times. Staff representatives have been asked to follow up as an agenda item at their next-regularly scheduled meeting. Bylaws or Other Organizational Materials: On 3/21/2011, forwarded information to staff representatives with the request that this information be provided, where available, to those requesting; and where unavailable, to provide an explanation as to why and/or by what statute the board, commission, authority, or council operates and include that as an agenda item at their next regularly scheduled meeting. Dissemination of Findings / Additional Analysis: On 3/21/2011, forwarded compiled information to staff representatives for follow up and inclusion as an agenda item at their next regularly scheduled meeting.

03/07/2011: Appointee Questionnaire Summary Analysis Report has been prepared and distributed with the March 7 materials. After reviewing the report, the Personnel Committee made the following recommendations: 1) Noting that a significant number of appointees expressed interest in securing additional information on FOIA, instructed staff to initiate a training session at the BCCGC and to make the session[s] available to appointees and staff. 2) Instructed staff to provide copies of the FOIA act to all responders indicating that they needed another copy. 3) Instructed staff to follow up on any non-responses asking specifically that at a minimum provide current contact information. 4) Instructed staff to follow up with any responders indicating that they were not in possession of bylaws or other organizational materials. 5) Instructed staff to further analyze the data as received and to provide letters to all members of each committee summarizing comments, general consensus and relaying any critical concerns or recommendations, as well as commendations.

02/07/2011: The Personnel Committee instructed staff to follow up with non-responsive appointees and to prepare a preliminary analysis for review at the March meeting with highlights of reported issues.

01/24/2011: Questionnaires were collated and mailed to appointees. To aid analysis, Administration developed a database to log responses. As of 2/2/2011, Administration has received 37 of 83 [45%] responses.

12/13/2010: The committee asked that the Appointee Questionnaire be revised to include a request for updated contact information, and to inquire about the appointee's view of the current and future most important challenges faced by the boards on which they serve. The committee also recommended that the questionnaires be mailed in January to keep them out of the holiday mail. 12/27/2011: FYI: Solicitation of Appointees - Boards and Commission web page updated for 2011.

3. Closed Session Pursuant to §2.2-3711-A4 Privacy of individuals in personal matters

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Appointments by Expiration Thru November 2011

			Appt Date	Exp Date	Orig Appt Date:
<i>December 2010</i>					
Board of Social Services			4 Yr		
Melusen	Alan	2010 Chair	11/21/2006	12/15/2010	12/17/2002
Appointed by BOS; 2 Term Limit; Oath of Office Required - Clerk of Circuit Court; BOS appoints 3 qualified citizens of the county, 1 of whom may be a member of the BOS					
<i>February 2011</i>					
Parks & Recreation Advisory Board			4 Yr		
White	Lawrence	Buckmarsh	12/18/2007	2/15/2011	2/15/1995
Resigned 2/15/2011 expires 12/31/2011					
(9) voting members on the Advisory Board. Six (6) members shall be appointed by the BOS to represent the 5 voting districts and 1 at large. The Superintendent of Schools or their designee shall serve on the Advisory Board. The Town Councils for Berryville, Boyce shall each appoint a representative to serve on the Advisory Board. The BOS shall also designate 1 member of the BOS to serve as a non-voting liaison to the Advisory Board. The Advisory Board will accept applications from high-school aged Clarke County residents and each year appoint two (2) to serve as non-voting members.					
<i>May 2011</i>					
Berryville Area Development Authority Comprehensive Plan Committee			Open-End		
Caldwell	Anne		1/7/2008	5/18/2011	1/7/2008
Subcommittee of the BADA					
<i>September 2011</i>					
Clarke County Industrial Development Authority			4 Yr		
Hillerson	Jay		8/18/2009	9/7/2011	10/22/1999
Vice Chair 2004-2005; Chair 2003; resigned 9/7/2011 expires 10/30/2013					
Appointed by BOS; Oath of Office Required - Clerk of Circuit Court; 7 members, 1 BOS liaison (non-voting) and 6 others that are chosen on their expertise in the business field. Membership governed by IDA by-laws. 15.2-4904 No director shall be an officer or employee of the locality except in towns under 3,500					
Shenandoah Area Agency on Aging, Inc.					
Roper	Anthony	Sheriff	9/18/2007	9/30/2011	9/18/2007
BOS Nominates 2 Clarke County Members; SAAA Board appoints the local government nominees; the Board shall have the right not to accept any nominee it considers incompatible with the best interests of the SAAA and the Board.; 2 Term Limit					
<i>October 2011</i>					
Clarke County Industrial Development Authority			4 Yr		
Jones	Paul	Russell District	9/18/2007	10/30/2011	3/20/2007
Appointed by BOS; Oath of Office Required - Clerk of Circuit Court; 7 members, 1 BOS liaison (non-voting) and 6 others that are chosen on their expertise in the business field. Membership governed by IDA by-laws. 15.2-4904 No director shall be an officer or employee of the locality except in towns under 3,500					
<i>November 2011</i>					

				<i>Appt Date</i>	<i>Exp Date</i>	<i>Orig Appt Date:</i>
Lord Fairfax Emergency Medical Services Council				3 Yr		
Coffelt	Lee	Career Representative		11/30/2008	11/30/2011	11/18/2008

3 Clarke County Members; 3-year term; 1consecutive term limit; Each locality will be represented with at least 1 volunteer and 1 career EMS provider. The following classes and categories of individuals, organizations, and professions will be eligible as members of the Board: Consumers; Governmental Representatives; Hospital Administration; Physicians; Nurses; Rescue Squads and Fire Companies

Clarke County Committee Listing

			<i>Appt Date</i>	<i>Exp Date</i>
<i>Berryville Area Development Authority</i>				3 Yr
Boyles	Jerry	White Post	8/17/2010	3/31/2012
Dunning, Jr.	A.R.	BOS - Appointed Member	12/16/2008	3/31/2011
Ohrstrom, II	George	Russell	3/16/2010	3/31/2013
<i>Berryville Area Development Authority Comprehensive Plan Committee</i>				Open-End
Caldwell	Anne		1/7/2008	5/18/2011
Hobert	J. Michael		1/7/2008	
<i>Board of Septic & Well Appeals</i>				4 Yr
Blatz	Joseph	Citizen Member	1/15/2008	2/15/2012
Dunning, Jr.	A.R.	BOS - Appointed Member	1/18/2011	12/31/2011
McKay	Beverly	Planning Commission		
Teetor	Alison	Staff Rep		
<i>Board of Social Services</i>				4 Yr
Brown	Dwight	2010 Vice Chair	7/15/2009	7/15/2013
Byrd	Barbara J.	BOS - Appointed Member	1/18/2011	12/31/2011
Davis	Richard		5/20/2008	7/15/2012
Melusen	Alan	2010 Chair	11/21/2006	12/15/2010
Willingham	J. Lyndon		5/18/2010	7/15/2014
<i>Board of Supervisors</i>				4 Yr
Byrd	Barbara J.	Russell	1/1/2008	12/31/2011
Dunning, Jr.	A.R.	White Post	1/1/2008	12/31/2011
Hobert	J. Michael	Chair, Berryville District	1/1/2008	12/31/2011
Staelin	John	Millwood/Pine Grove	1/1/2008	12/31/2011
Weiss	David	Vice Chair - Buckmarsh/Blue Ridge	1/1/2008	12/31/2011
<i>Board of Supervisors Finance Committee</i>				1 Yr
Byrd	Barbara J.	BOS - Alternate	1/18/2011	12/31/2011
Dunning, Jr.	A.R.	BOS - Alternate	1/18/2011	12/31/2011
Hobert	J. Michael	BOS - Appointed Member	1/19/2010	12/31/2011
Staelin	John	BOS - Appointed Member	1/19/2010	12/31/2011
Weiss	David	BOS - Alternate	1/19/2010	12/31/2011
<i>Board of Supervisors Personnel Committee</i>				1 Yr
Byrd	Barbara J.	BOS - Appointed Member	1/18/2011	12/31/2011
Dunning, Jr.	A.R.	BOS - Alternate	1/18/2011	12/31/2011
Hobert	J. Michael	BOS - Appointed Member	1/19/2010	12/31/2011
Staelin	John	BOS - Alternate	1/19/2010	12/31/2011

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			<i>Appt Date</i>	<i>Exp Date</i>
Weiss	David	BOS - Alternate	1/19/2010	12/31/2011
<i>Board of Zoning Appeals</i>				5 Yr
Borel	Alain F.	White Post	1/20/2009	2/15/2014
Caldwell	Anne	Millwood	1/19/2010	2/15/2015
Kackley	Charles	Russell	2/12/2008	2/12/2013
Means	Howard	Millwood	12/14/2009	2/15/2016
Volk	Laurie	Russell	1/20/2009	2/15/2014
<i>Clarke County Historic Preservation Commission</i>				4 Yr
Baker	H.M.	Russell	5/19/2009	5/31/2013
Bieschke	John K.	White Post	4/21/2009	5/31/2013
Fields	Betsy	Berryville District	4/20/2010	5/31/2012
Gilpin	Thomas T.	White Post	5/18/2010	5/31/2014
Hiatt	Marty	Buckmarsh/Blue Ridge	6/19/2007	5/31/2015
Nelson	Clifford	Russell/Planning Commission Rep	4/19/2011	4/30/2012
<i>Clarke County Industrial Development Authority</i>				4 Yr
Armbrust	Wayne	Secretary/Treasurer	8/19/2008	10/30/2012
Frederickson	Allan	White Post	12/15/2009	10/30/2013
Hillerson	Jay	Berryville District	8/18/2009	9/7/2011
Jones	Paul	Russell District	9/18/2007	10/30/2011
Juday	David	Vice Chair	12/21/2010	10/30/2014
Pierce	Rodney	Chair	8/19/2008	10/30/2012
Staelin	John	BOS - Liaison	1/19/2010	12/31/2011
<i>Clarke County Library Advisory Council</i>				4 Yr
Al-Khalili	Adeela		4/19/2011	4/15/2015
Badanes	Joyce		4/20/2010	4/15/2014
Byrd	Barbara J.	BOS - Liaison	1/18/2011	12/31/2011
Curran	Christopher		5/16/2006	4/15/2013
Foster	Nancy		4/15/2008	4/15/2012
Hudson	Kathy		4/20/2010	4/15/2013
Kalblian	Maral		4/19/2011	4/15/2015
Meeks	Robert B.		4/19/2011	4/15/2015
Wolk	Susan		6/16/2009	4/15/2012
Zinman	Maxine		4/19/2011	4/15/2015
<i>Clarke County Litter Committee</i>				1 Yr
Staelin	John	BOS - Liaison	1/19/2010	12/31/2011
Teetor	Alison	Staff Rep		
<i>Clarke County Planning Commission</i>				4 Yr
Brumback	Clay	White Post / Greenway	6/15/2010	4/30/2014

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			<i>Appt Date</i>	<i>Exp Date</i>
Caldwell	Anne	Millwood / Chapel; Vice Chair	4/21/2009	4/30/2013
Dunning, Jr.	A.R.	BOS - Appointed Member	1/18/2011	12/31/2011
Kreider	Scott	Buckmarsh / Battletown	3/15/2011	4/30/2012
McFillen	Thomas	Berryville / Berryville	5/1/2010	4/30/2014
McKay	Beverly	White Post / Greenway	3/18/2008	4/30/2012
Nelson	Clifford	Russell / Longmarsh	3/17/2009	4/30/2013
Ohrstrom, II	George	Russell / Longmarsh; Chair	4/19/2011	4/30/2015
Staelin	John	BOS - Alternate	1/19/2010	12/31/2011
Steinmetz, II	William	Berryville / Berryville	4/30/2008	4/30/2012
Thuss	Richard	Buckmarsh / Battletown	4/20/2010	4/30/2014
Turkel	Jon	Millwood / Chapel	9/15/2015	4/30/2015
<i>Clarke County Sanitary Authority</i>				4 Yr
Dunning, Jr.	A.R.	BOS - Authority Member	12/15/2009	1/5/2014
Jones	Harry C.	Secretary/Treasurer	6/17/2008	6/30/2012
Legge	Michael	Staff Representative		
Mackay-Smith, Jr.	Alexander	Vice Chair	11/16/2004	1/5/2013
Myer	Joe	Town of Boyce	9/15/2009	12/31/2011
Staelin	John	BOS - Alternate	1/19/2010	12/31/2011
Williams	Ian R.	Chair	11/18/2008	1/5/2013
<i>Conservation Easement Authority</i>				3 Yr
Buckley	Randy	White Post	1/1/2011	12/31/2013
Engel	Peter		12/15/2009	12/31/2012
Mackay-Smith	Wingate E.	Chair	1/1/2011	12/31/2013
Ohrstrom, II	George	Planning Commission Rep	4/20/2010	4/30/2013
Radford	Jane		11/18/2008	12/31/2012
Teetor	Alison	Clerk - Staff Liaison		
Thomas	Walker	Fills unexpired term of Pat McKelvy	1/1/2011	12/31/2012
Weiss	David	BOS - Appointed Member	1/19/2010	12/31/2011
<i>Economic Development Advisory Committee</i>				4 Yr
Barb	Jim	Real Estate Rep, Business Owner	11/17/2009	12/31/2013
Conrad	Bryan H.	Agriculture, Fire & Rescue	1/1/2011	12/31/2014
Dunkle	Christy	Town of Berryville Rep	7/17/2007	12/31/2011
Dunning, Jr.	A.R.	BOS Rep, SA Rep, Business Owner	1/18/2011	12/31/2011
Hillerson	Jay	IDA Rep, Business Owner	9/15/2009	12/31/2013
Milleson	John R.		8/16/2011	12/31/2014
Myer	Dr. Eric	Agriculture Rep, Business Owner	1/1/2011	12/31/2014
Pritchard	Elizabeth	Hospitality Industry	8/17/2010	8/31/2012
Staelin	John	BOS - Appointed Member	1/19/2010	12/31/2011

