

1) *Call to Order*

Chairman Weiss called the meeting to order at 1:02 pm.

2) *Adoption of Agenda*

- Switch Item 3 and Item 5, due to a VDOT scheduling conflict.

Supervisor Lawrence 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	-	Absent
David S. Weiss	-	Aye

Supervisor McKay entered the meeting at 1:03 pm.

3) *VDOT Update*

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

- Began brush-cutting operations on Bishop Meade Road and will continue on various other routes.
- Performed shoulder repairs on Route 7 and will continue.
- Cleaned pipes on Morgan Mill and Ebenezer Roads.
- Conducted litter pick-up on primary routes.
- Will conduct ditching operations on Good Shepherd Road.
- Continuing debris pickup from previous storms, mostly along Route 601 where there is a tremendous amount to clean up.
- Repaired potholes as they have been reported and will continue.
- Mobilized for several weather events.

Ed Carter provided the following update on Board issues:

- Met with the citizens in the Millwood community to discuss traffic concerns and present a draft report. Citizens could submit written comments until February 10; Traffic Engineering is evaluating those comments.
- Traffic Engineering has completed collecting new data for re-evaluating signal warrants at the intersection of Route 340 & Route 723. A report is expected in the next thirty days. The District Traffic Engineer will meet with Boyce Town Council on February 28.
- The contractor has completed repairs on Morgan Mill Road. There is still more work to do, but the biggest concern has been addressed.
- Still awaiting a permit from the railroad to excavate the broken pipe in Boyce.
- Traffic Engineering is working to adjust signal timings at Route 7 and Crums Church Road.

Vice Chair Catlett

- Thanked Mr. Carter and VDOT for presenting the study results in Millwood.

Supervisor Lawrence

- Suggested that the underground piping on Old Charlestown Road between Longmarsh and the West Virginia line be dug up and replaced prior to repaving. The current piping is too small to prevent flooding during rain events.

Chairman Weiss

- Inquired about line painting at the intersection of Route 340 and Fairfax Street.
 - o Ed Carter replied that painting can begin after VDOT is done treating the roads with salt for the season. The Berryville and Boyce areas will be the first to be done as soon as the weather permits.
- Further advised that the historical marker at Bristow has still not been moved.

4) *Citizen's Comment Period*

Candy Means

I am not here to make a complaint, I am asking for a point of information. Considering the train derailment in Ohio, what emergency plans do we have here in Berryville? Not for the issue that they stop and block traffic forever; but should we have a spill, is there a plan? If there is one, I think it should be made public so that the public can be aware of what that plan is and feel comfortable that there is one.

In an even bigger picture—and this really isn't your job, but—I think the whole issue of trains anywhere carrying these kinds of poisons need to be prevented. They need

to find something else that can replace them instead of carrying all of these hazardous things around the country.

Chairman Weiss

Thanked Ms. Means for her comments and invited the County Administrator, Chris Boies, to comment briefly in response.

Chris Boies

Advised that the county has a broad emergency operations plan, which would address any natural or man-made disaster. There are also specific plans for railroads. Immediately, we would contact the railroad to stop all traffic and start helping those who are injured. In the event of a spill, we would likely bring in state resources. There are hazmat teams at Mount Weather and in Frederick County who would assist. Additionally, the Virginia Department of Emergency Management would come with their folks. They have vendors for cleanup that have already been procured and would be able to respond promptly.

Brian Legge

Thank you for hearing me. I built a garage at my house that I am sure everyone here knows about. I am asking, because of my health and the financial burden it has created, because I am fighting stage three stomach cancer that has moved to my prostate.

I am asking for more time on my garage, to get it resolved. That is all I came down here for.

Chairman Weiss

Thanked Mr. Legge for providing comment and stated that, as the matter is within the courts, the Board does not have any leeway at this time.

5) *Introduction of New Clarke County Sheriff Deputies*

Chief Deputy Travis Sumption shared that the Sheriff's Office (CCSO) has faced a lot of turnover in the past year, but is pleased to introduce four employees hired over the past year:

- Deputy Justin Calhoun was hired in July and just completed the FTO process. Before coming to CCSO, Deputy Calhoun served four years in the Marine Corps.

- Deputy Francis Horner was also hired in July and previously worked as a correctional officer in Fayette County, Kentucky, and spent a summer working on an Alaskan fishing vessel.
- Deputy Joseph Unger is unable to attend today, but was hired in January 2022. Deputy Unger is an Eagle Scout, has a four-year degree from Bridgewater College, and was part of the Virginia State Police Junior Law Cadet Program in high school.
- Deputy LaJuan Curry is a graduate of Clarke County High School, where she was a star basketball player. Deputy Curry has a four-year degree from Shepherd University and previously worked for Clarke County Public Schools. She was hired in January 2022 and will take over as School Resource Officer at the high school in the fall.
- Ms. Savannah Bryant joined the Sheriff’s Office in February 2023 as a Communications Specialist and has studied at Laurel Ridge Community College.

Chairman Weiss

Shared the Board’s appreciation and added that it is good to see new employees hired, given that there are pressures to go elsewhere for higher pay and other issues. The Sheriff and Chief Deputy have created a good department, and Clarke County is a unique and special place.

6) *Department of Social Services Update*

Clarke County Department of Social Services Director Jennifer Parker presented the following:

- The public health emergency is unwinding and will effect DSS operations over the next year.
- SNAP benefits, formerly known as food stamps, were changed temporarily due to Covid-19 in March of 2020. Emergency allotments raised existing monthly benefits for SNAP households to the maximum allowable based on household size rather than income limits.
- The enhanced SNAP emergency allotment benefit was available through the public health emergency and required staff to request an extension of emergency allotment issuance on a month-to-month basis.
- The Consolidated Appropriations Act 2023 recently passed by Congress ends the emergency allotments after the February 2023 issuance. On February 16, the last emergency allotment was issued.
- This will be a huge impact on food money: elderly families who have typically received \$281 per month will now receive \$23 per month. Staff is most

- concerned for seniors, as this cut will put them in the position of having to choose between medication and food.
- A household of four making minimum wage will go from receiving \$939 per month to receiving \$490 per month. This is a huge concern, especially given inflation and the cost of food.
 - Staff has been working with food partners to keep them updated and ensure that food pantries are prepared for this shift in food assistance.
 - DSS continues to be available at Christ Church Pantry on the first Friday of each month, as well as working with FISH at their mobile sites on the fourth Saturday. Starting in April, FISH will also be going to the Good Shepherd Church in Pine Grove on the first Saturday of every month. DSS is also available at FISH in Berryville every Wednesday.
 - For Medicaid, staff expects about 20% of the current caseload to lose eligibility. These people will be eligible for the Medicaid appeals process and staff will try connecting them with other resources for medical coverage.
 - Sinclair Health Clinic has been working to establish a presence in Clarke County and eliminate the transportation barrier for citizens to access free or reduced-cost medical care. Dr. Bishop has been very kind in working with staff on this project and has offered temporary space at Upper Cooley while Sinclair continues to look for permanent space.
 - It remains very unclear what resources the state may offer to local staff for support during this unwinding.
 - There are discussions of financial support for overtime so staff can process reviews. There are currently 1,329 Medicaid recipients that require full eligibility determinations and need to be reviewed. In addition to regular caseload, staff will need to process one-ninth of those reviews every month, starting in April.

Chairman Weiss

- Asked if advance notice was given to clients regarding the unwinding.
 - Jennifer Parker replied that, for SNAP benefits, the state intended to give less than thirty days notice, but staff started to work with food partners in January to try to prepare. For two years, staff has been warning clients that the emergency allotment would be ending but did not have a firm cutoff date, which diluted the message over time.

Vice Chair Catlett

- Inquired how people could help.
 - Jennifer Parker responded that they could contact Anne Cushman, who directs the food program at FISH, or to Bette Marchese at Christ Church to volunteer. Donations of food and/or cash are always welcome.

