

January 20, 2015

Clarke County Board Of Supervisors
Regular Meeting
Main Meeting Room

1:00 p.m.

At a regular meeting of the Board of Supervisors of Clarke County, Virginia, held in the Berryville Clarke County Government Center, 101 Chalmers Court, 2nd Floor, Berryville, Virginia conducted on Tuesday, January 20, 2015.

Board Members Present

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

Board Members Absent

Bev McKay

Staff Present

David Ash; Frank Davis; Ryan Fincham; Tom Judge; Brandon Stidham; Lora B. Walburn

Others Present

Keith Dalton; Frank Lee; Terry Catlett; Patricia Dickinson; Frazer Watkins; Jay Arnold; Bryan Conrad; Bobby Faulk; John Orndorff; Matt Hoff; Laure Wallace; Gem Bingol; Scott Mason; Val Van Meter and other citizens.

1) Call to Order

Chairman Weiss called the afternoon session to order at 1:02 p.m.

2) Adoption of Agenda

Add Miscellaneous:

- 2015 Chair Appointments
- Economic Development Strategic Plan
- Conservation Easement Authority Request for Letter of Support Re Proposed Legislation
- Josephine Street Nomination Request for Letter of Support

- Visitors Center Request for Letter of Support

By consensus, the Board adopted the agenda as modified.

Announcements

The Chairman Weiss thanked J. Michael Hobert for his leadership as Board Chair over the past five years.

The Chair welcomed Ryan Fincham to Clarke County general government. He expressed appreciation for Mr. Fincham's prior service with the County in the Health Department.

The Chair informed the Board that due to a death in family Supervisor Bev McKay would not be attending the regular meeting.

3) Citizens Comment Period

No citizens attending the afternoon session addressed the Board.

4) VDOT

Ed Carter, with Charlie Monroe, appeared before the Board to provide the monthly update.

Maintenance:

- Maintenance activities have been limited to shoulder work on primaries and Boom Ax work on Rt. 601 because of numerous weather events.
- Shoulder work will continue on the primaries and the Boom Ax will continue to operate on various secondary routes.
- Conducted some trash pickup and pothole repair and will continue until the weather abates.
- The mobilization for weather events will continue as required.

Projects:

- Submitted special request for funding to replace pipe on Business 7 in Berryville. If approved, we would expect to complete by June of this year.

Board Concerns:

- All Good Music Festival: We are scheduling a meeting with VSP, Clarke County Sheriff's office and our Traffic Operations group to discuss options for addressing West Virginia "Good News Music Festival" within the next two weeks.

Supervisor Comments:

Supervisor Barbara Byrd

- Route 50: Shoulders on Clarke County side of Route 50 are in excellent shape.
- Allen Road: Is in excellent condition for a gravel road.
- Triple J Road: Where the slurry has worn off, pot holes are forming. Triple J is to be repaved in spring.

Supervisor Staelin:

- Route 601:
 - Reflectors: Ed Carter advised these would be replaced following repaving scheduled for June.
 - Trees at TWA crash site. Charlie Monroe advised that a mowing crew hit a tree however; VDOT removed two trees and replaced four trees. VDOT will erect signs in this area.

5) Review of FY2014 Audit Robinson Farmer Cox Associates by Matthew A. McLearen

Matthew A. McLearen, Robinson Farmer Cost Associates, appeared before the Board to provide the FY2014 audit review. Highlights include:

- No difficulties encountered in performing the audit.
- Management posted all audit adjustments. The proposed audit adjustments were immaterial in nature.
- No disagreements in applying accounting principles.
- Management did not consult with other CPA firms.
- Total net position [equity] at June 30, 2014 \$32,182,605.
- Change in net position reflects \$2,525,708 increase.
- Total fund balance at June 30, 2014 \$13,636,040.
- Net change in fund balance \$1,938,498 decrease. Tom Judge added that this resulted from savings from high school construction used in FY2015 for the Cooley elementary renovation.
- No internal control deficiencies found.

- No material weakness found.
- No significant deficiencies found.
- Pension Obligation:
 - o Net pension obligation reflects one year behind the current fiscal year report.
 - o Reflects market return on assets.
 - o Figure is an estimate of future benefits.
 - o Teacher pool reflects the statewide pool.
 - o VRS working on determining how to reflect the amount for individual locality.
 - o Unfunded liability for Schools reflects in localities budget.

6) Approval of Minutes

Correct Book 22 Page 89 Closed Session change John Staelin from Aye to Absent.

Supervisor Hobert moved to approve the minutes for December 16, 2014 as amended and January 12, 2015 as presented. The motion carried by the following vote:

Barbara J. Byrd	- Aye
J. Michael Hobert	- Aye
Beverly B. McKay	- Absent
John R. Staelin	- Aye
David S. Weiss	- Aye

7) Consent Agenda

**Heritage Child Development Center Easement Resolution Throckmorton Property
2015-02R**

WHEREAS, by Easement dated March 10, 1997, and recorded in the Office of the Clerk of the Circuit Court of Clarke County, Virginia, in Deed Book 271, at Page 200, Clarke County acquired a 30-foot wide access easement, ("the Easement"), over property now owned by Gregory H. and Pamela P. Throckmorton, containing 4.0604 acres, located on the south side of Virginia Business Route 7; and

WHEREAS, a portion of a building located on the Throckmorton property extends into the Easement; and

WHEREAS, the Heritage Child Development Center currently leases the property from Throckmorton; and

WHEREAS, the Heritage Child Development Center is a community based, non-profit organization providing early childhood educational services to Clarke County families; and

WHEREAS, the Heritage Child Development Center has improved the aforesaid building to provide additional educational space for its programs; and

WHEREAS, the Board of Supervisors of Clarke County supports the educational programs provided by the Heritage Child Development Center.

