

1) *Call to Order*

Chairman Weiss called the meeting to order at 1:00 pm.

2) *Adoption of Agenda*

- Remove Item 6, Dolly Parton Imagination Library Presentation

Vice Chair Catlett moved to adopt the agenda as amended. The motion carried by the following vote:

Matthew E. Bass	-	Aye
Terri T. Catlett	-	Aye
Doug M. Lawrence	-	Aye
Beverly B. McKay	-	Aye
David S. Weiss	-	Aye

3) *Citizen's Comment Period*

No persons appeared to address the Board.

4) *Employee of the Quarter Award – 4th Quarter 2022*

Chairman Weiss read aloud the following statement:

Sarah Mitchell of the Department of Social Services was named Clarke County Employee of the Quarter. Sarah is a Family Services Specialist at Clarke County Social Services and specializes in Child Protective Services. She is passionate about social work. Sarah has a smile that brightens a room and her dedication to her work is ever apparent. Clarke County children are Sarah's priority. She is always willing to help her coworkers whether it be to help facilitate a visit or cover the front desk. Sarah works endless hours to ensure the safety and well-being of children and families. Sarah's dedication to her job shows through in her excellent performance where she meets timeliness milestones at 100% consecutively. Her work ethic, dedication, and support are immeasurable, and Clarke County is fortunate to have Sarah as part of Team Clarke.

5) VDOT Update

Residency Administrator Ed Carter provided the following update on VDOT maintenance activities this month:

- Completed brush cutting and brush removal on Shepherds Mill Road and Wrights Road.
- Continuing additional trimming and brush removal on various roads.
- Continuing to fill potholes on various routes.
- Mobilized for two weather events.
- Will perform ditching operations on Good Shepherd Road.
- Continuing shoulder repairs on Route 7.

Ed Carter provided the following update on Board issues:

- Draft report on the traffic study is ready to present to the Board and citizens of Millwood; would like to schedule a community meeting before the end of January.
- Traffic Engineering is starting a new evaluation of signal warrants at Route 340/723 in Boyce.
- Working through the permit process with the railroad for drainage pipe repairs in Boyce.
- Contractor is working on repairs at Morgan Mill Road.
- Traffic Engineering is evaluating signal timing at Route 7 and Crums Church Road, as the Board requested.

Supervisor McKay

- Shared citizen complaints that steady truck traffic is tearing up the shoulders on Gun Barrel Lane and asked if there was anything to be done about the excessive dust.
 - Ed Carter advised that Wayne Tapscott will examine the area and that he has contacted land use and permitting to see if a commercial entrance permit will be required for that location.
- Further shared that the same thing is happening in White Post and that addressing the many truckloads of fill dirt being brought in from other counties is one of the Board's current legislative priorities.

Vice Chair Catlett

- Advised that citizens report a lot of debris from the ice storm remaining on Route 601.
 - Ed Carter replied that it would be addressed.

Chairman Weiss

- Requested a general synopsis of the Millwood traffic report.

- o Ed Carter responded that he has not had enough time to absorb the material yet. One of the biggest issues is pedestrian access and the only thing VDOT is able to do about that is to protect the existing crosswalks.

6) *Approval of Minutes*

- Book 25, Page 955, Item 9: Change “November 7” to “December 12”.

Supervisor Bass moved to approve the minutes of the December 20, 2022 Regular Meeting as amended. The motion carried by the following vote:

Matthew E. Bass	-	Aye
Terri T. Catlett	-	Aye
Doug M. Lawrence	-	Aye
Beverly B. McKay	-	Aye
David S. Weiss	-	Aye

8) *Consent Agenda*

Supervisor Lawrence moved to adopt the consent agenda as presented. The motion carried by the following vote:

Matthew E. Bass	-	Aye
Terri T. Catlett	-	Aye
Doug M. Lawrence	-	Aye
Beverly B. McKay	-	Aye
David S. Weiss	-	Aye

- Resolution of Recognition & Appreciation for Laurine Kennedy (2023-01R)



Clarke County Board of Supervisors

Berryville Voting District Matthew E. Bass (540) 955-5175	Millwood Voting District Terri T. Catlett – Vice Chair (540) 837-2328	Russell Voting District Doug Lawrence (540) 955-2144
Buckmarsh Voting District David S. Weiss – Chair (540) 955-2151	White Post Voting District Bev B. McKay (540) 837-1331	County Administrator Chris Boies (540) 955-5175

Resolution of Recognition and Appreciation for Laurine Kennedy 2023-01R

WHEREAS Laurine Kennedy began working for the Handley Regional Library System on January 2, 2007, was promoted to Clarke County Branch Manager in March 2011, and then promoted to full-time manager in 2016 before her retirement in 2022; and

WHEREAS Ms. Kennedy was a part of the team that opened the library facility at the Berryville-Clarke County Joint Government Center; and

WHEREAS she oversaw the rebirth of the Clarke County Library by opening the library on Thursday and Saturday afternoons and adding staff to the branch to better serve library customers; and

WHEREAS she later directed a refresh of the library interior by adding color, displays, and casual seating, while also replacing older and unused material with newer, more popular items; and

WHEREAS Ms. Kennedy did a fantastic job of outreach and connecting with the community by:

- Pioneering a digital equity program so the branch could check out wireless hotspots
- Partnering with the Barns of Rose Hill to develop and co-sponsor programming
- Adding adult programming such as Brown Bag & Books and Trivia Nights
- Promoting library awareness at the schools and farmers markets
- Increasing volunteer recruitment; and

WHEREAS during her tenure, the library experienced significant increases in visitation, program attendance, and materials check-outs.

NOW, THEREFORE, BE IT RESOLVED by the Clarke County Board of Supervisors that Laurine Kennedy be recognized and congratulated for her service and dedication to the citizens of Clarke County.

APPROVED AND ORDERED ENTERED in the official records by the unanimous vote of the Clarke County Board of Supervisors assembled on the 17th day of January, 2023.

ATTEST 2023-01R

David S. Weiss, Chair

www.clarkecounty.gov

101 Chalmers Court, Suite B
Berryville, VA 22611

Telephone: [540] 955-5175

Chairman Weiss presented a framed copy of the resolution to Laurine Kennedy.

- Resolution of Recognition & Appreciation for Alexander “Dan” MacKay-Smith, Jr. (2023-02R)



Clarke County Board of Supervisors

Berryville Voting District Matthew E. Bass (540) 955-5175	Millwood Voting District Terri T. Catlett – Vice Chair (540) 837-2328	Russell Voting District Doug Lawrence (540) 955-2144
Buckmarsh Voting District David S. Weiss – Chair (540) 955-2151	White Post Voting District Bev B. McKay (540) 837-1331	County Administrator Chris Boies (540) 955-5175

Resolution of Recognition and Appreciation for Alexander “Dan” Mackay-Smith, Jr. 2023-02R

WHEREAS Alexander “Dan” Mackay-Smith Jr. served on the Clarke County Sanitary Authority for twenty-seven years and was the Vice-Chairman for over twenty of those years; and

WHEREAS Mr. Mackay-Smith was heavily involved in many projects over the years including extending sewer to the residents of Millwood, extension of water service to White Post, and the expansion of the wastewater treatment plant; and

WHEREAS Mr. Mackay-Smith resigned from the Sanitary Authority in December of 2022 after almost three decades serving his community; and

WHEREAS the Sanitary Authority and Board of Supervisors will miss his extensive knowledge of the water and sewer systems as well as the invaluable advice and insight he provided; and

WHEREAS Mr. Mackay-Smith served with dignity, respect, and kindness to his fellow board members and the constituents of the Authority; and

NOW, THEREFORE, BE IT RESOLVED by the Clarke County Board of Supervisors that Alexander “Dan” Mackay-Smith Jr. be recognized and congratulated for his service and dedication to the citizens of Clarke County through his service on the Clarke County Sanitary Authority.

APPROVED AND ORDERED ENTERED in the official records by the unanimous vote of the Clarke County Board of Supervisors assembled on the 17th day of January, 2023.