Supervisor Lawrence

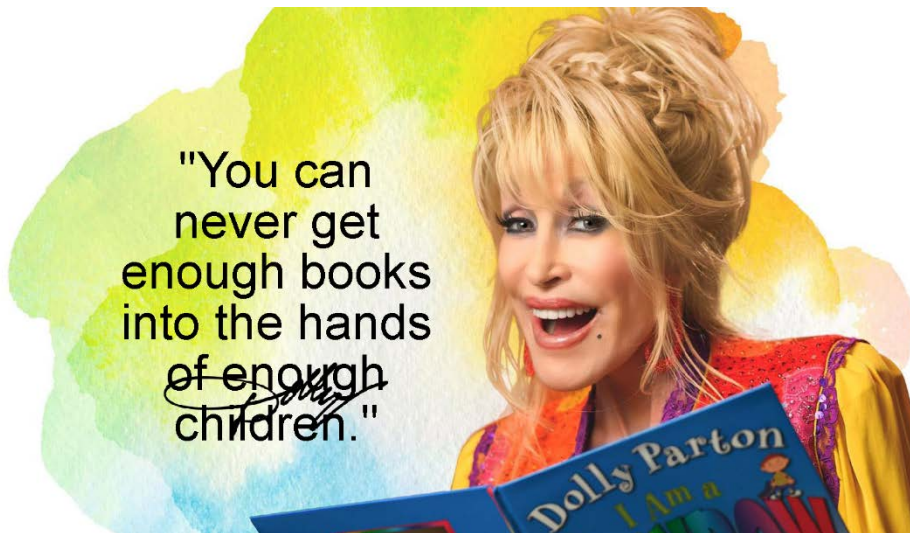
- Stated that Sinclair Health currently only has one office in Winchester.
 - o Jennifer Parker affirmed and added that offering services in Clarke County will depend on Sinclair’s ability to fund the necessary staffing. A large part of their success in the last three years has been the Medicaid dollars they have been able to take in, so the Medicaid reduction will negatively affect their efforts as well.

Chairman Weiss

- Observed that Clarke County is fortunate to have a good network of private assistance, but this unwinding will tax that considerably.

7) *Dolly Parton’s Imagination Library Presentation*

Andy Gail, Executive Director of Literacy Volunteers Winchester Area presented the following:



- Across the Commonwealth, 17% of adults suffer from a literacy issue.
- About 24.7% in Winchester and 18% in Frederick and Clarke experience literacy difficulty, which could be complete illiteracy or being uncomfortable reading, writing, or using technology. Literacy Volunteers was founded 38 years ago to address that issue for adults.



- Dolly Parton's Imagination Library
- Founded by Dolly so that every kid can grow up with books
- Free book a month from the month they are born to the month the child turns five in the Mail
- Expanded Aug 10 to Frederick and Clarke
- 210 kids signed up between Sept 2021-Aug 9 2022
- Now over 1700+
- **Where's Dolly?** Social Fundraiser Coming up! Let me know if you want to get involved!



DPIL in Clarke

638 Eligible (2020 Census)

137 Currently Enrolled (21%)

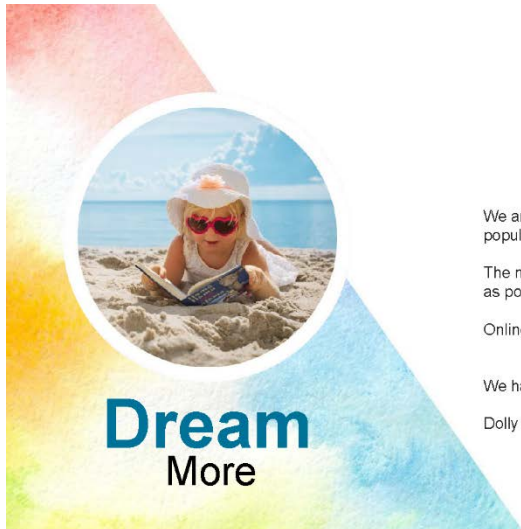
Turning 1 – 24

Turning 2 – 33

Turning 3 – 25

Turning 4 – 30

Turning 5 – 25



Dream More

Increase Enrollment

Get more Kids Signed up!

We are currently providing books to 21% of the eligible population in Clarke County

The number of kids eligible to enroll will only increase as population grows

Online Registration and Paper Forms are available
Imaginationlibrary.com

We have posters and brochures available

Dolly Cut Out can come to events!

How to Help

There is no cost to the family!

LVWA and Dollywood Foundation
Share the Costs

\$25 per child per year, or \$125 for the
entire eligibility Period

The Commonwealth has passed
funding to offset costs by ½

Clarke Co Rotary has provided
\$2,000 in funding



Thank You!

Andy Gail
Executive Director
301 N. Cameron St.
Winchester, VA 22601
(540) 536-1648
agail@lvwa.org



Supervisor McKay

- Asked how word about the program has spread throughout Clarke County.
 - o Andy Gail replied that the Education Foundation and local child-care providers have helped, as well as the newspapers, local schools, and social media.

Supervisor Lawrence

- Suggested that registration forms for the Imagination Library be provided to the Department of Social Services, so they can be given to everyone who applies for benefits, if they have an eligible child.
 - o Andy Gail agreed, adding that all that is required to register is an address or P.O. Box that matches the parent's name. Literacy Volunteers is willing to collaborate on anything that will help to spread awareness and meet the community's need.

8) *Approval of Minutes*

Vice Chair Catlett moved to approve the minutes of the January 17, 2023 Regular Meeting 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

9) *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 Gary Lichliter (2023-03R)



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 Gary Lichliter 2023-03R

WHEREAS Gary Lichliter was appointed to the Clarke County Parks and Recreation Advisory Board by the Board of Supervisors on August 15, 1995; and

WHEREAS he has shown dedication to his community by serving on the Clarke County Advisory Board through August 31, 2022; and

WHEREAS Mr. Lichliter sat on the Bylaws, the Master Plan, the Honorees and Memorials, the School/Park Relations, the Maintenance Standards, and the Park User Group committees during his 27 year tenure with the Parks and Recreation Advisory Board; and

WHEREAS, as a public servant, he has worked tirelessly to improve and promote his community and Clarke County Parks and Recreation;

NOW, THEREFORE, BE IT RESOLVED by the Clarke County Board of Supervisors that Gary Lichliter by recognized and congratulated for his service and dedication to all 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 21st day of February, 2023.

ATTEST 2023-03R

David S. Weiss, Chair

Chairman Weiss presented a framed copy of the resolution to Gary Lichliter.

- Resolution of Recognition & Appreciation for Steve Wisecarver (2023-04R)



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 Steve Wisecarver 2023-04R

WHEREAS Steve Wisecarver was appointed to the Clarke County Parks and Recreation Advisory Board by the Board of Supervisors on March 4, 2003; and

WHEREAS he resigned from the Parks and Recreation Advisory Board on June 14, 2021, after eighteen years of faithful service; and

WHEREAS Mr. Wisecarver served on the Bylaws, the School/Park Relations, the Maintenance Standards, the Recreational Needs and the South End of the County, and the Fees committees, and acted as Board Secretary for eight years; and

WHEREAS his active involvement and contributions as an educator have benefitted all Clarke County citizens by improving and promoting Clarke County Parks and Recreation;

NOW, THEREFORE, BE IT RESOLVED by the Clarke County Board of Supervisors that Steve Wisecarver be recognized and congratulated for his service and dedication to all 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 21st day of February, 2023.

ATTEST 2023-04R

David S. Weiss, Chair

Chairman Weiss presented a framed copy of the resolution to Steve Wisecarver.

– Resolution of Recognition & Appreciation for Daniel Sheetz (2023-05R)



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
Daniel Sheetz
2023-05R**

WHEREAS Daniel Sheetz was appointed to the Clarke County Parks and Recreation Advisory Board by the Board of Supervisors on March 18, 2003; and

WHEREAS after twenty years of active involvement and dedicated service, he resigned from the Clarke County Advisory Board on January 25, 2023; and

WHEREAS he served as Chairman of the Parks and Recreation Advisory Board for eleven years, as well as a member of the Bylaws, the Master Plan, the Honorees and Memorials, the School/Park Relations, the Maintenance Standards, the Recreational Needs at the South End of the County, and the Fees committees; and

WHEREAS Mr. Sheetz worked tirelessly to promote the expansion of Parks and Recreation by collaborating with the Board of Supervisors and other organizations on various projects including the addition of the Clarke Active Living Center, the park offices, the Rotary Shelter, expanding the soccer field and parking areas, and lights for Little League baseball;

NOW, THEREFORE, BE IT RESOLVED by the Clarke County Board of Supervisors that Daniel Sheetz be recognized and congratulated for his service and dedication to all 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 21st day of February, 2023.