Handley Regional Library Board

4 Yr

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			<i>Appt Date</i>	<i>Exp Date</i>
Myer	Tamara	Town of Boyce	9/15/2009	11/30/2013
<i>Joint Administrative Services Board</i>				Open-End
Ash	David L.	County Administrator	1/18/2011	12/31/2011
Hobert	J. Michael	BOS - Appointed Member	1/19/2010	12/31/2011
Judge	Tom	Staff Representative		
Keeler	Sharon	Treasurer		
Murphy	Michael	School Superintendent		
Rhodes	Emily	JAS Chair; School Board Representative	1/1/2011	12/31/2011
Weiss	David	BOS - Alternate	1/19/2010	12/31/2011
<i>Joint Building Committee of the Joint Government Center</i>				Open-End
Ash	David L.	Building Manager		
Dalton	Keith	Berryville Town Manager		
Kitselman	Allen	Berryville Town Council Representative		
Weiss	David	Board of Supervisors Representative		
<i>Legislative Liaison and High Growth Coalition</i>				1 Yr
Hobert	J. Michael	BOS - Liaison	1/19/2010	12/31/2011
<i>Lord Fairfax Community College Board</i>				4 Yr
Lee	Barbara	Millwood / Pine Grove	3/18/2008	6/30/2012
<i>Lord Fairfax Emergency Medical Services Council</i>				3 Yr
Burns	Jason	Career Representative	5/19/2009	6/30/2012
Coffelt	Lee	Career Representative	11/30/2008	11/30/2011
Wagaman	Julie	Medical Professional	6/30/2010	6/30/2013
<i>Northern Shenandoah Valley Regional Commission</i>				3 Yr
Johnston	Charles	Citizen Representative	1/23/2010	1/23/2013
Staelin	John	BOS - Alternate	1/19/2010	12/31/2011
Weiss	David	BOS - Appointed Member	1/19/2010	12/31/2011
<i>Northwestern Community Services Board</i>				3 Yr
Harris	Lucille		12/21/2010	12/31/2012
Stieg, Jr.	Robert		11/28/2008	12/31/2012
<i>Northwestern Regional Jail Authority</i>				4 Yr
Ash	David L.	County Administrator	1/18/2011	12/31/2011
Byrd	Barbara J.	BOS - Liaison Alternate	1/18/2011	12/31/2011
Roper	Anthony	Sheriff	9/18/2007	12/31/2011
Wyatt	James		12/18/2007	12/31/2011
<i>Northwestern Regional Juvenile Detention Center Commission</i>				1 Yr

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			<i>Appt Date</i>	<i>Exp Date</i>
Byrd	Barbara J.	BOS - Liaison	1/18/2011	12/31/2011
Wyatt	James		11/18/2008	12/20/2012
<i>Old Dominion Alcohol Safety Action Policy Board & Division of Court Services</i>				3 Yr
Johnson	Jerry L.		1/18/2011	12/31/2013
<i>Old Dominion Community Criminal Justice Board</i>				3 Yr
Johnson	Jerry L.		1/18/2011	12/31/2013
<i>Our Health</i>				3 Yr
Shipe	Diane		3/15/2010	3/15/2013
<i>Parks & Recreation Advisory Board</i>				4 Yr
Allison	Janelle	Millwood Rep	1/19/2010	12/31/2013
Heflin	Dennis	White Post Rep	9/16/2008	12/31/2012
Hobert	J. Michael	BOS - Liaison	1/19/2010	12/31/2010
Huff	Ronnie	Town of Berryville Rep	12/31/2007	12/31/2011
Jones	Paul	At-Large	1/1/2011	12/31/2014
Lichliter	Gary	Russell Rep	11/18/2008	12/31/2012
McCall	Michael A.	School Board Rep		12/31/2004
Rhodes	Emily	School Board Representative	1/1/2011	12/31/2011
Sheetz	Daniel A.	Berryville	5/18/2010	12/31/2013
White	Lawrence	Buckmarsh	12/18/2007	2/15/2011
Wisecarver	Steve	Appointed by Town of Boyce	2/2/2010	12/31/2013
<i>People Inc. of Virginia</i>				3 Yr
Hillerson	Coleen	Clarke County Rep Board of Directors	8/17/2010	7/31/2013
<i>Regional Airport Authority</i>				4 Yr
Ash	David L.	County Administrator	1/29/2010	12/31/2010
Crawford	John		5/20/2008	6/30/2012
Weiss	David	BOS - Liaison	1/19/2010	12/31/2011
<i>Shenandoah Area Agency on Aging, Inc.</i>				4 Yr
Hudson	John		8/17/2010	9/30/2014
Roper	Anthony	Sheriff	9/18/2007	9/30/2011
<i>The 150th Committee</i>				4 Yr
Al-Khalili	Adeela	Clarke County African-American Cultural Center / Josephine Community Museum	1/18/2011	12/31/2015
Davis	Dorothy	Clarke County African-American Cultural Center / Josephine Community Museum	1/18/2011	12/31/2015
Heder	Terence	Shenandoah Valley Battlefields Foundation	1/18/2011	12/31/2015

			<i>Appt Date</i>	<i>Exp Date</i>
Johnston	Charles	Staff Representative HPC	1/18/2011	12/31/2015
Kalbiam	Maral	Community Representative	1/18/2011	12/31/2015
Lee	Jennifer	Clarke County Historic Museum Representative	1/18/2011	12/31/2015
Means	Howard	CCHA Representative	1/18/2011	12/31/2015
Morris	Mary	Clarke County Historic Museum Representative	1/18/2011	12/31/2015
Murphy	Michael	CCPS Representative	1/18/2011	12/31/2015
Russell	Jesse	Staff Representative Economic Development	1/18/2011	12/31/2015
Sours, Jr.	John	Community Representative	1/18/2011	12/31/2015
Stieg, Jr.	Robert		1/18/2011	12/31/2015
Weiss	David	BOS - Appointed Member	2/15/2011	12/31/2015



County of Clarke
Lora B. Walburn, County Administration

Committee Detail Listing – Corrections, Additions, Revisions August 2011

Berryville Area Development Plan Committee

Membership Requirements: Is the appointee to the BADA Plan Committee required to be a BADA member?

Chuck Johnston Response: Anne Caldwell, currently appointed to the position, is not a member of the BADA. The Clarke County Planning Commission recommended her for appointment to the BADA Plan Committee. The Planning Commission has made replacement recommendation from its membership.

Board of Supervisors Finance Committee

COI Required Box not checked and Board of Supervisors members are required to file.

Staff Action: Database reviewed and box checked.

Board of Supervisors Personnel Committee

COI Required Box not checked and Board of Supervisors members are required to file.

Staff Action: Database reviewed and box checked.

Board of Septic & Well Appeals

Staff Action: Database Membership Requirements Changed to include: 1 Staff Rep; § 143-11. Appeals & variances. A. Board of Septic & Well Appeals 2. (a) the member of the Board of Supervisors, who serves as the Board's liaison to the Planning Commission, with the Vice Chair of the Board designated as his/her alternate, (b) a Chair of Planning Commission with the Vice Chair designated as his/her alternate, and (c) a member of the public, who is a resident of the county with the Vice Chair of the Planning Commission designated as his/her alternate. All members shall be appointed by the Board of Supervisors at their first regular meeting of each year.

Personnel Committee Action Item: Name Board of Supervisors Vice Chair, David Weiss, as alternate to Board of Septic & Well Appeals.

Clarke County Historic Preservation Commission:

A. Is this statement a "quote of law?"

Section 3-E-3-d Zoning Ordinance: "shall consist of at least 5 members not to exceed 7 members; Members shall be residents of Clarke County with a demonstrated interest in and knowledge of the historic character of Clarke County. Reasonable effort to appoint at least 2 members with professional training or equivalent experience in 1 or more of the following: architecture, architectural history, historic preservation, archeology, land use planning, or related fields. Reasonable effort to appoint at least 1 member that is a professional architect or architectural historian. At least 1 member shall be appointed from the Planning Commission upon recommendation to the Board by the Planning Commission. After the establishment of an Historic District, at least 1 member shall be a resident of a local Historic District."

B. Is it a resident from each historic district? or will just "one" from any local district be sufficient? How many historic districts in the County?

Chuck Johnston Response: A. Attached is the state code re review boards. The only applicable text is toward the end of the first paragraph. However, the Virginia Department of Historic Resources has a program "Certified Local Governments". Local governments that meet CLG standards can receive project grants and Clarke has been a member of this program for 20 years and received numerous grants. The phrases highlighted below come from the standards for CLGs.

"with a demonstrated interest in and knowledge of the historic character of Clarke County. Reasonable effort to appoint at least 2 members with professional training or equivalent experience in 1 or more of the following: architecture, architectural history, historic preservation, archeology, land use planning, or related fields. Reasonable effort to appoint at least 1 member that is a professional architect or architectural historian."

The remaining qualifiers for membership are the decisions of the BOS.

B. Clarke has two local historic districts: White Post and the commercial center of Millwood. Just one resident from an historic district meets the criteria

Clarke County Library Advisory Council

Change of Meeting Date.

Laurine Kennedy, Director Clarke County Library, Response on 8/15/2011: The Advisory Council meets every six weeks, not monthly. The dates for the rest of 2011 are: Sept. 12, Oct. 17, and Nov. 28. We meet at 4:00.

Staff Action: Database Meeting Times Changed to: Meets every six weeks @ 4:00 p

Clarke County Sanitary Authority

One [1] optional BOS Liaison?

Code of Clarke County: Chapter 34 Sanitary Authority § 34-2. Membership. The board of the Authority shall be appointed by the Board of Supervisors and shall be composed of five members, one of whom shall be a resident of the Town of Boyce, each for a term of four years and until his successor is appointed and qualifies except appointments to fill vacancies, which shall be for the remainder of such un-expired term. The Town may submit a nominee or nominees to the Board of Supervisors for its consideration in making the appointment of the Boyce resident member.

Code of VA § 15.2-5113. Members of authority board; chief administrative or executive officer.

D. Alternate board members may also be selected. Such alternates shall be selected in the same manner and shall have the same qualifications as the board members except that an alternate for an elected board member need not be an elected official. The term of each alternate shall be the same as the term of the board member for whom each serves as an alternate; however, the alternate's term shall not expire because of the board member's death, disqualification, resignation, or termination of employment with the member's political subdivision. If a board member is not present at a meeting of the authority, the alternate for that board member shall have all the voting and other rights of a board member and shall be counted for purposes of determining a quorum.

Supervisor Dunning is a voting member of the Sanitary Authority. The BOS may opt to appoint an alternate; and currently, John Staelin is the BOS alternate.

Staff Action: Database Membership Requirements Changed To: The board of the Authority shall be appointed by the Board of Supervisors and shall be composed of five members, one of whom shall be a resident of the Town of Boyce, each for a term of four years and until his successor is appointed and qualifies except appointments to fill vacancies, which shall be for the remainder of such un-expired term. The Town may submit a nominee or nominees to the Board of Supervisors for its consideration in making the appointment of the Boyce resident member. From VA Code 15.2-5113 D) From VA Code 15.2-5113 D) Alternate board members may also be selected. Such alternates shall be selected in the same manner and shall have the same qualifications as the board members except that an alternate for an elected board member need not be an elected official. Oath of Office Required.

Economic Development Advisory Committee

January 19, 1999 BOS Minutes – Formation of EDAC: Members of the committee should include one or more people from all key government and business groups such as planning commission, board of supervisors, school board, industrial development authority,

town of Berryville, chamber of commerce, and key business sectors such as agriculture, banking, realty, light industry, retail and tourism.

Staff Action: Database Membership Requirements Changed To: Members of the committee should include one or more people from all key government and business groups such as planning commission, board of supervisors, school board, industrial development authority, town of Berryville, chamber of commerce, and key business sectors such as agriculture, banking, realty, light industry, retail and tourism. Membership not limited.

Northern Shenandoah Valley Regional Commission

Staff Action: Changed Database Contact from Chris Price to Martha Shickle. Ms. Shickle introduced to Board of Supervisors on August 16, 2011.

Northwestern Regional Jail Authority

From Restated Jail Agreement dated May 26, 2005 [as referenced in the bylaws]:

- A. The Authority shall be governed by a Board (the "Board"), and each of the Participating Jurisdiction shall be entitled to representation on the Board as follows:
 - 3 [three] Members from Clarke County
- B. The governing body of each Participating Jurisdiction shall appoint its respective members; provided, however, each Participating Jurisdiction shall appoint as one of its members the sheriff from such Participating Jurisdiction. The appointments (except for the Sheriff) shall be for terms of four (4) years. Each Participating Jurisdiction shall appoint the Sheriff of the jurisdiction to the Board to a term concurrent with his or her term as Sheriff. The current representative of the Participating Jurisdictions to the Regional Jail Board shall be the initial representatives on the Board with the initial terms determined and terminating for purposes of the Board in the same manner as they would have for the Regional Jail Board. Any governing body may remove any member it appoints, except the Sheriff, at any time without cause, and appoint a successor. Appointments to fill vacancies shall be for the unexpired terms. Board members shall serve without compensation; however, members may be paid for actual, necessary expenses incurred in carrying out their duties, as determined by the Board in accordance with applicable law.
- C. The governing bodies of the respective Participating Jurisdictions may also appoint an alternate for each member that it appointed to the Board, except that the Sheriff may appoint his or her own alternate. The term of an alternate member shall be the same as the term of the member for whom the alternate member is appointed. The same person may be appointed to more than one alternate position, but an alternate may act as an alternate for only one member at a given Board meeting. The governing body or the Sheriff appointing any alternate member may remove such alternate member at any time without cause, and may appoint a successor. Appointments to fill vacancies shall be for the unexpired term. Alternate members may attend all meetings of the Board. However,

alternate members shall not be permitted to vote or otherwise participate as members in the meetings unless the member for whom the alternate member has been appointed is absent. If a regular member is not present at a meeting of the Board, the alternate for that member shall have all the voting and other rights of a regular member and shall be counted for purposes of determining a quorum. Alternate members shall serve without compensation; however, alternate members may be paid for actual, necessary expenses incurred in carrying out their duties, as determined by the Board in accordance with applicable law.

