

CLARKE COUNTY BOARD OF SUPERVISORS
February 8, 2010
Special Meeting
Main Meeting Room

1:00 p.m.

At a regular meeting of the Board of Supervisors of Clarke County, Virginia, held in the Main Meeting Room, 2nd Floor Berryville Clarke County Joint Government Center, 101 Chalmers Court, 2nd Floor, Berryville, Virginia on Tuesday, February 8, 2010.

Board Members Present

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

Board Members Absent

David Weiss

Staff Present

David Ash, Chuck Johnston, Lora Walburn

Others Present

Dr. Michael Murphy, Janet Alger, Jennifer Welliver, Lauren McKay, Val Van Meter

Call to Order

Chairman Hobert called the meeting to order at 10:13 a.m.

Adoption of Agenda

Supervisor Staelin requested an addition to the Closed Session discussion of the issue of acquisition of property at the Business Park.

Supervisor Byrd moved to approve the agenda as modified.

The motion carried by the following vote:

J. Michael Hobert, Chair - Aye

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

Clarke County Public Schools Update

Dr. Michael Murphy appeared before the Supervisors to provide the monthly update for the Clarke County Public Schools. Highlights include:

- Schools are closed today and tomorrow; the rest of the week is on a day-by-day basis.
- Currently working on banked time. Five days are in the calendar for snow and Tuesday eight days will have been used.
- Winter storm poetry contest is under way. Clarke Daily News will feature poems on line.
- Division closure day. Still working on systemic issues but today facilities are not accessible.
- Maintenance and the custodial staff continue to work on clearing.
- Working on IB training this summer with approximately fifteen slots being sought with funding from the CCC.
- Looking at a \$1MM plug figure for reductions.
- Working with the Kaine budget.
- Cost of the composite index shortfall [loss] is approximately \$1,609,840.
- Working on program cuts and staffing issues. The goal is to keep as many people as possible to avoid family and community hardship but the Schools are running out of things to cut. Currently looking at attrition and retirement.
- \$970,000 carryover from last year with approximately \$490,000 left after set aside for high school construction and would request that these funds be made available to the Schools.
- Discussion continues on the EMT / Fire program with LFCC. Student registration will dictate if a class is conducted.
- Fall ADM list is still owing to the Supervisors. It is lower than estimated.
- Some program reductions may be suggested for next year due to lower enrollment particularly on the high school level.
- High School Update:
 - o Crabtree is working on the 90% goal. Program meetings were scheduled for tomorrow but will depend on weather.
 - o Working through issues regarding equipment of kitchens and development of agricultural area.

- Division has sought legal counsel on construction to perform final review of all construction documents.
- Responding to Chairman Hobert, Dr. Murphy advised:
 - Crabtree and Gannet Fleming have provided fire flow documentation and release of the documents from PHR+A to the Town of Berryville has been authorized.
 - Deeds of dedication for rights of way are under review at the Attorney General's office.
 - Responding to Supervisor Staelin, he advised that timing to get documents out to bid depends on whether the School Board decides to wait for permitting to be done. Submission could be as early as March.
 - Responding to Supervisor Byrd, he said that Gary Pope, Code Official, advised that he saw little problem during his review of the preliminary plans.
- Dr. Murphy thanked Chairman Hobert for his work on the joint resolution regarding the Composite Index.
- Dr. Murphy thanked the Supervisors for recognizing the accomplishments of Boyce Elementary and promised assistance with the presentation by the Supervisors to School staff.
- Alert Now system is working well.

Supervisor Dunning joined the meeting at 10:40 a.m.

Approval of Minutes

Supervisor Staelin requested the following corrections:

- Book 20 Page 106 Change Tammy Lynn to Lanham.
- Book 20 Page 109 Change Chairman Staelin to Chairman Hobert.

Supervisor Staelin moved to approve the minutes of January 19, 2010 as modified.

The motion was approved by the following vote:

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

Consent Agenda

10-03R Resolution of Congratulations 2010 Governor's Award for Educational Excellence
Boyce Elementary School

John Staelin suggested that the second paragraph of the draft resolution be changed to read "and given to schools for meeting . . . and for making progress toward . . ."

