



1) *Call to Order*

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

Chairman Weiss shared that the entire Board is standing for reelection in November, is proud of what it has accomplished in the last four years, and hopes to garner support from the citizens.

2) *Adoption of Agenda*

**Vice Chair Catlett moved to adopt the 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

3) *Citizen’s Comment Period*

Jean Lee

I am here today to speak on behalf of the Millwood Community Association. I am president of the association.

Last August, members of the association began making statements about our concerns regarding the amount of traffic coming through Millwood and the speed of the traffic. By way of context, the MCA was formed 44 years ago in 1979 and one of the first goals was to reduce speeding through the village.

Our current concerns were heard and VDOT was asked to come to a meeting with Millwood residents in October. As a result of that meeting, VDOT agreed to conduct a thorough study of the traffic situation through the village. They published their draft report in January 2023 and held a well-attended community meeting on January 13 where they listened to the comments of the residents. A second meeting, after the release of the final report, was held on April 26, 2023.

The MCA wishes to express our appreciation to the Board of Supervisors for hearing our traffic concerns and advocating for the Millwood community with VDOT. We very

much appreciate the amount of time and skills expended by VDOT on assessing the traffic and pedestrian safety situation in Millwood.

The VDOT reports recommended a few changes to the signage. They recommended considering a rectangular rapid flashing beacon to alert motorists to the crosswalks as well as enlarging the stop sign on 255 southbound and equipping it with flashing lights. The engineers also recommend moving one crosswalk and removing one other.

While we appreciate VDOT's expertise, we are not convinced that these recommendations will provide greater pedestrian safety nor enhance the charm of Millwood. We are asking therefore that these recommendations be deferred before implementation while we work with VDOT and outside consultants to find a solution that best addresses the needs of the village.

We sincerely appreciate the time and attention our concerns have received but we believe that further work needs to be done to meet the overall goals of the village in an effort to truly make it a safer place and at the same time preserve its historical rural charm.

Shane Boswell

I am the parent of a relatively new driver and two elementary school kids that get on the bus at Hawthorne and Route 7. I am here to lodge a two-part protest in regards to VDOT's plan to realign Shepherds Mill to 7 eastbound with a U-turn at Hawthorne.

The first part is that I want to protest Mr. Carter's rejoinder that there will be negative feedback because nobody wants to be inconvenienced in the name of safety. That is flippant and dismissive and a little much. People do not mind being inconvenienced in the name of safety, as long as it is not a half measure. If we are going to take a measure, we need to take a measure. There are a couple different options that VDOT could be exploring.

I recognize that the state and Board have an obligation to spend highway funds in a manner that enhances constituent safety. However, a no left turn off Shepherds only addresses one symptom and merely shifts it farther down the road. Commuters use Shepherds as a cut-through because their phone GPS (Waze, apple maps, google maps) indicates a faster route than going 340. Addressing throughput and average speeds over Shepherds would increase accessibility to a scenic, narrow route, reduce wear and maintenance cost, and improve safety at multiple hot spots, not just Route 7. This could be addressed via traffic calming and additional enforcement on Shepherds.

Barring that common sense approach, creating a U-turn at Hawthorne is an incomplete and dangerous solution. There is less than 750 feet of sight line into eastbound traffic. At 65-70 miles per hour, that is less than six seconds to get pulled

out, across two lanes, get into the right lane and not get rear-ended. We have inclement weather just like everybody else. It is hazardous in the mornings.

Additionally, having Sheriff vehicles sitting in the median incredibly tightens up that crossover there. We love having them there. It asks people to slow down, but they have to park on that asphalt crossover, otherwise their exhaust will set a brush fire in the median. This cuts the 45-foot deep crossover down by the length of the vehicle. This makes it incredibly difficult for cross traffic pulling into Hawthorne. If we add that eastbound U-turn, it will conflict that even further.

My recommendation, if we cannot address traffic on Shepherds, would be to look into shifting that U-turn down to the crossover at Chilly Hollow. Chilly Hollow has a few more homes on it than Hawthorne has on it. Chilly Hollow is also a county road, which is capable of being maintained properly, if additional measures like crossovers and widening of lanes need to be put there. We cannot do that at Hawthorne, because it is a private road. We could look into it. We could work with VDOT and come up with a solution that works for everybody. Chilly Hollow is a wider crossover, it is a deeper crossover, and there are longer eastbound sightlines. There is not a bus stop there where kids are standing at 6:45 and 7:00am.

#### Tim Lettie

I would like to echo support for Mr. Boswell's comments and add some of my own. I have been the President of Blue Ridge Estates, the area that would be impacted by the traffic pattern change, for seven or eight years now. We have a community bulletin board where we share ideas and concerns. I have not seen our bulletin board as active as I have in the last five or six weeks, since it has been known about this pattern change.

I don't think anyone is concerned about inconvenience. It is not an inconvenience issue, it is a safety issue. There are 1900 feet between what we used to call "JJ's Corner" and the intersection with 612 and Route 7. That 1900 feet now has to accommodate someone pulling out in a very fast moving environment, moving over a lane and then moving over another very short turn lane to make a U-turn where there are already people pulling out of a neighborhood that is not publicly maintained.

To see it in the Winchester Star—we're sorry that we don't get the news or get a complete story of the discussions that take place here, that's on us—but there is a lot of concern about the safety related to this.

I would like to also point out the radar set up by police. That is a fairly active place to do speed checks. I have had concerns that having radar set up there now is a safety issue, because they block access. But they are doing their job and they are doing a good one because they're trying to slow traffic down. How are they going to do that now in that position when people are fighting in that small space to make a U-turn, to

make a left turn, to come out of the neighborhood and to jockey with the fast cars on Route 7?

I cannot speak for all; we have not had a discussion to have a collaborative, final solution. But, as a neighborhood, the suggestions would be no U-turn in front of our neighborhood. Move it down to Chilly Hollow. Find some way to calm traffic. Prevent someone from using us and a “kicking the can down the road” approach to problem solving. We all acknowledge that it is a dangerous intersection. There has been no pushback that has been dysfunctional. To kick the safety can 300 or 400 yards down the road to us does not seem proper.

John H. Enders Fire Company & Rescue Squad (letter from President Sam Miller read aloud by Chris Boies)

On behalf of the John H. Enders Fire & Rescue Company, we would like to thank the County of Clarke for its financial support in our endeavors to provide the residents of Clarke County with Fire and Rescue services.