ATTEST 2023-05R

David S. Weiss, Chair

- Resolution Approving Clarke County’s Participation in the Proposed Settlement of Opioid-Related Claims Against Teva, Allergan, Walmart, Walgreens, CVS, and Their Related Corporate Entities, and Directing the County Administrator to Execute the Documents Necessary to Effectuate Clarke County Participating in the Settlements (2023-06R)

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
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Buckmarsh Voting District
David S. Weiss – Chair
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White Post Voting District
Bev B. McKay
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County Administrator
Chris Boies
(540) 955-5175

Resolution Approving Clarke County’s Participation in the Proposed Settlement of Opioid-Related Claims Against Teva, Allergan, Walmart, Walgreens, CVS, and Their Related Corporate Entities, and Directing the County Administrator to Execute the Documents Necessary to Effectuate Clarke County Participating in the Settlements 2023-06R

WHEREAS, the opioid epidemic that has cost thousands of human lives across the country also impacts the Commonwealth of Virginia and its counties and cities, including the County of Clarke, by adversely impacting the delivery of emergency medical, law enforcement, criminal justice, mental health and substance abuse services, and other services by Clarke County’s various departments and agencies; and

WHEREAS, the Commonwealth of Virginia and its counties and cities, including Clarke, have been required and will continue to be required to allocate substantial taxpayer dollars, resources, staff energy and time to address the damage the opioid epidemic has caused and continues to cause the citizens of the Commonwealth and Clarke County; and

WHEREAS, settlement proposals have been negotiated that will cause Teva, Allergan, Walmart, Walgreens, and CVS to pay billions of dollars nationwide to resolve opioid-related claims against them; and

WHEREAS, the County has approved and adopted the Virginia Opioid Abatement Fund and Settlement Allocation Memorandum of Understanding (the “Virginia MOU”), and affirms that these pending settlements with Teva, Allergan, Walmart, CVS, and Walgreens shall be considered “Settlements” that are subject to the Virginia MOU, and shall be administered and allocated in the same manner as the opioid settlements entered into previously with opioid distributors McKesson, Cardinal Health, and AmerisourceBergen, and opioid manufacturer Janssen Pharmaceuticals; and

WHEREAS, the County Attorney has reviewed the available information about the proposed settlements and has recommended that the County participate in the settlements in order to recover its share of the funds that the settlement would provide;

www.clarkecounty.gov

101 Chalmers Court, Suite B
Berryville, VA 22611

Telephone: [540] 955-5175

NOW, THEREFORE, BE IT RESOLVED that the Clarke County Board of Supervisors, this 21st day of February, 2023, approves of the County's participation in the proposed settlement of opioid-related claims against Teva, Allergan, Walmart, Walgreens, CVS, and their related corporate entities, and directs the County Administrator to execute the documents necessary to effectuate the County's participation in the settlements, including the required release of claims against settling entities.

APPROVED AND ORDERED ENTERED in the official records by the unanimous vote of the Clarke County Board of Supervisors' members assembled on the 21st day of February 2023.

ATTEST 2023-06R

David S. Weiss, Chair

10) *Board of Supervisors Personnel Committee Items from February 13, 2023*

A. Expiration of Term for Appointments Expiring through April 2023

2023-02-13 Summary: Following review, the Personnel Committee took no action.

2023-02-21 Action: Chris Boies reviewed the above summary.

B. Proposed Pay Scale Adjustment

2023-02-13 Summary: Following review, the Personnel Committee recommends that the minimum, midpoint, and maximum salaries for each grade on the Clarke County General Government Classification Listing be increased by ten percent, effective July 1, 2023.

2023-02-21 Action: Chris Boies reviewed the above summary.

- In 2014, an extensive salary study was done for all county positions. The resulting salary scale was adopted and it has not been changed since then.
- Because the minimum pay has not increased at all, starting pay for employees is not as competitive as the county would like. Two specific areas of concern are Sheriff Deputies and Communications staff.

- If the county gave a 5% raise in the upcoming fiscal year, only 11 employees would require salary increases to meet the proposed new minimums. That salary cost is about \$22,000.
- If the Board endorses this salary scale adjustment, it would become a budget request and need to be adopted as part of the budget.

Supervisor Bass

- Stated that turnover in the Sheriff’s Office is a big issue and opined that this adjustment would allow the county to offer more competitive salaries and could result in less turnover and more consistency.

Supervisor Lawrence

- Asked if increases to the salary scale were discussed when it was originally adopted.
 - Chairman Weiss answered that overall adjustments were not discussed. However, the Board has historically given raises based on the midpoint, which provided a boost to employees who were lower on the scale.

Vice Chair Catlett

- Inquired about the cost of re-doing the salary scale entirely.
 - Chris Boies responded it would depend on the scope, but would likely cost at least \$50,000.

Supervisor McKay

- Questioned if the county was able to recoup the cost of sending a deputy through the academy if that deputy leaves shortly after.
 - Chief Deputy Sumption replied that the Sheriff’s Office has recently implemented this change. Deputies who leave within two years must pay a pro-rated amount.

Chairman Weiss

- Clarified that this is not a ten percent raise for employees, this is only raises the stated salary scale amounts.

Vice Chair Catlett moved to include the new pay scale in the FY24 budget. 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 February 13, 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

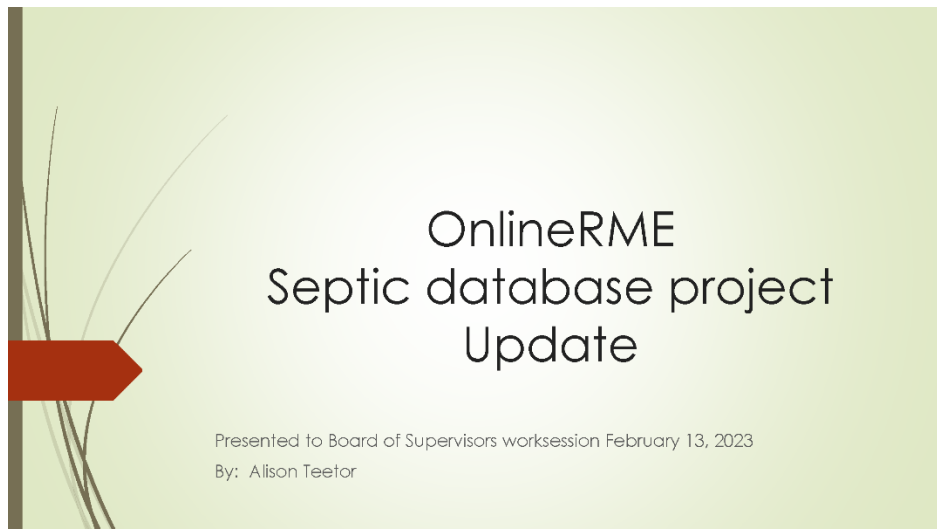
Officer / Staff Present: Chris Boies, Cathy Kuehner, Brandon Stidham, Catherine Marsten, Wayne Whetsell, Travis Sumption, Alison Teetor