Resolution of Congratulations
2010 Governor's Award for Educational Excellence
Boyce Elementary School
10-03R

WHEREAS, Boyce Elementary School is the recipient of the 2010 Governor's Award for Educational Excellence, among 153 schools in the Commonwealth of Virginia to receive the award in 2010; and



WHEREAS the award is the highest honor a school can receive within the Virginia Index of Performance program initiated in 2007 by the state Board of Education given to schools for meeting all state and federal benchmarks for at least two consecutive years and for making progress toward the goals of the governor and board; and

WHEREAS Boyce Elementary was the only Northern Shenandoah Valley school to receive this prestigious award.

NOW, THEREFORE, BE IT RESOLVED that the Clarke County Board of Supervisors commends Boyce Elementary School for its continued excellent performance; and

BE IT FURTHER RESOLVED that the Board of Supervisors of Clarke County acknowledges the dedicated efforts of Principal Susan Catlett, the teachers, support staff, students, and parents of Boyce Elementary School.

Adopted this 8th day of February 2010.

Attest:

J. Michael Hobert, Chair
Clarke County Board of Supervisors

10-04R Joint Resolution of the Clarke County Board of Supervisors and the Clarke County School Board

Supervisor Staelin moved to approve the items on the Consent Agenda as modified for 10-03R.

The motion carried by the following vote:

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

**JOINT RESOLUTION OF THE CLARKE COUNTY BOARD OF SUPERVISORS AND
THE CLARKE COUNTY SCHOOL BOARD**

Whereas, the Clarke County Board of Supervisors remains committed to serving the residents and businesses of the County by providing high quality, cost effective, core public services such as public K-12 education;

Whereas, the Clarke County School Board remains committed to serving the residents and businesses within Clarke County by providing Clarke's children every opportunity for a high-quality education in a safe and nurturing environment;

Whereas, a high quality and cost-effective public education promotes the welfare of the County and prepares Clarke's students for their many challenges in the future; and thereby promotes and furthers Clarke County, the northern Shenandoah Valley and the Commonwealth's economic development interests by maximizing our ability to compete and attract businesses both nationally and internationally;

Whereas, public education within the Commonwealth has been a mutually shared fiscal obligation and a core service jointly provided by Virginia and local governments and of which many mutual benefits are derived in its success;

Whereas, the Proposed State Biennial Budget as Introduced on December 18, 2009 proposes a "freeze" to the Local Composite Index (LCI) for FY 11, which is the measure used to determine the State and local shares of K-12 education costs which will result in an amount estimated to be in excess of \$1 million less State education aid for Clarke County even though the school population is projected to grow in FY11;

Be it resolved that the Clarke County Board of Supervisors and the Clarke County School Board strongly oppose the arbitrary and delayed implementation of the routine biennial re benchmark update to the 2010-2012 LCI contained in the Proposed State Biennial Budget.

- While imperfect, the LCI has been the Commonwealth's accepted measure of local ability to pay for K-12 education. State K-12 funding formulas must be implemented consistently, fairly and equitably, so all localities benefit from their partnership with the Commonwealth and not be victimized by the placement of regional politics above impartiality.

- This proposal disproportionately penalizes Clarke County and other communities of the northern Shenandoah Valley in the current year and is a breach of trust which will be felt by urban, suburban, and rural localities throughout the Commonwealth as well, both now and into the future.

Now, therefore, be it further resolved, that the Clarke County Board of Supervisors and the Clarke County School Board jointly resolve to work together with other partners including other localities and school divisions, business and non-profit organizations, and willing members of the County's and Regional delegations to the Virginia General Assembly to oppose this action and voice their concerns about the postponement of the LCI for FY 11.

Citizens Comment Period

No citizens appeared to address the Supervisors.

Closed Session

Supervisor Staelin moved to convene into Closed Session pursuant to 2.2-3711(A)(7) briefing by staff members regarding probable litigation and §2.2.3711-A3 for the purpose of discussing acquisition of property in the Business Park

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

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

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

Supervisor Staelin 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:

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

No action was taken on matters discussed in closed session.