We are currently working on several major capital improvements within the fire company, including the purchase of new fire apparatus, a new ambulance, and extensive building upgrades and expansion. In addition, there is also the continuous need to replace outdated equipment, as well as investing in life saving technology.

Coupled with the funds received from the County, in addition to our numerous fundraising events, we are able to achieve the goals necessary in providing the citizens of Clarke County with the finest Fire and Rescue services.

In closing the officers and members of the John H. Enders Fire and Rescue Company would like to thank you for your continuous support.

#### 4) *Employee of the Quarter Award – 1<sup>st</sup> Quarter 2023*

Chairman Weiss presented the award to Nancy Warcyzglowa and read aloud the following statement:

Nancy’s knowledge, job skills, and positive attitude have quickly made her a huge asset to the Joint Administrative Services Department. Nancy continually goes above and beyond her normal duties, filling in wherever she is needed and always doing so with a smile on her face. Her positive attitude and willingness to teach and help others is constant.

Nancy works with many other county and school employees across several departments and is truly a team player. She brings new ideas and perspective to many

aspects of her job. She is always looking to improve processes and give her best efforts to other employees and citizens of Clarke County.

Nancy has also done a great job filling in for the Director of JAS at various budget meetings this spring. The Board very much appreciates Nancy's participation in the budget process because she brings great financial models and explanations to meetings. She does an outstanding job and is a tribute to everyone that works here.

#### 5) *VDOT Update*

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

- Completed pipe cleaning/flushing on various routes in the county.
- Completed ditching operations on Featherbed Road.
- Started placing replacement stone on all stabilized roads in the County and will complete this month.
- Performed shoulder repairs on Route 7 business and Senseny Road.
- Began patching operations on Wickliffe Road in preparation for the surface treatment schedule this summer.
- Will continue patching operations on Springsbury Road.
- Will trim trees on Cannon Ball Road this month.
- A contractor collected 1104 bags of trash in the county; over 6500 bags collected in all four counties not including state forces or the interstate.
- The contractor started and completed paving operations on Crums Church and Quarry roads.
- Surface treatment schedule will begin this month on Allen, Lewisville, Clifton, and Wickliffe roads.

Ed Carter provided the following update on Board issues:

- Tentatively scheduled installation of stop signs, pedestrian signs, and markings at the Route 723/340 intersection for June 1, then to remove the flashing lights on June 8.
- Met with the Millwood Community on April 26 to present final traffic study results.

#### Supervisor Lawrence

- Shared constituent requests to address shoulder erosion at the S-curve on Westwood Road and to replace the rumble strips on Lewisville Road before it intersects with Clifton.

- Further advised that the white stop sign stripes are painted so far back that line of sight is ruined at the intersection of Routes 255 & 624 at Route 50 and requested that curve warning signs be placed on Sugar Hill Road near the railroad tracks.

Vice Chair Catlett

- Requested that the tree-trimming crews trim around the pedestrian signs in Millwood.
  - Ed Carter replied that it is already being addressed and the sign is due to be enlarged.

Supervisor McKay

- Reported that pine tree limbs obstructs the line of sight to the left at the Route 624 intersection near Long Branch.

Supervisor Bass

- Shared additional constituent concerns about large truck traffic on Westwood Road.
  - Ed Carter advised that the issue has been submitted to Traffic Engineering, who will run a full review. GPS plays a large part in the issue, so the chances of reducing the truck traffic by restriction is small. Effectiveness of signage depends on the individual truck driver, whether they are paying attention, and if they are able to decipher what the sign is saying.
- Added that, to the extent that perception is reality for constituents who are seeing a lot of large trucks on Westwood Road, a sign may go a long way to assuage concerns.
  - Mr. Carter responded that Traffic Engineering will perform a study and present recommendations but that there is likely not one cure-all solution.

Chairman Weiss

- Thanked VDOT for completing the painting at Route 340 and Fairfax Street.
  - Ed Carter replied that the eastbound ramp onto Buckmarsh is next on the schedule.
- Requested that the edges of Wickliffe be graveled after surface treatment more expeditiously than the last time it was completed and added that there is also a large dead tree that needs to be taken care of.
  - Mr. Carter responded that both will be addressed.

Chairman Weiss

- Asked what the next step is for Millwood, as far as VDOT is concerned.
  - Ed Carter answered that VDOT has told the Board what is in VDOT's toolbox, now the Board has to tell VDOT which tools to use.

Supervisor McKay

- Suggested deferring action as requested by the Millwood Community.

Chairman Weiss

- Stated that the Millwood Community Association is actively pursuing other options and will need to coordinate with VDOT. The Board encourages both groups to work together and bring forward options at a later date.

**By consensus, the Board decided to defer action on the recommendations made by VDOT in the Millwood traffic study.**

Ed Carter introduced Regional Traffic Engineer David Morris, to further discuss the proposed improvements at the intersection of Route 7 and Shepherds Mill Road. Mr. Morris presented the following:

- VDOT has previously made some changes to signage and markings and is now looking at what infrastructure improvements can be made.
- One of the biggest problems is the sight distance, but improving that aspect is a sizable capital project.
- All of the crashes that happen at that intersection happen as vehicles in the crossover at Shepherds Mill road interact with either westbound or eastbound traffic on Route 7.
- From a crash standpoint, the latest data indicates that the intersection of Route 612 and Route 7 is the number 2 intersection in the county in terms of looking at for potential safety improvements. The signalized intersection at Routes 340 and 50 is number one.
- Federal and state safety money presents an opportunity to restrict turns from Shepherds Mill road to go east on Route 7 and instead making those vehicles head west and make a U-turn, in order to reduce the number of crashes at Route 612. Along with that project, the left turn and acceleration lanes at Hawthorne would be extended to facilitate that movement.
- VDOT looked at the traffic volumes over several years. Eastbound traffic on Route 7 and southbound traffic on Route 612 is heavy in the morning, and then it flips in the evening.
- There have been no crashes at the Hawthorne lane intersection in the last 10 years, which indicates that there is good visibility to get across westbound traffic at that location. The data indicates that the intersection at Hawthorne is safer than the intersection at Route 612. The improvement suggestions were made in an effort to fulfill the goals from the 2019 safety study.

Supervisor Lawrence

- Observed that the Hawthorne lane crossover only gets a small fraction of the crossover traffic that the Shepherds Mill Road crossover gets.
  - David Morris agreed that the crash data needs to be viewed relative to the traffic volume. The space is narrow and there is an elevation



difference between westbound and eastbound lanes, which reduces the options available.