ATTEST 2023-02R

David S. Weiss, Chair

– Application for Easement Donation – Wendy & Michael Gregg

– FY2023 Agreement Between the Virginia Department of Health and the Clarke County Board of Supervisors for Funding and Services of the Clarke County Health Department

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Electronic Signature Agreement Page

**STATEMENT OF AGREEMENT TO
PROCESS NEEDED SIGNATURES OF
THE VIRGINIA DEPARTMENT OF
HEALTH (VDH) LOCAL
GOVERNMENT AGREEMENT
ELECTRONICALLY**

VDH and The Clarke County Board of Supervisors agree to use electronic signatures, as authorized in Title 59.1, Chapter 42.1 Uniform Electronic Transactions Act of the Code of Virginia.

Chris Boies, Administrator
Authorizing officer printed name and title

Authorizing officer signature

Robert W. Hicks
Acting Deputy Commissioner, Community Health Services
Virginia Department of Health

Robert W. Hicks
Authorizing signature

LGA-Revised December 2022

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AGREEMENT BETWEEN THE VIRGINIA DEPARTMENT OF HEALTH AND THE CLARKE COUNTY BOARD OF SUPERVISORS FOR FUNDING AND SERVICES OF THE CLARKE COUNTY HEALTH DEPARTMENT

This agreement (“Agreement”) for the services to be provided by the Clarke County Health Department and the funding therefore is by and between the Virginia Department of Health (“VDH”) and Clarke County Board of Supervisors (collectively “the Parties”).

The Agreement is created in satisfaction of the requirements of § 32.1-31 of the Code of Virginia (1950), as amended, in order to operate the Clarke County Health Department under the terms of this Agreement.

NOW, THEREFORE, in consideration of the covenants and agreements in this Agreement, the sufficiency of which is acknowledged, the Parties agree as follows.

§ 1. VDH, over the course of one fiscal year, will pay an amount not to exceed \$374,576.00, from the state general fund to support the cooperative budget in accordance with, and dependent upon, appropriations by the General Assembly, and in like time frame, the Board of Supervisors of Clarke County will provide by appropriation and in equal quarterly payments a sum of \$188,642.00 local matching funds and \$5,000.00 one-hundred percent local funds for a total of \$193,642.00 local funds for this fiscal year.

LB
01.03.23

In addition, the Board of Supervisors has approved the Clarke County Health Department to carry forward \$96,293.00 in local matching funds for a total of \$284,935.00 matching funds and an additional \$43,716.80 in one-hundred percent local funds from the prior fiscal year closing locality balance.

These joint funds will be distributed in timely installments, as services are rendered in the operation of the Clarke County Health Department, which shall perform public health services in Clarke County as indicated in Attachment A(1.), and will perform services required by local ordinances as indicated in Attachment A(2.). Payments from the local government are due on the third Monday of each fiscal quarter.

§ 2. The term of the agreement begins July 1, 2023. This Agreement will be automatically extended on a state fiscal year to year renewal basis under the existing terms and conditions of the Agreement unless timely written notice of termination is provided by either party. Such written notice shall be given at least 60 days prior to the beginning of the fiscal year in which the termination is to be effective.

§ 3. The Commonwealth of Virginia (“Commonwealth”) and VDH shall be responsible for providing liability insurance coverage and will provide legal defense for state employees of the local health department for acts or occurrences arising from performance of activities conducted pursuant to state statutes and regulations.

- A. The responsibility of the Commonwealth and VDH to provide liability insurance coverage shall be limited to and governed by the Commonwealth of Virginia Public Liability Risk Management Plan, established under § 2.2-1837 of the Code of Virginia (1950), as amended. Such insurance coverage shall extend to the services specified in Attachments A(1.) and A(2.), unless the locality has opted to provide coverage for the employee under the Public Officials Liability Self-Insurance Plan, established under § 2.2-1839 of the Code of Virginia (1950), as amended, or under a policy procured by the locality.
- B. The Commonwealth and VDH will be responsible for providing legal defense for those acts or occurrences arising from the performance of those services listed in Attachment A(1.), conducted in the performance of this contract, as provided for under the Code of Virginia and as provided for under the terms and conditions of the Commonwealth of Virginia Public Liability Risk Management Plan.

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- C. Services listed in Attachment A(2.), any services performed pursuant to a local ordinance, and any services authorized solely by Title 15.2 of the Code of Virginia (1950), as amended, when performed by a state employee, are herewith expressly exempted from any requirements of legal defense or representation by the Attorney General or the Commonwealth. For purposes of assuring the eligibility of a state employee performing such services for liability coverage under the Commonwealth of Virginia Public Liability Risk Management Plan, the Attorney General has approved, pursuant to § 2.2-507 of the Code of Virginia (1950), as amended, and the Commonwealth of Virginia Public Liability Risk Management Plan, the legal representation of said employee by the city or county attorney, and, the Board of Supervisors of Clarke County hereby expressly agrees to provide the legal defense or representation at its sole expense in such cases by its local attorney.
- D. In no event shall the Commonwealth or VDH be responsible for providing legal defense or insurance coverage for local government employees.

§ 4. Title to equipment purchased with funds appropriated by the local government and transferred to the Commonwealth, either as match for state dollars or as a purchase under appropriated funds expressly allocated to support the activities of the local health department, will be retained by the Commonwealth and will be entered into the Virginia Fixed Asset Accounting and Control System. Local appropriations for equipment to be locally owned and controlled should not be remitted to the Commonwealth, and the local government's procurement procedures shall apply in the purchase. The locality assumes the responsibility to maintain the equipment and all records thereon.

§ 5. This Agreement may only be amended or otherwise modified by an instrument in writing signed by the Parties.

 Robert W. Hicks
 Acting Deputy Commissioner
 Community Health Services
 Virginia Department of Health

 Date

 Local authorizing officer signature

Chris Boies
 Authorizing officer printed name

Administrator
 Authorizing officer title

 Date

 Dr. Charles J. Devine, III
 District Health Director
 Lord Fairfax Health District

 Date

Approved as to form by the Office of the Attorney General on July 23, 2018

Attachments: Local Government Agreement, Attachment A(1.)
 Local Government Agreement, Attachment A(2.)

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CLARKE COUNTY LOCAL GOVERNMENT AGREEMENT, ATTACHMENT A(1.)

VIRGINIA DEPARTMENT OF HEALTH
COMMUNITY HEALTH SERVICES

FIPS: 043

BASIC PUBLIC HEALTH SERVICES TO BE ASSURED BY LOCAL HEALTH DEPARTMENTS
INCOME LEVEL A IS DERIVED BY THE BOARD OF HEALTH TO BE MEDICALLY INDIGENT (32.1-11)

For Each Service Provided, Check Block for Highest Income Level Served			
COLLABORATIVE COMMUNITY HEALTH IMPROVEMENT PROCESS	Income A only	Defined by Federal Regulations	All (specify income level if not ALL)
Assure that ongoing collaborative community health assessment and strategic health improvement planning processes are established. To include public health, health care systems and community partners. As provided for in §32.1-122.03 Code Link- 32.1-122.03 ; State Health Plan Link Virginia Plan for Well-Being 2016-2020			X
COMMUNICABLE DISEASE SERVICES	Income A only	Defined by Federal Regulations	All (specify income level if not ALL)
Immunization of patients against certain diseases, including Childhood Immunizations As provided for in 32.1-46 Code Link- 32.1-46			X
Sexually transmitted disease screening, diagnosis, treatment, and surveillance 32.1-57, Districts may provide counseling Code Link- 32.1-57			X
Surveillance and investigation of disease 32.1-35 and 32.1-39 Code Links- 32.1-35 , 32.1-39 , 32.1-43			X
HIV/AIDS surveillance, investigation, and sero prevalence survey 32.1-36, 32.1-36.1, 32.1-39 Code Links- 32.1-36 , 32.1-36.1 , 32.1-39			X
Tuberculosis control screening, diagnosis, treatment, and surveillance 32.1-49, 32.1-50.1, and 32.1-54 Code Links- 32.1-49 , 32.1-50 , 32.1-50.1			X
FAMILY PLANING SERVICES	Income A only	Defined by Federal Regulations	All
Clinic services including drugs and Contraceptive supplies Family Planning Population Research Act of 1970, Title X Code Link- 32.1-77 , 42 U.S.C 300 et seq., and 42 CFR Part 59		X	
Pregnancy testing and counseling Family Planning Population Research Act of 1970, Title X Code Link- 32.1-77 , 42 U.S.C. 300 et seq., and 42 CFR Part 59\		X	

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LOCAL GOVERNMENT AGREEMENT, ATTACHMENT A(1.)