Staff Action: Changed Database Membership Requirements to: 3 Clarke County Members; Sheriff - required appointment - concurrent with term of office; May appoint alternates

Northwestern Regional Juvenile Detention Center Commission

From Northwestern Regional Juvenile Detention Center Commission Service Agreement December 1996

2. NORTHWESTERN REGIONAL JUVENILE DETENTION CENTER COMMISSION.

A. Creation. The Member Jurisdictions hereby establish a regional juvenile detention center commission pursuant to the Governing Law. The name of this commission shall be the Northwestern Regional Juvenile Detention Center Commission (hereafter "Commission"). The membership of the Commission shall be as follows:

One (1) member - Clarke

One (1) member - Frederick

One (1) member - Winchester

One (1) member - Page

One (1) member - Shenandoah

One (1) member - Warren

One (1) member - A person who is a member of the Clarke-Frederick-Winchester Regional Jail Board

One (1) member - From Winchester as the fiscal agent for the juvenile detention facility

The members representing each Member Jurisdiction shall be appointed by the governing body of the Jurisdiction, after consultation with the Chief Judge of the Twenty-Sixth District Juvenile and Domestic Relations District Court. The Clarke-Frederick-Winchester Regional Jail Board member shall be appointed by joint action of the governing bodies of Clarke, Frederick, and Winchester, after receiving a recommendation for the appointment from the Clarke-Frederick-Winchester Regional Jail Board, and after consultation with the Chief Judge of the Twenty-Sixth District Juvenile and Domestic Relations District Court. The member from Winchester in its role as the fiscal agent shall be appointed by the governing body of Winchester, after consultation with the Chief Judge of the Twenty-Sixth District Juvenile and Domestic Relations District Court. The term of office of all members shall be four (4) years. No members shall be eligible to serve more than two successive four (4) year terms. The governing body appointing any member may remove such member at any time without cause, and appoint a successor for the unexpired term or for a new term.

Commission members shall serve without compensation; however, members may be paid for actual, necessary expenses incurred in carrying out their duties.

Staff Action: Changed Database Membership Requirement to: 1 Clarke County Member; 4-year term; 2 Term Limit

Parks and Recreation Advisory Board

From Parks and Recreation Advisory Board By-laws:

ARTICLE III

Section 1: There shall be nine (9) voting members on the Advisory Board. Six (6) members shall be appointed by the Board of Supervisors to represent the five (5) voting districts and one (1) at large. The Superintendent of Schools or the Superintendent's designee shall serve on the Advisory Board. The Town Councils for Berryville and Boyce shall each appoint a representative to serve on the Advisory Board. The Board of Supervisors shall also designate one (1) member of the Board of Supervisors to serve as a non-voting liaison to the Advisory Board. The Advisory Board will accept applications from high school aged Clarke County residents and each year appoint two (2) to serve as non-voting members representing the youth of Clarke County. All terms, except the student representatives, shall be staggered and the initial terms shall be established by random lot. All terms subsequent to the initial terms shall be (4) years.

Staff Action: Changed Database Membership Requirements to: (9) voting members on the Advisory Board. Six (6) members shall be appointed by the BOS to represent the 5 voting districts and 1 at large. The Superintendent of Schools or their designee shall serve on the Advisory Board. The Town Councils for Berryville, Boyce shall each appoint a representative to serve on the Advisory Board. The BOS shall also designate 1 member of the BOS to serve as a non-voting liaison to the Advisory Board. The Advisory Board will accept applications from high-school aged Clarke County residents and each year appoint two (2) to serve as non-voting members.

School Construction Committee [All Other School Committees]

Staff Action: Changed Database Status to Inactive. Title created when Supervisor Dunning covered School Construction issues and Supervisor Byrd covered all other School matters.

Note: In 2009 Supervisor Dunning was assigned to School Construction and Supervisor Byrd was assigned to all other school committees. In 2010, the School Board liaison [Supervisor Byrd] was once again given full assignment making this "differentiation" unnecessary. The Board of Supervisors does not maintain the list of individual School committees and their appointees therefore the status has been changed.

Committee Detail Listing

Staff Rep./Contact	Term Length	Meeting Times	Membership Requirements	Bylaws	COI Required
Berryville Area Development Authority					
Johnston, Chuck	3 Yr	3rd Wed Monthly 5:30p	3 members appointed by the BOS and 3 members appointed by the BTC; Membership set by the County/Town Annexation Agreement of 1988	<input type="checkbox"/>	<input type="checkbox"/>
Berryville Area Development Authority Comprehensive Plan Committee					
Johnston, Chuck	Open-End	Ad Hoc	Subcommittee of the BADA	<input type="checkbox"/>	<input type="checkbox"/>
Board of Septic & Well Appeals					
Teator, Alison	4 Yr	Ad Hoc	1 Staff Rep; § 143-11, Appeals & variances. A. Board of Septic & Well Appeals 2. (a) the member of the Board of Supervisors, who serves as the Board's liaison to the Planning Commission, with The Vice Chair of the Board designated as his/her alternate, (b) a Chair of Planning Commission with the Vice Chair designated as his/her alternate, and (c) a member of the public, who is a resident of the county with the Vice Chair of the Planning Commission designated as his/her alternate. All members shall be appointed by the Board of Supervisors at their first regular meeting of each year.	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Board of Social Services					
Jones, Angie	4 Yr	3rd Thur Monthly @ 9:30a	Appointed by BOS; 2 Term Limit; Oath of Office Required - Clerk of Circuit Court; BOS appoints 3 qualified citizens of the county, 1 of whom may be a member of the BOS	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Board of Supervisors					
Ash, David	4 Yr	3rd Tues Monthly @ 1p	Supervisors are elected to 4-year terms.	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Board of Supervisors Finance Committee					
Ash, David	1 Yr	Mon the week preceding the Board meeting ea month immediately following the Work Session unless Mon is a holiday then Tues same time	2 Members BOS; Served by Director Joint Administrative Services and County Administrator	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Board of Supervisors Personnel Committee					
Ash, David	1 Yr	Mon the week preceding the Board meeting ea month @ 9:30 - 10:00a unless Mon is a holiday then Tues same time	2 Members BOS; Served by County Administrator	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>

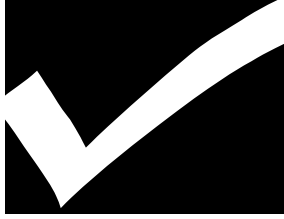
Staff Rep/Contact	Term Length	Meeting Times	Membership Requirements	Bylaws	COI Required
Board of Supervisors Work Session					
Ash, David	4 Yr	Mon the week preceding the Board meeting ea month @ 10:00a unless Mon is a holiday then Tues same time	All BOS Members; Served by County Administrator	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Board of Zoning Appeals					
Russell, Jesse	5 Yr	Ad Hoc	Appointed by Circuit Court; BOS letter of recommendation to Clerk. Oath of Office Required - Clerk of Circuit Court; 5 total members: 1 member may be on the Planning Commission Pg 1114 Supv Manual; other 4 have been generally 1 from each magisterial district, although not required.; Section 7-A-1 of the Zoning Ord states: "The Board shall consist of 5 residents of Clarke Co. Members of the Board shall hold no other public office in the locality except that 1 may be a member of the Clarke Co Planning Commission."	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Clarke County Historic Preservation Commission					
Johnston, Chuck	4 Yr	4th Tue Bi-monthly [Jan/Mar] @ 8:30a	Section 3-E-3-d Zoning Ord "shall consist of at least 5 members not to exceed 7 members; Members shall be residents of Clarke County with a demonstrated interest in and knowledge of the historic character of Clarke County. Reasonable effort to appoint at least 2 members with professional training or equivalent experience in 1 or more of the following: architecture, architectural history, historic preservation, archeology, land use planning, or related fields. Reasonable effort to appoint at least 1 member that is a professional architect or architectural historian. At least 1 member shall be appointed from the Planning Commission upon recommendation to the Board by the Planning Commission. After the establishment of an Historic District, at least 1 member shall be a resident of a local Historic District."	<input type="checkbox"/>	<input type="checkbox"/>
Clarke County Industrial Development Authority					
Russell, Jesse	4 Yr	Jan for Organizational Meeting 10a; Ad Hoc	Appointed by BOS; Oath of Office Required - Clerk of Circuit Court; 7 members, 1 BOS liaison (non-voting) and 6 others that are chosen on their expertise in the business field. Membership governed by IDA by-laws. 15.2-4904 No director shall be an officer or employee of the locality except in towns under 3,500	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Clarke County Library Advisory Council					
Kennedy, Laurine	4 Yr	Meets every six weeks @ 4:00 p	10 Members and 1 BOS liaison	<input type="checkbox"/>	<input type="checkbox"/>
Clarke County Litter Committee					
Teetor, Alison	N/A	2009: 1st Wed Quarterly	1 BOS Member; 1 Staff Rep	<input type="checkbox"/>	<input type="checkbox"/>
Clarke County Planning Commission					

Staff Rep/Contact	Term Length	Meeting Times	Membership Requirements	Bylaws	COI Required
Johnston, Chuck	4 Yr	1st Fri Monthly 9a; Briefing Meeting Tues before 1st Fri 3p except August	Appointed by BOS; Oath of Office Required - Clerk of Circuit Court; Section 1-C-2 of the Zoning Ordinance states: "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 2 residents of each of the Board Election Districts. In addition, 1 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 1/2 of the members of the Planning Commission shall be owners of real property in the County."	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Clarke County Sanitary Authority					
Legge, Mike	4 Yr	9/2010: 3rd Tue monthly @ 9a - 12p	The board of the Authority shall be appointed by the BOS and shall be composed of 5 members, 1 of whom shall be a resident of the Town of Boyce, each for a term of 4 years and until his successor is appointed and qualifies except appointments to fill vacancies, which shall be for the remainder of such un-expired term. The Town may submit a nominee or nominees to the BOS for its consideration in making the appointment of the Boyce resident member. From VA Code 15.2-5113 D) Alternate board members may also be selected. Such alternates shall be selected in the same manner and shall have the same qualifications as the board members except that an alternate for an elected board member need not be an elected official. Oath of Office Required.	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Conservation Easement Authority					
Teetor, Alison	3 Yr	5/2007: 3rd Wed monthly @ 4:00 p	Board of Directors 7 members, appointed by the BOS, to be comprised of 1 member from the BOS, 1 member from the PC and 5 Clarke County citizen members. At the first meeting of the BOS each calendar year, beginning the Board shall appoint 1 member from the membership of the BOS for a term of 1 year beginning Jan 1; 1 member from the Planning Commission for a 1 year term beginning May 1; and a member or members to fill expiring citizen member terms, for a term of three (3) years beginning Jan 1. Oath of Office Required.	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Economic Development Advisory Committee					
Russell, Jesse	4 Yr	5/2011 2nd Wed Monthly @ 3p	Members of the committee should include one or more people from all key government and business groups such as planning commission, board of supervisors, school board, industrial development authority, town of Berryville, chamber of commerce, and key business sectors such as agriculture, banking, realty, light industry, retail and tourism. Membership not limited.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Handley Regional Library Board					
Ridgeway, Trish	4 Yr	3rd Tues Monthly @ 4:30p Handley Library Board Room	1 Clarke County Member; 2 Term Limit	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Housing and Community Services Policy Board of the Northern Shenandoah Valley					

Staff Rep/Contact	Term Length	Meeting Times	Membership Requirements	Bylaws	COI Required
Bundrick, Katie	3 Yr; Elected C	3rd Wed Monthly @ 5:30 pm Front Royal Office	Appointed by BOS; If member of the governing body, term coincides elected term or shorter; Non-elected 3 yrs from the date of appointment	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<i>Joint Administrative Services Board</i>					
Ash, David	N/A	Calendar set at January meeting.	Treasurer; County Administrator; School Superintendent; BOS Chair or designee; SB Chair or designee	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
<i>Joint Building Committee of the Joint Government Center</i>					
Ash, David	N/A	1st Wed Monthly 9 am BCCGC Meeting Room C	1 Member BOS, County Administrator, Town Manager, 1 Member Town Council	<input type="checkbox"/>	<input type="checkbox"/>
<i>Legislative Liaison and High Growth Coalition</i>					
BOS Chair	1 Yr	Ad Hoc	BOS Chair appoints a non-voting liaison.	<input type="checkbox"/>	<input type="checkbox"/>
<i>Lord Fairfax Community College Board</i>					
Milam, John	4 Yr	Aug, Oct, Dec, Feb, April, and June, the time and place for holding said regular meetings to be as directed by resolution of the Board	1 Clarke County Member; 2 Term Limit	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<i>Lord Fairfax Emergency Medical Services Council</i>					
McLaurin, Tracey	3 Yr	2nd Wed Bi-monthly @ 6:30p at the Lord Fairfax EMS Council office. Grant reviews are held at the April & October meetings.	3 Clarke County Members; 3-year term; 1 consecutive term limit; Each locality will be represented with at least 1 volunteer and 1 career EMS provider. The following classes and categories of individuals, organizations, and professions will be eligible as members of the Board: Consumers; Governmental Representatives; Hospital Administration; Physicians; Nurses; Rescue Squads and Fire Companies	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<i>Northern Shenandoah Valley Regional Commission</i>					
Shickle, Martha	3 Yr	3rd Thurs monthly 6p @ Front Royal Office	The Charter of the Regional Commission states Clarke County shall have 2 members, 1 elected official, 1 citizen.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<i>Northwestern Community Services Board</i>					
Bundrick, Katie	3 Yr	3rd Wed Monthly 6:30p except Aug @ Front Royal Office	2 Clarke County Members; 2 Term Limit [AKA Chapter 10 Board]	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<i>Northwestern Regional Jail Authority</i>					