Regional Agricultural Economic Development Coordinator Position Update

Chairman Hobert advised that Chris Bates, local Farm Bureau representative, was unable to attend the meeting. Highlights of the discussion include:

- Size of the proposed region.
- It does not appear that Frederick County will be participating.
- Every group that does not join increases funding request to participating jurisdictions.
- Chairman Hobert instructed David Ash to convey to Chris Bates and David Weiss the Supervisors decision to table the matter until the next meeting.

Planning Fee Adjustment

Chuck Johnston reviewed the history and rationale behind the proposed fee adjustments. He advised that public hearing is not required.

Following discussion, **Supervisor Dunning moved to adopt the fee changes as modified.**

The motion carried by the following vote:

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

2010 Planning Fees

Zoning Map Amendment	\$ 4000 per acre or portion of
Amendment to less intense district	½ Zoning Map Amendment Fee
Amendment to Rezoning Proffers	½ Zoning Map Amendment Fee
Text Amendment (Comprehensive Plan; Zng Ord; Subd Ord)	\$ 6000
Appeals to Board of Supervisors	\$ 2500
Special Use Permit for property zoned commercial/indus.	\$ 2500 for each disturbed acre or portion thereof + Site Plan Fees
for property zoned AOC, FOC, resid.	\$ 2500 + Site Plan Fees
Amendment	½ Regular Fee
Site Development Plan for property zoned commercial/indus.	\$ 5000 + \$ 250 /required parking space
for property zoned AOC, FOC, or	\$ 2500 + \$ 250 /required parking space residential or for non-profit uses
Amendment by Planning Commission by Planning Administrator	½ Regular Fee ¼ Regular Fee
Major Subdivision (3 or more new lots)	\$ 4000/lot, plus \$ 300 for each road sign & pole set as needed
Minor Subdivision (one or two new lots)	\$ 4000 plus \$ 300 for each road sign & pole set as needed
Boundary Line Adjustment	\$ 500 plus \$ 2750 for each DUR transferred
Maximum Lot Size Exception requiring Planning Commission approval	\$ 1500
Subdivision Ordinance Waiver	\$ 1250
Vacation of Plat	\$ 1825
Board of Zoning Appeals	\$ 750 (fee refunded if appeal upheld)
Board of Septic & Well Appeals	\$ 750
Review of blasting plans	\$1250
Septic and Well Applications	
Sewage Disposal Application	\$ 270 (plus VDH fee: \$ 355) = \$ 625, all paid to VDH
Well Water Supply Application	\$ 185 (plus VDH fee: \$ 205) = \$ 390, all paid to VDH
Walkover Fee	\$ 80 paid to VDH
Sign Permit	\$ 20 per sq/ft
Zoning Determination Letter (identification of property zoning and permitted uses)	\$ 150

requiring interpretation of county regulations)	
Zoning Certification Letter (identification of property zoning and permitted uses)	\$ 100
Certificate of Appropriateness for property zoned commercial or industrial	\$ 100
for property zoned AOC/FOC/Residential Or for non-profit uses	\$ 50
Major Land Disturbance Permit For site plans, major subdivisions, or non-residential land disturbances of 10,000 sq ft or more.	\$ 500 per plan + \$ 100/acre of disturbed area
Minor Land Disturbance Permit For any disturbance of less than 10,000 sq ft and disturbances of 10,000 sq ft or more with minimal impact as determined by the Zoning Administrator.	\$ 250
E&S Re-inspection	1 st visit: \$125; 2 nd : \$250; 3 rd : \$500; 4 th : \$1000; etc
Zoning Permit	
Structure not requiring a building permit	\$ 100
Residential Structure	
New principal structure	\$ 300
Accessory structure or heated addition	\$ 200
Unheated additions (porches/decks)	\$ 100
Initial review of Home Occupation / Business License	\$ 100
Commercial Structure	
New principal structure or any addition with sq ft increase of 15% or more	\$ 750
Accessory structure or any addition with sq ft increase of less than 15%	\$ 500
Stream Buffer Mitigation Plan	\$ 150
Land Evaluation & Site Assessment (LESA)	\$ 250
New Structure Addresses	\$ 130

Acreage, square foot, or parking space numbers are rounded to next whole number for determination of fee.

