

October 17, 2023

Clarke County Board of Supervisors
Regular Meeting
Main Meeting Room

1:00 pm

At a regular meeting of the Board of Supervisors of Clarke County, Virginia, held in the Berryville Clarke County Government Center, 101 Chalmers Court, 2nd Floor, Berryville, Virginia, conducted on Tuesday, October 17, 2023, at 1:00 pm.

Board Members Present: (Afternoon & Evening Sessions)

Matthew E. Bass - Berryville District
Terri T. Catlett - Millwood/Pine Grove District
Doug Lawrence - Russell District
Beverly B. McKay - White Post District
David S. Weiss - Buckmarsh/Blue Ridge District

County Staff Present:

(Afternoon Session) Chris Boies, Catherine Marsten, Cathy Kuehner, Brenda Bennett, Wayne Whetsell, Brandon Stidham, Lorien Lemmon

(Evening Session) Chris Boies, Catherine Marsten, Cathy Kuehner, Brandon Stidham, Jeremy Camp

Constitutional Officers / State Offices / Other Agencies:

(Afternoon Session) Sheriff Tony Roper, Barbara Bosserman, Anne Williams, Ed Carter

(Evening Session) Sheriff Tony Roper

Press: (Afternoon & Evening Sessions) Mickey Powell, the Winchester Star

Others Present:

(Afternoon Session) Jeff Hinson, Mary Ivie

(Evening Session) Josh Johnson, John Foote, Marian Harders, Kyle Rosner, Jimmy Carr, Mark Ponton, Mary Ivie, Clyde Crosswell, Clay Brumback, Diane Harrison, Amy Keeler, various other citizens

1) *Call to Order*

Chairman Weiss called the meeting to order at 1:03 pm.

2) *Adoption of Agenda*

- Add “Closed Session pursuant to §2.2-3711(A)(7) to receive briefing from staff regarding actual or probable litigation” to the end of the afternoon session as item 18.

Supervisor McKay moved to adopt the agenda as amended. The motion carried by the following vote:

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

3) *Citizen’s Comment Period*

No persons appeared to address the Board.

4) *Employee of the Quarter Award – 3rd Quarter 2023*

Chairman Weiss presented the award to Catherine Marsten and read aloud the following statement:

This employee has been described as irreplaceable by her coworkers and supervisor. She is master of the minutes, fabulous responder to FOIA requests, and the authority on all things administrative. In addition to being exceptional at her actual job, she regularly goes above and beyond to serve this community. She was recently at the animal shelter at six o’clock on a Monday morning to help with a large animal seizure. She not only worked that entire day with the seizure, she made sure the animals were fed and taken care of for the days that followed, and then led the effort to clean up once the animals were transferred out. This is not her only instance of doing “other duties as assigned” and for that and so many other reasons; Catherine Marsten is our employee of the quarter.

5) VDOT Update

Residency Administrator Ed Carter provided the following update for the month of October:

Maintenance Matters

- Completed the slide repair on Tilthammer Mill Road.
- Completed patching operations on Ebenezer Road.
- Trimmed trees on Ellerslie Road, Thornton Road, and Borden Spring Road; will continue additional trimming on Borden Spring Road this month.
- Stabilized road grading, stone application, and pipe cleaning finished on various routes throughout the county; will continue pipe cleaning and additional grading this month.
- Conducted a dry run and equipment preparation for winter weather.
- Primary fence-to-fence mowing is scheduled to begin this week, including the medians.
- Planning for a pipe installation on Featherbed Lane and shoulder repairs on Route 340.

Board Matters

- Norfolk/Southern will close Route 255/Bishop Meade Road October 22 to 26 for railroad bridge repairs.
- Met with representatives from Millwood to discuss the speed tables. A preliminary plan will be presented at a citizen meeting on October 30. VDOT will allow a total of four speed tables.

Supervisor Catlett

- Asked if speed tables cover the full span of the road.
 - Ed Carter affirmed and added that VDOT is waiting for the community group to determine where the tables should go.

Mr. Carter continued the update:

- Traffic Engineering is performing a safety study at the Rt 601/Rt 50 intersection to evaluate the possibility of reducing the speed limit to 45 mph.

Chairman Weiss

- Shared a constituent's concern about gravel, dust, and wash boarding on Castleman Road.
 - Ed Carter responded that VDOT has two options to treat roads for dust. If there is enough moisture, they can apply chloride once a year. It has

been exceptionally dry this summer, so the only option is to treat the road with brine water, which does not last long.