Staff Rep./Contact	Term Length	Meeting Times	Membership Requirements	Bylaws	COI Required
Wilson, Kim	4 Yr	2nd Thurs Quarterly Sept, Dec, Mar, Jun	3 Clarke County Members; Sheriff - required appointment - concurrent with term of office; May appoint alternates	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
<i>Northwestern Regional Juvenile Detention Center Commission</i>					
Stevenson, Jim	4 Yr	Ad Hoc @ facility [Average 3 per year]	1 Clarke County Member; 4-year term; 2 Term Limit	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<i>Old Dominion Alcohol Safety Action Policy Board & Division of Court Services</i>					
Ellis, Daniel	3 Yr	October 19, 2010 at 6:30p Bowling Green to establish 2011 schedule	1 Clarke County Member	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<i>Old Dominion Community Criminal Justice Board</i>					
Ellis, Daniel	3 Yr	Meets with Old Dominion Alcohol Safety Action Board	1 Clarke County Member	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<i>Our Health</i>					
Gromling, Sharon	3 Yr	2nd Mon Bi-monthly 12p - 1p @ facility	1 Clarke County Member - "Group A Directors" shall serve at the discretion of the appointing Group A entity	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<i>Parks & Recreation Advisory Board</i>					
Cooke, Lisa	4 Yr	3rd Wed Quarterly March, June, Sept, Dec 6:00 PM at Rec Center	(9) voting members on the Advisory Board. Six (6) members shall be appointed by the BOS to represent the 5 voting districts and 1 at large. The Superintendent of Schools or their designee shall serve on the Advisory Board. The Town Councils for Berryville, Boyce shall each appoint a representative to serve on the Advisory Board. The BOS shall also designate 1 member of the BOS to serve as a non-voting liaison to the Advisory Board. The Advisory Board will accept applications from high-school aged Clarke County residents and each year appoint two (2) to serve as non-voting members.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<i>People Inc. of Virginia</i>					
Johnston, Chuck	3 Yr	3rd Wed Bi-monthly at such time and place as the President, CEO or Board of Directors may determine	1 Clarke County Member; Public officials, or their representatives shall serve at the pleasure of the designating officials or as long as the public official is currently holding office.	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<i>Regional Airport Authority</i>					
Manual, Fenny	4 Yr	3rd Thurs Monthly 5p @ facility	1 Clarke County Member; Members appointed by additional participating political subdivisions or directors appointed by existing political subdivisions shall also be appointed for 4-year terms.	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Staff Rep/Contact	Term Length	Meeting Times	Membership Requirements	Bylaws	COI Required
Shenandoah Area Agency on Aging, Inc.					
Dodson, Bonnie	4 Yr	The Board Shall Meet In Regular Session At Least Six Times Each Fiscal Year At Such Specific Times And Places As The Chair May Determine.	BOS Nominates 2 Clarke County Members; SAAA Board appoints the local government nominees; the Board shall have the right not to accept any nominee it considers incompatible with the best interests of the SAAA and the Board.; 2 Term Limit	<input checked="" type="checkbox"/>	<input type="checkbox"/>
The 150th Committee					
Weiss, David	4 Yr	Ad Hoc	Ad Hoc See 01/18/2011 Minutes Resolution 2011-01R; Clarke County Committee on the Sesquicentennial of the Civil War and Emancipation [the 150th Committee]	<input type="checkbox"/>	<input type="checkbox"/>
The Barns Project					
Bailey, Susie	N/A	3rd Wed monthly 4p @Enders Social Hall	The BOS Chair appoints a liaison.	<input type="checkbox"/>	<input type="checkbox"/>



Board of Supervisors Work Session

September 19, 2011 10:00 Am

Second Floor, Conference Rooms A & B

Berryville/Clarke County Government Center

101 Chalmers Court, Berryville, Virginia 22611

<i>Item No.</i>	<i>Description</i>	<i>Page</i>
1.	2012 Legislative Priorities and Positions	27
	09/19/2011: The 2011 Legislative Priorities and Positions are provided for review and update.	
2.	Berryville Clarke County Government Center HVAC Repair Status Update	23
	09/19/2011: David Ash will provide a status update.	
3.	Active Living Center [aka Senior Center] Status Update	23
	09/19/2011: David Ash will provide a status update.	
4.	Shenandoah Area Agency on Aging Status Update	23
	09/19/2011: David Ash will provide a status update.	
5.	TA-11-02 Amendment of the County Zoning Ordinance:	31
	Sections 3-A-1-c, 3-A-2-c, 3-A-3-c, Minimum Setback Requirements in the AOC, FOC, and Rural Residential Zoning Districts so as to increase from 150 to 200 sq ft the size of a structure that would be considered an accessory structure with reduced property line setback requirements.	
	Section 3-E-1-d, Use Regulations in the Flood Plain Overlay District, so as increase the minimum size for a structure allowed in a 100-year flood plain from 150 to 200 square feet.	
	Section 3-C-2-h, Supplemental Regulations for Dwellings of less than 600 square feet of Heated Area, so that the 600 square foot measurement applies to Living Space (defined in the Building Code as: "Space within a dwelling unit utilized for living, sleeping, eating, cooking bathing, washing and sanitation purposes.") instead of Heated Area, which has no technical definition. TA-11-02	
	09/19/2011: Planning Commission Recommendation: After a public hearing on April 1 st at which no member of the public spoke, the Commission voted unanimously (absent: Brumback, Dunning and Wade), to recommend approval of the amendments to the Board of Supervisors. Set public hearing on the proposed amendments to the County Zoning Ordinance for the next regular	

meeting of the Board on October 18.

6. TA-11-03 Amendment of the County Zoning Ordinance: 34

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

Section 3-E-3-e, Certificates of Appropriateness (in Historic Overlay Districts), so as to require the review of changes to the roof or windows of contributing buildings (in addition to changes that require a Building Permit) to be reviewed by the full Historic Preservation Commission instead of the Commission's Executive Committee. The changes also edit the sections for clarity, establish a time limit for action, and to specifically state that the public hearing notice requirements shall follow the requirements for all other public hearings, as described in Zoning Ordinance section 10-E.

Section 3-E-3-f, Appeals, which references Virginia Code Section 15.2306, which allows the demolition of an historic structure if it is offered for "a price reasonably related to its fair market value", so as to establish a method to define this price. TA-11-03

09/19/2011: Planning Commission Recommendation: After a public hearing at which no member of the public spoke, the Commission voted (Yes: Ohrstrom, Caldwell, Kreider, McKay, Nelson, Steinmetz, Thuss; No: McFillen; Absent: Brumback, Dunning, Wade), to recommend approval of the amendments to the Board of Supervisors. Set public hearing on the proposed amendment for the next regular meeting of the Board on October 18.

7. TA-11-05 Amendment of the County Zoning Ordinance: 41

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

Sections 3-A-1-a-2, 3-A-2-a-2, 3-A-3-a-2, *Accessory Uses in the AOC, FOC, and Rural Residential Zoning Districts*, so as to allow 'Structures up to 80 feet high for noncommercial telecommunication antennae';

Section 3-A-1-a-3 and 3-A-2-a-3, *Special Uses in the AOC and FOC Zoning Districts*, so as to add the adjective 'commercial' when describing telecommunication monopoles over 50 feet in height that are currently allowed as a Special Use in these Zoning Districts;

Sections 3-A-1-f and 3-A-2-f, *Vegetated Property Buffer in the AOC and FOC Zoning Districts*, so as to allow structures for noncommercial telecommunication antennae in required Vegetative Property Buffers provided that vegetation may be cut only within a six foot radius of the structure, but with no land disturbance;

Section 3-C-2, *Supplementary Regulations for Uses in Various Districts*, so as establish standards for 'Structures up to 80 feet high for noncommercial telecommunication antennae';

Section 9-B-41, *definition of the term "Commercial"*: so as to change the definition from "Any wholesale, retail, or service business activity established to carry on

trade for a profit.” to “Any activity conducted with the intent of realizing a profit from the sale of goods or services to others. The term ‘Noncommercial’ means any activity conducted with the intent of not realizing a profit from the sale of goods or services to others. “ TA-11-05

09/19/2011: Planning Commission Recommendation: After a public hearing at which one member of the public spoke in favor of the changes and after the Commission discussed whether there should be a sunset clause on the proposed provisions because of expected changes in technology, the Commission voted unanimously (absent: Ohrstrom), to recommend approval of the amendments to the Board of Supervisors, on condition that the amendments would be automatically rescinded five years after approval of the Board of Supervisors. Set public hearing on the proposed amendments to the County Zoning Ordinance for the next regular meeting of the Board on October 18.

8. TA-11-06 Amendment of the County Zoning Ordinance:

45

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

Section 6-E, Procedures for Site Plans, so as to change the number and size of site plans submitted with an initial application and after approval, require the submission of digital copies, and establish standards for such digital submissions; and County Subdivision Ordinance:

Section 4, Procedures for Preliminary Subdivision Plat Application and Submission of Record Plat, so as to change the number and size of plats submitted, require the submission of digital copies, and establish standards for such digital submissions. TA-11-06

09/19/2011: Planning Commission Recommendation: After a public hearing at which no member of the public spoke, the Commission voted unanimously (absent: Ohrstrom), to recommend approval of the amendments to the Board of Supervisors. Set public hearing on the proposed amendments to the County Zoning Ordinance for the next regular meeting of the Board on October 18.

9. TA-11-07 Amendment of the County Zoning Ordinance:

49

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

Section 1, *Authority, Purposes and Intent, Planning Commission, and Zoning Administrator*, and

Section 7, *Appeals, Variance and Zoning Map Interpretations*, so as to shift the sections regarding modifications that can be approved by the Zoning Administrator from Section 1 to Section 7;

Sections 3-A-1-d, 3-A-2-d, 3-A-d, *Maximum Height of All Structures in the AOC, FOC, and Rural Residential Zoning Districts* and

Section 4-H-3, *Height Regulations Exceptions*, so as to shift from Section 4-H-3 to Section 3-A the 25-foot height limit for structures on parcels narrower than 75 feet;

Section 3-C-2, *Supplementary Regulations for Uses Various Districts* and

Section 4-H-3, *Height Regulations Exceptions*, so as to shift from Section 4-H-3 to Section 3-C-2 the 18 foot, six-inch height limit for Gasoline Pump Canopies:

Section 4-H, *Height Regulations Exceptions*, so as to shift from Section 4-H-3-c to 4-H-3-a the height exception for parapet walls and to increase the exception by 6 inches to 42 inches to be consistent with the Building Code:

Section 4-J-6, *Exception process to requirement that off-street parking be located on the same lot as principal use*, so as to change the entity that could approve such an exception from the Board of Zoning Appeals to the Planning Commission when it reviews a property's site plan;

Section 9-B-106, *definition of the term 'Livestock'*, so as to define livestock as hoofed animals and the order of animals that includes ostriches and emus. TA-11-07

09/19/2011: Planning Commission Recommendation: After a public hearing at which no member of the public spoke, the Commission voted unanimously (absent: Ohrstrom), to recommend approval of the amendments to the Board of Supervisors. Set public hearing on the proposed amendments to the County Zoning Ordinance for the next regular meeting of the Board on October 18.

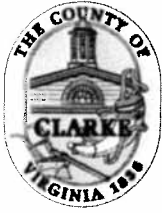
10. **Potential Closed Session**

26

A. §2.2-3711-A7 Berryville Clarke County Government Center Litigation / Settlement update

B. §2.2-3711-A7 Shenandoah Fire and Rescue Company

C. §2.2-3711-A4 Privacy of individuals in personal matters.



2011 Legislative Priorities And Positions For Clarke County

Issue: Water Supply Planning

- Clarke County believes that science, rather than power politics, should govern the approval of the local and regional water supply plans (due 2011). Moreover, it is important that the Commonwealth honor the targets set in the minimum in-stream flow studies of the Shenandoah River so as to protect both the aquatic life in the river and the recreational use of the river.

Issue: Chesapeake Bay TMDL

- Clarke County believes there must be a way to have clean rivers, a clean Bay and a viable agricultural community. Clarke recognizes that the Commonwealth is still negotiating with EPA on this issue so it is difficult to make specific comments. However, Clarke wants to see a supportable plan with “teeth” that will protect the Bay at a reasonable cost to farmers, towns and citizens.
- Clarke County supports continued state funding of programs that will protect our groundwater, rivers and the Bay.

Issue: Groundwater Quality

- Clarke County supports legislation that would allow counties to exempt areas within their jurisdiction from installing alternative onsite sewage systems due to environmental conditions. Moreover, Clarke believes the inspectors (operators) of alternative systems (AOSS) should be required to both sample the effluent of their AOSS and submit a written report to the Health Department annually. In addition, each local Health Department should be required to make an annual random sample of 10% of the AOSS in their area.
- Clarke County is very concerned about the environmental hazards associated with natural gas drilling in Marcellus Shale. Clarke believes that localities should have some control over natural gas drilling and believes state regulations with regard to drilling in Marcellus Shale should be strengthened.