WHEREAS, on July 20, 2004 the Board of Supervisors adopted a resolution that it would not require the removal of the building located partially in the Easement for a period of ten years commencing with the adoption of that resolution as long as the building is occupied by the Heritage Child Development Center, as a non-profit organization for early childhood education purposes.

WHEREAS, the Heritage Child Development Center has extended its lease of the building on the Throckmorton property to July 31, 2017, with an option to further extend the lease to July 31, 2019.

WHEREAS, the Heritage Child Development Center desires assurances that during the term and the extended term of its current lease the County will not require the building to be removed from the Easement.

NOW, THEREFORE, be it RESOLVED that the Board of Supervisors will not require the removal of the building located partially in the Easement for a period of five years commencing with the adoption of this resolution as long as the building is occupied by the Heritage Child Development Center, as a non-profit organization for early childhood education purposes. In all other respects, the County retains all of its rights in the Easement.

ATTEST:

David L. Ash, Clerk Board of Supervisors

Supervisor Staelin moved to approve the item on the Consent Agenda. The motion carried by the following vote:

Barbara J. Byrd	- Aye
J. Michael Hobert	- Aye
Beverly B. McKay	- Absent
John R. Staelin	- Aye
David S. Weiss	- Aye

8) Board of Supervisors Organizational Meeting and Work Session January 12, 2015

For summary of action, see January 12, 2015 Board of Supervisors Organizational Meeting and Work Session Minutes.

A. Organizational Items:

- Elect Chair
 - Elect Vice Chair
 - Set Meeting Date, Time and Location
 - Adopt Rules of Procedure: Add Electronic Meetings
- B. Distribution of and Request for Board of Supervisors Recommendation to Berryville Area Development Authority Re Fast Track Berryville Area Plan Amendment Section 614.3 Maximum Density with Planning Director Explanation of Regular Process
- C. Fire & EMS Strategic Plan, BoS Input, and VDOT Secondary Six-Year Plan with Matt Hoff
- D. Fire and EMS Implementation Items: Fee for Service Update

January 20, 2015: Frank Davis provided an update on the Fee for Service program. Highlights include:

- Held five out of six public meetings.
 - Attendance was low.
 - Purchasing is prepared to move forward.
 - Should be ready to start within 90-days of implementation.
 - Reviewing agreements with volunteer fire companies.
- E. Director of Economic Development & Tourism Job Description Acceptance and Authorization to Solicit Applications
- F. Closed Session Pursuant to §2.2-3711-A3 Discussion or consideration of the acquisition of real property for a public purpose, or of the disposition of publicly held real property, where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the public body.

9) Finance Items

1. Fiscal Policy Amendments:

Two matters have arisen during discussion of Emergency Medical Fee-for-Service that have led to requests for Fiscal Policy clarification: making clear that revenue collected will be utilized only for the program (EMS) for which it was collected, and; making clear the concept of "soft-billing". To this end, the following policy amendments are recommended by the Finance Committee for consideration:

- a. Revenue Policies, Section 3, User Fee Creation, add sentence to end: *"User Fee revenue shall be used only for related program expenditure."*
- b. Revenue Policies. Section 8, Waiver of Revenue, add sentence to end: *"Emergency Medical Service Fees may be waived where collection of such fees are deemed by the County Administrator to not be in the best interest of protecting public safety."*

01-20-2015 Action: Following review by Tom Judge, **Supervisor Staelin moved to approve item a and item b as revised in the Fiscal Policy. The motion carried as follows:**

Barbara J. Byrd	- Aye
J. Michael Hobert	- Aye
Beverly B. McKay	- Absent
John R. Staelin	- Aye
David S. Weiss	- Aye

2. Social Services Rent

This matter concerning Commonwealth reimbursement of rent remains unresolved, and will be discussed by the Social Services Board in the near future.

3. FY 15 Budget Adjustments for Salary increases

The adjustments to the FY 15 budget, based on salary increases taking effect in December, will be proposed in February or March.

4. FY 15 Budget Adjustments for Scoreboard and Personnel

The Finance Committee recommends approval of the following:

- a. Scoreboard. Clarke County Youth Basketball donated \$2,960 for a scoreboard in the Recreation Center. *"Be it resolved that Recreation Center budgeted expenditure and appropriation be increased \$2,960, and that revenue from donations be recognized in the same amount."*

Supervisor Staelin moved to adopt the recommendations of the Finance Committee. The motion carried as follows:

Barbara J. Byrd	- Aye
J. Michael Hobert	- Aye
Beverly B. McKay	- Absent
John R. Staelin	- Aye

David S. Weiss - Aye

- b. Personnel Budget *"Be it resolved that \$6,195 be transferred Legal Services vacancy savings to Building Inspections to cover personnel costs of the department."*

Supervisor Byrd moved to adopt the recommendations of the Finance Committee. The motion carried as follows:

Barbara J. Byrd	- Aye
J. Michael Hobert	- Aye
Beverly B. McKay	- Absent
John R. Staelin	- Aye
David S. Weiss	- Aye

5. Acceptance of Bills and Claims

01/12/2015 Summary: The Board should consider acceptance of the December Bills and Claims.

01/20/2015 Action: Supervisor Hobert moved to accept the December bills and claims. The motion carried by the following vote:

Barbara J. Byrd	- Aye
J. Michael Hobert	- Aye
Beverly B. McKay	- Absent
John R. Staelin	- Aye
David S. Weiss	- Aye

– Standing Reports.

Capital Projects Status. Reconciliation of Appropriations. General Fund Balance. Conservation Easement Fund. Expenditure Summary.

ERP Update by Tom Judge

Tom Judge provided an update on ERP implementation. Highlights include:

- Tyler was in Clarke County three days last week and will be in Clarke three days this week to test system configuration.

- In February, Tyler will conduct user training on how to manage system set up. Training is scheduled over a two-week period for select employees.
- In March, Tyler will conduct train-the-trainer training. Fifteen employees per each module will be trained. These employees' will then train persons in their department.
- Data has been converted.