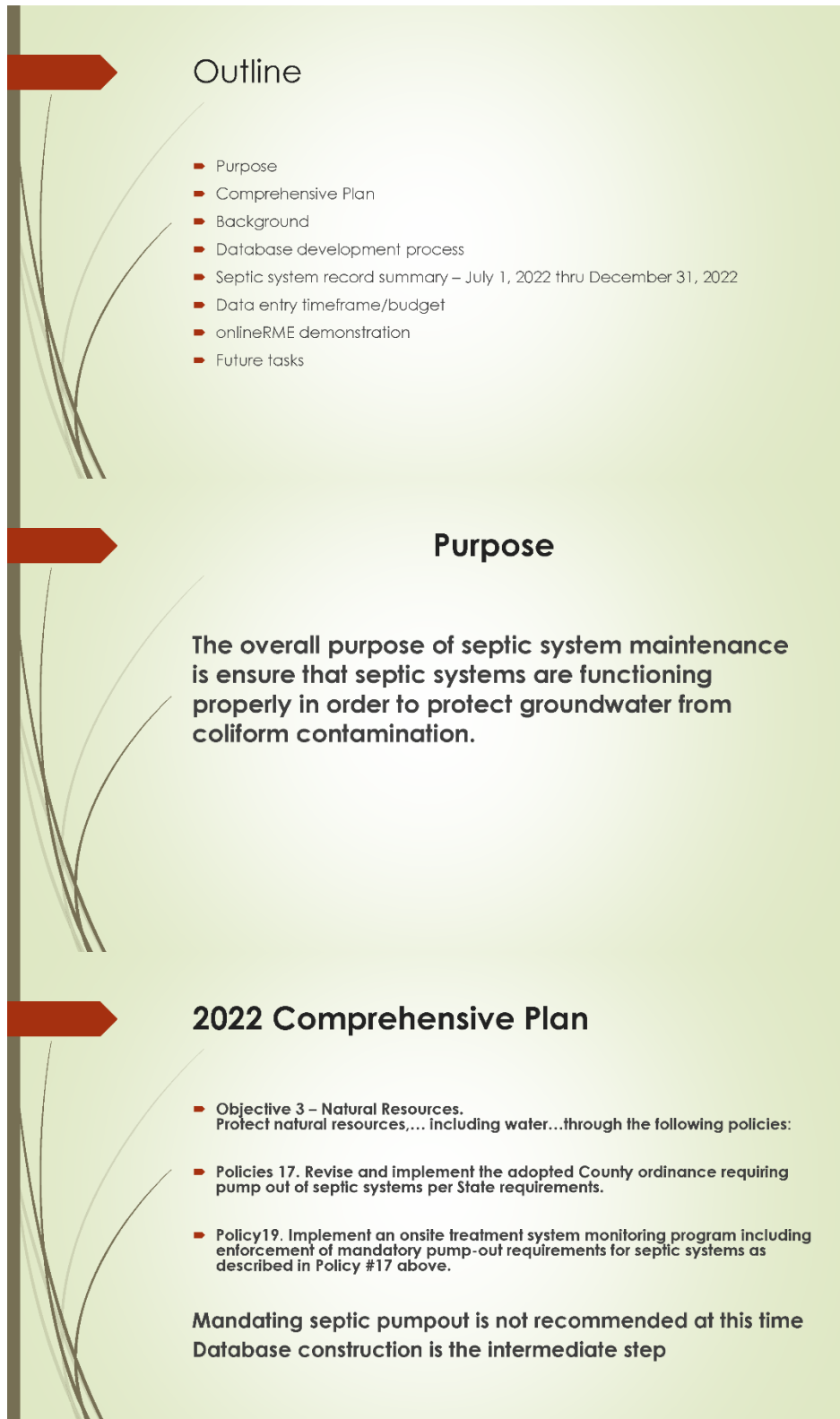
Others Present: John Hedlund

Press Present: Mickey Powell, the Winchester Star

2023-02-13 Summary: At 9:58 am, Chairman Weiss called the meeting to order.

- A. Online RME Presentation/Septic Providers Outreach: Alison Teetor presented the Board a status update on the septic information database project, discussed the data entry requirements, and gave a demonstration.





Outline

- Purpose
- Comprehensive Plan
- Background
- Database development process
- Septic system record summary – July 1, 2022 thru December 31, 2022
- Data entry timeframe/budget
- onlineRME demonstration
- Future tasks

Purpose

The overall purpose of septic system maintenance is ensure that septic systems are functioning properly in order to protect groundwater from coliform contamination.

2022 Comprehensive Plan

- Objective 3 – Natural Resources.
Protect natural resources,... including water...through the following policies:
- Policies 17. Revise and implement the adopted County ordinance requiring pump out of septic systems per State requirements.
- Policy19. Implement an onsite treatment system monitoring program including enforcement of mandatory pump-out requirements for septic systems as described in Policy #17 above.

**Mandating septic pumpout is not recommended at this time
Database construction is the intermediate step**

2018 WATER RESOURCES PLAN

- Goal 1, Objective 1 Strategy a:
Implement regular maintenance, monitoring, and reporting of all septic system components.
- Included in the maintenance is a regular pump-out schedule as recommended by the Virginia Department of Health (VDH).
- Utilize VDH staffing resources to ensure annual operation and maintenance inspections of alternative septic systems and identification of substandard systems. Provide County funding if necessary to ensure VDH resources remain available and capable to manage this program.

Background

- October 21, 2021 Board of Supervisors worksession –
 - staff presented results of an initiative to encourage voluntary septic pumpout (maintenance).
 - Results identified the need to develop an accurate, accessible database
 - Currently septic data is available from the Health Department as needed
 - all file records through 2018 have been scanned (pdf's) and can be requested by tax map#.
 - data cannot be searched
 - No statistics on type of system, maintenance or any other information
 - HD has no plans to provide public access
 - onlineRME database was selected as the best platform for County septic data
 - RME stands for Responsible Management Entity
 - RME has to be populated by hand as there is no way to import from VDH
 - Board approved funding for part-time staff to populate RME database from existing Health Department scanned records

OnlineRME

- Loudoun County uses this to track system components, maintenance, pumpouts, and all other aspects of septic systems in Loudoun.
- This program is accessible to the public, Health Department, and anyone wanting to know about the septic system on a particular property. They have also linked the data to their online GIS.
- A database such as this is critical in order to effectively manage and understand onsite septic systems in the County.
- This will be particularly important for regulating AirBNB's.
- Effective tool as properties change hands – particularly with alternative systems
- Non-proprietary but charge \$3.30/inspection or pumpout record entered
- A demonstration of the Loudoun and Clarke systems follows this summary

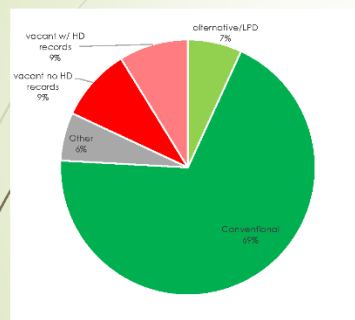
Database development Progress report

- The Board approved 400 hours for FY23 to begin data entry.
- Transferred all CAMA data to onlineRME to establish parcel records
- Established online access to Health Department scanned records.
- Met with Loudoun County personnel to get a demonstration of their system.
- Working with the HD personnel, it was agreed they would enter the alternative system data, Ms. Teefer will enter conventional system permits.
- Data entry initiated in mid-July.
- Data entry - manually populating the onlineRME database with the septic size, components, date when the system was installed and uploading permit records from the Health Department scanned records.

Estimated # of systems

- Estimated number of septic systems – 5,000
 - Based on number of addressed structures not on public sewer
 - Roughly 350 or 7% are alternative systems, these include some but potentially not all, Low Pressure Distribution Systems (LPDs) based on Health Department data.
 - Use of LPDs was discontinued in 2011.

Data entry summary July 1, 2022 – December 31, 2022

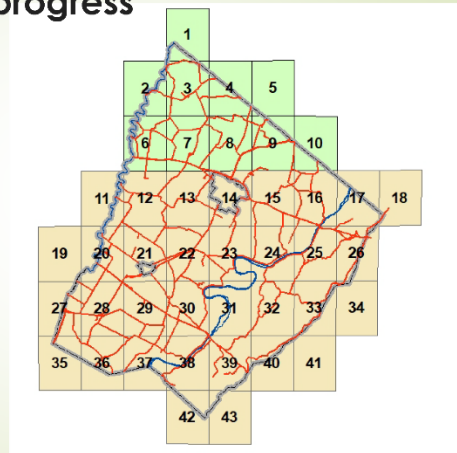


System Type	# of systems
alternative/LPD	74
Conventional	745
Other	65
vacant no HD records	102
vacant w/ HD records	93
Grand Total	1079

In 6 months data entry is at 20% completion

Data entry progress

Based on completion of ~1,000 records in 6 months, it is estimated that data entry will take 2 – 2 1/2 years



Budget

FY		Tasks		
FY23	\$ 36,000 *	data entry		
FY24	\$ 36,000 *	data entry	program development	
FY25	\$ 39,300 **	data entry	program development	+RME fee (\$3,300)
	* shared w/ Easement Authority responsibilities			

Current tasks

- Continue data entry of all septic systems in County
- Initiate education/outreach with local septic providers and homeowners to explain the program and encourage and potentially require use of onlineRME for all septic maintenance reporting.
- Continue to refine an estimated budget and timeline for initial data entry completion and continued maintenance record entry.

- B. CEA Policy: Building Envelopes/Impervious Surfaces/Large Agricultural Building: Alison Teetor presented the proposed building envelope policy recommended by the Conservation Easement Authority.

Building Envelopes/ Impervious Surfaces/ Large Agricultural Buildings Policy

Presented to Board of Supervisors worksession February 13, 2023

By: Alison Teetor

The Purpose of a Building Policy on Easement Properties

- ▶ Protect the conservation values for which the Conservation Easement is based
 - a. Streams, wetlands, springs
 - b. Scenic roads
 - c. Hill tops or other visible locations
 - d. Sinkholes
 - e. Property line setbacks
 - f. Slopes >25%
 - g. Important farmland soils
 - h. Other features as determined by the Authority

Current policy

- ▶ Building envelopes – not required by the CEA, but have been required on all NRCS funded easements, voluntarily as requested by the landowner, or in some cases requested by the Authority
- ▶ Impervious surface limits – policy adopted in 2016 – places limits based on acreage increments – somewhat arbitrary and range from about 2.3% on properties less than 15 acres to 1% impervious surface on properties 55 acres and greater

Current Policy - Deed Restrictions

- ▶ Large structures – in general, any new structure over 4,500 sq ft requires approval from the Authority - approval shall be limited to consideration of the impact of the size, height, and siting
- ▶ The collective footprint of all buildings and structures on the Property, including paved parking areas but excluding roads, shall not exceed 1% of the total area of the Property without approval of the Authority

Why is a new policy being considered?