Issue: Cost Shifting

- Clarke County is opposed to the gradual shifting of costs that has taken place over the past several years, especially the large cost shifting that occurred in the FY 2011-12 biennium budget with the reduction in aid to localities. 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.

2011 Legislative Priorities And Positions For Clarke County

- Clarke County calls on the Commonwealth to fully fund state mandated retirement and employment benefits, including VRS and Line of Duty costs.
- Clarke County opposes any reduction in aid to localities unless the tax system is reformed to reduce the burden on the Real Estate tax.

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 or shifting costs from the Commonwealth to localities.
- 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 or cost shifting 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 supports the concept of Urban Development Areas (UDAs) 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: Biosolids

- Clarke County supports changes to biosolids regulations that would give localities more control over how and where Biosolids are spread within their jurisdiction. Moreover, the funding the County receives for biosolids monitoring does not cover our costs and should be increased.

Issue: Broadband Access

- Clarke County asks the Commonwealth to find ways to encourage private vendors to provide rural universal access to broadband Internet services in rural communities with hilly terrain.

Issue: Growth Management

- Clarke County believes that the authority to plan and regulate land use should remain with local governing bodies and Clarke County opposes any legislation that would weaken that authority. Further the General Assembly should grant localities the tools necessary to adequately meet citizens' increasing, education, public safety and other vital public infrastructure needs that are driven by development. Such additional tools may include broad impact fee authority for all counties, adequate public facilities provisions in subdivision ordinances, state funds for purchase of development rights and a real estate transfer tax.
- 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: 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: 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. Moreover, Clark believes that any such economic analysis consider the cost impact on adjacent property owners and that the environmental studies consider the health hazards from EMF, the impact on wildlife and historic sites, the visual impact, etc.

- Clarke County opposes the construction of power lines that do not benefit the region through which the line will traverse.

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 reform of the BPOL tax as long as it meets the above criterion.
- Clarke County opposes repeal of the Machinery and Tools tax.
- Clarke County supports passage of the Streamlined Sales Tax Project agreement (SST) by both the Federal and State governments so as to compel all out-of-state vendors to collect and remit sales taxes due by Virginia citizens to the Commonwealth and its localities.
- Clarke County supports the implementation of a local option transfer tax for all property sales.

Issue: Affordable Housing

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

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.

**BOARD OF SUPERVISORS
REGULAR MEETING
ZONING ORDINANCE TEXT AMENDMENT**

**ITEM
2011 SEPTEMBER 27
SET PUBLIC HEARING**

The Clarke Planning Commission will consider the amendment of the County Zoning Ordinance: Sections 3-A-1-c, 3-A-2-c, 3-A-3-c, Minimum Setback Requirements in the AOC, FOC, and Rural Residential Zoning Districts so as to increase from 150 to 200 sq ft the size of a structure that would be considered an accessory structure with reduced property line setback requirements. Section 3-E-1-d, Use Regulations in the Flood Plain Overlay District, so as increase the minimum size for a structure allowed in a 100-year flood plain from 150 to 200 square feet. Section 3-C-2-h, Supplemental Regulations for Dwellings of less than 600 square feet of Heated Area, so that the 600 square foot measurement applies to Living Space (defined in the Building Code as: “Space within a dwelling unit utilized for living, sleeping, eating, cooking bathing, washing and sanitation purposes.”) instead of Heated Area, which has no technical definition. **TA-11-02**

After a public hearing on April 1st at which no member of the public spoke, the Commission voted unanimously (absent: Brumback, Dunning and Wade), to recommend approval of the amendments to the Board of Supervisors.

RECOMMENDATION

Set public hearing on the proposed amendments to the County Zoning Ordinance for the next regular meeting of the Board on October 18.

Comments to PC – Apr 1

No additional comments.

RECOMMENDATION

Approval of the proposed amendments to the County Zoning Ordinance.

Comments to PC – Mar 4

A recent change in the International Building Code, which is adopted by the Commonwealth of Virginia for use in all local jurisdictions, has increased the minimum area of a structure not requiring a Building Permit from 150 square feet to 200 square feet. The Zoning Ordinance has used the 150 sq ft threshold as the definition of an accessory structure that is eligible for reduced property line setbacks. The proposed amendment would increase the threshold for such accessory structures to 200 sq ft and would bring the Zoning Ordinance into conformance with the Building Code.

The 150 sq ft threshold is also used in the Flood Plain Overlay District. This overlay district establishes maximum and minimum size standards for the limited types of recreational and accessory structures allowed in the 100-year Flood Plain. This amendment would increase the minimum structure area from 150 to 200 sq ft. A minimum structure area was established so that a Building Permit would be necessary and the location and use of the structure could be verified.

Further, the Zoning Ordinance makes provision on parcels of six acres or more for dwellings with less than 600 sq ft as not requiring a Dwelling Unit Right in the AOC and FOC Zoning Districts. Currently, the Ordinance describes the 600 sq ft as applying to ‘Heated Area’, which is not specifically defined. However, the Building Code has the term “Living Space which the Code defines as: “Space within a dwelling unit utilized for living, sleeping, eat, cooking bathing, washing and sanitation purposes.” Having a specific definition in this instance, that is consistent with the Building Code would aid in the equitable administration of this section.

RECOMMENDATION

Set Public Hearing on the proposed amendments to the County Zoning Ordinance for the next regular meeting of the Commission on April 1st.

ZONING ORDINANCE TEXT AMENDMENT

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

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3 DISTRICT REGULATIONS

3-A SCHEDULE OF DISTRICT REGULATIONS

3-A-1 Agricultural-Open Space-Conservation District - AOC

3-A-1-c Minimum Setback Requirements

	Parcels with less than 1 acre	Parcels with at least 1 but less than 4 acres	Parcels with at least 4, but less than 20 acres	Parcels with 20 acres and greater
From all property lines (structures 150 200 sq. ft. or less)	10 feet 5 feet	25 feet 10 feet	50 feet 50 feet	75 feet 75 feet

3-A-2 Forestal-Open Space-Conservation District - FOC

3-A-2-c Minimum Setback Requirements

	Parcels with less than 1 acre	Parcels with at least 1 but less than 4 acres	Parcels with at least 4, but less than 20 acres	Parcels with 20 acres and greater
From all property lines (structures 150 200 sq. ft. or less)	10 feet 5 feet	25 feet 10 feet	50 feet 50 feet	75 feet 75 feet

3-A-3 Rural Residential District (RR)

3-A-3-c Minimum Setback Requirements

	Parcels with less than 15,000 sq. ft.	Parcels with 15,000 sq. ft or more
From rear property lines (structures 150 200 sq. ft. or less)	25 feet 5 feet	35 feet 10 feet

3-E SCHEDULE OF OVERLAY DISTRICT REGULATIONS

3-E-1 Flood Plain District (FP)

3-E-1-d Use Regulations in the Flood Plain District

In the flood plain district the following provisions shall apply:

4. The following uses may be permitted, with issuance of a Zoning and/or Building Permit, in the Flood Plain District limited by the regulations imposed by this section, the underlying zoning district, and the Uniform Statewide Building Code:
 - c. Recreational uses limited to parks, playgrounds, golf courses, driving ranges, boat landings, docks, picnic grounds, and transient amusement enterprises, provided such facilities are not usable for human habitation.
 1. Structures with walls related to such uses shall not exceed an aggregate floor area of five hundred (500) square feet per parcel or have less than ~~one hundred and fifty (150)~~ **two hundred (200)** square feet. Such structures shall be set back at least 100 feet from the Shenandoah River.
 2. Structures without walls related to such uses shall not exceed an aggregated floor area of 1500 square feet per parcel or have less than ~~150~~ **200** square feet. Such structures' roof framing shall be at least one foot above the 100-year flood elevation; however, the structures' height shall not be more than 15 feet above grade. Such structures shall be set back at least 500 feet from the Shenandoah River.

- d. Accessory structures not more than 500 square feet or less than ~~150~~ **200** square feet in floor area to include roadside and park stands for the sale of food, fruit and vegetables, fishing bait, and boat rental, provided such facilities are not usable for human habitation. However, no structure for such uses shall be allowed within 100 feet of the Shenandoah River.

3-C SUPPLEMENTARY REGULATIONS

Uses in Various Districts

3-C-3 Supplementary Regulations for Development in Annexation Area B

3-C-2-h Dwellings of less than 600 square feet ~~heated area~~ **of Living Space:**

One such dwelling, occupied by not more than two people, is allowed on parcels of six acres or more. Such dwellings shall be on the same parcel as a Single-Family Detached Dwelling Unit with more than 600 square feet of ~~heated area~~ **Living Space**. For parcels not under permanent conservation easement, such dwellings shall be located within 300 feet of a Single-Family Detached Dwelling Unit with more than 600 square feet of ~~heated area~~ **Living Space**. ***Living Space is space within a dwelling utilized for living, sleeping, eat, cooking bathing, washing and sanitation purposes.***

**BOARD OF SUPERVISORS
REGULAR MEETING
ZONING ORDINANCE TEXT AMENDMENT**

**2011 SEPTEMBER 27
SET PUBLIC HEARING**

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

Section 3-E-3-e, Certificates of Appropriateness (in Historic Overlay Districts), so as to require the review of changes to the roof or windows of contributing buildings (in addition to changes that require a Building Permit) to be reviewed by the full Historic Preservation Commission instead of the Commission's Executive Committee. The changes also edit the sections for clarity, establish a time limit for action, and to specifically state that the public hearing notice requirements shall follow the requirements for all other public hearings, as described in Zoning Ordinance section 10-E.

Section 3-E-3-f, Appeals, which references Virginia Code Section 15.2306, which allows the demolition of an historic structure if it is offered for "a price reasonably related to its fair market value", so as to establish a method to define this price.

TA-11-03

After a public hearing at which no member of the public spoke, the Commission voted (Yes: Ohrstrom, Caldwell, Kreider, McKay, Nelson, Steinmetz, Thuss; No: McFillen; Absent: Brumback, Dunning, Wade), to recommend approval of the amendments to the Board of Supervisors.

RECOMMENDATION

Set public hearing on the proposed amendment for the next regular meeting of the Board on October 18.

Comment to PC – 2001 July 1

At the last Commission meeting, several Commissioners expressed concern about the lack of time limit for Preservation Commission action and the method for defining "a price reasonably related to its fair market value" for demolition purposes.

- The amendment has been revised so as to establish a time limit of 60 days from the first public hearing for Commission action and 30 days from its initial meeting for Executive Committee action.
- Regarding the definition of "price", the amendment has been revised to state: "Such price shall be not more than 120% of the assessed value of the property as set by the County Commissioner of the Revenue. If the property owner does not believe that a price that is not more than 120% of the assessed value is reasonable, he or she may obtain a value from a certified appraiser at his or her expense. If the value determined by the property owner's appraiser exceeds 120% of the assessed value, the appraiser and the Commissioner of the Revenue shall establish a mutually agreed upon price. If the appraiser and the Commissioner are unable to establish a mutually agreed upon price, the County shall obtain the services of a certified appraiser to establish a third value. The cost of this appraiser to establish a third value shall be paid by the property owner. The price reasonably related to fair market value shall then be the average of the assessed value, the value established by the appraiser hired by the property owner, and the value established by the third appraiser."

RECOMMENDATION

Recommend approval to the Board of Supervisors of the proposed amendments

Comments to PC – May 6

The phrase "a price *within* 20% of the current ...value" has been clarified to read "a price *not exceeding* 20% of the current ... value" as suggested by Commission members. The County Historic Preservation Commission has voted to recommend both amendments.

RECOMMENDATION

Recommend approval to the Board of Supervisors of the proposed amendments

Comments to PC – May 6

Since the last Commission meeting, it has come to staff's attention that the Section 3-E-3-f, Appeals of decisions in Historic Overlay Districts, references Virginia Code Section 15.2306, which allows the demolition of an historic structure if it is offered for "a price reasonably related to its fair market value". There is no specific definition as to the method of

**BOARD OF SUPERVISORS
REGULAR MEETING
ZONING ORDINANCE TEXT AMENDMENT**

**2011 SEPTEMBER 27
SET PUBLIC HEARING**

determining a price reasonably related to its fair market value. This could be determined by the hiring of appraisers, however given that a property’s assessed value is supposed to be fair market value, it is proposed to define this phrase as meaning a price within 20% of the current property value assessed by the Clarke County Commissioner of the Revenue. Providing a 20% range in property value allows for changes in market conditions and addresses the portion of the Virginia Code section that says the price is to be “reasonably related” to fair market value.

As this amendment deals with the same sections of the Zoning Ordinance concerning Historic Overlay Districts as the previously advertised amendment, it is recommended that action on the early amendment be postponed and the amendments readvertised so as to include the additional change.

RECOMMENDATION

Set Public Hearing on the expanded proposed amendments to the County Zoning Ordinance for the next regular meeting of the Commission on June 3rd.

Comments to PC – April 1

Clarke County has two county historic overlay districts: White Post (28 parcels) and Millwood commercial property (8 parcels). Currently, the full Commission reviews applications for Certificates of Appropriateness in these overlay districts for the erection of any building or structure or the major alteration or restoration of a contributing building or structure. The Commission’s Executive Committee (Chair and Vice-chair) reviews for any degree of alteration or restoration of a non-contributing building or structure, for a minor alteration or restoration of a contributing building or structure, or for the erection of a sign. A minor alteration is defined as something that requires a Building Permit. Changes/replacements to roofs and windows do not require a Building Permit; however, such changes can significantly alter the character of historic structures and it is the consensus of the Historic Preservation Commission that proposals dealing with roofs and windows should also come to the full Commission. In addition, other editorial clarifications are proposed and a clarification that the public hearing notice requirements for applications coming to the full Commission are to follow the standard procedure for all other public hearing notices.