Collection and Expense Reimbursement Payment of all applicant fees and charges shall be made to the Treasurer of Clarke County at the time of application for actions pertaining to zoning and subdivision matters. Fees and expenses for professional review of application materials by county consultants shall be reimbursed to the County at cost. An administrative fee of \$30 shall be charged for reimbursements not received within 30 days of first payment notice (VA Code §58.1-3958). The County may require a deposit for professional consulting service fees to be paid at application submittal.

Fee Waiver: The Board of Supervisors may waive fees in whole or in part for hardship or other unique reasons justifying relief. The Board of Supervisors or Planning Commission, at no cost to the landowner, may initiate zoning Ordinance Amendments. The Board of Supervisors has granted waivers for the following circumstances:

1. Zoning Application for housing for low/moderate income elderly citizens developed by a non-profit entity;
2. Zoning Applications for volunteer emergency service provider uses;
3. Zoning Applications for municipal water storage uses;
4. Zoning Applications for County-owned recreational uses; and
5. Special Use Permit and Site Plan Applications for nursery, day care, or pre-school uses operated by a non-profit entity in an existing structure.

Refund Withdrawal of application before Planning Commission (or other review bd.) sets public hearing on request = 50% refund

Withdrawal of application before Board of Supervisors sets public hearing on request = 25% refund

Republication Costs If the County has published a request in accord with public notice requirements and the applicant fails to meet their obligation for providing notice by posting signs and/or sending legal notice to adjoining property owners, the additional costs of republishing the request shall be paid by the applicant in addition to standard fees paid.

Animal Control Policy Update

David Ash reviewed the drafted policy. He advised that Mike Legge has issued three bid documents.

Chairman Hobert noted several wording changes.

Supervisor Staelin moved to acknowledge Board review, concurrence and support of the Animal Control Policy.

The motion was approved by the following vote:

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

Government Projects Update

Circuit Courthouse Bid Notice – Bids Due March 16

David Ash stated that bids are out and due by March 16. He advised the Supervisors not to approve any bids until outstanding issues are resolved.

Joint Government Center Committee Meeting Scheduled for February 11, 2010 at 1 p.m.

David Ash informed the Supervisors that he is drafting an agenda for the February 11, 2010 Joint Government Center Committee meeting.

Miscellaneous

No miscellaneous items were identified.

Summary Of Required Action

<u>Item</u>	<u>Description</u>	<u>Responsibility</u>
1.	Modify 1/19/2010 regular meeting minutes and process.	Lora B. Walburn
2.	Modify 10-03R and process.	Lora B. Walburn
3.	Process 10-04R and provide to the Clarke County School Board	Lora B. Walburn
4.	Convey to Chris Bates and David Weiss the Supervisors decision to table discussion on the Regional Agricultural Economic Development Coordinator position until the next meeting.	David Ash

Board Member Committee Status Reports

Sanitary Authority by Supervisor Dunning

- Moving ahead with the tower.

Library Advisory Committee by Barbara Byrd

- The Library will be installing automatic, handicap doors with remaining building funds.

Inclement Weather

- Offices closed at 1 pm on Friday due to the snowstorm.
- May have an early closing this Tuesday and closing Wednesday due to another forecasted snowfall.
- Power outages have been cleared throughout the snow event with 400 customers without power as of today. Some persons and families have been rescued from homes without power including several families on Wickliffe Road.
- VDOT has broken through all roads to allow access to emergency vehicles however not all roads are clear of snow.
- Access has been maintained to Johnson Williams Middle School, a designated emergency shelter with auxiliary power.

- Reviewed the emergency response sequence including the roles of local emergency and rescue, National Guard, etc.

Joint Administrative Services Board – John Staelin

- Review of procurement policies is complete and waiting approval after final revisions.

Adjournment

There being no further business to be brought before the Board at 12:16 pm Chairman Hobert adjourned the meeting.

Next Regular Meeting Date

The next regular meeting of the Board of Supervisors is set for Tuesday, February 16, 2010 at 1:00 p.m. in the Main Meeting Room, 101 Chalmers Court, 2nd Floor, Berryville, Virginia.

ATTEST: February 8, 2010

J. Michael Hobert, Chair

David L. Ash, County Administrator

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