10) Government Projects Update

David Ash provided the monthly project update. Highlights include:

- Sheriff's Office Renovation
 - Only a few small items remain.
- Park Property
 - Barn removed.
 - Corncrib is in process of removal.
- 101 Chalmers Court – BCCGC HVAC Retrofit Project
 - Bob Mitchell seeking final data.

11) Miscellaneous Items

2015 Chair Appointments

Chairman Weiss presented the following changes for the 2015 Chair Appointments:

- Supervisor McKay change from BCCGC JBC Alternate to Appointed Member
- Supervisor Hobert remove from BoS Personnel Committee Appointed Member
- Supervisor Hobert remove from Joint Administrative Services Board
- Supervisor Hobert add as Conservation Easement Authority Appointed Member
- Chairman Weiss change from BoS Personnel Committee Alternate to Appointed Member
- Chairman Weiss change from Joint Administrative Services Board Alternate to Appointed Member

Supervisor Hobert moved to ratify the Chair Committee appointments as presented. The motion carried by the following vote:

Barbara J. Byrd - Aye

J. Michael Hobert - Aye
 Beverly B. McKay - Absent
 John R. Staelin - Aye
 David S. Weiss - Aye

2015 BOS Assignments By Supervisor

David Ash

BCCGC Joint Building Committee County Administrator
 Berryville/Clarke County Joint Committee for Economic Development and Tourism
 BOS - Appointed Member
 Joint Administrative Services Board County Administrator
 Northwestern Regional Jail Authority BOS - Appointed Member
 Regional Airport Authority BOS - Alternate

Barbara J. Byrd

Board of Social Services BOS - Appointed Member
 Board of Supervisors Finance Committee BOS - Alternate
 Board of Supervisors Personnel Committee BOS - Alternate
 Clarke County Humane Foundation BOS - Liaison
 Clarke County Library Advisory Board BOS - Liaison
 Clarke County Planning Commission BOS - Alternate
 Clarke County School Board BOS - Liaison
 Northwestern Regional Jail Authority BOS - Liaison - Alternate
 Northwestern Regional Juvenile Detention Center Commission BOS - Liaison
 Towns and Villages: Berryville BOS - Liaison

J. Michael Hobert

Board of Supervisors Finance Committee BOS - Appointed Member
 Conservation Easement Authority BOS - Appointed Member
 Legislative Liaison and High Growth Coalition BOS - Liaison
 Parks & Recreation Advisory Board BOS - Liaison
 Towns and Villages: Berryville BOS - Liaison - Alternate

Beverly B. McKay

BCCGC Joint Building Committee BOS - Appointment Member
 Board of Septic & Well Appeals BOS - Vice Chair Alternate
 Board of Supervisors Vice Chair
 Board of Supervisors Finance Committee BOS - Alternate
 Board of Supervisors Personnel Committee BOS - Appointed Member
 Building and Grounds BOS - Appointed Member
 Career and Technical Education Advisory Committee BoS - Appointed Member
 Housing and Community Services Board BOS - Appointed Member
 Northern Shenandoah Valley Regional Commission BOS - Appointed Member

Regional Airport Authority	BOS - Alternate
The 150th Committee	BOS - Appointed Member
Towns and Villages: Boyce	BOS - Liaison
Berryville/Clarke County Joint Committee for Economic Development and Tourism	BOS - Appointed Member

John Staelin

Board of Septic & Well Appeals	BOS - Appointed Member
Board of Supervisors Finance Committee	BOS - Alternate
Clarke County Industrial Development Authority	BOS - Liaison
Clarke County Litter Committee	BOS - Liaison
Clarke County Planning Commission	BOS - Appointed Member
Clarke County Sanitary Authority	BOS - Liaison
Economic Development Advisory Committee	BOS - Appointed Member
Northern Shenandoah Valley Regional Commission	BOS - Alternate
Towns and Villages: Boyce	BOS - Alternate
Towns and Villages: Millwood	BOS - Liaison
Towns and Villages: Pine Grove	BOS - Liaison

David Weiss

Board of Supervisors	Chair
Board of Supervisors Finance Committee	BOS - Appointed Member
Board of Supervisors Personnel Committee	BOS - Appointed Member
Building and Grounds	BOS - Alternate
Clarke County Agricultural Advisory Committee	BOS - Appointed Member
Clarke County School Board	BOS - Alternate
Emergency Services	BOS - Chair
Fire & EMS Commission	BOS - Representative
Joint Administrative Services Board	BOS - Appointed Member
Strategic Planning Committee	BOS - Appointed Member

Economic Development Strategic Plan

Supervisor Byrd opined that the horse industry was a large part of Clarke's economy and it appeared to be "slighted" in the Economic Development Strategic Plan. She asked if an addendum to the plan were possible. She listed some of the types of businesses supported by the equine industry:

- | | |
|------------------|-------------------|
| 1) Feed stores | 18) Dressage |
| 2) Hay and straw | 19) Riding Events |

- | | |
|---------------------------------------|---|
| 3) Veterinarians | 20) Trailer and Truck Sales and Repairs |
| 4) Farriers | 21) Water Systems |
| 5) Tack Stores | 22) Breeding Farms |
| 6) Saddlery and Repair | 23) Boarding Farms |
| 7) Riding Clothes | 24) Equine Riding Arenas |
| 8) Fencing Contractors | 25) Barns |
| 9) Farm Equipment | 26) Turnouts |
| 10) Professional Agriculture Advisors | 27) Horse Sitting |
| 11) Riding Lessons | 28) Farm Sitting |
| 12) Horse Shows | 29) Horse Breaking and Training |
| 13) Team Penning | 30) 4H |
| 14) Trail Runs | 31) FFA |
| 15) Hunting | 32) Fair Exhibits |
| 16) Eventing | 33) Extension Services |
| 17) Cutting | 34) Printing and Advertising for Events |

Conservation Easement Authority Request for Board Consideration of Letters of Opposition to Pending Legislation

Alison Teetor advised that the Conservation Easement Authority was requesting review and, if agreed, the Board to send letters of opposition to the following proposed amendments.