Supervisor Lawrence

- Inquired how VDOT addresses wash boarding on paved roads.
 - o Mr. Carter answered that the only way to fix it is to dig the area out and build it up with base before putting the topcoat back on.
- Advised that, when the water table is high, there are several places where water runs across Old Charlestown Road and suggested installing larger pipes. It would be helpful to replace these pipes and allow traffic to run over them a for while prior to resurfacing.

6) *Approval of Minutes*

Supervisor McKay moved to approve the minutes of the September 19, 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

7) *Consent Agenda*

Vice Chair Catlett moved to approve 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

– Application for Easement Donation – Frank J. & Susan E. Guenther

MEMORANDUM

TO: Board of Supervisors
FROM: Conservation Easement Authority
DATE: October 3, 2023
SUBJECT: Application for easement donation – Frank J. & Susan E. Guenther

Frank J. & Susan E. Guenther have applied to the easement authority for approval of an easement donation. The property is located at 2862 Millwood Road at the intersection of Thornton Road. The property is identified by Tax Map# 30-A-17 and 30-A-29. The main property (TM 30-A-17) consists of 31.43 acres with an existing house (built in 1988) and 1 DUR. The adjacent property (TM 30-A-29) was a 16,497 square foot (0.38 acre) utility lot that the applicant purchased in 1990. The applicant plans to do a Boundary Line Adjustment increasing the utility lot to 3 acres and leaving 1 DUR on that property. The applicant proposes to retire 1 remaining DUR from the main property (TM 30-A-17).

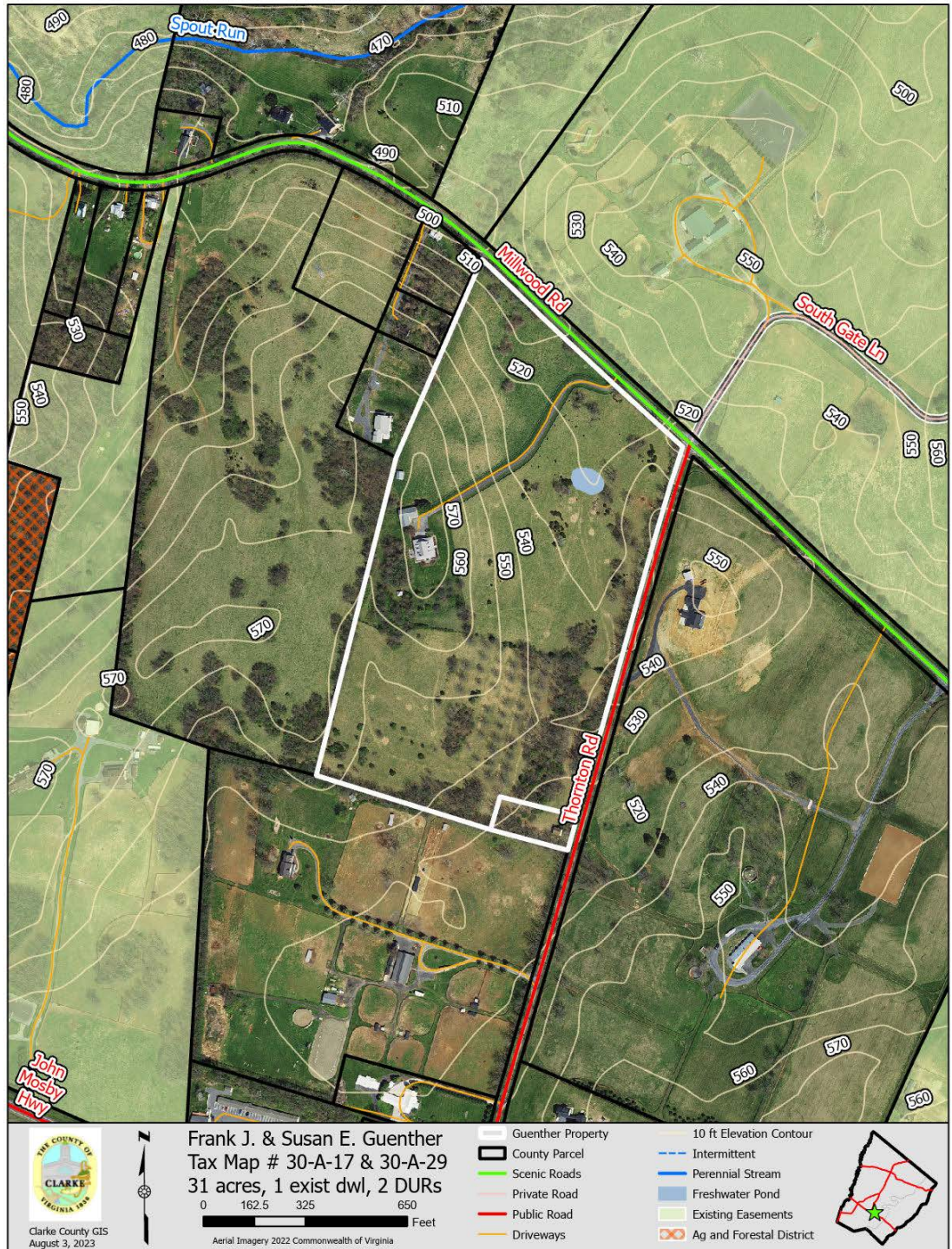
The parcel is zoned AOC and is currently in use value taxation, therefore in accord with the Commissioner of Revenue's requirements, then a donation may be considered if at least two of the following four guidelines are met:

- 1) the parcel's Property Resource Score is at least 35;
- 2) at least one dwelling unit right is extinguished by the conservation easement;
- 3) the parcel is adjacent to a parcel already under permanent conservation easement;
- 4) the property has a minimum area of 40 acres.

The Authority requires that a property meet at least two of the four guidelines for acceptance.

The property meets 3 of the 4 criteria. The property resource score is 54.2, the applicant is retiring 1 DUR and it is adjacent to an existing easement. The property is less than 40 acres. Points were given for retiring 1 DUR, having frontage on Millwood Road, a state designated scenic byway, and being adjacent to an existing easement. The Easement Authority gave final approval for the donation at their September 8, 2023 meeting.

Recommendation: Approve the easement donation of Frank J. & Susan E. Guenther.



8) *Resolution Delegating Authority on Open Burning Restrictions (2023-20R)*

County Administrator Chris Boies presented the following:

- The proposed resolution would allow the County Administrator to impose restrictions on open burning when conditions warrant such.
- Any open burning restrictions would be handled like a declaration of a state of emergency: the County Administrator can take action and then Board would affirm or reject that decision at the next scheduled meeting.
- Delegating this authority to the County Administrator allows a more timely restriction to be put in place if conditions warrant it, rather than having to wait several weeks for the next Board of Supervisors meeting.
- This resolution and procedure follow the current ordinance; no code changes would be necessary.

Supervisor McKay moved to adopt the Resolution Delegating Authority on Open Burning Restrictions (2023-20R) 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

Resolution Delegating Authority on Open Burning Restrictions 2023-20R

WHEREAS Section 93.1(a) of the Code of Clarke County allows for open burning restrictions under certain circumstances; and

WHEREAS Section 93.1(b) of the Code of Clarke County allows the Board of Supervisors to delegate to the County Administrator the authority to promulgate, impose, or rescind open burning restrictions; and

WHEREAS atmospheric conditions or local circumstances may warrant an immediate ban on burning that cannot wait until a regularly scheduled Board of Supervisors meeting.

NOW, THEREFORE, BE IT RESOLVED by the Clarke County Board of Supervisors that the County Administrator is delegated the authority to promulgate, impose, or rescind open burning restrictions in accordance with Chapter 93 of the Code of Clarke County. In the absence of the County Administrator, the County Fire Chief is delegated the same authorities. Actions taken by the County Administrator or County Fire Chief are subject to review by the Board of Supervisors at their next meeting and the Board can affirm or reverse those actions as conditions warrant.

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

ATTEST 2023-20R

David S. Weiss, Chair

9) Hazard Mitigation Plan

Fire, EMS, & Emergency Management Chief Wayne Whetsell presented the following:

- The Hazard Mitigation Plan is regulated by FEMA and required to be updated every five years. This plan primarily addresses natural disasters.
- The Northern Shenandoah Valley Regional Commission hired a consultant who worked with the various localities and to complete this required update.
- The Town of Edinburg was the first locality to adopt the updated plan. Clarke will be the second, if the Board agrees. The consultants pulled data from various sources such as the county’s website and GIS. Errors can be fixed and

minor edits can be made, but any substantial changes would require re-adoption by the governing bodies.

Chairman Weiss

- Asked how this Hazard Mitigation Plan (HMP) plays into the county's Emergency Operations Plan (EOP).
 - o Chief Whetsell answered that the EOP outlines specific procedures and responses for natural or manmade disasters. The HMP is strategic and focuses on prevention and preparation.