- ▶ To better protect the conservation and open-space values of the easement
- ▶ The IRS may not approve tax credits for easement donations without building envelopes and impervious surface limitations written into the deed of easement because:
 - ▶ building envelopes prevent the random placement of structures throughout an eased property which could impact conservation values.
 - ▶ limits to impervious surfaces prevent excess runoff during storm events and retain open space.
- ▶ Mr. Mitchell provided an opinion stating that he finds the requirement of building envelopes on all conservation easements to be advisable because of the IRS requirements

Why is a new policy being considered? (Continued)

- ▶ Not new – impervious surface limitations are in every recorded deed, building envelopes have been required on all Federally funded easements (NRCS- ALE, FRPP)
- ▶ Most if not all Land Trusts require building envelopes and impervious surface limitations

Overview of New Policy

- ▶ An updated policy has been proposed to:
 - ▶ inform landowners considering placing their property in an easement with the CEA.
 - ▶ describe the types of resources the CEA strives to protect
 - ▶ describe the potential restrictions considered necessary to protect these resources
- ▶ Each property will be considered on a case-by-case basis.
- ▶ Staff will use these guidelines to work with landowners in developing building envelope size(s) and location(s)

Definitions

- ▶ **“Building Envelope(s)”** areas depicted on a map, attached to the deed of easement which contains new structures for residential or agricultural use.
- ▶ **“Structures permitted outside of building envelopes”** Run in sheds, loafing sheds, open sided hay sheds, and other similar small structures utilized for agriculture may be located outside the Building Envelope provided that:
 - ▶ each singular Structure shall not exceed a footprint of 500 square feet and is not a dwelling;
 - ▶ (ii) the Structures and their location shall not materially and adversely affect the Conservation Purposes and Conservation Attributes;
 - ▶ (iii) structures shall not be located in any setback area or defined viewshed easement, and
 - ▶ (iv) the Structures shall be consistent with the allowances and limitations of deed template

Policy development

Created an objective policy supported by statistics

- ▶ Analyzed 25 Clarke County held easements that have a building envelope requirement written in the deed of easement.
 - ▶ Total acres of building envelope tends to go up with the size of total farm acres.
 - ▶ The number of envelopes goes up with farm acreage. No easement under 50 acres had more than one envelope.
 - ▶ Impervious surface allowed goes up with farm acreage. Smaller easements allow 2%, which provides for more construction. Larger easements allow for 1%.
 - ▶ The acres of impervious surface allowed goes up with total acres of building envelopes, but not as quickly for the properties with large building envelopes.

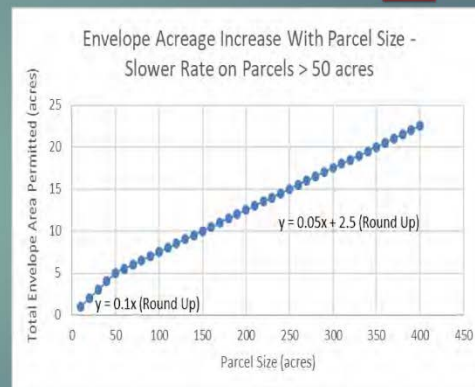
Table 1. Total envelope acreage based on parcel sizes

Group	Parcel Size (acres)	# of building envelopes permitted*	Acres of building envelopes permitted
1	≤50	1	1 acre – 5 acres
2	>50-150	2	6 acres – 10 acres
3	>150-250	3	11 acres – 15 acres
4	>250-350	4	16 acres – 20 acres
5	>350-450	5	21 acres – 25 acres

*The IRS favors deciding the location of building envelopes and recording this information on the deed of easement. Allow for multiple envelopes and not use all of them rather than to move envelopes after the easement is written.

Figure 1. Total envelope acreage based on parcel size
A different rate is used for parcels ≤50 acres or >50 acres.

Parcel Size (acres)	Calculation of acres of building envelopes permitted
≤50	0.1 x parcel size (round up)
>50-450	0.05 x parcel size +2.5 acres (round up)



Plotted chart to develop mathematical formula that proportionally allocates size and total acreage of building envelopes fairly and objectively

Envelope Acreage Example Calculation:

A landowner wants to put a 220 acre parcel into an easement. The size of the parcel allows for 3 envelopes. How many acres are permitted in total (to be distributed among the 3 envelopes)?

$$\begin{aligned} \text{permitted acreage} &= \\ 0.05 \times 220 \text{ acres} &+ 2.5 \text{ acres} = \\ 13.5 \text{ acres} &= 14 \text{ acres (rounded up)} \end{aligned}$$

Property owner voluntarily (on advice from attorney) agreed to bldg. env.



Policy Application

- ▶ Individual envelope size is ideally ≤ 5 acres
- ▶ Landowners will be encouraged to have smaller envelopes where possible
- ▶ When needed, an individual envelope can be larger than 5 acres
- ▶ Allow for multiple envelopes and not use all of them rather than to move envelopes after the easement is written.
- ▶ Case-by-Case basis - the number of building envelopes may need to be increased to match the number of DURs retained on the eased property.

Impervious surface

Parcel Size (acres)	Max. amount of impervious surface permitted	Calculation of square feet of impervious surface permitted
≤50	2%	0.02 x parcel size in acres x 43,560
>50	1% + 0.5 acres	(0.01 x parcel size in acres + 0.5 ac.) x 43,560

43,560 sq. ft. = 1 acre

- Landowners will be encouraged to write easement terms that voluntarily limit the amount of impervious surface below these limits.
- The CEA will consider requests to exceed these limits on a case-by-case basis.
- This policy takes into account that the potential number of structures needed for a small farming operation may be similar to those on larger parcels.

Impervious Surface Example Calculation:

- ▶ A landowner wants to put a 70 acre parcel into an easement. How many square feet of impervious surface are permitted?
- ▶ *permitted impervious surface*
 $= 0.01 \times 70 \text{ acres} + 0.5 \text{ acres} = 1.2 \text{ acres}$
 (same as 52,272 sf)

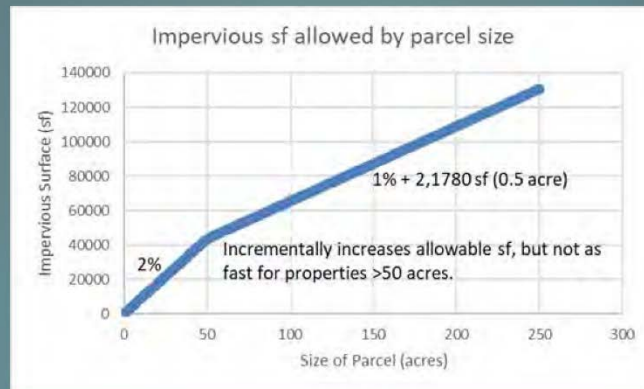


Figure 2. Maximum square footage of impervious surface with parcel size consistent with Table 2.

Plotted chart to develop mathematical formula that proportionally allocates amount of Impervious surface fairly and objectively

Large Agricultural Building

- ▶ Considered on a case-by-case basis and will require siting within a building envelope.
- ▶ Proposed submission requirements:
- ▶ The CEA shall review and approve all building design and materials. Applicant shall provide a 3D rendering of the proposed structure detailing the structures dimensions, height, length, width and the proposed materials and colors.
- ▶ A site plan showing the proposed location for the structure which includes measurements to envelope boundaries, property lines, well(s) and septic system(s). This site plan may be prepared by the landowner and does not need to be surveyed or engineered.

Definitions (cont.)

- ▶ **“Agricultural building”** a structure used solely for agricultural purposes in which the use is exclusively in connection with the production, harvesting, storage, drying, or raising of agricultural commodities, including the raising and training of livestock, or where agricultural products are processed or treated or packaged.
- ▶ **“Standard Large Agricultural Buildings”** Structures with ground area between 4,500 and 10,000 square feet.
- ▶ **“Extra Large Agricultural Buildings”** “Structures with ground area exceeding 10,000 square feet.