- HB 1488 Conservations easements; tax benefits, disputes over terms.
- HB 1572 Open-space land; acquisition.
- HB 1828 SB 1019 Land preservation; tax credit.

Following review, **Supervisor Byrd moved to authorize staff to draft letters of opposition and to authorize the Chair to sign on behalf of the Board. The motion carried by the following vote:**

Barbara J. Byrd	-	Aye
J. Michael Hobert	-	Aye
Beverly B. McKay	-	Absent
John R. Staelin	-	Aye
David S. Weiss	-	Aye

Honorable Jill Vogel, Senate of Virginia General Assembly Building, Room 309 Richmond, VA 23218

Honorable Randy Minchew, General Assembly Building, P.O. Box 406, Richmond, VA 23218

Honorable Dave LaRock, General Assembly Building, P.O. Box 406, Richmond, VA 23218

RE: Support Land Conservation

The conservation of land for farming and forestry, to protect our heritage, and to provide spectacular places for us to recreate and recharge, is a critical activity in Virginia. The success of Virginia's land conservation programs has been the result of commitment by landowners across the Commonwealth to protect their lands in partnership with public and private organizations in their community. In Clarke County, our Easement Authority, alone, has been successful in permanently protecting nearly 6,000 acres. Much of this work has also been made possible by the Land Preservation Tax Credit which was determined to be both effective and efficient in achieving its goals, according to two studies by the Joint Legislative Audit and Review Commission.

I ask that you support land conservation in Virginia by expressing your support for a strong Land Preservation Tax Credit program. I also ask that you support a landowner's continued right to permanently protect their land in partnership with public and private land conservation organizations, such as the Clarke County Conservation Easement Authority. Thank you in advance for joining Clarke County in support of the Land Preservation Tax credit program.

Sincerely,
David Weiss, Chair

Josephine Street Nomination

Alison Teetor advised that Supervisor Hobert received a letter from the Department of Historic Resources requesting comments on the nomination of Josephine City for a National Register District. She advised that Maral Kalbian would be giving a presentation at the public hearing scheduled for February 9 at the Josephine City Museum at 6 pm.

Supervisor Byrd moved to authorize staff to draft a letter of support and to authorize the Chair to sign on behalf of the Board. The motion carried by the following vote:

- Barbara J. Byrd - Aye
- J. Michael Hobert - Aye
- Beverly B. McKay - Absent
- John R. Staelin - Aye
- David S. Weiss - Aye

Mr. James Hare
Director, Survey and Register Division
Department of Historic Resources
2801 Kensington Avenue

Richmond, VA 23221-0311

Re: Josephine City Historic District, Town of Berryville, Clarke County

Dear Mr. Hare:

On behalf of the Clarke County Board of Supervisors, I want to strongly support the nomination of the Josephine City Historic District to the National Register of Historic Places. This proposed historic district designates the County and Towns largest and most significant collection of buildings relating to African-American history.

Clarke County applied for and received two CLG grants to complete a Preliminary Information Form and the Nomination for the National Register District for the Josephine City community. The County has supported both projects and contributed matching funds to insure their completion.

Clarke County is very fortunate to be able to support this important area for historic designation.

Sincerely,
David Weiss, Chair

Barns of Rose Hill Visitor's Center

Supervisor Staelin informed the Board that the Barns of Rose Hill was in the process of applying for official designation that would allow signage and allow the County access to state programs for tourism. He advised that this was not a request for financial support but a letter of support for the Barns application. He advised that the Barns had not told him to whom to send the letter or what needed be included in the letter of support for its application. Supervisor Staelin will ask the Barns for a sample letter.

Supervisor Staelin moved to authorize staff to write a letter of support for the Barns of Rose Hill application and to authorize the Chair to sign on behalf of the Board. The motion carried by the following vote:

- Barbara J. Byrd - Aye
- J. Michael Hobert - Aye
- Beverly B. McKay - Absent
- John R. Staelin - Aye
- David S. Weiss - Aye

12) Summary of Required Action

<u>Item</u>	<u>Description</u>	<u>Responsibility</u>
Board of Supervisors Meeting Minutes For January 20, 2015 – Regular Meeting		

<u>Item</u>	<u>Description</u>	<u>Responsibility</u>
1.	Correct and process approved minutes.	Lora B. Walburn
2.	Process approved 2015-02R.	Lora B. Walburn
3.	Draft cover and provide copy of 2015-02R to Heritage Child Development Center.	Lora B. Walburn
4.	Update and distributed PD-121101-13 Fiscal Policy.	Lora B. Walburn
5.	Update Appointments database with 2015 Chair Appointments.	Lora B. Walburn
6.	Draft and process letter of opposition to conservation easement bills.	Alison Teetor
7.	Draft and process letter of support for Josephine City Historic District nomination.	Alison Teetor
8.	Ask the Barns of Rose Hill for a sample letter and contact information.	Supervisor Staelin
9.	Draft letter of support for Barns of Rose Hill application from sample and process.	David Ash
10.	Contact Doug Stanley and/or Bob Childress to arrange presentation and discussion of sanitary districts.	David Ash
11.	Provide notice of approval to applicant Watermelon Park / Shepherds Ford Productions and adjoining property owners.	Lora B. Walburn
12.	Process 2015-01R.	Lora B. Walburn
13.	Update County Code with CC-2015-01	Lora B. Walburn

13) Board Member Committee Status Reports

Supervisor J. Michael Hobert:

- Senator Vogel and Delegate Minchew have submitted parallel legislation to adjust the composite index to take into account localities that have adopted ordinances to provide for land-use-value assessment as part of its formula.