Chairman Weiss

- Summarized that citizens are concerned that VDOT is asking people to learn new traffic patterns in a high-speed environment and that the deceleration lane will queue up quickly. Eastbound traffic is heavy and is accordion-like by design.
  - David Morris replied that, as an estimate, anywhere from 60 to 90 vehicles an hour would be attempting that maneuver, which amounts to about a car and a half per minute using the crossover.
- Reiterated that, as proposed, vehicles trying to get onto eastbound 7 will be stacked in the left turn lane before the crossover, waiting to make a U-turn. When the crossover and lane fill up, there will still be vehicles coming off Shepherds Mill road who are then unable to get into the crossover. Currently, it is a dangerous situation as vehicles queue up on Shepherds Mill and take their chances to get across. The people who drive it every day cannot compute how these proposed changes will actually improve the safety.
  - Mr. Morris responded that the goal is to reduce the number of crashes at Route 612 and Route 7. This is one concept that scored well in terms of the cost and benefit.

Chairman Weiss

- Questioned if a light could be installed at that intersection.
  - David Morris answered that Route 7 is a major corridor and the intent is to have freely flowing traffic on major corridors. VDOT would have to do a signal warrant analysis and to explore alternative intersection types before putting a signal in.
  - Ed Carter added that it would be hard to meet the warrant requirements for stopping 25,000 cars a day in order to let 1,200 out. At 65 miles per hour or during inclement weather, it would result in a significant amount of rear-end crashes.

Supervisor Lawrence

- Opined that a traffic signal would create a benefit downstream because it would create periodic gaps in traffic.
  - Ed Carter advised that, in the future, there will be more alternative intersections and less lights.

Chairman Weiss

- Suggested moving the U-turn down to Chilly Hollow Road.
  - David Morris answered that it is possible, if it is a better U-turn and can attract vehicles to make a U-turn there rather than at Hawthorne. VDOT is willing to work with citizens and maybe do some improvements at Chilly Hollow to facilitate.

- Further observed that vehicles sitting on Route 612 at the intersection sit at a slight incline and, in the winter, drainage issues make that area icy and more dangerous.

Vice Chair Catlett

- Asked if VDOT was working to change the sight distance.
  - Ed Carter replied that they are, but that will not eliminate all of the problems. VDOT is currently taking measurements of the area to see how much sight distance could be gained. More data is necessary; they need to know actual counts and average speeds of vehicles attempting to make those maneuvers, as well as data for the crossover at Chilly Hollow.
  - Mr. Morris agreed, adding that the safety study laid out a plan to improve the safety in the long-term, but those projects are quite expensive. These current suggestions are more immediate and align better with current budgets.

Supervisor Bass

- Recommended, and Chairman Weiss agreed, holding a roundtable discussion between the citizens and VDOT when more data is available.

6) *Litter Committee Update & Citizen Award*

Chair of the Clarke County Litter Committee, Ashley Harrison, who presented the following:

- The mission of the committee is to educate, inspire, and empower the community to improve the environment through beautification and litter prevention.
- The committee is honored to give the first annual Environmental Advocate Award to Christi McMullen, a citizen whose selfless adventure and continued efforts in glass recycling have fundamentally impacted this wonderful county.

On behalf of the Clarke County Litter Committee, Ms. Harrison presented Ms. McMullen with a framed award.

Supervisor Bass

- Added that Ms. McMullen is very deserving of this recognition, as the volume of glass she has been able to recycle in the county is truly astounding.

Chairman Weiss

- Shared the Board’s congratulations and appreciation.

7) *Approval of Minutes*

- Book 26, Page 179, Item 13: strike “FY24 Budget” from first line.
- Book 26, Page 180: add “gravel roads” to Supervisor Lawrence’s inquiry.
- Book 26, Page 182, Item 14C: change 2023-03-21 to 2023-04-18.

**Supervisor Lawrence moved to approve the minutes of the April 10, 2023 Special Meeting and the April 18, 2023 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) *Set Public Hearing: Carter Hall Estate LLC Special Use Permit & Site Development Plan*


Zoning Administrator Jeremy Camp presented the following:

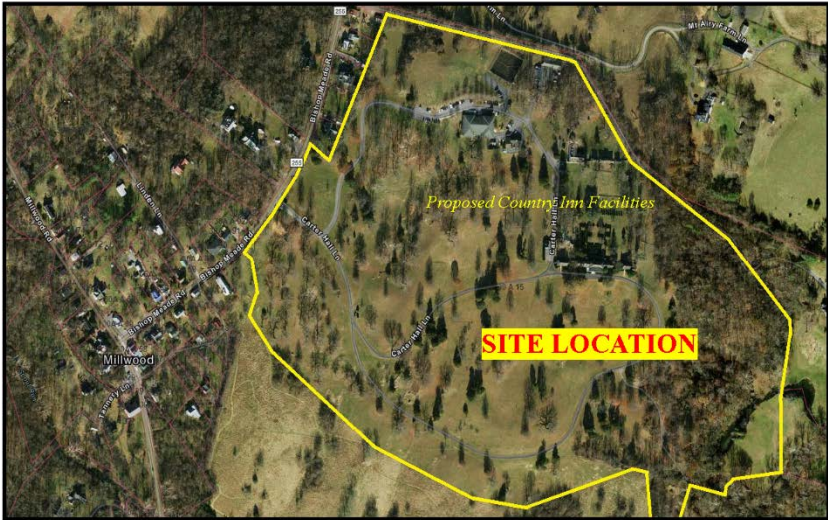
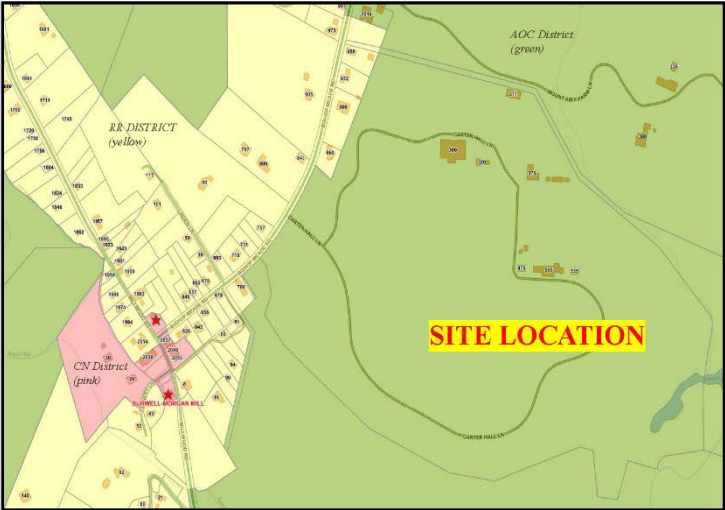
**Clarke County, VA**  
Board of Supervisors