Summary

- ▶ Policy intended to protect conservation values of easement
- ▶ Fulfill IRS requirements

Questions???

The Board reviewed the proposed policy and asked questions. By consensus, the Board decided to move the policy forward for consideration at the February 21, 2023 Regular Meeting.

2023-02-21 Action: Chris Boies reviewed the above summary:

Supervisor Lawrence

- Asked if the county could incentivize service providers to enter septic reports, especially if they are charged to enter these reports.
 - Alison Teetor replied that this is the reason Loudoun County pays for the database service outright, while in other localities the charge is usually passed on to the consumer.

Chairman Weiss

- Thanked staff for the work done on the Conservation Easement Authority and observed that the driving factor for the policy is IRS requirements, hopefully this does not dissuade landowners from putting land into easement.

Vice Chair Catlett moved to endorse Conservation Easement Authority policy 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

12) *Board of Supervisors Finance Committee Items from February 13, 2023*

A. Clarke County Department of Social Services Supplemental Revenue and Expenditure Requests: The Department of Social Services is requesting supplemental revenue and expenditure appropriation for the following items:

1. The Department has received additional federal revenue in the amount of \$16,000 for the Federal Adoption budget line. Adoptive parents can use these funds for room and board, transportation, and daily supervision. These funds do not require a local match.
2. Additional funds of \$17,000 for IV-E Foster Care have been received. This funding will be paid to foster parents or child placing agencies and can be used for much of the same items as the adoption funds; however, a child has to be deemed eligible to fall under this funding. These are 100% federal funds with no local match.
3. Additional funds of \$36,500 have been received for the State Adoption budget line. These funds can be used for the same items listed in the Federal Adoption section above (1). These are also 100% federal funds and do not require a local match.

2023-02-13 Summary: Following review, the Finance Committee recommends, "Be it resolved that the FY23 Department of Social Services operating fund budgeted expenditure and appropriation be increased \$69,500, and revenue

budget and appropriation be increased by the same amount, for the purpose of receiving federal funds for the Federal Adoption, IV-E Foster Care, and State Adoption budgets”.

2023-02-21 Action: Chris Boies reviewed the above summary:

- This request is a testament to great work by Director Jennifer Parker in searching out and applying for any available funds.

Supervisor Lawrence moved, be it resolved, that the FY23 Department of Social Services operating fund budgeted expenditure and appropriation be increased \$69,500, and revenue budget and appropriation be increased by the same amount, for the purpose of receiving federal funds for the Federal Adoption, IV-E Foster Care, and State Adoption budgets. 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. Forest Sustainability Grant Funds: The Planning Department has received grant funds of \$4,815 from the Virginia Department of Forestry for the Forest Sustainability Grant. The Planning Department is requesting supplemental expenditure and revenue appropriation for this grant.

2023-02-13 Summary: Following review, the Finance Committee recommends, “Be it resolved that the FY23 Planning Department operating fund budgeted expenditure and appropriation be increased by \$4,815, and revenue budget and appropriation be increased by the same amount for the purpose of receiving \$4,815 from the Virginia Department of Forestry for the Forest Sustainability Grant”.

2023-02-21 Action: Chris Boies reviewed the above summary:

- This grant is a new funding source created by the state. The county is eligible because it has a land use program for forest.
- Per the creating legislation, these funds can be spent on public education generally, or for projects related to outdoor recreation or forest conservation.
- Proposed uses of these funds include \$400 to complete a forest management plan for the Kohn property, \$1,000 for printing the “Take a

Hike” brochure, and \$3,400 for an Earth Day event, which will include planting trees at the Josephine Cemetery.

- The new warehouse in the Industrial Park will block the cemetery’s previous view of the mountain, so planting a landscape buffer would be appreciated. The planting could be an educational event for student groups.

Supervisor Bass moved, be it resolved, that the FY23 Planning Department operating fund budgeted expenditure and appropriation be increased by \$4,815, and revenue budget and appropriation be increased by the same amount for the purpose of receiving \$4,815 from the Virginia Department of Forestry for the Forest Sustainability 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

- C. Deed Book Restoration Grant: The Clarke County Clerk of the Circuit Court has been awarded a Deed Book restoration grant of \$26,318. The grant includes restoration and digitization of eight books. The process is not expected to be complete until FY24, so this project will be part of the FY24 Capital Projects budget.

2023-02-13 Summary: Following review, the Finance Committee took no action.

2023-02-21 Action: Chris Boies reviewed the above summary.

- D. Clarke County Government Salary Scale

2023-02-13 Summary: Following review, the Finance Committee recommends increasing the minimum, midpoint, and maximum salaries for each grade on the Clarke County General Government Classification Listing by ten percent, effective July 1, 2023.

2023-02-21 Action: Chris Boies reviewed the above summary.

E. Bills and Claims

2023-02-13 Summary: Following review, the Finance Committee recommends approving the January 2023 Invoice History report.

2023-02-21 Action: Chris Boies reviewed the above summary.

Vice Chair Catlett 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

F. Standing Reports

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

2023-02-21 Action: Information Only.

13) *Joint Administrative Services Board Update*

Chris Boies provided the following update on behalf of Brenda Bennett:

- JAS staff proposes adding a new full-time position of Benefits Coordinator, at a total cost of about \$90,000. The FY24 Budget Finance Committee is still reviewing and discussing this request.
- JAS staff continues to work on reconciliations with Benefit Plan Administrators.

Chairman Weiss

- Opined that, though it may not be feasible in the budget, the request to add a position is a reasonable one as the JAS workload has increased significantly.

Vice Chair Catlett

- Inquired about the JAS employee structure and the ratio of school employees to county employees.

- Chris Boies responded that JAS employees follow the School Board personnel policies and raise schedule, but they are funded outside of the School Board budget. Of the total number of Clarke employees, about 2/3 are school employees and 1/3 are government.

14) Government Projects Update

Chris Boies provided the following update:

- Several months ago, I asked Rappahannock Electric if they would consider installing some screening around their substation adjacent to the park. When this substation was installed, screening was installed on the eastern boundary but the park had not yet expanded west of the substation (soccer fields). This week REC started installing trees and many more plants will be added over the next couple of months. This will be a pollinator garden and REC is interested in collaborating with the schools to promote the educational component of this project. A ribbon-cutting type of event will occur in the spring with the Board invited.

Vice Chair Catlett

- Thanked REC and shared that a citizen has already contacted her to compliment the garden.

Chris Boies continued the update:

- Thanks to Jennifer Parker with Social Services and all of the non-profits that participated in the Citizen's Academy session on Friday. The public may not be aware that the Clarke County Community Service Council exists. This group is comprised of different non-profits in the county who meet every other month to better communicate and coordinate their efforts in serving the community. This includes FISH, Habitat for Humanity, Seniors First, Laurel Center, Northwestern Community Services Board, Horseshoe Curve Benevolent Association, People Inc., Blue Ridge Center for Therapeutic Horsemanship, and many others. We had a great roundtable on Friday with many of these organizations represented.
- The floors in the pool house at the park were redone this past week with an epoxy finish and they turned out very well.
- Most of the prep work for the chiller at the courthouse has been completed and we should see the major part of this work beginning soon.
- The rooftop HVAC units at the recreation center are waiting on some final parts but the units are here.

- Some work has been completed on the Jack Enders Boulevard storm water piping; we hope to get an update from the contractor this week on the remaining work.
- I would like to thank Mickey Powell and Cathy Kuehner for the recent coverage concerning our new animal shelter manager.
- I also want to thank our entire county team. We have a number of employees dealing with family members who are ill and everyone has stepped up to help while these folks are where they should be during this time, caring for their family. I am proud to work with such great employees.

Supervisor Lawrence

- Asked if the large brush pile at the park could be put through the regional landfill’s chipper instead of being burned this year.
 - o Chris Boies advised he would discuss this at an upcoming landfill meeting.

15) *Miscellaneous Items*

Chairman Weiss

Congratulated Supervisor Lawrence for his recent recognition at the John E. Enders Fire Company & Rescue Squad annual banquet; Mr. Lawrence was third in total calls for 2022.

Chairman Weiss

Offered the Board’s thoughts and prayers to several employees within the county whose families are battling significant illness right now.

16) *Summary of Required Action*

<u>Item</u>	<u>Description</u>	<u>Responsibility</u>
	Execute approved resolutions	David Weiss
	Process approved minutes & resolutions	Catherine Marsten
	Process CEA policy	Alison Teetor
	Process approved budget requests and action items.	Brenda Bennett
	Process bills and claims.	Brenda Bennett

17) Board Member Committee Status Reports

Supervisor Doug Lawrence

Berryville-Clarke County Joint Committee on Economic Development & Tourism

- Held organizational meeting in January.