Supervisor Barbara Byrd:

- Social Services: Meets tomorrow

- Humane Foundation:
 - Meets next month.
 - Have received very nice contributions.
 - Finished the exercise/training yard.
- NWRADC:
 - Could be admitting 48 more female clients;
 - Decreasing expenditure by \$26,453; decrease does take into account additional inmates and the opening of a closed facility.
 - Will try to work more with the new facility on Route 522.
 - Chuck Dehaven is the 2015 chair of Regional Jail Authority replacing John Riley.
- Senator Vogel will be requesting funding for lime disease treatment and/or education, legislation that fits in with the County's goal to educate its citizens.

Supervisor John Staelin:

- EDAC:
 - Conducted a tour of Berryville retailers.
 - Retailers want more signs;
 - Promotion of the community via newspaper, tourist guides, magazines.
 - Sent a request to Senator Vogel's staff for a bill for VDOT signs.
 - Would like to have a coordinated effort with Trip Advisor or Yelp and to encourage tourists to add comments on these travel sites.
- Joint EDAC and Tourism:
 - Director of Economic Development and Tourism job description complete;
 - Position is "open until filled."
 - Five responses received since employment ads posted.
- CCSA:
 - Millwood water tower came in just over \$1MM, close to where it was originally budgeted.
 - Most likely going to advertise for a rate increase of 10% for water and 6% for sewer.
- PC:
 - Cell tower application for Allen Road withdrawn by applicant.

- Brewery site visits conducted in December. Subcommittee is working on regulations and continuing deliberations.

Chairman David Weiss:

- CEA: On February 2 will conduct its inaugural awards lunch at Camino Real.
- SPC: Progressing.
- EMS Commission: Working through strategic plan.

David Ash for Vice Chairman Bev McKay:

- Property Owners of Shenandoah Farms – Establishment of Sanitary District
 - Some residents are pursuing designation as a sanitary district.
 - Able to obtain more than fifty signatures.
 - POSF attorney will go before the judge tomorrow; if granted, the Board of Supervisors will become the Board of the sanitary district as well.
 - Provides a mechanism for residents of the area to assess a tax and for that tax to provide public services within the district, specifically, in this case, the POSF is asking for roads.
 - Warren County Shenandoah Farms residents are already part of a Sanitary District and are repairing Warren County's roads in Shenandoah Farms.
 - The Supervisors only involvement is to approve a revenue request made by the POSF Board.
 - Revenue is not limited to roads but the court sets up a sanitary district.
 - Following discussion, the Board instructed David Ash to contact Warren County's Bob Childress and/or Doug Stanley to arrange a presentation and discussion on sanitary districts. The Board tentatively set the matter for the February Work Session.

14) Closed Session

At 3:32pm, **Supervisor Hobert moved to convene into Closed Session pursuant to for– Discussion and Review pursuant to §2.2-3711-A3 Discussion or consideration of the acquisition of real property for a public purpose, or of the disposition of publicly held real property, where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the public body. The motion carried as follows:**

Barbara J. Byrd	- Aye
J. Michael Hobert	- Aye
Beverly B. McKay	- Absent
John R. Staelin	- Aye
David S. Weiss	- Aye

At 3:05 pm, the members of the Board of Supervisors being assembled within the designated meeting place, with open doors and in the presence of members of the public and/or the media desiring to attend, **Supervisor Hobert moved to reconvene in open session. The motion carried as follows:**

Barbara J. Byrd	- Aye
J. Michael Hobert	- Aye
Beverly B. McKay	- Absent
John R. Staelin	- Aye
David S. Weiss	- Aye

Supervisor Hobert further moved to execute the following Certification of Closed Session:

CERTIFICATION OF CLOSED SESSION

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

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

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

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

Barbara J. Byrd	- Aye
J. Michael Hobert	- Aye
Beverly B. McKay	- Absent
John R. Staelin	- Aye

David S. Weiss - Aye

No action was taken on matters discussed in Closed Session.

Chairman Weiss recessed the meeting at 3:06 pm.

Chairman Weiss reconvened the meeting at 6:30 pm.

15) Citizen's Comment Period

Lenny Bianchi, Bluemont: Sent an email to members of the Board of Supervisors regarding tear gas. He pointed out that tear gas is banned from use in warfare but used against protesters. He informed the Board that during a phone call with Clarke County Sheriff Tony Roper confirmed that he stores tear gas.

Good evening. My name is Lenny Bianchi. I'm a lifelong resident of Northern Virginia and have been a property owner and resident of Clarke County for over 13 years. I reside at 19417 Blueridge Mountain Road in Bluemont.

The matter that concerns me I've already communicated in an email to each member, dated 14 December. It came to my attention when in August the Washington Post published an article regarding the events in Ferguson, Missouri. The article was headlined, "Tear gas is a chemical weapon banned in war. But Ferguson police shoot it at protesters."

I was surprised to learn that tear gas, also called CS, was banned for use in warfare by the Geneva Convention of 1923 as well as the Convention for the Prohibition of Chemical Weapons of 1993 signed by the United States along with virtually every other government on earth. I had always thought of tear gas as a relatively harmless tool for law enforcement. The Washington Post article made me wonder:

Why would practically all nations agree to ban it's use in warfare, if it's so harmless?

I contacted our local Sheriff's Department to inquire if they stock tear gas here in Clarke County. Sheriff Roper responded that in fact he does. It is my understanding he has sole authority to make this decision.

So I began researching the matter. It turns out, it is in fact a dangerous chemical weapon. It is rightly classified as a chemical warfare agent by the Geneva Convention. In many cases it's use has proved deadly. Children, the elderly, and those with respiratory problems have lost their lives when tear gas was used. Many have suffered permanent blindness, cardiovascular and neurological complications, permanent nerve damage and even miscarriages.