**Special Use Permit (SUP-22-02) &  
Site Development Plan (SP-22-03)**

APPLICANT  
Pennonni Associates Inc  
*(on behalf of Carter Hall Estate LLC)*

May 16, 2023 (set Public Hearing)



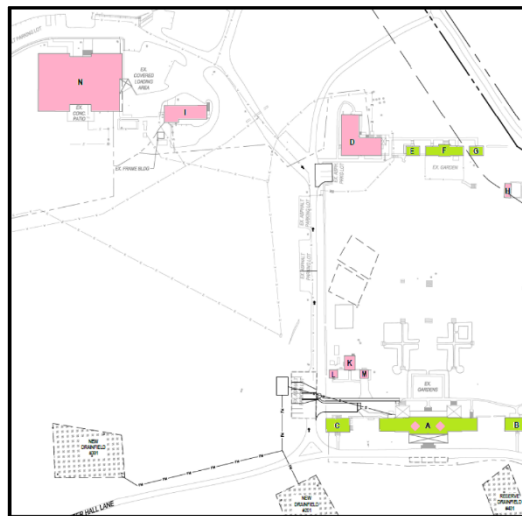


**THE REQUEST**



**THE REQUEST**

- The Applications (*Site Development Plan and Special Use Permit*) are a request to operate a Country Inn at Carter Hall pursuant to Section 5.2C of the Clarke County Zoning Ordinance.
- 5.2C of the Clarke County Zoning Ordinance allows Country Inns in the AOC District with approval of a Special Use Permit by the Board of Supervisors after review by the Planning Commission and consideration of several review criteria as listed under Section 6.3.1 of the Clarke County Zoning Ordinance. A site development plan is required for all special uses.
- The Country Inn is proposed to have 12 rooms within existing buildings on the property.
- Improvements to the site include upgrades to the VDOT entrance, as well as minor parking and internal access improvements.
- The existing nonconforming use would remain on the property.  
 (*nonprofit – Carter Hall Center for Conservation*)



- Nonconforming Use**
- Building D – Carriage House
  - Building H - Greenhouse
  - Building I - Stables
  - Building J – Maintenance Shop (off map)
  - Building K – Wash House
  - Building L - Dairy
  - Building M – Smoke House
  - Building N – Administrative Building
  - Building A – Main House\*
- Country Inn**
- Building A – Main House (4)\*
  - Building B – East House (2)
  - Building C – West House (2)
  - Building E – Cabin A (2)
  - Building F – Cabin B/C (1)
  - Building G – Cabin D (1)
- \* Main House for both uses

**Supervisor McKay**

- Asked how the nonprofit company (the nonconforming use) would integrate with the Country Inn.
  - Jeremy Camp answered that the nonprofit and the Country Inn are separate uses, each having independent operations and using different buildings on the estate. The Main House is the only building that both entities would use, so some additional terms and conditions were developed to address that.
  - Mr. Camp added that the Country Inn would offer lodging in the buildings marked in green above, the numbers in parentheses indicate the number of rooms for each building.

PLANNING COMMISSION REVIEW

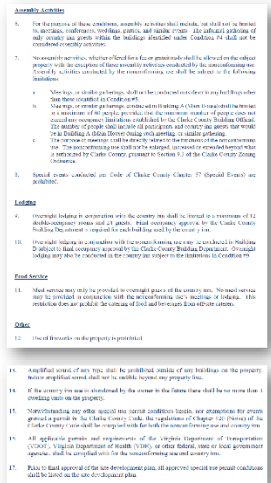
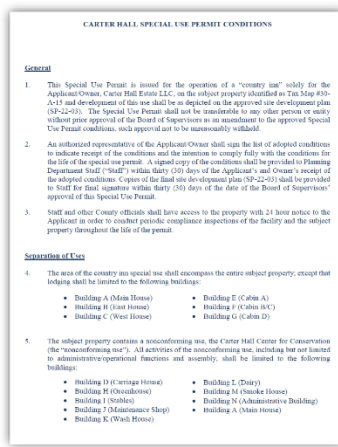
The applications submitted by the Applicant underwent a thorough review process by the Planning Commission with multiple public hearings and review by numerous departments and agencies.

There was a large showing of people at the public hearings held by the Planning Commission. Both support and opposition to the applications were received. Noise and compatibility were key issues as they related to the proposed events for the Country Inn. Support was generally in regards to the job creation and tax revenue the use may bring.

The Applicant revised the applications during the review process, thereby eliminating events from the proposed Country Inn use. This generally resolved the major issues and the Planning Commission ultimately issued a recommendation of approval on May 5, 2023 with 17 conditions.

SUMMARY OF DRAFT SUP CONDITIONS

- General**  
Conditions 1-3
- Separation of Uses**  
Conditions 4 – 5
- Assembly Activities**  
Conditions 6-8
- Lodging**  
Conditions 9-10
- Food Service**  
Condition 11
- Other**  
Conditions 12 - 17



SUMMARY DRAFT SUP CONDITIONS

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- Other**  
Conditions 12 - 17

- 1) General statement clarifying use and that it is not transferable to other entities without prior approval by the Board of Supervisors.
- 2) Requirement that the Applicant/Owner sign the list of adopted conditions within 30 days from receipt.
- 3) Staff right to inspect the property with 24 hour notice given.



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4) Clarification of what buildings shall be used by the Country Inn.

5) Clarification of what buildings shall be used by the existing Nonconforming Use.

NOTE: The Main House would be used by both uses with limitations.

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Conditions 12 - 17

6) Definition of what assembly activities refers to in the conditions. Includes all types of assembly, including meetings, conferences, weddings, parties, and similar events, but does not include informal gatherings of only country inn guests within the buildings identified under condition #4.

7) Prohibits assembly activities on the property for the Country Inn. Limits assembly activities for the nonconforming use to only those held indoors within the buildings listed in condition #5. Limits assembly for the nonconforming use in the Main House to 60 people. Clarifies that assembly activities must be related to the functions of the nonconforming use.

8) Restriction of all special events under Chapter 57 of the County Code.