RECOMMENDATION

Set Public Hearing on the proposed amendments to the County Zoning Ordinance for the next regular meeting of the Commission on May 6th.

ZONING ORDINANCE TEXT AMENDMENT

Text to be added showed in ***bold Italics***Text to be deleted showed ~~struck through~~

3-E-3 Historic Districts (H)

3-E-3-e Certificate of Appropriateness

1. Erection, Reconstruction, Alteration, or Restoration in an Historic District
 - a. The Preservation Commission shall ~~review~~ ***approve*** a Certificate of Appropriateness before any of the following activities may occur within the boundaries of a Historic District:
 1. the erection of any building or structure; or
 2. major alteration or restoration of a contributing building or structure.
 - b. The Executive Committee of the Preservation Commission, ***comprised of the Commission's Chair and the Vice-Chair***, shall approve a Certificate of Appropriateness before any of the following activities may occur within the boundaries of a Historic District:
 1. any degree of alteration or restoration of a non-contributing building or structure;
 2. minor alteration or restoration of a contributing building or structure, or
 3. the erection of a sign.
 - c. If the Executive Committee finds that the proposed activity is not compatible with the Historic District, as described in section ~~(b) 3-E-3-e-(3) below~~, ***Criteria for Approval of Certificate of Appropriateness***, the matter shall be referred to the full Preservation Commission for consideration. A decision ***by the Executive Committee*** to approve a Certificate may be appealed to the ***full*** Preservation Commission ***by any aggrieved party (except as noted below)*** within 10 working days of the decision. A decision of the Preservation Commission may be appealed to the Board of Supervisors ***per section 3-E-3-f, Appeals***. ~~Public notice is not required before action by the Executive Committee. Public notice is required before action by the Preservation Commission and/or Board of Supervisors.~~ The Chair of the Commission shall inform the Historic Preservation Commission of any Executive Committee approval in writing, within five working days ***of the action. A member of the Commission may request, in writing, that the full Commission review an approval by the Executive Committee. Such request for review must be submitted to the Zoning Administrator within five working days of action notification.***
 - d. A major alteration of a building or structure ***shall include any work that*** requires a building permit, ***or the repair or replacement of windows or roofs***. A minor alteration of a building or structure does not require a building permit ***or does not involve the repair or replacement of windows or roofs***. ~~The Executive Committee of the Preservation Commission shall be comprised of the Chair and the Vice Chair.~~
 - e. Approval of a Certificate certifies that such erection, reconstruction, alteration or restoration is compatible with the historic landmarks, buildings, or structures within the District, based upon criteria listed in subsection ~~3-E-3-e-(3)~~. This section shall not be construed as to include normal repairs and maintenance such as repainting, provided such repair and maintenance activity does not include any architectural changes or alterations.
4. ***Action on Certificate of Appropriateness Application***
 - a. Public Notice Required ~~Prior to the issuance of any Certificate of Appropriateness~~
The Commission shall provide public notice ***in accord with section 10-E, Public Hearings*** of an application for ***a Certificate of Appropriateness for any activity that is initially heard by the full Commission*** ~~same~~, which notice shall include the date, time and location of the Commission meeting at which any such application will be considered, as well as a reference to the location and activity for which any such Certificate is sought. ~~Such notice shall appear at least one time in a newspaper having general circulation in Clarke County, and shall appear no less than seven days prior to the date of each such meeting.~~ ***Public notice is not required before action by the Executive Committee.***

b. Time Period for Action

The Preservation Commission shall act to approve, approve with conditions, or deny the requested Certificate of Appropriateness within 60 days of the initial Public Hearing on the request. Failure of the Commission to act within this 60-day period shall be deemed approval of the request unless the Commission and the applicant agree upon an extension of the time period. The Executive Committee shall act to approve, approve with conditions, or refer to the Commission the requested Certificate of Appropriateness within 30 days of the first meeting of the Committee on the request. Failure of the Committee to act within this 30-day period shall be deemed approval of the request unless the Committee and the applicant agree upon an extension of the time period.

3-E-3-f Appeals

1. Any decision made under the provisions of this Section may be appealed to the Board of Supervisors by any party aggrieved by such decision and may be further appealed pursuant to ~~Section 15.2-2306~~, Code of Virginia (1950), as amended.
2. *In lieu of an appeal to the Board of Supervisors of a decision to deny a request to demolish an historic structure, Section 15.2-2306 provides a procedure to allow a property owner to demolish an historic structure after it has been offered for sale “at a price reasonably related to its fair market value”.*
 - a. *Such price shall be not more than 120% of the assessed value of the property as set by the County Commissioner of the Revenue.*
 - b. *If the property owner does not believe that a price that is not more than 120% of the assessed value is reasonable, he or she may obtain a value from a certified appraiser at his or her expense. If the value determined by the property owner’s appraiser exceeds 120% of the assessed value, the appraiser and the Commissioner of the Revenue shall establish a mutually agreed upon price. If the appraiser and the Commissioner are unable to establish a mutually agreed upon price, the County shall obtain the services of a certified appraiser to establish a third value. The cost of this appraiser to establish a third value shall be paid by the property owner. The price reasonably related to fair market value shall then be the average of the assessed value, the value established by the appraiser hired by the property owner, and the value established by the third appraiser.*

§ 15.2-2306. Preservation of historical sites and architectural areas.

A. 1. Any locality may adopt an ordinance setting forth the historic landmarks within the locality as established by the Virginia Board of Historic Resources, and any other buildings or structures within the locality having an important historic, architectural, archaeological or cultural interest, any historic areas within the locality as defined by § 15.2-2201, and areas of unique architectural value located within designated conservation, rehabilitation or redevelopment districts, amending the existing zoning ordinance and delineating one or more historic districts, adjacent to such landmarks, buildings and structures, or encompassing such areas, or encompassing parcels of land contiguous to arterial streets or highways (as designated pursuant to Title 33.1, including § 33.1-41.1 of that title) found by the governing body to be significant routes of tourist access to the locality or to designated historic landmarks, buildings, structures or districts therein or in a contiguous locality. A governing body may provide in the ordinance that the applicant must submit documentation that any development in an area of the locality of known historical or archaeological significance will preserve or accommodate the historical or archaeological resources. An amendment of the zoning ordinance and the establishment of a district or districts shall be in accordance with the provisions of Article 7 (§ 15.2-2280 et seq.) of this chapter. The governing body may provide for a review board to administer the ordinance and may provide compensation to the board. The ordinance may include a provision that no building or structure, including signs, shall be erected, reconstructed, altered or restored within any such district unless approved by the review board or, on appeal, by the governing body of the locality as being architecturally compatible with the historic landmarks, buildings or structures therein.

2. Subject to the provisions of subdivision 3 of this subsection the governing body may provide in the ordinance that no historic landmark, building or structure within any district shall be razed, demolished or moved until the razing, demolition or moving thereof is approved by the review board, or, on appeal, by the governing body after consultation with the review board.

3. The governing body shall provide by ordinance for appeals to the circuit court for such locality from any final decision of the governing body pursuant to subdivisions 1 and 2 of this subsection and shall specify therein the parties entitled to appeal the decisions, which parties shall have the right to appeal to the circuit court for review by filing a petition at law, setting forth the alleged illegality of the action of the governing body, provided the petition is filed within thirty days after the final decision is rendered by the governing body. The filing of the petition shall stay the decision of the governing body pending the outcome of the appeal to the court, except that the filing of the petition shall not stay the

decision of the governing body if the decision denies the right to raze or demolish a historic landmark, building or structure. The court may reverse or modify the decision of the governing body, in whole or in part, if it finds upon review that the decision of the governing body is contrary to law or that its decision is arbitrary and constitutes an abuse of discretion, or it may affirm the decision of the governing body.

In addition to the right of appeal hereinabove set forth, the owner of a historic landmark, building or structure, the razing or demolition of which is subject to the provisions of subdivision 2 of this subsection, shall, as a matter of right, be entitled to raze or demolish such landmark, building or structure provided that: (i) he has applied to the governing body for such right, (ii) the owner has for the period of time set forth in the same schedule hereinafter contained and at a price reasonably related to its fair market value, made a bona fide offer to sell the landmark, building or structure, and the land pertaining thereto, to the locality or to any person, firm, corporation, government or agency thereof, or political subdivision or agency thereof, which gives reasonable assurance that it is willing to preserve and restore the landmark, building or structure and the land pertaining thereto, and (iii) no bona fide contract, binding upon all parties thereto, shall have been executed for the sale of any such landmark, building or structure, and the land pertaining thereto, prior to the expiration of the applicable time period set forth in the time schedule hereinafter contained. Any appeal which may be taken to the court from the decision of the governing body, whether instituted by the owner or by any other proper party, notwithstanding the provisions heretofore stated relating to a stay of the decision appealed from shall not affect the right of the owner to make the bona fide offer to sell referred to above. No offer to sell shall be made more than one year after a final decision by the governing body, but thereafter the owner may renew his request to the governing body to approve the razing or demolition of the historic landmark, building or structure. The time schedule for offers to sell shall be as follows: three months when the offering price is less than \$25,000; four months when the offering price is \$25,000 or more but less than \$40,000; five months when the offering price is \$40,000 or more but less than \$55,000; six months when the offering price is \$55,000 or more but less than \$75,000; seven months when the offering price is \$75,000 or more but less than \$90,000; and twelve months when the offering price is \$90,000 or more.

4. The governing body is authorized to acquire in any legal manner any historic area, landmark, building or structure, land pertaining thereto, or any estate or interest therein which, in the opinion of the governing body should be acquired, preserved and maintained for the use, observation, education, pleasure and welfare of the people; provide for their renovation, preservation, maintenance, management and control as places of historic interest by a department of the locality or by a board, commission or agency specially established by ordinance for the purpose; charge or authorize the charging of compensation for the use thereof or admission thereto; lease, subject to such regulations as may be established by ordinance, any such area, property, lands or estate or interest therein so acquired upon the condition that the historic character of the area, landmark, building, structure or land shall be preserved and maintained; or to enter into contracts with any person, firm or corporation for the management, preservation, maintenance or operation of any such area, landmark, building, structure, land pertaining thereto or interest therein so acquired as a place of historic interest; however, the locality shall not use the right of condemnation under this subsection unless the historic value of such area, landmark, building, structure, land pertaining thereto, or estate or interest therein is about to be destroyed.

B. Notwithstanding any contrary provision of law, general or special, in the City of Portsmouth no approval of any governmental agency or review board shall be required for the construction of a ramp to serve the handicapped at any structure designated pursuant to the provisions of this section.

**BOARD OF SUPERVISORS
REGULAR MEETING
ZONING ORDINANCE TEXT AMENDMENT**

**2011 SEPTEMBER 27
SET PUBLIC HEARING**

The Clarke County Planning Commission will consider the amendment of the County Zoning Ordinance: Sections 3-A-1-a-2, 3-A-2-a-2, 3-A-3-a-2, *Accessory Uses in the AOC, FOC, and Rural Residential Zoning Districts*, so as to allow ‘Structures up to 80 feet high for noncommercial telecommunication antennae’;
Section 3-A-1-a-3 and 3-A-2-a-3, *Special Uses in the AOC and FOC Zoning Districts*, so as to add the adjective ‘commercial’ when describing telecommunication monopoles over 50 feet in height that are currently allowed as a Special Use in these Zoning Districts;
Sections 3-A-1-f and 3-A-2-f, *Vegetated Property Buffer in the AOC and FOC Zoning Districts*, so as to allow structures for noncommercial telecommunication antennae in required Vegetative Property Buffers provided that vegetation may be cut only within a six foot radius of the structure, but with no land disturbance;
Section 3-C-2, *Supplementary Regulations for Uses in Various Districts*, so as establish standards for ‘Structures up to 80 feet high for noncommercial telecommunication antennae’;
Section 9-B-41, *definition of the term “Commercial”*: so as to change the definition from “Any wholesale, retail, or service business activity established to carry on trade for a profit.” to “Any activity conducted with the intent of realizing a profit from the sale of goods or services to others. The term ‘Noncommercial’ means any activity conducted with the intent of not realizing a profit from the sale of goods or services to others.”

TA-11-05

After a public hearing at which one member of the public spoke in favor of the changes and after the Commission discussed whether there should be a sunset clause on the proposed provisions because of expected changes in technology, the Commission voted unanimously (absent: Ohrstrom), to recommend approval of the amendments to the Board of Supervisors, on condition that the amendments would be automatically rescinded five years after approval of the Board of Supervisors.

RECOMMENDATION

Set public hearing on the proposed amendments to the County Zoning Ordinance for the next regular meeting of the Board on October 18.

Comment to PC – September 2

The Commission committee (Caldwell, McFillen, McKay, Thuss) met on July 7 and July 14. The committee agreed to:

1. increase the proposed allowed height from 75 feet to 80 feet in order to allow better reception in areas with trees.
2. add a clarification to further limiting clearing in vegetative buffers;
3. modify the proposed Supplemental Regulations to replace the requirement that the structures be unpainted galvanized metal with a requirement that “The visual impact of such structures and any associated facilities (including attachments, security fencing, utilities, and equipment shelters) shall blend with the natural environment of the surrounding area as determined by the Zoning Administrator.”
4. Add a regulation to state: “Only telecommunication antennae and /or equipment may be attached to such structures.”
5. change the definition of the term Commercial: Currently the term is defined as: “Any wholesale, retail, or service business activity established to carry on trade for a profit.” The revised definition would read: “Any activity conducted with the intent of realizing a profit from the sale of goods or services to others. The term ‘Noncommercial’ means any activity conducted with the intent of not realizing a profit from the sale of goods or services to others.” This change was made to clarify what ‘non-commercial’ means and in this instance to differentiate between companies engaged in business for profit vs. individuals who provide a service (telecommunication) to their neighbors with at no profit.