Here are a few brief quotes regarding the dangers of tear gas:

Discover Magazine:

"severe reactions to the chemical have occurred, and include blistering, irreversible damage to the eyes, heart and liver damage, respiratory distress, and heart failure."

The American Medical Association:

"The possibility of long-term health consequences such as tumor formation, reproductive effects and pulmonary disease is especially disturbing."

The National Academy of Medical Sciences:

"The use of CS gas and other tear gases with comparable clinical effects should be taken as tantamount to chemical warfare against civilians and, therefore, the use of these agents against human populations everywhere should be banned."

Dr. Sven-Erik Jordt, a nerve gas expert formerly at Yale University, now at Duke, has made tear gas the subject of research for decades. He has received a grant from the federal government to continue his study.

Quoting Dr. Jordt:

"When people are exposed to tear gas, the chemical agent activates the fine nerve endings on their eyes, skin, noses, airways and mouths."

"These are very active chemicals that can cause quite significant injury." He concludes:

"Tear gas under the Geneva Convention is characterized as a chemical warfare agent, and so it is precluded for use in warfare, but it is used very frequently against civilians. That's very illogical."

In the run-up to the war against Iraq, the United States used as justification the fact that Saddam Hussein used chemical weapons against his own people. And yet, at the very time those accusations were being made, and right up until today, Clarke County continues to stock a chemical weapon for use against, not foreign enemies, but it's own citizens. Is it really possible to rationalize or explain away this gross incongruity?

In the last few months, the media has covered stories from Ohio and Texas where local police were practicing with tear gas and the chemical found it's way into schools where children were attending classes. In one case the school was over one mile away. The schools were evacuated and many were hospitalized. Just in the last week, students in Columbus were celebrating Ohio State's football victory and while loudly, but peacefully celebrating in the streets, the police deployed tear gas to move them back onto the sidewalk. Police now routinely use tear gas, according to their own statements, for "crowd control".

I visited Sheriff Roper on December 29th. Although I posed the question twice during our visit, he would not respond as to whether he saw a logical contradiction with stocking a chemical weapon, banned for use in warfare, for use against citizens here in Clarke County. He said he would want to have tear gas available, for example, if he were faced with a hostage situation. I mentioned his comment to a resident in Berryville who was formerly Vice Mayor of Middleburg. He told me if there were a hostage situation in his home and tear gas was shot into the house, he would probably not survive it as he is a severe asthmatic.

Sheriff Roper asked me to provide him with research material and I have submitted to him articles from the Washington Post, National Geographic Magazine, Physicians for Human Rights and the web site for the Convention for the Prohibition of Chemical Weapons.

In the last few weeks I've personally visited over 100 homes in Clarke County to take the pulse of my neighbors on this issue. A great majority agree we should not have this chemical weapon stocked in our community, and many have signed a petition to ask it be removed.

I would like to ask this of the Board: Do you not see a glaring contradiction with stocking a chemical weapon in Clarke County for use against our citizens that has been banned for use in warfare? Does your basic humanity move you to do all you can to see that this dangerous chemical weapon is removed from our community?

Thank you.

Supervisor Staelin commented that the Board of Supervisors does not have authority over the Sheriff's Office. He expressed support for Sheriff Roper and his trust in the Sheriff to store and use tear gas properly. Drawing upon his experience in the National Guard, he stated that he knew tear gas could kill people; but he also knew, having been trained in crowd control, it saves lives too. He assured Mr. Bianchi that he understood his concerns opining that there was a contradiction of sorts but there was really no way to determine how many lives are saved by its use. He concluded noting it was a paradox that it sometimes takes lives to save lives.

Supervisor Byrd asked if weapons other than tear gas or rubber bullets were available for crowd control.

Mr. Bianchi did not provide alternative weapons, means or suggestions for crowd control.

- 16) PH-15-01 Watermelon Park / Shepherds Ford Productions, LLC Multi-Year, Multi-Event Special Event Permit Application: Watermelon Park Fest 9/24-26/2015, 4th weekend in September 2016, 2017; River and Roots Festival 6/25-27/2015, 4th weekend in June 2016, 2017; Single-day Event Date TBD

David Ash briefed the Supervisors on the permit application from Watermelon Park / Shepherds Ford Productions advising that the applicant was present, agency responses received, as well as certificate of insurance. He reminded the Board that Watermelon Parkfest was previously permitted for five years prior to Board action to restrict multiple-year special event permits to three-year approval. He informed the Board that Administration had received seven letters of support after the packet was distributed and these had been copied and distributed to the Supervisors just prior to the beginning of the meeting. Mr. Ash further noted that Administration had received several inquiries resulting from an expanded notification list that Mr. Watkins provided to nearby neighbors across the river but no complaints about the specific special-event activities.

At 6:43 pm, Chairman Weiss opened the public comment portion of the public hearing.

Gem Bingol, employee of the Piedmont Environmental Council [PEC], Loudoun County resident and event-attendee: Spoke in support of the special event permit application. She stated that she was speaking from her experience when she did represent PEC at the River and Roots Festival that the event was well-managed, orderly, clean and encouraged recreation and appreciation of the river. She commented that she witnessed no environmental degradation or issues that she could see resulting from the event.

Frazer Watkins, applicant, clarified that the Shenandoah Riverside Festival, now River and Roots Festival, received Board approval for three-year special event application in December 2012 for 2013, 2014 and 2015 and has one year remaining on that application. He stated that he was applying for all three events together on one multi-event, multi-year application so they would be on the same time cycle. As to support for the application on social media, there were 30 to 40 additional comments.

6:46 pm, Chairman Weiss closed the public comment portion of the public hearing. He called for comment from the Supervisors he called for a motion to approve.