- The nonconforming use (nonprofit company) would not be able to hold events outdoors, and would only be able to hold indoor events in the buildings indicated in condition #5.
- The nonprofit company (nonconforming use) would be allowed to hold events in the Main House, but would be limited to a maximum of 60 people in the building, including staff and guests of the Country Inn.
- The applicant requested to remove condition #8, a prohibition on special events as defined in the Code of Clarke County Chapter 57. The Planning Commission felt it was an important condition to keep, due to concerns heard from the public.

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Conditions 1-3
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Conditions 4 – 5
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Conditions 6-8
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Conditions 9-10
- Food Service**  
Condition 11
- Other**  
Conditions 12 - 17

- 9) Limitation of 12 rooms and 24 guests for the Country Inn. Requirement that each building used by the Country Inn obtain an occupancy permit from the Building Department.
- 10) Clarification that lodging in association to the nonconforming use be limited to Building D (Carriage House) and is required to also obtain an occupancy permit from the Building Department.

**SUMMARY OF DRAFT SUP CONDITIONS**

- General**  
Conditions 1-3
- Separation of Uses**  
Conditions 4 – 5
- Assembly Activities**  
Conditions 6-8
- Lodging**  
Conditions 9-10
- Food Service** →  
Condition 11
- Other**  
Conditions 12 - 17

- 11) Limits meal service to only overnight guests of the Country Inn, and restricts meal service to the Nonconforming Use. Clarifies that this does not prohibit catering from off-site caterers.

**SUMMARY OF DRAFT SUP CONDITIONS**

- General**  
Conditions 1-3
- Separation of Uses**  
Conditions 4 – 5
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Conditions 6-8
- Lodging**  
Conditions 9-10
- Food Service**  
Condition 11
- Other** →  
Conditions 12 - 17

- 12) Prohibits fireworks.
- 13) Prohibits amplified sound outside. Indoor amplified sound is prohibited from being audible beyond any property line.
- 14) Clarifies that there shall be no more than 3 dwelling unit rights (DUR) on the property if the Country Inn use is abandoned in the future.
- 15) Clarifies that Chapter 120 (Noise) of the Clarke County Code must also be complied with for both uses in addition to other conditions related to noise.
- 16) Requires compliance with VDOT, VDH and other federal, state or local agency requirements.
- 17) Requires all conditions be shown on the site development plan prior to final approval.



**STAFF RECOMMENDATION**

**Staff recommends that the Board of Supervisors schedule a public hearing on these applications at their next available meeting.**

The purpose of the initial meeting on May 16th is for the Board to receive and overview of the applications and to schedule a public hearing.

**Supervisor McKay**

- Asked how many people would be allowed to stay overnight in the Carriage House.
  - Jeremy Camp responded that the number had not been determined yet, because it will be dictated by the drain field and the Health Department. Lodging in the Carriage House (Building D) is only for the nonprofit company and is not a part of the Country Inn, because they are two separate uses.
- Questioned what the total number of people for both uses would be and how that could impact traffic in Millwood.
  - Mr. Camp replied that, as proposed, the site plan indicates 257 trips per day and currently there are 1900 trips per day on Bishop Meade Road.

**Vice Chair Catlett**

- Inquired if the nonconforming use applied to multiple nonprofit organizations.
  - Jeremy Camp answered that one nonprofit has already been approved (Carter Hall Center for Conservation) and it would be the only one allowed to operate. Currently, they can use the existing lodging with no restrictions.

**Chairman Weiss**

- Requested clarification on the 60-person maximum at the Main House.
  - Jeremy Camp advised that, under normal conditions, the Country Inn would have four rooms with two guests each in the Main House, plus staff. If the nonprofit company (nonconforming use) holds an event in the Main House, the maximum number of people allowed, including staff and guests, would be 60.

Staff introduced the applicants' representative, David Frank of Pennoni Associates, Inc. Mr. Frank presented the following:

- This has been a long process and there have been many amendments to the plans since the original application.
- There have been a variety of opinions on both sides. The applicant has listened to the stakeholders and is pleased with the Planning Commission's outcome.

- One of the goals of the current property owners is to reintegrate Carter Hall into the village of Millwood, and the applicants are very sensitive to traffic concerns.
- The traffic issues in Millwood are a result of through traffic and people using it as a cut-through. The amount of traffic generated by the removal of a series of structures from the nonprofit and making them into a Country Inn is not going to generate any more traffic than there was for Project Hope.

Supervisor McKay

- Opined that the traffic problems in Millwood are generated by weekend activities downtown, where there are a lot of people parked and pedestrians crossing the road.
- Stated that the application (meeting packet page 75) lists “Events Space (Including conferences, meetings, trainings, parties, weddings, galas, music and theater)” as a proposed use.
  - David Frank advised that the Country Inn was originally proposed to hold events and weddings, but that use has been removed. As currently proposed, the Main House would contain a small bar, a place for dining, and a place to gather. All of these uses would be for Country Inn guests only.
  - Jeremy Camp confirmed that the table on page 75 was from the original application and is outdated. The Planning Commission recommended conditions that would prohibit special events or weddings and would prohibit the nonprofit company from holding any events that are not related to the nonprofit.
- Further inquired how many people would be permitted if the nonprofit company hosted a conference in the Administrative Building.
  - Mr. Frank answered that he does not have that direct information. During its operation, the previous nonprofit (Project Hope) had use of the entire property. As proposed, the Country Inn removes multiple facilities from the nonprofit, thereby reducing the intensity of its use. The applicants believe that the special use permit is critical and is vital for the preservation of Carter Hall in the long term.

Chairman Weiss

- Clarified that the nonprofit is a nonconforming use. It existed on the property under rules from before, which are being respected now. While some limitations (as recommended by the Planning Commission) can be added, the Board cannot change the rules that were set previously.
  - Jeremy Camp affirmed and added that the nonprofit (Carter Hall Center for Conservation) uses the existing facilities to hold events. This use will continue, with the understanding that events must be related to the nonprofit. It will not be a civic center or venue for private events.

Supervisor McKay

- Reiterated that, if the nonprofit/nonconforming use has unlimited conference capabilities, adding the Country Inn use as well would cause more traffic issues and upset people immensely.
  - Mr. Frank added that the proposed special use permit would not increase traffic volume in Millwood any more than Project Hope did when it was located at the same property.