RECOMMENDATION

Recommend approval of the proposed amendments to the Board of Supervisors.

Comments to PC – July 1

This amendment proposes to increase the height for non-commercial telecommunication structures from 50 to 75 feet in the AOC and FOC Zoning Districts and allowing non-commercial telecommunication structures up to 75 feet in the Rural Residential Zoning Districts. This is proposed so as to allow improved telecommunication capabilities in rural areas of the County. Supplemental regulations are also proposed that would:

1. limit such structures to 75 feet in height,
2. require such structures to be setback from all property lines a distance equal to the height of the structure or obtain a fall zone easement from adjoining property owners that equals the height of the structure that exceeds the setback provided,

**BOARD OF SUPERVISORS
REGULAR MEETING
ZONING ORDINANCE TEXT AMENDMENT**

**2011 SEPTEMBER 27
SET PUBLIC HEARING**

- 3. prohibit such structures from being illuminated, and
- 4. require such structure to be unpainted galvanized metal.

Associated with the change is a provision to allow structures for noncommercial telecommunication antennae in required Vegetative Property Buffers provided that vegetation may be cut only within a six-foot radius of the structure, but with no land disturbance. Also associated with this change is a proposed addition of the adjective 'commercial' when describing telecommunication monopoles over 50 feet in height that are currently allowed as a Special Use in these Zoning Districts.

RECOMMENDATION

Recommend to the Board of Supervisors the approval of the proposed amendments to the County Zoning Ordinance.

ZONING ORDINANCE TEXT AMENDMENT

Text to be added showed in ***bold Italics***Text to be deleted showed ~~struck through~~

3 DISTRICT REGULATIONS

3-A SCHEDULE OF DISTRICT REGULATIONS

3-A-1 Agricultural-Open Space-Conservation District - AOC

3-A-1-a Permitted Uses and Structures

2. Accessory Uses and Structures

Uses and structures that are customarily accessory and clearly incidental and subordinate to permitted uses and structure, including:

- c. Structures ~~less than 50~~ ***up to 80*** feet high for ~~commercial and~~ noncommercial ***telecommunication antennae***

3. Special Uses and Structures

- n. Monopoles greater than 50 feet in height for ***commercial*** telecommunication antennae

3-A-1-f Vegetated Property Buffer

Except for those land uses listed as exempt, existing woody vegetation within 25 feet of all property lines shall be retained on parcels of less than 20 acres recorded after 21 February 2003.

1. Dead trees and shrubs may be removed.
2. Invasive alien species may be removed. Invasive alien species shall be those listed by the Virginia Department of Conservation and Recreation.
3. The following types of development may be located in the vegetated property buffer, with the written approval of the Zoning Administrator and a member of the Planning Commission (preferably a Commission member from the Election District where the subject property is located), provided no more land, trees, or vegetation shall be disturbed than is necessary for construction, use, and maintenance of:
 - a. driveways and access easements of not less than 30 feet,
 - b. electric, gas, and telephone utility easements,
 - c. on-site water facilities and sewage disposal systems, if the Planning Commission determines that not allowing such facilities or systems in the buffer would prohibit the practical development of such facilities or systems,
 - d. public water and sewer lines (including water and sewer lines
 - e. constructed by private interests for dedication to public agencies), ~~or~~
 - f. fences, *or*
 - g. ***structures for noncommercial telecommunication antennae (vegetation may be cut only within a six foot radius of the structure, but no vegetation removal shall result in land disturbance except as necessary for the structure itself).***

3-A-2 Forestal-Open Space-Conservation District - FOC

3-A-2-a Permitted Uses and Structures

2. Accessory Uses and Structures

Uses and structures that are customarily accessory and clearly incidental and subordinate to permitted uses and structure, including:

- c. Structures ~~less than 50~~ ***up to 80*** feet high for ~~commercial and~~ noncommercial communication antennae

3. Special Uses and Structures

- j. Monopoles greater than 50 feet in height for ***commercial*** telecommunication antennae

3-A-2-f Vegetated Property Buffer

9. The following clearing activities shall be allowed in the no-clear areas:

- a. Dead trees and shrubs may be removed.
- b. Invasive alien species may be removed. Invasive alien species shall be those listed by the Virginia Department of Conservation and Recreation.

- c. The following types of development may be located in the vegetated property buffer, with the written approval of the Zoning Administrator and a member of the Planning Commission (preferably a Commission member from the Election District where the subject property is located), provided no more land, trees, or vegetation shall be disturbed than is necessary for construction, use, and maintenance of:
 - 1. driveways and access easements of not less than 30 feet,
 - 2. electric, gas, and telephone utility easements,
 - 3. on-site water facilities and sewage disposal systems, if the Planning Commission determines that not allowing such facilities or systems in the buffer would prohibit the practical development of such facilities or systems,
 - 4. public water and sewer lines (including water and sewer lines,
 - 5. constructed by private interests for dedication to public agencies), ~~or~~
 - 6. fences, *or*
 - 7. ***structures for noncommercial telecommunication antennae (vegetation may be cut only within a six foot radius of the structure, but no vegetation removal shall result in land disturbance except as necessary for the structure itself).***

3-A-3 Rural Residential District (RR)

3-A-3-a Permitted Uses and Structures

2. Accessory Uses and Structures

Uses and structures that are customarily accessory and clearly incidental and subordinate to permitted uses and structure, including:

d. ***Structures up to 80 feet high for noncommercial telecommunication antennae***

3-C SUPPLEMENTARY REGULATIONS

3-C-2 Uses in Various Districts

3-C-2-* ***Structures up to 80 feet high for noncommercial telecommunication antennae***

- 1. ***Such structures and any attached antennae or equipment shall not exceed 80 feet in height.***
- 2. ***Such structures shall be setback from all property lines a distance equal to the height of the structure or obtain a fall zone easement from adjoining property owners that equals the height of the structure that exceeds the setback provided.***
- 3. ***Such structures shall not be illuminated.***
- 4. ***The visual impact of such structures and any associated facilities (including attachments, security fencing, utilities, and equipment shelters) shall blend with the natural environment of the surrounding area as determined by the Zoning Administrator.***
- 5. ***Only non-commercial telecommunication antennae and /or equipment may be attached to such structures.***

9 DEFINITIONS

9-B DEFINITIONS

9-B-41 COMMERCIAL:

~~Any wholesale, retail, or service business activity established to carry on trade for a profit.~~
Any activity conducted with the intent of realizing a profit from the sale of goods or services to others. The term 'Noncommercial' means any activity conducted with the intent of not realizing a profit from the sale of goods or services to others.

**BOARD OF SUPERVISORS
REGULAR MEETING
ZONING & SUBDIVISION ORDINANCE TEXT AMENDMENT**

**2011 SEPTEMBER 27
SET PUBLIC HEARING**

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

Section 6-E, *Procedures for Site Plans*, so as to change the number and size of site plans submitted with an initial application and after approval, require the submission of digital copies, and establish standards for such digital submissions; and

County Subdivision Ordinance:

Section 4, *Procedures for Preliminary Subdivision Plat Application and Submission of Record Plat*, so as to change the number and size of plats submitted, require the submission of digital copies, and establish standards for such digital submissions.

TA-11-06

Ms. Teetor provided an overview of the amendment and requested the addition of text under the sections entitled: "The digital files shall be submitted in the following projections:" to add:

After a public hearing at which no member of the public spoke, the Commission voted unanimously (absent: Ohrstrom), to recommend approval of the amendments to the Board of Supervisors.

RECOMMENDATION

Set public hearing on the proposed amendments to the County Zoning Ordinance for the next regular meeting of the Board on October 18.

Comment to PC – 2011 September 2

No additional comments.

RECOMMENDATION

Recommend approval of the proposed amendments to the Board of Supervisors.

Comment to PC – 2011 July 1

The proposed amendments address changing submittal requirements for Site Plans and Subdivisions so as to increase the number of paper copies because of the number of reviewing agencies, but reducing the size of most of these copies for distribution to the Planning Commission. The amendment also requires submittal of digital copies and establishes specifications for such digital submittal. The digital submissions include one copy in a Portable Document Format or PDF and another in a format defined as suitable for incorporation into the County Geographic information System (GIS).

RECOMMENDATION

Set public hearing on the proposed amendments for the next public meeting of the Commission on 2011 September 2.

ZONING ORDINANCE TEXT AMENDMENT

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

Text to be deleted showed ~~struck through~~

6 SITE DEVELOPMENT PLANS

6-E PROCEDURES

6-E-2 Application

6-E-2-a Application for approval of a site development plan shall be made by submitting an application form, ~~45~~ ***paper*** copies of the site plan, ***a digital or electronic copy of the site plan (Portable Document Format (PDF), digital files (as described below)*** and the applicable fee, to the Agent.

1. ***A total of 21 paper copies shall be submitted, 15 copies on 11 by 17 inch paper and six copies on 24 by 36 inch paper.***
2. ***The digital files shall be provided in one of the following formats:
DXF (AutoCAD ASCII Drawing Exchange File)
ArcGIS shapefile
ArcGis Personal geodatabase***
3. ***The digital files shall provide individual layers for the following features:
Site boundary
Parcel lot lines
Lot numbers
Tax Map numbers
Streets and Roads
Road Right of Ways
Road names
Building footprints
Utilities and Lines
Easements***
4. ***The digital files shall be submitted in the following projection:
Projected Coordinate System: NAD 1983 State Plane Virginia North FIPS 4501 Feet
Projection: Lambert Conformal Conic
False Easting: 11482916.66666666
False Northing: 6561666.66666667
Central Meridian: -78.50000000
Standard Parallel: 1:38.03333333
Standard Parallel: 2:39.20000000
Latitude Of Origin: 37.66666667
Linear Unit: Foot US
Geographic Coordinate System: GCS North American 1983
Datum: D North American 1983
Prime Meridian: Greenwich
Angular Unit: Degree
A minimum of two property corners shall be identified by xy coordinates in order to “tie to” existing GIS layers.***

The Zoning Administrator may modify the number and size of paper copies or digital copies and may modify the format and features for such digital information based on unique circumstances.

6-E-4

Compliance with Conditions

A Site Plan shall become null and void if it is not submitted, in a form complying with all conditions established by the Planning Commission or Board of Supervisors, to the Planning Commission or Board of Supervisors Chair and Zoning Administrator for signature within six months from the date of approval by the Planning Commission or Board of Supervisors. The Planning Commission or Board of Supervisors may extend this time limit upon written request of the property owner. *Such submittal shall include six copies on 24 by 36 inch paper, a digital or electronic copy of the site plan (Portable Document Format (PDF), digital files (see section 6-E-2-a-2 thru 5 for format, features, and projection). The Zoning Administrator may modify the number of paper copies or digital copies and may modify the format and features for such digital information based on unique circumstances.*

SUBDIVISION ORDINANCE TEXT AMENDMENT

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

Text to be deleted showed ~~struck through~~

4 PROCEDURE FOR SUBDIVISION APPROVAL

4-B APPLICATION

4-B-4 Preliminary Plat.

4-B-4-(a) ***Fifteen Twenty-one*** blue line or black line prints (***fifteen copies on 11 by 17 inch paper and six copies on 24 by 36 inch paper***), ***a digital or electronic copy of the plat (Portable Document Format (PDF), and digital files (as described below)*** shall be submitted. ***For digital data standard transfer media will be accepted including CD, DVD, email or ftp.***

1. ***The digital files shall be provided in one of the following formats:***

DXF (AutoCAD ASCII Drawing Exchange File)

ArcGIS shapefile

ArcGis Personal geodatabase

2. ***The digital files shall provide individual layers for the following features:***

Site boundary

Parcel lot lines

Lot numbers

Tax Map numbers

Streets and Roads

Road Right of Ways

Road names

Building footprints

Utilities and Lines

Easements

3. ***The digital files shall be submitted in the following projection:***

Projected Coordinate System: NAD 1983 State Plane Virginia North FIPS 4501 Feet

Projection: Lambert Conformal Conic

False Easting: 11482916.66666666

False Northing: 6561666.66666667

Central Meridian: -78.50000000

Standard Parallel: 1:38.03333333

Standard Parallel: 2:39.20000000

Latitude Of Origin: 37.66666667

Linear Unit: Foot US

Geographic Coordinate System: GCS North American 1983

Datum: D North American 1983

Prime Meridian: Greenwich

Angular Unit: Degree

A minimum of two property corners shall be identified by xy coordinates in order to “tie to” existing GIS layers.

The Zoning Administrator may modify the number of paper prints or digital copies and may modify the format and features for such digital information based on unique circumstances.

4-B-4-(b) The preliminary plat and all required supporting documents submitted shall conform in all ways with the requirements set forth in Article 7, Section B of this Ordinance.

4-I SUBMISSION OF RECORD PLAT

4-I-1 After approval of the Preliminary Plat, ~~15~~ *paper* copies, *a digital or electronic copy of the plat (Portable Document Format (PDF), and digital files (See section 4-B-4-(a) 1 thru 4)* of the Record Plat ~~at least four of which shall evidence original signatures for all required certificates and approvals,~~ shall be submitted to the Zoning Administrator not less than 15 days prior to the Commission meeting at which consideration thereon is desired.