Supervisor Staelin moved to approve Watermelon Park / Shepherds Ford Productions, LLC Multi-Year, Multi-Event Special Event Permit Application: Watermelon Park Fest 9/24-26/2015, 4th weekend in September 2016, 2017; River and Roots Festival 6/25-27/2015, 4th weekend in June 2016, 2017; Single-day Event Date TBD. The motion carried as follows:

Barbara J. Byrd	-	Aye
J. Michael Hobert	-	Aye
Beverly B. McKay	-	Absent
John R. Staelin	-	Aye
David S. Weiss	-	Aye

As suggested at the December 16, 2014 regular meeting, the Board anticipates that the applicant will provide notice to County Administration 90 days in advance of the "To Be Determined" event providing name, date, times and particulars as set forth in Code of Clarke County Chapter 57 Special Events. The Board further requires that the applicant annually provide for each event an insurance endorsement naming the County as additional insured, as well as annual notification of event date[s].

- 17) PH-15-02 CC-2015-01 Chapter 17 Fire, Emergency Medical Services (EMS), and Emergency Management, Department Of, Amendment to establish a service fee for ambulance transport.

Brandon Stidham reviewed the proposed Code amendment. He advised the Board that he had distributed at the beginning of the evening session a revision to the fee schedule clarifying that the cost is \$11 per mile. He advised that Bob Mitchell, County attorney, did review the proposed amendment and had no outstanding concerns with the wording.

At 6:49 pm, Chairman Weiss opened the public comment portion of the public hearing.

Matt Hoff, President Boyce Volunteer Fire and Rescue Company: read the following statement:

Good evening Members of the Clarke County Board of Supervisors: My name is Matt Hoff, President of the Boyce Volunteer Fire Company. I appear before you tonight to express our support for you to pursue "Fee for Service" within Clarke County.

The Amendment for "Fee for Service" will provide an untapped revenue source for Clarke County to be able to fund its EMS and Fire Services more effectively in the coming years.

I believe anytime funding can be obtained for use within Clarke County, without the need to burden the taxpayers with tax increases there are benefits for all county citizens.

I urge you to vote in favor of the "Fee for Service" amendment and thank you once again for your support to the County Fire and EMS system.

Laure Wallace, member of Fire and EMS Work Group and Fire and EMS Commission Chair: spoke in support of the proposed amendment opining that it was a critical pillar and building block to the future of developing a state-of-the-art combined system. She listed some of the reasons it was important:

- Recruitment: The County is in need of an updated recruitment system that will help us. Clarke is unique to the surrounding counties in that it is still predominately volunteer. Surrounding counties have paid services and support from volunteers. How the County reaches out has to be targeted to our specific rural community.
- Provide Support Staff: Staff is important to roll in the fee-for-service funds. Staff will be looking for efficiencies in central purchasing, development of standards, citizen education on fire and ems, for standardizing and integrating a system where service to our citizens is a standard across the board and not just sporadic.
- Provide Support for Emergency Equipment Purchases: The cost of fire and ems vehicles and equipment is increasing.
- To Ensure Updated Personal Protective Gear: Update needs to occur on a regularly scheduled basis.
- Training: Conduct training that meets the needs of our rural community. Currently training provided is often from surrounding counties with predominately paid staff

using academy-style training that does not work well with volunteers that work full-time jobs.

- Communication: The County must put a lot of attention on how it communicates to our citizens that they have a rural, predominately-volunteer system; and figure out how to engage them effectively.

At 6:54, Chairman Weiss closed the public comment portion of the public hearing.

Chairman Weiss called for comment from the Board.

Supervisor Byrd noted that qualified persons researched the program. She put forth that Clarke was one of the last counties in Virginia without fee-for-service. She opined that the County had done its homework, had its answer, and should move forward as soon as possible.

Chair Weiss concurred with Mrs. Wallace that the program was a key to the system that the County is trying to create and critical to the future success of the volunteer. He complimented Frank Davis for his ability to find a way for Clarke to “piggyback” on Frederick County’s contract.

Supervisor Hobert moved to adopt the Resolution to Adopt an Amendment to Chapter 17 (Fire, Emergency Medical Services (EMS), and Emergency Management, Department of) to Establish a Service Fee for Ambulance Transport 2015-01R.

Supervisor Hobert added his thanks to the Fire and EMS work group, those persons that supported the work group, staff, as well as department personnel, Supervisor Weiss. He opined that it had been a long, arduous task but something that was needed.

Supervisor Staelin expressed his thanks to Supervisor Hobert for starting the process.

Chairman Weiss put forth that it had been a group effort.

The motion carried as follows:

Barbara J. Byrd	-	Aye
J. Michael Hobert	-	Aye
Beverly B. McKay	-	Absent
John R. Staelin	-	Aye
David S. Weiss	-	Aye

Resolution to Adopt an Amendment to Chapter 17 (Fire, Emergency Medical Services (EMS), and Emergency Management, Department of) to Establish a Service Fee for Ambulance Transport 2015-01R

WHEREAS, the Clarke County Board of Supervisors, with the support of the John H. Enders Fire Company and Rescue Squad, Boyce Volunteer Fire Company, and Blue Ridge Volunteer Fire and Rescue Company 8, has determined that an additional source of funding is necessary to maintain and improve current and future levels of service for fire, emergency medical services (EMS), and emergency management provided to the County’s citizens; and,

WHEREAS, Code of Virginia §32.1-111.14 authorizes localities to assess and collect a service fee for ambulance transport of patients as authorized by §38.2-3407.9; and

WHEREAS, the Board of Supervisors, by adoption of this Ordinance, intends to establish this service fee for ambulance transport; and

WHEREAS, the funds collected through the service fee are designated by the Board to be used for fire, emergency medical services (EMS), and emergency management purposes with specific appropriations to be determined through the County’s annual budget process; and

WHEREAS, the Board establishes that the service fee will be billed according to rates set forth in Attachment A, Service Fee Schedule, to this Resolution in accordance with §17-11(C) of this Ordinance;

AND WHEREAS, the Board further establishes in accordance with §17-11(D) that the service fee shall be billed to the patient’s insurance provider, and that the County shall not bill individual patients for ambulance transport services at this time.