VIRGINIA DEPARTMENT OF HEALTH
COMMUNITY HEALTH SERVICES

BASIC PUBLIC HEALTH SERVICES TO BE ASSURED BY LOCAL HEALTH DEPARTMENTS
INCOME LEVEL A IS DEFINED BY THE BOARD OF HEALTH TO BE MEDICALLY INDIGENT (32.1-11)

CHILD HEALTH SERVICES	Income A only	Defined by Federal Regulations	All
Children Specialty Services; diagnosis, treatment, follow-up, and parent teaching 32.1-77, 32.1-89 and 32.1-90 Code Links- 32.1-77 , 32.1-89 , 32.1-90			X
Screening for genetic traits and inborn errors of metabolism, and provision of dietary supplements Code Links- 32.1-65 , 32.1-67 , 32.1-68			X
Well child care up to age 19 Board of Health Code Link- 32.1-77			X
WIC : Federal grant requirement Public Law 108-265 as amended, Child Nutrition Act of 1966; Child Nutrition and WIC Reauthorization Act 2009 Code Link42 U.S.C. § 1786; 7 C.F.R. Part 26		X	
EPSDT: DMAS MOA Social Security Act section 1905(r) (5) Code Link- 32.1-11			
Blood lead level testing Code Link- 32.1-46.1 , 32.1-46.2			X
Outreach, Patient and Community Health Education Code Link- 32.1-11 , 32.1-11.3 .			X
Community Education Code Link- 32.1-11 , 32.1-23			X
Pre-school Physicals for school entry Code Link- 22.1-270			X
Services for Children with Special health care needs Title V, Social Security Act Code Link- 32.1-77			X
Child restraints in motor vehicles Code Link- 46.2-1095 , 46.2-1097		X	
Babycare, Child: DMAS MOA		X	
MATERNAL HEALTH SERVICES	Income A only	Defined by Federal Regulations	All
Prenatal and post partum care for low risk and intermediate risk women, Title V, Social Security Act Code Link- 32.1-77		X	
Babycare, Maternal: DMAS MOA		X	
WIC: Federal grant requirement Public Law 108-265 as amended, Child Nutrition Act of 1966; Child Nutrition and WIC		X	

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Approved February 21, 2023

Book 26
Page 13

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Reauthorization Act 2009 Code Link 42 U.S.C §1786 and 7CFR Part 26			
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LOCAL GOVERNMENT AGREEMENT, ATTACHMENT A(1.)

VIRGINIA DEPARTMENT OF HEALTH
COMMUNITY HEALTH SERVICES

ENVIRONMENTAL HEALTH SERVICES
BASIC PUBLIC HEALTH SERVICES TO BE ASSURED BY LOCAL HEALTH DEPARTMENTS

<p>The following services performed in accordance with the provisions of the Code of Virginia, the regulation of the Board of Health and/or VDH agreements with other state or federal agencies and VDH policies. Data regarding the below services shall be entered in, or exported to, the statewide environmental health database for all available data fields. Local health department staff shall be responsible for responding to all complaints, constituent responses, media inquiries, and Freedom of Information Act request related to the following services.</p>	
<p>Investigation of communicable diseases: Pursuant to §§ 32.1-35 and 32.1-39 of the Code of the Code of Virginia, the local health director and local staff are responsible for investigating any outbreak or unusual occurrence of a preventable disease that the Board of Health requires to be reported. Code Links-32.1-35, 32.1-39</p>	X
<p>Marinas: Pursuant to § 32.1-246 of the Code of Virginia, local health department staff are responsible for permitting marinas and other places where boats are moored and is responsible for inspecting them to ensure that their sanitary fixtures and sewage disposal facilities are in compliance with the Marina Regulations (12VAC5-570-10 et seq.) Code Link-32.1-246</p>	
<p>Migrant labor camps: Pursuant to §§ 32.1-203-32.1-211 of the Code of Virginia, local health departments are responsible for issuing, denying, suspending and revoking permits to operate migrant labor camps. Local health departments also must inspect migrant labor camps and ensure that the construction, operation and maintenance of such camps are in compliance with the Rules and Regulations Governing Migrant Labor Camps (12VAC5-501-10 et seq.). Code Links-32.1 Chapter 6 Article 6</p>	X
<p>Milk: Pursuant to §§ 3.2-5206, 3.2-5208 of the Code of Virginia and the agency's MOA with VDACS, the local health department is responsible for issuing, denying, suspending and revoking permits for Grade "A" milk processing plants which offer milk and or milk products for sale in Virginia. Local health departments are also responsible for the inspection of Grade "A" milk plants for compliance with the Regulations Governing Grade "A" Milk (2VAC5-490-10). Code Links- 3.2-5206, 3.2-5208</p>	
<p>Alternative discharging sewage systems: Pursuant to § 32.1-164(A) of the Code of Virginia, local health departments are responsible for issuing, denying and revoking construction and operation permits for alternative discharging systems serving individual family dwellings with flows less than or equal to 1,000 gallons per day on a monthly average. Local health departments are also required to conduct regular inspections of alternative discharging systems in order to ensure that their construction and operation are in compliance with the Alternative Discharging Sewage Treatment Regulations for Individual Family Dwellings (12VAC5-640-10 et seq.). Code Link-32.1-164</p>	
<p>Onsite sewage systems: Pursuant to § 32.1-163 et seq. of the Code of Virginia, local health department staff is responsible for reviewing and processing site evaluations and designs of onsite sewage systems in accordance with applicable state regulations and may perform such evaluations and designs as allowed. Local health department staff is also responsible for issuing, denying and revoking construction and operation permits for conventional and alternative onsite sewage systems. Local health department staff are responsible for assuring that onsite sewage systems are inspected at time of construction for compliance with the Sewage Handling and Disposal Regulations (12VAC5-610-20 et seq.; "SHDR") and the Alternative Onsite Sewage System Regulations (12VAC5-613-10 et seq.; "AOSS Regulations"); local health department staff may perform such inspections as required. Local health department staff is also responsible for assuring the performance, operation, and maintenance of onsite sewage systems are in compliance with the SHDR and AOSS Regulations. Code Link-32.1-163</p>	X
<p>Rabies: Pursuant to § 3.2-6500 et seq. of the Code of Virginia, the local health department is responsible for investigating complaints and reports of suspected rabid animals exposing a person, companion animal, or livestock to rabies. Code Link- 3.2-6500</p>	X

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LOCAL GOVERNMENT AGREEMENT, ATTACHMENT A(1.)