Chairman Weiss

- Summarized that the proposed conditions would limit events in the Main House to 60 people, would prohibit outdoor events, and would only allow the nonprofit to hold events related to the nonprofit itself. Additionally, the Country Inn use would remove a number of buildings from the nonconforming use.
- Requested that staff and/or the applicants provide an estimate as to the number of people that would be using the nonprofit facilities at any given time, and cautioned the Board that this number can be used to inform decisions but, due to the nonconforming use, cannot be limited.

Vice Chair Catlett

- Added that because the nonprofit can only hold indoor events, they are limited by the building occupancy, as determined by the drain field and the building code.

Supervisor Lawrence

- Asked how many country inns there are in Clarke County and if their kitchens are open to the public.
  - Jeremy Camp answered there is one country inn and their specific special use permit allows a restaurant as well. A second country inn was approved but never constructed.

Supervisor Bass

- Inquired about the rationale for condition 13, which prohibits amplified sound outside of any buildings.
  - Mr. Camp responded that the Planning Commission felt that the existing noise ordinance did not adequately protect the adjacent properties from the impacts of noise on from estate, due to the topography and the locations of the buildings.

Chairman Weiss

- Clarified, and Jeremy Camp affirmed, that the 17 conditions recommended by the Planning Commission apply to both the nonconforming use and the country inn.

**Supervisor Lawrence moved to set a public hearing on Carter Hall Estate LLC Special Use Permit & Site Development Plan (PH2023-06: SUP22-02/SP22-03) for June 20, 2023 at 6:30 pm or as soon thereafter as the matter may be heard. 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) *Emergency Operations Plan*

County Administrator Chris Boies presented the following:

- The Board discussed and provided comment on the Emergency Operations Plan at the April work session.
- The Director of Fire, EMS, & Emergency Services incorporated those comments into the proposed plan.
- The Board, if it so chooses, would adopt the Emergency Operations Plan today by adopting two related resolutions.
- One of the resolutions notes that the actual Emergency Operations Plan document will continue to be edited and refined over time.

**Supervisor Lawrence moved to adopt the Emergency Operations Plan resolution (2023-12R) and the National Incident Management System resolution (2023-13R) 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

## 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

### Emergency Operations Plan Resolution 2023-12R

**WHEREAS**, Clarke County has historically experienced damages from hazardous events and continues to be vulnerable to natural, technological, and human-caused incidents, which could potentially result in the loss of life, damage to property and the environment, economic hardship, and threats to public health and safety; and

**WHEREAS**, Clarke County Emergency Operations Plan provides a mechanism for effectively responding to and stabilizing incidents involving natural, technological, or human-caused incidents; and

**WHEREAS**, this Plan is prepared in accordance with the National Response Framework relative to the incorporation of the National Incident Management System and utilizing the National Incident Command System; and

**WHEREAS**, the stated plan represents the County’s best intentions to manage incidents within the framework of local, State, and Federal collaboration and coordination; and

**WHEREAS**, Clarke County’s Emergency Management encompasses all organizations, agencies, and individuals responsible for the activities contained in this plan.

**NOW, THEREFORE, BE IT RESOLVED** that the Board of Supervisors of Clarke County, Virginia, officially adopts the County’s Emergency Operations Plan as revised, superseding all previous versions; and

**BE IT FURTHER RESOLVED** that the Director of Emergency Management, or his designee, is tasked and authorized to maintain and revise, as necessary, this document over the next four (4) year period or until such time be ordered to come before the Board of Supervisors.

**APPROVED AND ORDERED ENTERED** in the official records by the unanimous vote of the Clarke County Board of Supervisors' members assembled on the 16<sup>th</sup> day of May, 2023.

ATTEST 2023-12R

\_\_\_\_\_  
David S. Weiss, Chair

[www.clarkecounty.gov](http://www.clarkecounty.gov)

101 Chalmers Court, Suite B  
Berryville, VA 22611

Telephone: [540] 955-5175

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**County Administrator**  
Chris Boies  
(540) 955-5175

### National Incident Management System Resolution 2023-13R

**WHEREAS**, the delivery of non-emergency and emergency services to the citizens of Clarke County are the responsibility of Clarke County, John H. Enders VFC, Boyce VFC, and Blue Ridge VFC; and

**WHEREAS**, the delivery of services is based on the ability of the County to perform in a unified and organized manner; and

**WHEREAS**, Clarke County is committed to providing optimum service delivery to the community; and

**WHEREAS**, the County coordinates with other jurisdictions and agencies during times of major emergency events; and

**WHEREAS**, continuity of government services must continue whether dealing with a minor or major event; and

**WHEREAS**, the County endorses the utilization of the National Incident Management System (NIMS);

**NOW, THEREFORE, BE IT RESOLVED** that the Board of Supervisors of Clarke County, Virginia, recognize the National Incident Management System, its principles and policies; and

**BE IT FURTHER RESOLVED** that the Board of Supervisors of Clarke County, Virginia, through this resolution, incorporates the Incident Command System (ICS) and National Incident Management System (NIMS) within the response system of Clarke County.

**APPROVED AND ORDERED ENTERED** in the official records by the unanimous vote of the Clarke County Board of Supervisors' members assembled on the 16<sup>th</sup> day of May, 2023.

ATTEST 2023-13R

\_\_\_\_\_  
David S. Weiss, Chair

[www.clarkecounty.gov](http://www.clarkecounty.gov)

101 Chalmers Court, Suite B  
Berryville, VA 22611

Telephone: [540] 955-5175

10) *Board of Supervisors Personnel Committee Items from May 8, 2023*

A. Expiration of Term for Appointments Expiring through July 2023

2023-05-08 Summary: Following review, the Personnel Committee took no action.

2023-05-16 Action: Chris Boies reviewed the above summary.

11) *Board of Supervisors Work Session Items from May 8, 2023*

Board of Supervisors Work Session Items  
Berryville/Clarke County Government Center, 2<sup>nd</sup> Floor  
101 Chalmers Court, Berryville, Virginia 22611  
May 8, 2023, 10:00 am, Main Meeting Room

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, Catherine Marsten, Cathy Kuehner, Brandon Stidham, Brenda Bennett, Mary Meredith

Others Present: None

Press Present: None

2023-05-08 Summary: At 10:02 am, Chairman Weiss called the meeting to order.

A. Sanitary Authority Code Changes & Updates: Sanitary Authority Administrator Mary Meredith presented the following:

1. The Sanitary Authority and Inboden Environmental Services, the contractor who manages the water and sewer systems, have suggested amending the Code of Clarke County Chapter 180, Water & Wastewater. The suggested changes provide clarification on the definitions of fats, oils, grease, and other non-polar petroleum and mineral products, as these pollutants are detrimental to the entire sanitary system. Additional suggested language codifies the current practice of using EPA and federal testing standards and accredited analytical laboratories.