Board of Social Services

- Update given earlier in the meeting.

Regional Jail Authority

- Will meet this Thursday.
- Clarke's cost share is down.

School Board

- Andrew McDonald resigned.

Vice Chair Terri Catlett

Career and Technical Education

- Has not met.

Clarke County Historic Preservation Commission

- Looking at potential other projects for CLG grants, now that the History Through Architecture book is finished.

Clarke County Humane Foundation

- Will meet tomorrow.

Millwood

- Ongoing citizen discussions about Carter Hall and traffic concerns.

Planning Commission

- Public hearing on Carter Hall was very well attended; decision on the application was continued to March 3.

CPMT

- Discussed ongoing problem of children who need services spending a long time waiting in the emergency room.
- The caseload has increased due to the changing relationship between the schools and FAPT.

Supervisor Bev McKay

Berryville-Clarke County Joint Building Committee

- Next meeting is March 1.

Northern Shenandoah Valley Regional Commission

- Staff proposing an increase in county assessments, Clarke’s assessment would be \$11,867.

Town of Boyce

- A buzzard effigy will be installed on the water tower to discourage birds from gathering there.

Sanitary Authority

- Met this morning, Locke Store grease test results are again over the limit. Will re-test and hold a special meeting if level is too high.
- McDonalds also had a high grease test result, but the new owner was fined and expects the problem will be resolved.
- A compressor in water plant needs to be fixed; need to get three-phase power into the water plant.

Chairman Weiss

- Suggested that he and Supervisor McKay meet with the Sanitary Authority Chair and Vice Chair to discuss the grease issue at Locke Store.

Vice Chair Catlett

- Vice Chair Catlett agreed, adding that it would be good to establish a pathway forward through this problem.

Chairman Weiss

- Clarified that McDonalds was fined twice for two failures and asked if a fine was levied on Locke Store for the recent failure.
 - Supervisor McKay answered no, the CCSA decided not to assess a fine because the grease level was very narrowly over the stated limit.
- Suggested, and Supervisor McKay agreed, that it seems inconsistent to fine one failure and not another.

Supervisor Matthew Bass

Board of Septic and Well Appeals

- Nothing to report.

Library Advisory Council

- New circular and newspaper rack courtesy of a citizen donation.

Litter Committee

- Will be discussing earth day activities.

Josephine School Community Museum Board

- Will appreciate tree planting planned for the cemetery.

Legislative Updates

- Nothing significant to report.

Northwestern Regional Adult Drug Treatment Court Advisory Committee

- Have been invited to present to the Board

- New executive director is Kat Wilcox.
- Incentive to participate in program is waning.
- Northwestern Regional Juvenile Detention Center Commission
 - County's numbers are down and so budget request has decreased.
- Sheriff's Office
 - Meets on Friday.
- Town of Berryville
 - Nothing to report.
- Parks and Recreation Advisory Board
 - Will meet in April.

Chairman David Weiss

- Industrial Development Authority
 - Nothing to report.
- Fire & EMS Commission
 - Nothing to report.

18) *Closed Session pursuant to §2.2-3711(A)(3): Discussion of the acquisition of real property for a public purpose, where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the public body.*

At 2:48 pm, Supervisor Bass moved to convene in closed session to discuss the acquisition of real property for a public purpose, where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the public body, as permitted by VA Code §2.2-3711(A)(3). 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 3:17 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 McKay 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 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 February 21, 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.

At 3:18 pm, Chairman Weiss recessed the meeting.

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

19) *Citizen's Comment Period*

No persons appeared to address the Board.

20) *All Points Broadband Presentation*

Kyle Rosner, Director of Government Affairs for All Points Broadband, presented the following. Mr. Rosner did not physically attend the meeting and presented virtually.



February 21, 2023

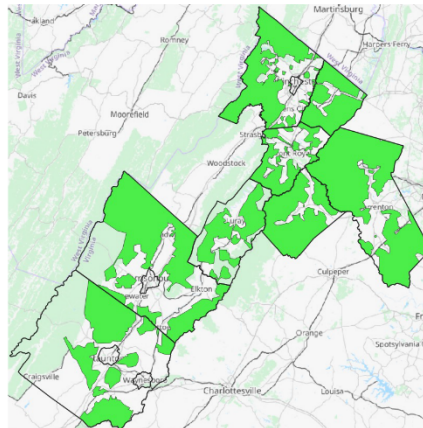
NSVRC Initiative Timeline

- Q2 2021: Regional initiative formed with NSVRC, 8 counties, APB, Dominion Energy, SVEC, and REC to achieve universal broadband. APB begins network feasibility and grant application process
- 9/2021: NSVRC and APB submit application for VATI broadband funding
- 12/2021: Announcement of provisional VATI grant of \$95.3M – **Largest broadband grant award in Virginia History**
- Q1/Q2 2022: APB begins procuring long-lead time materials and secures capacity for required fiber and electronics
- 7/2022: State issues final VATI grant award and 36-month project period commences

VATI Project Overview

Partners:

- Augusta, Clarke, Fauquier, Frederick, Page, Rappahannock, Rockingham, Warren
- NSVRC
- All Points Broadband
- Dominion Energy
- Shenandoah Valley Electric Cooperative
- Rappahannock Electric Cooperative
- ~3,100 miles of fiber infrastructure
- Connecting 41,690 currently unserved locations

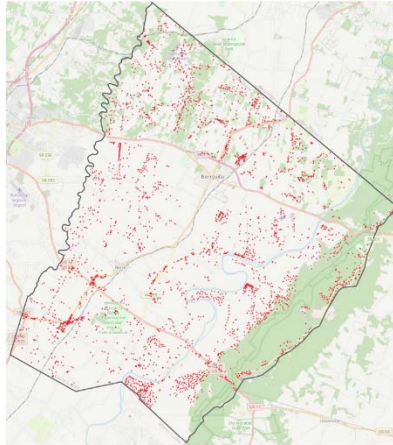


How the Project Area Was Determined

- APB worked extensively with counties to identify as many eligible locations as possible
 - APB conducted extensive field inspections
 - Counties shared information regarding known coverage gaps
 - County-promoted surveys and advertised crowd sourcing
- Thank you for helping identify eligible locations and throughout the VATI challenge rebuttal process
- Reminders:
 - Any process involving humans is imperfect
 - Incumbent providers do not share the gaps in their networks
 - APB has committed to be your partner for universal service
 - APB has created a mapping tool for project leads to document potentially unserved locations

Clarke Overview

- Partners:
 - Clarke County
 - NSVRC
 - All Points Broadband
 - Dominion Energy
 - Rappahannock Electric Cooperative
 - Shenandoah Valley Electric Cooperative
- ~270 miles of fiber infrastructure
- Connecting 3,278 currently unserved locations



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| 4

NSVRC Initiative Timeline (anticipated)

- Q1/2023: Low-level design underway and on schedule; Make ready fielding and engineering imminent
- Q2/2023: Make ready construction begins
- Q4/2023-Q1/2024: Last-mile construction underway
- Q1/2024-Q2/2024: Commencement of customer installations in completed FSAs
- Q3/2025: Substantial completion of last-mile network

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| 5

Last Mile Construction

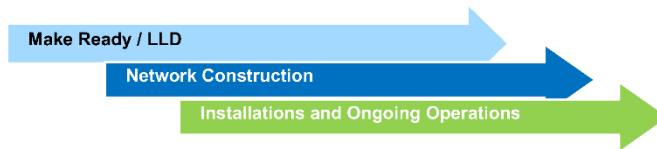
- Key dependencies for last-mile deployment:
 - 1) Middle mile capacity in place
 - 2) Utility pole "make ready" complete for fiber attachment
 - 3) Significant queue of constructable miles
- Electric utility partners executing **unprecedented** make-ready campaign
- Regional office and warehouse facility selected in Harrisonburg
 - Other site selection activities are underway (offices throughout regional area, materials handling, cabinets, etc.)