VIRGINIA DEPARTMENT OF HEALTH
 COMMUNITY HEALTH SERVICES

ENVIRONMENTAL HEALTH SERVICES
 BASIC PUBLIC HEALTH SERVICES TO BE ASSURED BY LOCAL HEALTH DEPARTMENTS

<p>Restaurants/eating establishments: Pursuant to § 35.1-14 of the Code of Virginia, local health departments are responsible for issuing, denying, renewing, revoking and suspending permits to operate food establishments. In addition, local health departments are required to conduct at least one annual inspection of each food establishment to ensure compliance with the requirements of the Food Regulations (12VAC5-421-10 et seq.). These regulations include requirements and standards for the safe preparation, handling, protection, and preservation of food; the sanitary maintenance and use of equipment and physical facilities; the safe and sanitary supply of water and disposal of waste and employee hygiene standards. Code Link: 35.1-14</p>	<p>X</p>
<p>Hotels/Motels: In accordance with § 35.1-13 of the Code of Virginia, local health department staff is responsible for issuing, denying, revoking and suspending permits to operate hotels. The local health department is responsible for conducting inspections of hotels to ensure compliance with the Hotel Regulations (12VAC5-431-10 et seq.). These regulations include requirements and standards for physical plant sanitation; safe and sanitary housekeeping and maintenance practices; safe and sanitary water supply and sewage disposal and vector and pest control. Code Link: 35.1-13</p>	<p>X</p>
<p>Wells: Pursuant to § 32.1-176.4, and the resulting authority provided by the Board, local health departments are responsible for issuing, denying and revoking construction permits and inspection statements for private wells. Local health departments are also responsible for inspecting private wells to ensure that their construction and location are in compliance with the Private Well Regulations. (12VAC5-630-10 et seq.) Code Link: 32.1-176.4</p>	<p>X</p>
<p>Homes for adults: The local health department, at the request of the Department of Social Services (DSS), will inspect DSS-permitted homes for adults to evaluate their food safety operations, wastewater disposal and general environmental health conditions. (22VAC40-80-160(B)(3))</p>	<p>X</p>
<p>Juvenile Justice Institutions: Pursuant to § 35.1-23 of the Code of Virginia and the agency's memorandum of understanding with the Department of Corrections, local health departments are responsible for conducting at least one annual unannounced inspection of juvenile justice institutions in order to evaluate their kitchen facilities, general sanitation and environmental health conditions. Code Link: 35.1-23</p>	<p>X</p>
<p>Jail inspections: Pursuant to § 53.1-68 of the Code of Virginia and the agency's memorandum of understanding with the Department of Corrections, local health departments are responsible for conducting at least one annual unannounced inspection of correction facilities in order to evaluate their kitchen facilities, general sanitation and environmental health conditions. Code Link: 53.1-68</p>	<p>X</p>
<p>Daycare centers: At the request of DSS will inspect DSS-permitted daycare centers to evaluate their food safety operations, wastewater disposal and general environmental health conditions. (22VAC40-80-160(B)(3))</p>	<p>X</p>
<p>Radon Pursuant to § 32.1-229, local health department may assist VDH Central Office with Radon testing and analysis. Code Link: 32.1-229.</p>	<p>X</p>
<p>Summer camps/ Campgrounds: Pursuant to §§ 35.1-16 and 35.1-17 of the Code of Virginia and the corresponding regulations, local health departments are responsible for issuing, denying, and revoking permits to operate summer camps and campgrounds. The local health department is responsible for conducting inspections of summer camps and campgrounds not less than annually to ensure that their construction, operation and maintenance are in compliance with the Regulations for Summer Camps (12VAC5-440-10 et seq.) and the Rules and Regulations Governing Campgrounds (12VAC5-450-10 et seq.). Code Links: 35.1-16, 35.1-17</p>	<p>X</p>

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LOCAL GOVERNMENT AGREEMENT, ATTACHMENT A(1.)

VIRGINIA DEPARTMENT OF HEALTH
COMMUNITY HEALTH SERVICES

OTHER PUBLIC HEALTH SERVICES
BASIC PUBLIC HEALTH SERVICES TO BE ASSURED BY LOCAL HEALTH DEPARTMENTS

The following services performed in accordance with the provisions of the Code of Virginia, the regulations of the Board of Health and/or the policies and procedures of the State Department of Health	
Pre-Admission Screenings (PAS) DMAS MOA Code Link- 32.1-330	X
Comprehensive Services Act Community Policy and Management Teams (CPMT) 2.2-5201-2.2-5211 Code Link- 2.2-5201 , 2.2-5211	X
Interagency Coordinating Council (Infants/Toddlers) Early Intervention Services Code Link- 2.2-5305 , 2.2-5306	
Vital Records Code Link- 32.1-254 , 32.1-255 , 32.1-272	X
Immunizations for maternity and post-partum patients Code Link- 32.1-11 , 32.1-325 , 54.1-3408 .	X
AIDS Drug Assistance Program (ADAP) Code Link- 32.1-11 .	X
Emergency Preparedness and Response Code Link- 32.1-42 , 32.1-43 et seq., 32.1-229 ,	X
HIV Counseling, Testing and Referral Code Link- 32.1-37.2	X

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LOCAL GOVERNMENT AGREEMENT, ATTACHMENT A(1.)

VIRGINIA DEPARTMENT OF HEALTH
COMMUNITY HEALTH SERVICES

OPTIONAL PUBLIC HEALTH SERVICES

For Each Service Provided, Check Block for Highest Income Level Served			
	Income A only	Defined by Federal Regulations	All
COMMUNICABLE DISEASE SERVICES			
Foreign Travel Immunizations			X
Other:			
CHILD HEALTH SERVICES			
Disabled disability Waiver Screenings DMAS MOA Code Link-32.1-330Other:			
Other: Community Education			X
Other: EDCD Waiver			X
MATERNAL HEALTH SERVICES	Income A only	Defined by Federal Regulations	All
Other: Community Education			X
FAMILY PLANNING SERVICES	Income A only	Defined by Federal Regulations	All
Nutrition Education		X	
Preventive Health Services		X	
Pre-Conception Health Care		X	
Other: Community Education			X
MEDICAL SERVICES - Please identify services	Income A only	Defined by Federal Regulations	All
Community Education			X
Pharmacy services-Alternate Drug Delivery Site			X
Hypertension screening, referral, and counseling			X
Other			

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LOCAL GOVERNMENT AGREEMENT, ATTACHMENT A(1.)

VIRGINIA DEPARTMENT OF HEALTH
COMMUNITY HEALTH SERVICES

OPTIONAL PUBLIC HEALTH SERVICES

For Each Service Provided, Check Block for Highest Income Level Served

SPECIALTY CLINIC SERVICES - Please identify services	Income A only	Defined by Federal Regulations	All
N/A			
DENTAL HEALTH SERVICES - Please identify services	Income A only	Defined by Federal Regulations	All
WIC Dental Varnish		X	

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LOCAL GOVERNMENT AGREEMENT, ATTACHMENT A(2.)

VIRGINIA DEPARTMENT OF HEALTH
COMMUNITY HEALTH SERVICES

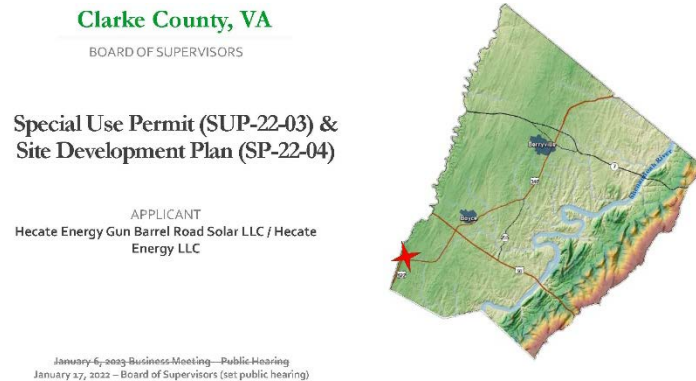
PUBLIC HEALTH ENVIRONMENTAL SERVICES PROVIDED
UNDER LOCAL ORDINANCE OR CONTRACT

Neither the <i>Code of Virginia</i> nor Regulations of the Board of Health requires the following services to be provided by the local health department	Place an X in this column if service is provided for locality	Local ordinance code cite	Provide a brief description of local ordinance requirements
General Environmental	X	Chapter 61,124,137	Animals, Nuisances, and Property Maintenance – Investigate Complaints
Festivals	X	Chapter 86	Reviews to assure adequate sanitation and determine permits required for food service and lodging per Regulations
Building Permit Walkover	X	Code of VA 32.1-165	Safe, Adequate and Proper Review per Code
Local Septic Ordinance	X	Chapter 161	Issue permits per ordinance, which require 100% reserve. Pump and haul and hauler evaluations. License requirements for sewage haulers and septic systems installers.