The Board reviewed the proposed changes and asked several questions. Staff was directed to collaborate with Sanitary Authority staff to draft changes to

Chapter 180, including those proposed by Inboden, as well as additional regulations on penalties and fees for repeated code violations.

By consensus, the Board decided to consider setting a public hearing on amendments to the Code of Clarke County Chapter 180 at the next regular meeting.

2. The EPA has released new guidelines and requires utilities to determine the composition of all service lines and submit an inventory. The CCSA does not have any lead or copper piping in its system; however, there are some sections of galvanized piping. CCSA has contracted with Inboden Environmental, who will compile the required documents for submission in October 2024. The CCSA will continue to provide updates to the Board as they become available.
3. The CCSA has also contracted with Inboden Environmental to develop a Utility Master Plan. This plan will examine potential growth within the existing service areas compared to available capacity. This will assist with long term planning for any needed capital improvements.

The Board discussed and asked several questions, but took no action on either item.

At 11:12 am, Chairman Weiss adjourned the meeting.

2023-05-16 Action: Chris Boies reviewed the above summary:

- As requested, staff has drafted the proposed changes to the Code of Clarke County, Chapter 180, Water & Wastewater, summarized here:
  - §180-2 to clarify that outdoor privies must comply with the State Board of Health and the Code of Clarke County.
  - §180-21 removed language that septic pump-outs must be disposed of at a treatment facility within the county, as there are currently none.
  - §180-23 removed fee language and reserves section for future use.
  - §180-34.13 removed renovation language, and changed 90 days to 12 months to align with existing CCSA policies.
  - §180-34.26 and §180-34.27 clarifies definitions of fats, oils, grease and other non-polar petroleum and mineral products.
  - §180-34.27(c) establishes a process, testing requirements, and penalties for establishments in violation of these sections.
  - §180-34.34 codifies current practice of using an accredited analytical laboratory for testing.



- §180-34.46 adds shutting off water service as a potential remedy for the CCSA.
- §180-35 to 37 establishes the Double Tollgate Sewer Exclusive Area.

**Supervisor McKay moved to set a public hearing on the proposed amendments to Clarke County Code Chapter 180, Water & Wastewater, for June 20, 2023 at 6:30 pm or as soon thereafter as the matter may be heard. 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 May 8, 2023*

- A. FY23 Department of Social Services Supplemental Appropriation Request: The Department of Social Services is requesting a supplemental appropriation of \$7,000 to receive additional state funding of \$7,000 for the VIEW Program. CCDSS will utilize existing funds within the current budget for the required local match of \$1,085. The additional funding will be used by clients in the VIEW program to help sustain them in their employment. The funds will be used to pay for things such as shelter expenses to avoid homelessness, car repairs to enable a client to continue to work, car insurance for a client to continue to work, and gas cards to assist all of the Welfare to Work clients so they are able to maintain their employment status.

2023-05-08 Summary: Following review, the Finance Committee recommends, “Be it resolved that FY23 budgeted expenditure and appropriation to the Department of Social Services fund be increased \$7,000 and that revenue from the State be budgeted in the same amount, all for the purpose of receiving additional State funding for the VIEW program”.

2023-05-16 Action: Brenda Bennett reviewed the above summary.

**Supervisor Lawrence moved, be it resolved, that FY23 budgeted expenditure and appropriation to the Department of Social Services fund be increased \$7,000 and that revenue from the State be budgeted in the same amount, all for the purpose of receiving additional State funding for the VIEW 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

**B. FY23 Department of Social Services Supplemental Request – Overtime Funding:**  
 The Department of Social Services is requesting a supplemental appropriation of \$3,500 to cover potential overtime costs associated with the unwinding of medical assistance program cases for the public health emergency. Expenses up to \$3,500 for overtime costs may be incurred by Benefit Program Specialists during the months of April, May, and June 2023. The state has approved additional revenue of \$3,500 to cover these overtime costs. There is no local match required to receive this additional revenue.

2023-05-08 Summary: Following review, the Finance Committee recommends, “Be it resolved that FY23 budgeted expenditure and appropriation to the Department of Social Services fund be increased \$3,500, and that revenue from the state be budgeted and appropriated in the same amount, all for the purpose of receiving revenue from the state to cover overtime costs associated with the unwinding of medical assistance program cases for the public health emergency”.

2023-05-16 Action: Brenda Bennett reviewed the above summary.

**Supervisor Lawrence moved, be it resolved, that FY23 budgeted expenditure and appropriation to the Department of Social Services fund be increased \$3,500, and that revenue from the state be budgeted and appropriated in the same amount, all for the purpose of receiving revenue from the state to cover overtime costs associated with the unwinding of medical assistance program cases for the public health emergency. The motion carried by the following vote:**

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

- C. Double Tollgate Sewer Design: Staff is requesting a supplemental appropriation of \$441,105 for the FY24 capital budget for design work of the Double Tollgate Sewer Project.

2023-05-08 Summary: Following review, the Finance Committee recommends: “Be it resolved that FY24 budgeted expenditure and appropriation to the Clarke County Capital Projects fund be increased \$441,105 and that fund balance designation for Community Facilities be decreased by the same amount, all for the purpose of providing funds for engineering and design work for the Double Tollgate pump station and force main, which are solely the responsibility of Clarke County”.

2023-05-16 Action: Chris Boies reviewed the above summary:

- Using the same firm that Frederick Water is using to design their pump station to the Parkins Mill plant and is already familiar with the overall project.
- This specific task order will design the pump station on the Clarke side of the line and the force main to connect to the force main to Parkins Mill.
- These funds would come from fund balance designation for community facilities, which would still carry a balance of about \$1 million.
- This money will go into the FY24 capital budget, so there will be no need to carry it forward.

**Supervisor Lawrence moved, be it resolved, that FY24 budgeted expenditure and appropriation to the Clarke County Capital Projects fund be increased \$441,105 and that fund balance designation for Community Facilities be decreased by the same amount, all for the purpose of providing funds for engineering and design work for the Double Tollgate pump station and force main, which are solely the responsibility of Clarke County. 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. Bills and Claims

2023-05-08 Summary: Following review, the Finance Committee recommends approving the April 2023 Invoice History report.

2023-05-16 Action: Brenda Bennett reviewed the above summary.