- 1. A total of twenty-one paper copies shall be submitted, fifteen copies on 11 by 15 inch paper and six copies on 18 by 24 inch paper. These six copies shall evidence original signatures for all required certificates and approvals.*
- 2. For digital data standard transfer media will be accepted including CD, DVD, email or ftp. The Zoning Administrator may modify the number of paper prints or digital copies and may modify the format and features for such digital information based on unique circumstances.*

**BOARD OF SUPERVISORS
REGULAR MEETING
ZONING ORDINANCE TEXT AMENDMENT**

**2011 SEPTEMBER 27
SET PUBLIC HEARING**

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

- Section 1, Authority, Purposes and Intent, Planning Commission, and Zoning Administrator, and Section 7, Appeals, Variance and Zoning Map Interpretations, so as to shift the sections regarding modifications that can be approved by the Zoning Administrator from Section 1 to Section 7;**
- Sections 3-A-1-d, 3-A-2-d, 3-A-d, Maximum Height of All Structures in the AOC, FOC, and Rural Residential Zoning Districts and**
- Section 4-H-3, Height Regulations Exceptions, so as to shift from Section 4-H-3 to Section 3-A the 25-height limit for structures on parcels narrower than 75 feet;**
- Section 3-C-2, Supplementary Regulations for Uses Various Districts and**
- Section 4-H-3, Height Regulations Exceptions, so as to shift from Section 4-H-3 to Section 3-C-2 the 18 foot, six-inch height limit for Gasoline Pump Canopies:**
- Section 4-H, Height Regulations Exceptions, so as to shift from Section 4-H-3-c to 4-H-3-a the height exception for parapet walls and to increase the exception by 6 inches to 42 inches to be consistent with the Building Code:**
- Section 4-J-6, Exception process to requirement that off-street parking be located on the same lot as principal use, so as to change the entity that could approve such an exception from the Board of Zoning Appeals to the Planning Commission when it reviews a property's site plan;**
- Section 9-B-106, definition of the term 'Livestock', so as to define livestock as hoofed animals and the order of animals that includes ostriches and emus.**
- TA-11-07**

After a public hearing at which no member of the public spoke, the Commission voted unanimously (absent: Ohrstrom), to recommend approval of the amendments to the Board of Supervisors.

RECOMMENDATION

Set public hearing on the proposed amendments to the County Zoning Ordinance for the next regular meeting of the Board on October 18.

Comment to PC – 2011 September 2

No additional comments.

RECOMMENDATION

Recommend approval of the proposed amendments to the Board of Supervisors.

Comment to PC – 2011 July 1

These amendments address four distinct topics:

First, recodifying the provision that allows the Zoning Administrator to make minor modifications to Zoning Ordinance requirements from the section describing the Zoning Administrator to the section describing other forms of appeals, variances, and interpretations.

Second, recodifying ordinances related to specific height limit exceptions to more logical locations in the ordinance and to make such standards, in regard to parapets, consistent with the current Building Code.

Third changing the entity, from the Board of Zoning Appeals to the Planning Commission, which can grant an exception to the requirement that off-street parking be on the same lot as the principal use. The change stipulates that the Commission can do this only as part of a Site Plan review process.

Fourth, changing the definition of livestock from a list of types of animals, some of which are incorrect, to simply hoofed animals plus the order of animals that includes ostriches and emus.

RECOMMENDATION

Set public hearing on the proposed amendments for the next public meeting of the Commission on September 2nd.

ZONING ORDINANCE TEXT AMENDMENT

Text to be added showed in ***bold Italics***Text to be deleted showed ~~struck through~~

- 1 AUTHORITY, PURPOSES AND INTENT, PLANNING COMMISSION, AND ZONING ADMINISTRATOR
- 1-D ZONING ADMINISTRATOR
- ~~1-D-6 Administrative Modification of Zoning Ordinance Provisions by Zoning Administrator~~
- 7 APPEALS, VARIANCES, AND ~~ZONING MAP~~ INTERPRETATIONS, AND ***MODIFICATIONS***,
- 7-A ~~BOARD OF ZONING APPEALS – ORGANIZATION AND PROCEDURES~~
APPEALS, VARIANCE, AND ZONING MAP INTERPRETATIONS
- 7-A-1 ~~Membership~~ ***Board of Zoning Appeals – Organization and Procedures***
- 7-A-1-a Membership
and following
- ~~7-B~~ 7-A-2 Appeals of Administrative Determinations
- ~~7-C~~ 7-A-3 Variance
- ~~7-D~~ 7-A-4 Zoning District Map Interpretations
- ~~7-E~~ 7-A-5 Not empowered to Rezoning Property
- 7-B ***MODIFICATIONS***
- 3 DISTRICT REGULATIONS
- 3-A SCHEDULE OF DISTRICT REGULATIONS
- 3-A-1 Agricultural-Open Space-Conservation District - AOC
- 3-A-1-d Maximum Height of All Structures: 35 feet, except ***on parcels with a width of less than 75 feet, structures shall not exceed a height of 25 feet, and***
as otherwise provided
- 3-A-2 Forestal-Open Space-Conservation District - FOC
- 3-A-2-d Maximum Height of All Structures: 35 feet, except ***on parcels with a width of less than 75 feet, structures shall not exceed a height of 25 feet, and***
as otherwise provided
- 3-A-3 Rural Residential District - RR
- 3-A-3-d Maximum Height of All Structures: 35 feet, except ***on parcels with a width of less than 75 feet, structures shall not exceed a height of 25 feet, and***
as otherwise provided
- 3-C SUPPLEMENTARY REGULATIONS
- 3-C-2 Uses in Various Districts
- 3-C-2-* Gasoline Pump Canopies: Canopies covering gasoline pumps shall not exceed a height of 18 feet, 6 inches.***
- 4-H HEIGHT REGULATIONS
- 4-H-3 Height Limitations
- 4-H-3-a Exceptions:
1. Agricultural structures shall not exceed 50 feet in height, (except for silos, which shall not exceed 100 feet in height). However, in no event shall the height of agricultural structures exceed the distance from the structure to the nearest lot line.
 2. Freestanding flagpoles may exceed the maximum height limit established in each zoning district by 50%, but shall not exceed in height the distance from the nearest lot line.
 3. Water tanks shall not exceed in height the distance from the nearest lot line.

4-H-3-b

4. ~~Exceptions:~~ Towers, gables, penthouses, scenery lofts, residential chimneys, cupolas, spires, flagpoles, similar structures, smokestacks, and necessary mechanical appurtenances, may be erected on a building to a height greater than the limit established for the district in which the building is located; provided, that no such exception shall cover at any level more than fifteen percent of the area of the roof on which it is to be erected; and provided, further, that no such exception shall exceed maximum height established in the district by more than forty percent.

5. ***A parapet wall, cornice, or similar projection may exceed the height limit established for each zoning district by not more than three feet, six inches.***

4-H-3-e

~~Parapet Walls, Cornices, etc.:~~ A parapet wall, cornice or similar projection may exceed the height limit established for the district by not more than three feet, but shall not extend more than three feet above the roof level of any building.

4-H-3-d

~~Gasoline Pump Canopies:~~ Canopies covering gasoline pumps shall not exceed a height of 18 feet, 6 inches.

4-H-3-e

~~Structures in the AOC, FOC, or Rural Residential Zoning District on parcels with a width of less than 75 feet shall not exceed a height of 25 feet.~~

4 GENERAL REGULATIONS

4-J OFF-STREET PARKING

4-J-6 To be Located on Same Lot as Principal Use: Exceptions

4-J-6-a General: Required off-street parking facilities shall be on the same lot with the principal use or structure except as provided below.

4-J-6-b Exceptions: Where it is impractical to provide all or part of required off-street parking ***for non-single family uses*** on the same lot, exceptions may be permitted by the ~~Board of Zoning Appeals~~ ***Planning Commission. Such an exception shall be considered only in conjunction with the review of a Site Plan, as described in Section 6*** to allow off-street parking within the distances indicated in Section 4-J-6e below, as measured by normal pedestrian routes, subject to:

1. Buffering and design and improvement standards applying generally to off-street parking;
2. Special conditions and safeguards called for in the circumstances of the case; and
3. Requirements of satisfactory assurance that such required parking will remain available for the use or structure, or that equivalent similarly approved parking will be provided before such parking is diminished in whole or in part.

~~4-J-6-c Distances: The Board of Zoning Appeals may permit off lot parking not more than the indicated distance from the uses served, and in the same district or in a district appearing after said district in the Schedule of District Regulations. Distances shall be measured along pedestrian routes, and from the nearest portion of the off-street parking facility to an entrance to the use served.~~

~~Maximum Distance to Off-Site Parking Facility (feet):~~

One and two family	Must be on same lot
Other residential	300
All other uses	600

9 DEFINITIONS

9-B DEFINITIONS

9-B-106 LIVESTOCK: Includes all domestic or domesticated ***hoofed animals***; ~~bovine animals, including but not limited to cattle; caprine animals, including but not limited to sheep; equine animals, including but not limited to horses; including but not limited to goats; porcine animals, including but not limited to swine;~~ ***and Struthioniformes order of animals (also known as ratite animals), including but not limited to ostriches and emus.***

MEMORANDUM

TO: Board of Supervisors
FR: Thomas Judge, Director of Joint Administrative Services
DT: September 19, 2011
RE: *September Finance Committee Report*

1. **Supplemental Appropriations.** The following action is recommended:

“Be it resolved that FY 12 budgeted expenditures and appropriations for the V-Stop Grant in the General Fund be increased \$2,250, and revenue from the Federal Government recognized in the same amount, to adjust for a change in the approved grant.”

2. **Acceptance of August Bills and Claims.** The acceptance of this report by the Finance Committee is proposed. It will be distributed under separate cover.
3. **Standing Reports.** The following are included: Reconciliation of Appropriations (FY 11). General Fund Balance (FY 11). General Fund Expenditure Summary (August FY 12 to be distributed under separate cover).

09/01/11

Title: General Fund Balance
Source: Clarke County Joint Administrative Services

	<u>Previous</u>	<u>Current</u>	<u>Notes</u>
General Fund Balance Year End FY 2009			
Expenditure FY 10	14,001,757	14,001,757	
Revenue FY 10	(24,433,541)	(24,433,541)	
General Fund Balance (year end FY 10)	24,586,665	24,586,665	
	14,154,881	14,154,881	

Adjustments and Designations

	<u>Previous</u>	<u>Current</u>	<u>Notes</u>
<u>Designations</u>			
Liquidity Designation @ 12% of FY 11 Budgeted Operating Revenue	(\$2,949,252)	(\$2,949,252)	
Stabilization Designation @ 3% of FY 11 Budgeted Operating Revenue	(737,313)	(737,313)	
Continuing Local GF Appropriations for Capital Projects	(4,955,633)	(4,955,633)	
School Capital/Debt	(1,500,000)	(1,500,000)	
Government Construction/Debt	(1,000,000)	(1,000,000)	
Property Acquisition	(265,000)	(265,000)	
Conservation Easements from Government Savings	(153,462)	(153,462)	
Community Facilities	(\$325,000)	(\$325,000)	
Comprehensive Services Act Shortfall	(262,868)	(262,868)	
Senior Center and Park Office	(400,000)	(400,000)	
Parks Master Plan	(100,000)	(100,000)	
School Operating Carryover	(343,718)	(343,718)	Less One Time Compensation Payout (excludes FY 12 usage of \$247,227)
Government Carryover Requests from Government Savings	(387,018)	(387,018)	Less One Time Compensation Payout for JAS only (take GOV and SS from FY 12)
Energy Efficiency	(200,000)	(200,000)	
Landfill costs	(50,000)	(50,000)	
FY 11 Original Budget Surplus (Deficit)	354,405	354,405	
TOTAL Designations	(13,274,859)	(13,274,859)	
FY 11 Expenditure Budget Adjustments	(671,974)	(671,974)	
FY 11 Revenue Budget Adjustments	296,525	296,525	

Undesignated Fund Balance Projected June 30

	504,574	504,574	
TOTAL	504,574	504,574	

Clarke Co.		Reconciliation of Appropriations Year Ending June 30, 2012													01-Sep-11
Date		General Fund	Soc Svcs Fund	CSA Fund	Sch Oper Fund	Cafeteria Fund	GG Cap Fund	School Cap Fund	School Debt Fund	GG Debt Fund	School Debt Fund	Joint Fund	Conservation Easements	Unemploy. Fund	
04/12/11	Appropriations Resolution: Total	38,011,884	1,351,949	1,022,594	19,048,085	780,232	1,725,525	844,918	4,122,196	374,129	4,122,196	510,810	150,000	25,000	
	Adjustments:														
08/16/11	One-time salary adjustment	37,867	7,689												
08/16/11	Extension Horticultural Agent	3,000													
09/27/11	V-Stop Grant	2,250													
	Revised Appropriation	38,062,490	1,359,638	1,022,594	19,048,085	780,232	1,725,525	844,918	4,122,196	374,129	4,122,196	510,810	150,000	25,000	
	Change to Appropriation	50,806	43,117	0	0	0	0	0	0	0	0	0	0	0	
	Original Revenue Estimate	14,373,804	935,333	471,297	8,966,628	780,232	535,860	154,000	147,673	0	147,673	0	0	0	
	Adjustments:														
09/27/11	V-Stop Grant	2,250													
	Revised Revenue Estimate	14,376,154	935,333	471,297	8,966,628	780,232	535,860	154,000	147,673	0	147,673	0	0	0	
	Change to Revenue Estimate	2,250	0	0	0	0	0	0	0	0	0	0	0	0	
	Original Local Tax Funding	23,637,780	416,616	551,297	10,081,457	0	1,189,665	680,918	3,574,523	374,129	3,574,523	510,810	150,000	25,000	
	Revised Local Tax Funding	23,686,336	424,305	551,297	10,081,457	0	1,189,665	680,918	3,574,523	374,129	3,574,523	510,810	150,000	25,000	
	Change to Local Tax Funding	48,556	40,867	0	0	0	0	0	0	0	0	0	0	0	

Italics = Proposed actions