Revised 10/2019

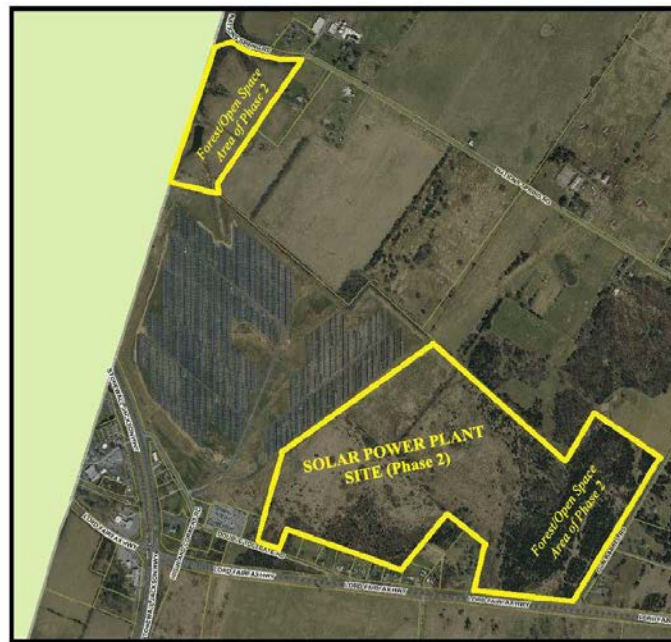
- 9) Set PH2023-02: SUP22-03/SP22-04 Hecate Energy LLC amendment to Special Use Permit SUP17-02 and Site Plan for Phase 2 solar power plant near Double Tollgate.

Zoning Administrator Jeremy Camp presented the following:



THE REQUEST

- The Applicant requests an amendment of the existing Special Use Permit (SUP-17-02) for Phase 2 of the Hecate Energy solar power plant (20MW)
 - Phase 1 (10MW) and Phase 2 (10MW) were Approved in 2017 under separate applications.
 - Phase 1 is constructed.
 - Phase 2 is not constructed and the site plan has expired.
 - The existing SUP for Phase 2 is valid but can be revoked per condition #15 due to inactivity.
- The Applicant also request a new site plan to replace the previously approved site plan that is expired (SP-16-01).
- Permit holder changing from Hecate Energy LLC to Hecate Energy Gun Barrel Road Solar LLC



118 acres – Phase 2
(235 total Solar Power
Plant site)

PHYSICAL SITE CHANGES

- Concentration of solar panels to the center of the Phase 2 area.
- Access roads added.
- Skids for control equipment.
- Perimeter landscaping.
- Fencing.
- Stormwater improvements (including check dams, ditches and berms).

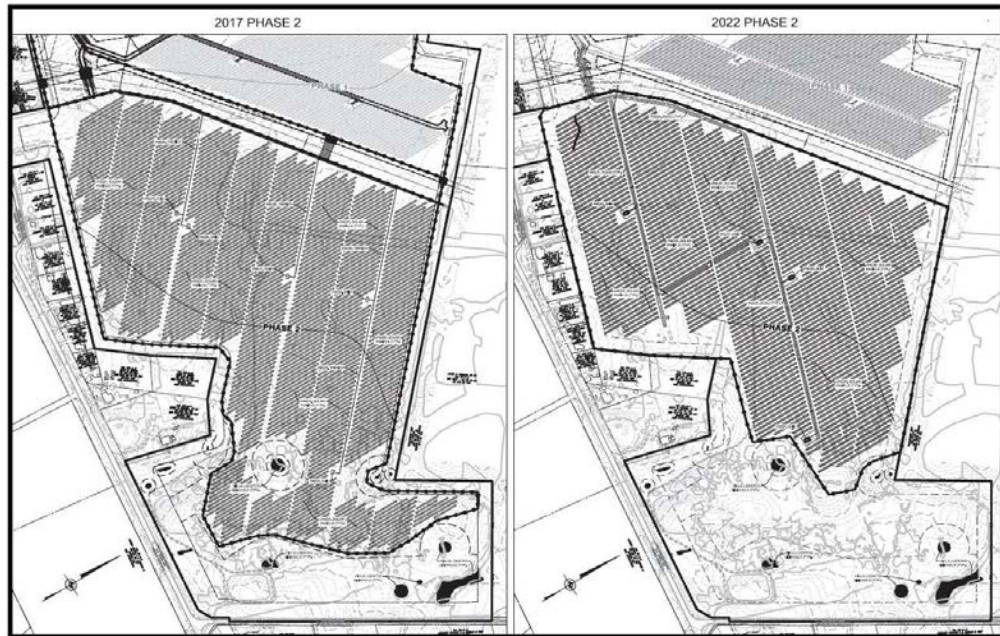
Vice Chair Catlett

- Asked what “skids for control equipment” are.
 - Jeremy Camp responded that they are immovable concrete pads to put control equipment on.

Supervisor McKay

- Advised that the state has changed the requirements and structure for the machinery and tools tax for such facilities.

- Jeremy Camp replied that staff will research the changes and present at the upcoming meeting.



- The area at the bottom, which is closest to Gun Barrel Road, is inundated with sink holes and karst terrain. This necessitates concentrating the solar panels towards the center.

PLANNING COMMISSION RECOMMENDATION

January 6, 2023 – Planning Commission recommended approval of the Special Use Permit amendment (SUP-22-04) and Site Development Plan (SP-22-04) with 16 conditions.

DRAFT SUP CONDITIONS

1. Changes Permit Holder to Hecate Energy Gun Barrel Road LLC.
2. Applicant and Property Owner required to sign adopted conditions.
3. Access for inspections.
4. Ongoing maintenance.
5. Decommissioning.
6. Removal of debris.
7. Blasting prohibited.
8. Fire & EMS coordination and training.
9. Noise requirement.
10. Entrance requirements.
11. State and Federal permits.
12. Karst monitoring.
13. Landscaping.
14. Payment Agreement (continued by new permit holder).
15. Revocation (deadlines)
16. Stormwater monitoring.

Vice Chair Catlett

- Inquired about adding livestock to make it a mixed-use solar facility.
 - Jeremy Camp responded that it is a fascinating idea that has been shared with the applicants, but they are not amenable to it for this site.

Chairman Weiss

- Requested that staff work with the applicants to determine ownership and plan removal of the abandoned farm machinery on the property.

Supervisor Lawrence

- Requested that staff further research the solar panel decommissioning and salvage values to make sure that the county is protected from future liability.
 - Jeremy Camp responded that the decommissioning plan is a new requirement in the state code, which allows the county to use or to not use the salvage value when determining the financial assurance amount for decommissioning. Staff recommends not including the salvage value, because it is difficult to anticipate market trends in 35 years. Instead, the decommissioning plan includes a financial assurance amount that is based on estimated removal costs. Additionally, it is reviewed every five years and adjusted based on market conditions.
- Suggested amending Item 5 of the Decommissioning Plan to avoid obligating the county to a specific zoning use after the facility operation is terminated
 - Jeremy Camp replied that this can be done.

- Further suggested that the county be able to renegotiate the original financial agreement and requested that staff analyze possible taxing scenarios.

Supervisor Bass

- Queried if there had been any response from the adjoining property owners.
 - o Jeremy Camp responded that no citizens came to speak at the Planning Commission’s public hearing.

Vice Chair Catlett

- Opined that periodic soil testing would be beneficial so data about any impact would be available when the facility is decommissioned, especially if it is intended to be farmland afterwards.

Supervisor Bass

- Asked what the current karst monitoring requirements are.
 - o Jeremy Camp answered that they are required to periodically submit a field evaluation reports from an engineer.