**Vice Chair Catlett moved to approve the April 2023 Invoice History Report 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

E. Standing Reports

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

2023-05-16 Action: Information Only.

13) *Joint Administrative Services Board Update*

Brenda Bennett provided the following update:

- Did not meet in April, nothing to report.

14) *Government Projects Update*

Chris Boies provided the following update:

- Paving for Jack Enders Boulevard will likely happen the last week of May. There is still a small amount of storm sewer repairs to make but the vendor continues to have issue with the piece of equipment needed to make this repair. Our hope is to get all of this work completed this summer.

- The bids for assessment companies for our general reassessment are due today at 3:00. We will provide the Board an update once those bids have been reviewed.
- VDOT is scheduled to attend the June work session to discuss the study on the above grade crossing of the Appalachian Trail at Route 7.
- Thanks to Katrina and her staff at the animal shelter, as well as Catherine and Indea, for the open house at the shelter this past weekend. Despite a dreary day, it was a very successful event.
- Congratulations to Supervisors Weiss and Bass who were both originally appointed to the Board of Supervisors in May; Mr. Weiss 20 years ago and Mr. Bass three years ago.
- Thanks again to Cathy Kuehner for all of her work with the Berryville 225 celebrations including her artwork of the downtown which was on display during the Apple Blossom parade.

Chairman Weiss

- Offered the Board’s compliments to staff and Mr. Lawrence for the tree planting at the Milton Valley Cemetery and to Rappahannock Electric for the new pollinator garden.

15) *Miscellaneous Items*

None presented.

16) *Summary of Required Action*

<u>Item</u>	<u>Description</u>	<u>Responsibility</u>
1.	Process approved minutes.	Catherine Marsten
2.	Execute resolutions.	David Weiss
3.	Process resolutions.	Catherine Marsten
4.	Schedule and advertise public hearings.	Catherine Marsten
5.	Process Employee of the Quarter award.	Catherine Marsten
6.	Issue Emergency Operations Plan to appropriate entities.	Wayne Whetsell
7.	Process finance items.	Brenda Bennett

## 17) Board Member Committee Status Reports

### Supervisor Doug Lawrence

Berryville-Clarke County Joint Committee on Economic Development & Tourism

- Will review applications for Director position.

Board of Social Services

- Meets next week.

Regional Jail Authority

- Meets next week.

### Vice Chair Terri Catlett

Career and Technical Education

- CCHS won the Widget Cup again.

Historic Preservation Commission

- Holding awards luncheon tomorrow.

Clarke County Humane Foundation

- Spring Fling event on May 13 went well.

Millwood

- Traffic study concerns heard earlier in meeting.

Planning Commission

- Will review camping ordinance and area plans.

Community Policy and Management Team

- Nothing to report.

### Supervisor Bev McKay

Berryville-Clarke County Joint Building Committee

- Approved a plan to hang pictures in the meeting rooms.

Northern Shenandoah Valley Regional Commission

- Meets on Thursday.

Regional Airport Authority

- Will be invited to update at an upcoming meeting.

Conservation Easement Authority

- Nothing to report.

Sanitary Authority

- Doing maintenance on the system, some things need to be addressed now.

Supervisor Matthew Bass

Board of Septic and Well Appeals

- Nothing to report.

Library Advisory Council

- Nothing to report.

Litter Committee

- Update provided earlier in meeting.

Josephine School Community Museum Board

- Nothing to report.

Legislative Updates

- Nothing of substance to report.

Northwestern Regional Adult Drug Treatment Court Advisory Committee

- Introduced a new rubric for screening applicants.

Northwestern Regional Juvenile Detention Center Commission

- Meets next week.

Sheriff's Office

- Still hiring communications staff.

Town of Berryville

- Held a public hearing on water rates.

Parks and Recreation Advisory Board

- Excited for zero depth entry pool construction.

Chairman David Weiss

Fire/EMS Commission

- Meets in July.

Industrial Development Authority

- Nothing to report.

At 3:44 pm, Chairman Weiss recessed the meeting.

At 6:40 pm, Chairman Weiss reconvened the meeting.

18) *Citizen's Comment Period*

No persons appeared to address the Board.

19) *Public Hearing: VDOT Secondary Six-Year Plan (PH2023-05)*

Residency Administrator Ed Carter presented the following:

- Telefee funds are collected by VDOT for right-of-way usage by utility companies and then distributed according to population.
- The six-year plan is all based on projections, so numbers for FY25 through FY29 are rough estimates.
- Lockes Mill Road, Phase II – Unpaved Road will receive enough funding in FY25 to be completed, so that project can be started in July 2024; projects like this cost about \$350,000 per mile.
- The Board has not identified any other roads for the rural rustic roads project and has less than 20 miles of unpaved road currently.
- Countywide Transportation Services funds can be used for smaller construction projects, such as lengthening a turn lane.

Supervisor Lawrence

- Restated his request for data about the maintenance costs of unpaved roads in the county.
  - Ed Carter replied that other counties rank unpaved roads according to traffic volume, school bus routes, residences, accident history, maintenance activities, then and use that ranking to decide on future projects. Stabilized roads are graded a minimum of four times a year, and all of them will be re-stoned this year.

Supervisor Bass

- Asked if VDOT has identified any roads that should be included in the Rural Rustic Roads project.
  - Ed Carter answered no and advised that the road ranking system that other counties use removes politics from those decisions.

Chairman Weiss

- Opined that the ranking system is useful for objectivity, but it does not factor in citizen concerns about paving roads increasing speeds.

Vice Chair Catlett

- Questioned why there is \$0 for FY24 and FY25 under Countywide Transportation Services.
  - Ed Carter responded that there is no money going into that account in those two years, the Telefee services funds for those two years are applied to the Lockes Mill Road Phase II project.



At 6:57 pm, Chairman Weiss opened the Public Hearing.

No persons appeared to address the Board.

At 6:57 pm, Chairman Weiss closed the Public Hearing.

**Supervisor Lawrence moved to approve the proposed Secondary Six-Year 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

*20) Adjournment*

Chairman Weiss adjourned the meeting at 6:58 pm.

*21) Next Regular Meeting Date*

The next regular meeting of the Board of Supervisors will be held on Tuesday, June 20, 2023, at 1:00 pm in the Berryville Clarke County Government Center, Main Meeting Room, 101 Chalmers Court, Berryville, Virginia.

ATTEST: May 16, 2023

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David S. Weiss, Chairman

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Chris Boies, County Administrator

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Recorded and Transcribed by Catherine D. Marsten