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| 6

Construction Sequencing

- Project divided into discrete fiber distribution areas (FDAs)
- FDA construction sequencing based on optimal timeline:
 - More constructable routes will be advanced in queue to create steady and reliable construction cadence throughout project
 - Customers will be notified **~90 days** in advance of serviceability within each FDA
 - Quiet before the storm...Aggressive marketing as FDAs are lit



Reporting and Communication

- APB will provide monthly reporting against three categories of milestones:
 - 1) Miles released from LLD
 - 2) Miles constructed
 - 3) Serviceable units passed
- State and County funds are released to APB only when work is complete and based on milestones achieved
- Counties, APB, NSVRC, and electric utility partners (when applicable) will hold quarterly project coordination meetings
- APB and NSVRC will update county boards and hold public events marking project milestones

Customer Sign Up: APBFIBER.COM

APBFIBER.COM

Getting Started is Easy:

1. Visit www.apbfiber.com
2. Click the Get Started Button
3. Enter Your Address
4. Select your services (for applicable areas where fiber has already been installed)

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Customer Sign Up

CHECK AVAILABILITY

ALL POINTS BROADBAND
Let's Get Connected.

Check availability > Select services > Installation > Review order > Sign in

Check Availability at Your Address

Start typing your address in search field. Addresses inside of a service area are included in the list.

Enter your address, including city, state and zip:

16699 History Land Hwy Warsaw Virginia 22572 United States

Check address

FC Affordable Connectivity Program
Helping households connect.

We are a part of The Affordable Connectivity Program (ACP). ACP helps low-income households pay for broadband service and internet connected devices. [Learn more](#)

- Send resident inquiries of service to APBfiber.com
- Residents can pre-register for service and sign up for project updates
- Customers will be notified of service availability on a rolling basis **~90 days in advance**

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Customer Sign Up

INSIDE THE PROJECT AREA

Check Availability at Your Address

Start typing your address in search field. Addresses inside of a service area are included in the list.

Enter your address, including city, state and zip:

24465 Kings Hwy, Warsaw, VA 22572-4310, United States

Check address

You are inside of a planned service area. Services will be available to you soon.

Want to receive updates as we grow?
We'll contact you as we expand our service.

First Name: [Enter First Name] Last Name: [Enter Last Name]
Phone Number: [Enter Phone Number] Email: [Enter Email]

Address (optional): [Enter Address]
City (optional): [Enter City]
State (optional): [Enter State]
Zip Code (optional): [Enter Zip Code]

Send

We are on our way:
Service is planned for this address but not yet available. The customer should register their location so that APB can alert them in advance of service availability.

Timeline:
APB will begin contacting customers approximately 90 days prior to service availability.

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Service Levels and Affordability

- APB is offering a \$30/month discount to any household that qualifies for the Affordable Connectivity Program (ACP). Qualifiers include:
 - Household receiving free or reduced school lunch, SNAP, Medicaid, more
- Prior to offering broadband service, residents will have the opportunity to confirm ACP eligibility and receive discount

Service Tier	ACP Pricing	Undiscounted Pricing
• 50x50 Mbps	\$29.99	\$59.99
• 100x100	\$49.99	\$79.99
• 500x500	\$69.99	\$99.99
• 1000x1000	\$79.99	\$109.99

- Standard Installation fee \$199 for first 12 months - **regardless of length**
- After first 12 months, Standard Installation is within 500ft of nearest terminal
- Beyond 500ft, locations will have transparent and fair per foot charge

How You Can Help

- Spread the word:
 - APBfiber.com
- We are hiring:
 - Allpointsbroadband.com/careers
- Appreciate the scale:
 - Supply chain
 - Labor availability
 - Manage expectations



Vice Chair Catlett

- Asked what citizens should expect to see as the project continues.
 - Kyle Rosner responded that there will be a lot of activity in the county over the next three years. A lot of the work will involve utilities, so residents should expect to see utility crews and the like.

Supervisor Bass

- Shared that other internet providers in the county are mounting aggressive marketing campaigns and questioned why residents should wait for All Points rather than using a company who claims to be able to connect more quickly.
 - Kyle Rosner answered that the majority of people in the area have no access to broadband service, so using another broadband provider is not an option for them. Using an incumbent provider instead is a choice left to individual households, so it will be on All Points to convince them. All Points will be competitively priced and offers fiber to the home, which is a more robust connection than cable.

Chairman Weiss

- Asked how privately owned utility poles, such as those that carry electric service to a farm tenant house, would be handled.
 - Kyle Rosner answered that these poles could be used, but would be treated as service poles and the installation fee would apply to bring the connection to the nearest terminal.

Supervisor Lawrence

- Requested a definition for “substantial completion”.
 - Kyle Rosner responded that substantial completion would mean that all the necessary fiber miles would be constructed and the opportunity to receive service is available.

Unknown Female Speaker

- Inquired if there was any element of the VATI grant requiring All Points Broadband to employ a specific percentage of Virginia citizens.
 - Mr. Rosner replied that there is no requirement, but the vast majority of All Points employees are Virginia residents and the company is headquartered in Virginia.
- Further questioned if All Points would offer any on-the-job training to allow local people to be employed.
 - Kyle Rosner advised that All Points offers significant on-the-job training, especially for fiber technicians.

21) *PH2023-02: SUP22-03/SP22-04 Hecate Energy LLC Special Use Permit & Site Development Plan*

Senior Zoning Administrator Jeremy Camp presented the following:

Clarke County, VA

BOARD OF SUPERVISORS

Special Use Permit (SUP-22-03) & Site Development Plan (SP-22-04)

APPLICANT
Hecate Energy Gun Barrel Road Solar LLC / Hecate Energy LLC



January 6, 2023 Business Meeting—Public Hearing
January 17, 2022—Board of Supervisors (set public hearing)
February 21, 2023 – Board of Supervisors (Public Hearing)

THE REQUEST

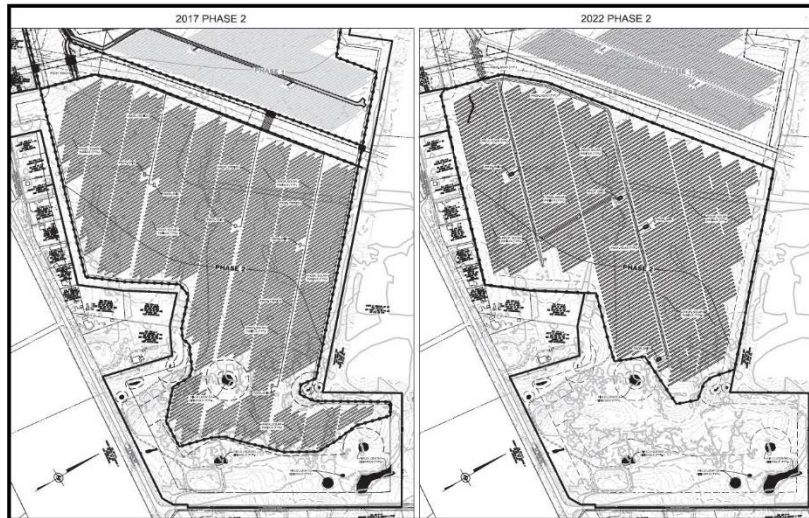
- The Applicant requests an amendment of the existing Special Use Permit (SUP-17-02) for Phase 2 of the Hecate Energy solar power plant (20MW)
 - Phase 1 (10MW) and Phase 2 (10MW) were Approved in 2017 under separate applications.
 - Phase 1 is constructed.
 - Phase 2 is not constructed and the site 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).



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.

UPDATE

The Applicant submitted responses to the questions raised by the Board of Supervisors during the January 17, 2023 meeting when the public hearing was scheduled.

- Abandoned Crawler.
- Decommissioning Plan edit related to future use after decommissioning.
- Endangered species information.
- Concerns of Heavy metals.
- Taxation options.

In regards to the abandoned crawler, the Applicant notified Staff over the weekend that the crawler has been removed from the property.

STAFF RECOMMENDATION FOR 2/21/2023

As recommended by the Planning Commission, Staff recommends approval of the proposed Special Use Permit Amendment (SUP-22-04) and new Site Development Plan (SP-22-04), including the 16 drafted SUP conditions, for Hecate Energy Gun Barrel Road Solar LLC / Hecate Energy LLC.

Chairman Weiss opened the public hearing at 7:18 pm.

No persons appeared to address the Board.

Chairman Weiss closed the public hearing at 7:18 pm.

Supervisor Lawrence

- Asked if the permit would be valid for the life of the facility or if a new special use permit would be required after 25 years.
 - o Brandon Stidham replied that there is no expiration for the special use permit and the economic benefits agreement is in effect for 25 years.

Supervisor Lawrence moved to approve the proposed special use permit and site development plans, subject to conditions as recommended by staff. 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 7:20 pm.

23) Next Regular Meeting Date

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

ATTEST: February 21, 2023

David S. Weiss, Chairman

Chris Boies, County Administrator

Recorded and Transcribed by Catherine D. Marsten