Supervisor Lawrence moved to set a public hearing on Tuesday, February 21, 2023, at 6:30 pm or as soon thereafter as the matter may be heard for PH2023-02: SUP22-03/SP22-04 Hecate Energy LLC Special Use Permit and Site Development Plan. The motion carried by the following vote:

Matthew E. Bass	-	Aye
Terri T. Catlett	-	Aye
Doug M. Lawrence	-	Aye
Beverly B. McKay	-	Aye
David S. Weiss	-	Aye

11) *Board of Supervisors Work Session Items from January 9, 2023*

Board of Supervisors Work Session Items
Berryville/Clarke County Government Center, 2nd Floor
101 Chalmers Court, Berryville, Virginia 22611
January 9, 2023 9:30 AM, Meeting Room AB

Board Members Present: David S. Weiss, Matthew E. Bass, Terri T. Catlett, Beverly B. McKay, Doug M. Lawrence

Board Members Absent: None

Officer / Staff Present: Chris Boies, Cathy Kuehner, Brandon Stidham

Others Present: Berryville Mayor Harry “Jay” Arnold

Press Present: Mickey Powell, The Winchester Star

2023-01-09 Summary: At 9:33 am, Chris Boies, County Administrator and Clerk to the Board of Supervisors, called the meeting to order.

A. Organizational Items:

- Elect 2023 Chair

Mr. Boies called for nominations for Chair.

Supervisor Catlett nominated and moved to elect Supervisor Weiss to serve as the 2023 Chair. The motion to nominate and elect Supervisor Weiss to serve as the 2023 Chair carried as follows:

Matthew E. Bass	-	Aye
Terri T. Catlett	-	Aye
Doug M. Lawrence	-	Aye
Beverly B. McKay	-	Aye
David S. Weiss	-	Aye

Mr. Boies turned the meeting over to the 2023 Chairman, David Weiss.

- Elect 2023 Vice Chair

Chairman Weiss called for nominations of Vice-Chair.

Supervisor McKay nominated and moved to elect Supervisor Catlett to serve as the 2023 Vice-Chair. The motion to nominate and elect Supervisor Catlett as the 2023 Vice-Chair carried as follows:

Matthew E. Bass	-	Aye
Terri T. Catlett	-	Aye
Doug M. Lawrence	-	Aye
Beverly B. McKay	-	Aye
David S. Weiss	-	Aye

- Set Meeting Dates, Times, and Locations

Supervisor McKay moved to adopt the 2023 Board of Supervisors Meeting Schedule as presented. The motion carried as follows:

Matthew E. Bass	-	Aye
Terri T. Catlett	-	Aye
Doug M. Lawrence	-	Aye
Beverly B. McKay	-	Aye
David S. Weiss	-	Aye

– Adopt Rules of Procedure

The Board heard an update to the Code of Virginia as it relates to electronic participation and instructed staff to prepare changes to the Rules of Procedure for the January 17, 2023 meeting.

– 2023 Chair Appointments

Chair Weiss noted he would finalize appointments and announce them at the January 17, 2023 meeting.

At 10:00 am, Chairman Weiss adjourned the meeting.

2023-01-17 Action: Chris Boies reviewed the above summary:

- Per instruction from the Board, staff updated the Rules of Procedure to condense the previous policy and follow the updated state code language in a clear and simple manner.
- With prior notice to the Chair, remote participation is to be permitted unless it would violate the Virginia Freedom of Information Act.
- If a Board member participates remotely due to illness or caring for someone who is ill, they may participate remotely without limitation. However, remote participation due to personal matters, such as vacation, are limited to 25% of the meetings held per year.
- Fully virtual electronic meetings are permitted in the event of a declared state of emergency, though notice and access requirements apply.

Supervisor McKay moved to adopt the Rules of Procedure as presented. The motion carried by the following vote:

Matthew E. Bass	-	Aye
Terri T. Catlett	-	Aye

Doug M. Lawrence	-	Aye
Beverly B. McKay	-	Aye
David S. Weiss	-	Aye

Chairman Weiss

- Shared the following changes to the chair appointments for 2023:
 - o Supervisor Bass is leaving the Planning Commission and will be replaced by Vice Chair Catlett.
 - o Supervisor Lawrence will replace Vice Chair Catlett as the School Board liaison.
 - o Supervisor McKay will replace Vice Chair Catlett on the Conservation Easement Authority.
 - o Supervisor Bass will replace Vice Chair Catlett on the Parks & Recreation Advisory Board.
 - o All other chair appointments will remain the same.

12) *Board of Supervisors Personnel Committee Items from January 9, 2023:*

A. Expiration of Term for Appointments Expiring through March 2023:

2023-01-09 Summary: Following review, the Personnel Committee recommends the following:

- Appoint Bryan Conrad to replace Alexander “Dan” Mackay-Smith Jr. on the Clarke County Sanitary Authority, the term expiring on January 5, 2025.
- Reappoint John Staelin as the Planning Commission Citizen Alternate on the Board of Septic & Well Appeals for a one-year term expiring January 31, 2024.
- Reappoint Randy Buckley as the Planning Commission Alternate on the Board of Septic & Well Appeals for a one-year term expiring January 31, 2024.
- Reappoint George Ohrstrom II as the Planning Commission Representative on the Board of Septic & Well Appeals for a one-year term expiring on January 31, 2024.
- Recommend to the Circuit Court the reappointment of Clay Brumback to the Board of Zoning Appeals for a five-year term expiring on February 15, 2028.

2023-01-17 Action: Chris Boies reviewed the above summary.

- The Personnel Committee is still looking to fill a vacancy on the Library Advisory Council.

Supervisor McKay moved to approve the Personnel Committee recommendations as presented. The motion carried by the following vote:

Matthew E. Bass	-	Aye
Terri T. Catlett	-	Aye
Doug M. Lawrence	-	Aye
Beverly B. McKay	-	Aye
David S. Weiss	-	Aye

13) *Board of Supervisors Finance Committee Items from January 9, 2023*

- A. Department of Social Services Request for Additional FY23 APS ARPA Funds: The Clarke County DSS received an additional \$11,570 in Adult Protective Services ARPA funds. These funds are used to assist with in-home services and occasionally used for temporary housing/rental assistance and utilities for adults in the locality. These are federal funds and there is no local match. The funds are available until Sept 30, 2023.

2023-01-09 Summary: Following review, the Finance Committee recommends, “Be it resolved that the Department of Social Services FY23 operating fund budgeted expenditure and appropriation be increased \$11,570, federal revenue budget and appropriation be increased by the same amount, for the purpose of receiving additional APS ARPA funds”.

2023-01-17 Action: Brenda Bennett reviewed the above summary:

- There is approximately \$10,000 already appropriated in the FY23 budget, however DSS staff anticipates greater needs and applied for additional federal funding.

Supervisor McKay moved, be it resolved, that the Department of Social Services FY23 operating fund budgeted expenditure and appropriation be increased \$11,570, federal revenue budget and appropriation be increased by the same amount, for the purpose of receiving additional APS ARPA funds. The motion carried by the following vote:

Matthew E. Bass	-	Aye
Terri T. Catlett	-	Aye
Doug M. Lawrence	-	Aye
Beverly B. McKay	-	Aye
David S. Weiss	-	Aye

B. Assistance to Fire Fighters Grant (AFG) funding update

2023-01-09 Summary: The Finance Committee heard an update that the County was unsuccessful in obtaining this funding for radios and approved the use of the \$50k match in the FY 23 budget to be used for radio purchases.

2022-01-17 Action: Chris Boies reviewed the above summary:

- This is the second time the county has applied to this source for radios and neither have been successful.
- Overall, there were not a lot of awards in Virginia for this AFG grant cycle. Staff is requesting feedback on the grant application.

Supervisor Lawrence

- Advised that Company 1 Enders will be submitting a grant application for SCBAs by March 9 and will enter another application for radios on the EMS side. However, these grants have different match levels.

Chairman Weiss

- Recalled that \$50,000 was budgeted to be used as a match. The county will still use those funds for radio purposes even without the grant award.