NOW THEREFORE BE IT RESOLVED THAT the Clarke County Board of Supervisors, following a duly advertised Public Hearing on January 20, 2015, hereby adopts and amends Chapter 17 of the Clarke County Code to establish a service fee for ambulance transport.

ATTEST:

David L. Ash, Clerk
Clarke County Board of Supervisors

Code of Virginia References (§18.2-414.1; §27-14, 15.1, and 23.6; §44-146.19; §32.1-111.14; §38.2-3407.9)

§17-11 Service fee for ambulance transport

A. Purpose. A service fee is hereby established for basic life support transport (BLS), advanced life support level 1 transport (ALS 1), advanced life support level 2 transport (ALS 2), and for ground transportation mileage on each person being transported by an emergency services organization that is authorized to provide emergency medical services in accordance with this Chapter.

B. Definitions. As used in this article, the following terms shall have the meanings indicated:

1. **Advanced life support level 1 (ALS 1) – Medical treatment or procedures provided to a patient beyond the training of an EMT-Basic as defined by the National Emergency Medicine Services (EMS) Education and Practice Blueprint for the Emergency Medical Technician – Basic (EMT-Basic), but not ALS 2.**
 2. **Advanced life support level 2 (ALS 2) – Advanced life support services provided to a patient, including one or more of the following medical procedures:**
 - a. **Defibrillation/cardioversion**
 - b. **Endotracheal intubation**
 - c. **Cardiac pacing**
 - d. **Chest decompression**
 - e. **Intraosseous line**
 - f. **Administration of three or more medications**
 3. **Basic life support (BLS) – Medical treatment or procedures to a patient defined as basic life support by the National Emergency Medicine Services (EMS) Education and Practice Blueprint for the Emergency Medical Technician – Basic (EMT-Basic)**
 4. **Ground transport mileage – Mileage shall be assessed in road miles from the location of the incident to a hospital or other facility where a patient is transported.**
- C. **Fee Schedule. The schedule of fees for emergency ambulance transport services shall be set by resolution of the Clarke County Board of Supervisors and may be updated from time to time.**
- D. **Billing.**
1. **Clarke County or its agent shall generate a bill for ambulance transports whose point of origin is within the boundaries of Clarke County. Billing, payment, and collection policies shall be established by resolution of the Board of Supervisors.**
 2. **Clarke County may contract with a third-party that shall be designated as the County's agent for billing and related services.**
 3. **Emergency medical services organizations shall submit information required for the County or its agent to generate a bill for such services including but not limited to call sheets/patient care reports. Due to the fact that patient care information is highly confidential under several state and Federal laws, such information will remain the responsibility of the organization responding to individual calls. Information shared under this subsection shall be that information reasonably necessary to accomplish the billing process or other arrangement as mutually agreed to by the providing agency and the County.**

Attachment A
Fee Schedule

ALS 1 Emergency Base Rate	\$550.00
ALS 2	\$755.00
ALS Mileage (per mile)	\$11.00
BLS Emergency Base Rate	\$440.00
BLS Non-Emergency Base rate	\$431.00
BLS Mileage (per mile)	\$11.00

18) PH-15-03 TA-14-05, Technical Amendments to the Zoning Ordinance; Proposed amendments:

1. Amend §2-B-1-c to change the location of the Official Zoning Map from the Office of the Clerk of the Circuit Court to the Department of Planning. The purpose is to note the correct physical location of the Official Zoning Map.
2. Amend §3-A-10-a-3, Special Uses and Structures (Business Park District), to add two new special uses – “Recreation, Commercial Indoor (NAICS Code 71394)” and “Petroleum Bulk Stations and Terminals (NAICS Code 424710).” The purpose is to reflect the recent inclusion of these two uses in the Town of Berryville Zoning Ordinance

Brandon Stidham reviewed the proposed amendments to the Zoning Ordinance.

At the request of Supervisor Byrd, Mr. Stidham listed types of indoor recreational facilities.

At 7:00 pm, Chairman Weiss opened the public comment portion of the public hearing. There being no persons present wishing to speak, Chairman Weiss closed the public hearing and he called for comment from the Supervisors.

Supervisor Staelin moved to amend 1. 2-B-1-c and 3-A-10-a-3 as presented. The motion carried as follows:

Barbara J. Byrd	-	Aye
J. Michael Hobert	-	Aye
Beverly B. McKay	-	Absent
John R. Staelin	-	Aye
David S. Weiss	-	Aye

Zoning Ordinance Amendment Text (proposed changes in bold italics with strikethroughs where necessary):

2 DISTRICTS, ZONING MAP & DISTRICT BOUNDARIES

2-B-1 General

2-B-1-c Regardless of the existence of purported copies of the Official Zoning Map, which may from time to time be made or published, the Official Zoning Map, which shall be

located in the ~~Office of the Clerk of the Circuit Court~~ **Department of Planning**, shall be the final authority as to the current zoning status of land and water areas, buildings, and other structures in the County.

3 DISTRICT REGULATIONS

3-A-10 Business Park (BP)

3-A-10-a Permitted Uses

3. Special Uses and Structures

l. 71394 Recreation, Commercial Indoor

m. 424710 Petroleum Bulk Stations and Terminals

19) Adjournment

There being no further business to be brought before the Board at 7:04 pm Chairman Weiss adjourned the Board of Supervisors meeting.

Next Regular Meeting Date

The next regular meeting of the Board of Supervisors is set for Tuesday, February 17, 2015 at 1:00 p.m. in the Berryville Clarke County Government Center, Main Meeting Room, 101 Chalmers Court, Berryville, Virginia.

ATTEST: January 20, 2015

David S. Weiss, Chair

David L. Ash, County Administrator

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