C. CCPS Division FY23 Supplemental Appropriation Request for a School-Based Health Workforce Grant: The Clarke County School Division has received an additional grant award of \$32,065.85 from the VDH/VDOE Workforce grant. These are federal funds that do not require a local match, and must be obligated by June 1, 2023. They will be used to purchase laptops for the nurses and help to fund a Clinical Assistant position. The School Board is requesting supplemental expenditure and revenue appropriation in the amount of \$32,065.85.

2023-01-09 Summary: Following review, the Finance Committee recommends, "Be it resolved that the CCPS FY23 Operating Fund budgeted revenue, expenditure, and appropriation be increased \$32,065.85, for the purpose of receiving federal revenue in the same amount for the School-Based Health Workforce Grant."

2022-01-17 Action: Brenda Bennett reviewed the above summary:

- These are federal funds that flow through the Department of Education, there is no local match required, and they must be obligated by June 1.
- These funds will be used to purchase laptops for the school nurses and to fund an additional clinical assistant position.

Chairman Weiss

- Clarified the county’s policy that the positions will expire when the grant funds expire.

Supervisor Bass moved, be it resolved, that the CCPS FY23 Operating Fund budgeted revenue, expenditure, and appropriation be increased \$32,065.85, for the purpose of receiving federal revenue in the same amount for the School-Based Health Workforce Grant. The motion carried by the following vote:

Matthew E. Bass	-	Aye
Terri T. Catlett	-	Aye
Doug M. Lawrence	-	Aye
Beverly B. McKay	-	Aye
David S. Weiss	-	Aye

D. CCPS FY23 Supplemental Appropriation Request for Bonus Payment: Federal ARPA funds in the amount of \$178,106 were made available to the Clarke County School Division to provide a bonus payment of \$1,000 for each SOQ funded Instructional and Support Position. These funds were made available to CCPS as part of the 2022-2024 biennial budget adopted on June 1, 2022. The School Division provided bonus payments in late November.

2022-01-09 Summary: Following review, the Finance Committee recommends, “Be it resolved that the CCPS FY23 Operating fund budgeted revenue, expenditure and appropriation be increased \$178,106, for the purpose of receiving revenue from the Commonwealth of Virginia in the same amount, to provide bonus payments for SOQ funded positions.”

2022-01-17 Action: Brenda Bennett reviewed the above summary.

- CCPS provided \$1000 gross bonus payments to all school employees in November 2022.

Supervisor Lawrence moved, be it resolved, that the CCPS FY23 Operating fund budgeted revenue, expenditure and appropriation be increased \$178,106, for the purpose of receiving revenue from the Commonwealth of Virginia in the same amount, to provide bonus payments for SOQ funded positions. The motion carried by the following vote:

Matthew E. Bass	-	Aye
Terri T. Catlett	-	Aye
Doug M. Lawrence	-	Aye
Beverly B. McKay	-	Aye
David S. Weiss	-	Aye

E. Clarke County Litter Prevention and Recycling Program: The County recently received an FY23 grant award notification from the Commonwealth of Virginia, Department of Environmental Quality, for the Litter Prevention and Recycling Program. The total grant award is \$10,999.50, which is \$3,018.50 more than what is currently budgeted for FY23. This request is for a supplemental expenditure and revenue appropriation of \$3,018.50, to bring the total amount budgeted to the actual award of \$10,999.50. No additional local funds are required since both the revenue and expenditure budgets would increase by \$3,018.50.

2023-01-09 Summary: Following review, the Finance Committee recommends, “Be it resolved that the General Operating fund Litter Control budgeted expenditure and appropriation be increased \$3,018.50, State Revenue budget and appropriation be increased in the same amount, for the purpose of receiving additional grant funds for the Clarke County Litter Prevention and Recycling Program.”

2023-01-17 Action: Brenda Bennett reviewed the above summary:

- Most of the revenue for this program is used for recycling.
- The Litter Committee hopes to use these funds for signage and other small projects.

Supervisor Bass moved, be it resolved, that the General Operating fund Litter Control budgeted expenditure and appropriation be increased \$3,018.50, State Revenue budget and appropriation be increased in the same amount, for the purpose of receiving additional grant funds for the Clarke County Litter Prevention and Recycling Program. The motion carried by the following vote:

Matthew E. Bass	-	Aye
Terri T. Catlett	-	Aye
Doug M. Lawrence	-	Aye
Beverly B. McKay	-	Aye
David S. Weiss	-	Aye

F. Bills and Claims

2023-01-09 Summary: Following review, the Finance Committee recommends approving the December 2022 Invoice History report.

2023-01-17 Action: Brenda Bennett reviewed the above summary.

Supervisor McKay moved to approve the bills and claims as presented. The motion carried by the following vote:

Matthew E. Bass	-	Aye
Terri T. Catlett	-	Aye
Doug M. Lawrence	-	Aye
Beverly B. McKay	-	Aye
David S. Weiss	-	Aye

G. Standing Reports

- a. Year to Date Budget Report
- b. Reconciliation of Appropriations
- c. Capital Projects Report

2023-01-17 Action: Information Only.

14) *Joint Administrative Services Board Update*

Brenda Bennett provided the following update:

- The Joint Administrative Services Board last met on December 19 and discussed encouraging employees to exercise the option to receive a digital W-2, though the IRS prohibits requiring employees to receive a digital W-2.
- Affordable Care Act year-end processing (1095 forms) are to be handled by Innovative Insurance at a cost of \$6,500.

- Unresolved reconciliations with Benefit Plan Administrators (BPA) include ESI rebates and duplicate invoicing. Staff continues to work with BPA to resolve these issues and seems to be making progress. There are no outstanding or unpaid medical claims and ESI rebates are expected to be in-hand by the end of the month.
- JAS staff continues to work on the budget process.

15) Government Projects Update

Chris Boies provided the following update:

- The County was notified this month that another opioid manufacturer has settled with the Commonwealth. We haven't received any expected payment information but the first payment could be made before the end of the month. I have heard there are some other manufacturers getting close to also settling. We had an initial conversation with Northwestern Community Services and Social Services on these funds. We also need to engage other localities to look at regional opportunities.
- Thanks to Jeff Feaga for working to get Clarke County \$4,815 from the Virginia Department of Forestry Forest Sustainability Grant program. We have some ideas we will present to the Finance Committee in February on the expenditure of these funds. These funds are to be used for public education or for projects related to outdoor recreation or forest conservation. Mr. Feaga provided his resignation notice today, he will be taking a job which allows him to be home with his kids more. He has done a great job and we will miss him.
- As a reminder, the budget process is in full swing. The Finance Committee met with the School Finance Committee last week, department budgets were due this past Friday, and staff will begin pulling revenue information in the next couple weeks. Most of the heavy lifting for the Finance Committee occurs in February and the full board is scheduled to authorize public hearing at your March 21st meeting.
- I would like to thank Indea Ford for doing a great job getting the Board packet put together while Catherine was out last week and to Cathy Kuehner for all of her work on the Berryville 225th anniversary programming.
- The pedestrian bridge study over Route 7 is close to being completed. We will provide it to the Board as soon as we receive it and the Board can decide whether they want the information presented at a future work session. The storm water repair work on Jack Enders Blvd could start as soon as January 23rd. Paving will be scheduled this spring following the storm water repairs.

16) *Closed Session pursuant to §2.2-3711(A)(8): Consultation with legal counsel employed or retained by the Board of Supervisors regarding specific legal matters requiring the provision of legal advice by such counsel.*

At 2:33 pm, Supervisor Bass moved to convene in closed session to consult with legal counsel retained by the Board of Supervisors regarding a specific legal matter requiring the provision of legal advice by such counsel, as permitted by VA Code §2.2-3711(A)(8). The motion carried by the following vote:

Matthew E. Bass	-	Aye
Terri T. Catlett	-	Aye
Doug M. Lawrence	-	Aye
Beverly B. McKay	-	Aye
David S. Weiss	-	Aye

At 2:59 pm, with 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 Bass moved to reconvene in open session. The motion carried as follows:

Matthew E. Bass	-	Aye
Terri T. Catlett	-	Aye
Doug M. Lawrence	-	Aye
Beverly B. McKay	-	Aye
David S. Weiss	-	Aye

Supervisor Bass 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 January 17, 2023, 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 this 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:

Matthew E. Bass - Aye
Beverly B. McKay - Aye
David S. Weiss - Aye
Terri T. Catlett - Aye
Doug M. Lawrence - Aye

No action was taken following the closed session.

17) *Miscellaneous Items*

None presented.

18) *Summary of Required Actions*

<u>Item</u>	<u>Description</u>	<u>Responsibility</u>
1.	Process Employee of the Quarter Award	Catherine Marsten
2.	Reschedule Dolly Parton Imagination Library	Chris Boies
3.	Schedule VDOT meeting in Millwood	Chris Boies
4.	Process VDH agreement	Chris Boies
5.	Process resolutions 2023-01R and 2023-02R.	Catherine Marsten
6.	Advertise public hearing PH2023-02	Catherine Marsten
7.	Process rules of procedure changes	Catherine Marsten
8.	Update chair appointments	Catherine Marsten
9.	Process and post approved minutes	Catherine Marsten

- | | |
|--|-------------------|
| 10. Execute appointment letters | David Weiss |
| 11. Process appointments and update database | Catherine Marsten |
| 12. Process application for easement donation | Jeff Feaga |
| 13. Process approved budget requests and action items. | Brenda Bennett |
| 14. Process bills and claims. | Brenda Bennett |

19) Board Member Committee Status Reports

Supervisor Bev McKay

Berryville-Clarke County Joint Building Committee

- Nothing to report.

Northern Shenandoah Valley Regional Commission

- Postponed December and January meetings.

Town of Boyce

- Are trying to collect on delinquent taxes.
- Also working on pipe under railroad and waiting for the new signal warrants study.

– Sanitary Authority

- Nominated and elected Rod DeArment as Chairman, Wayne Armbrust as Vice Chair, Tom Bauhan as Treasurer, and Brenda Bennett as Assistant Treasurer.
- Provided the Board the following update on challenges with Locke Store in Millwood:
 - Issues date back to 2021, when materials were found to be getting into the wet well and resulted in the Authority having to replace six grinder pumps.
 - In early 2022, grease levels began exceeding the Sanitary Authority standards, which are 100mg per liter. At one point, Locke Store's grease levels were 173 times the allowable limit.
 - They have failed to provide inspection reports as requested and have backed out from attending Sanitary Authority meetings at the last minute.
 - In accordance with Sanitary Authority regulations, fines have been imposed for the repeated violations. A payment schedule was developed to allow them to make payments over a number of months.
 - The first scheduled \$8,000 payment was due in October and the check was returned for insufficient funds. The same happened

with the payment due in November. The Authority did finally receive payment for October and November.

- The December payment was due on 12/15 and was not paid until January. The January payment is due 1/17 and has not been paid. The total fines are \$48,000.
- The fine money received is being set aside to cover any necessary repairs to the Sanitary Authority system downstream. The amount of time staff and Sanitary Authority board members have spent on this issues has been tremendous.
- Grease coats the wet well and the main sewer line going to the plant, making it harder to pump effluent through the line and jeopardizing the entire system.
- The Sanitary Authority urged the business owner to close the store until a new grease interceptor system was installed and issues resolved, but he chose not to do so.
- The Authority made the business owner aware that if the store failed another grease test, the \$16,000 fine would double to \$32,000. The business owner elected to keep the store open and subsequently failed the grease test again.

Supervisor Matthew Bass

Board of Septic and Well Appeals

- Nothing to report, has not met in quite some time.

Library Advisory Council

- Nothing to report.

Litter Committee

- Meets later today, may discuss potential Adopt-A-Road program.

Planning Commission

- Unable to attend last meeting; they heard an update on Carter Hall's latest application and set a public hearing for February 3.

Josephine School Community Museum Board

- Town has started water/sewer work on portions of Josephine Street.

Legislative Updates

- General Assembly went into session on January 11.

Northwestern Regional Adult Drug Treatment Court Advisory Committee

- Nothing to report.

Northwestern Regional Juvenile Detention Center Commission

- Meets this week.

Sheriff's Office

- Nothing to report.
- Town of Berryville
- Opening ceremonies for town's anniversary celebration was well-attended.
- Parks and Recreation Advisory Board
- No quorum at the last meeting.

Vice Chair Terri Catlett

Career and Technical Education

- Work-based learning teacher Shaine Coleman is very active, looking into offering culinary, welding, and mechatronics programs through Blue Ridge Technical College.

Clarke County Historic Preservation Commission

- Meets tomorrow.

Clarke County Humane Foundation

- Will be establishing a website.
- Very pleased that Katrina Carroll is onboard as the new shelter manager.
- Recently passed a surprise inspection by the state, reflects excellent care during the transition.

Conservation Easement Authority

- Held annual awards lunch.

School Board

- Held an organizational meeting, officers remain the same.

Millwood

- Citizens are eager to meet with VDOT and receive study results.

CPMT

- Nothing to report.

Supervisor Doug Lawrence

Planning Commission

- Upcoming public hearing for the Carter Hall application.

Berryville-Clarke County Joint Committee on Economic Development & Tourism

- Meets January 27.

Board of Social Services

- About 1000 people in the county on Medicaid and about 800 on SNAP.
- Since COVID people have been able to sign up online. Reverting to the original process of checking eligibility in April. Feared that sudden benefit reductions will have a big impact.

Regional Jail Authority

- o Nothing to report.

Chairman David Weiss

Industrial Development Authority

- o Will meet January 27.

Fire & EMS Commission

- o Director Whetsell made a good presentation on the budget, which will go through the Finance Committee.
- o The new advisory group is functioning well and the commission will decide in July whether to continue oversight or amend ordinance.

At 3:37 pm, Chairman Weiss recessed the meeting.

At 6:30 pm, Chairman Weiss reconvened the meeting.

20) *Citizen's Comment Period*

No persons appeared to address the Board.

Supervisor McKay entered the meeting at 6:32 pm.

21) *PH2023-01: 2022 Double Toll Gate Area Plan*

Brandon Stidham presented the following overview of the 2022 Double Tollgate Area Plan:

- Includes the potential to expand public water and sewer service to the Double Tollgate area.
- Removes the “deferred growth area” designation assigned in the 2016 draft.
- Expands the plan area to incorporate the formerly state-owned Camp 7 properties in the south east.
- Divides the new, expanded plan area into three sub-areas:

- Sub-area A is the current plan area with properties zoned Highway Commercial at the intersection of Routes 340 and 522.
- Sub-area B is the 65 acres along Route 340 that is currently owned by the Virginia Port Authority and designated by the Virginia General Assembly for economic development purposes.
- Sub-area C is the balance of the former Camp 7 property containing three parcels owned by VDOT, the Department of Corrections, and the Virginia Department of Military Affairs.
- The two new sub-areas (B & C) would contain recommendations by which potential re-zoning to Highway Commercial would be acceptable.
- The Planning Commission held a public hearing on this plan at the end of last year and no citizens appeared to speak for or against the plan.

Chairman Weiss opened the public hearing at 6:34 pm.

No persons appeared to address the Board.

Chairman Weiss closed the public hearing at 6:34 pm.

Supervisor Bass moved to adopt the proposed 2022 Double Toll Gate Area Plan as presented. The motion carried by the following vote:

Matthew E. Bass	-	Aye
Terri T. Catlett	-	Aye
Doug M. Lawrence	-	Aye
Beverly B. McKay	-	Aye
David S. Weiss	-	Aye

22) *Adjournment*

Chairman Weiss adjourned the meeting at 6:37 pm.

23) *Next Regular Meeting Date*

The next regular meeting of the Board of Supervisors will be held on Tuesday, February 21, 2023, at 1:00 pm in the Berryville Clarke County Government Center, Main Meeting Room, 101 Chalmers Court, Berryville, Virginia.

ATTEST: January 17, 2023

David S. Weiss, Chairman

Chris Boies, County Administrator

Recorded and Transcribed by Catherine D. Marsten