Supervisor Lawrence moved to approve the Resolution to Adopt the Northern Shenandoah Valley Regional Commission Hazard Mitigation Plan (2023-21R) 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

Resolution to Adopt the Northern Shenandoah Valley Regional Commission Hazard Mitigation Plan 2023-21R

WHEREAS the Disaster Mitigation Act of 2000, as amended, requires that local governments develop and adopt natural hazard mitigation plans in order to receive certain federal assistance; and

WHEREAS a Hazard Mitigation Plan Update Steering Committee comprised of representatives from Clarke County, Frederick County, Page County, Shenandoah County, Warren County, and the City of Winchester was convened to study the Northern Shenandoah Valley's risks from and vulnerabilities to natural hazards, and to make recommendations on mitigating the effects of such hazards on the Northern Shenandoah Valley; and

WHEREAS a request for proposals was issued to hire an experienced consulting firm to work with the steering committee to develop a comprehensive natural hazard mitigation plan for the Northern Shenandoah Valley; and

WHEREAS the efforts of the steering committee members and the Northern Shenandoah Valley Regional Commission, in consultation with members of the public, private, and non-profit sectors, have resulted in the development of a Hazard Mitigation Plan for the Northern Shenandoah Valley, including Clarke County.

NOW, THEREFORE, BE IT RESOLVED by the Clarke County Board of Supervisors that the Hazard Mitigation Plan dated September 12, 2023, is hereby approved and adopted for the County of Clarke. A copy of the plan is attached to this resolution.

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

ATTEST 2023-21R

David S. Weiss, Chair

10) Board of Supervisors Personnel Committee Items from October 10, 2023

A. Expiration of Term for Appointments Expiring through December 2023

2023-10-10 Summary: Following review, the Personnel Committee recommends the following:

- Reappoint Brian Ferrell to the Industrial Development Authority for a four-year term expiring on October 30, 2027.

2023-10-17 Action: Chris Boies reviewed the above summary.

Supervisor McKay moved to approve the Personnel Committee recommendation 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

B. Employee Enrichment Workshop Schedule

2023-10-10 Summary: The Personnel Committee heard a brief overview of the county’s new internal professional development program. Planned workshop topics include physical fitness, first aid & CPR, household budgeting, and wellness.

2023-10-17 Action: Chris Boies reviewed the above summary.

- Board members are welcome to attend workshop sessions.
- If interest and attendance are strong, staff will plan more workshops for the spring.

11) Board of Supervisors Work Session Items from October 10, 2023

Board of Supervisors Work Session Items
Berryville/Clarke County Government Center, 2nd Floor
101 Chalmers Court, Berryville, Virginia 22611
October 10, 2023, 10:00 am, Meeting Room AB

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

Board Members Absent: Terri T. Catlett

Officer / Staff Present: Chris Boies, Catherine Marsten, Brandon Stidham, Cathy Kuehner, Pamela Hess

Others Present: None

Press Present: None

2023-10-10 Summary: At 10:00 am, Chairman Weiss called the meeting to order.

- A. Legislative Priorities: The Board discussed legislative priorities for the upcoming General Assembly session. The priorities from the previous year were reviewed and the Board asked staff to prepare changes discussed so that the Board may formally vote on the 2024 Legislative Priorities at the October 17 regular meeting.

At 10:38 am, Chairman Weiss adjourned the meeting.

2023-10-17 Action: Chris Boies reviewed the above summary and changes:

- Introductory paragraphs were added to each issue category.
- Under the issue of mental health, added that major state-level reforms are needed.
- Added language to the funding issue to clarify that the State should fulfill its financial obligations instead of pushing these costs onto localities and that Clarke opposes unfunded mandates and the shifting of fiscal responsibility from the state to localities. This is consistent with VACO's message.
- Updated the issue of state funding for schools to reference the recent JLARC study, which is something that VACO will bring forward as well. Added language about eliminating the cap on support positions, revising salary and cost assumption calculations, SOQ funding, and staffing ratios as requested by the schools.

- Added a section to the issue of public notice requirements seeking clarification on a recent Virginia Supreme Court ruling about public meeting attendance by members of governing bodies.
- Added the issue of renewable energy commitments, including language asking for closer study and slower implementation of these commitments, as there will be unintended consequences not yet fully understood.
- Updated the Route VA 7 Pedestrian Bridge issue to request state funding to perform studies as outlined in the updated Transportation Plan.
- Staff is still preparing supplemental materials to provide to legislators as attachments.

Supervisor Lawrence moved to approve the 2024 Legislative Priorities and Positions for Clarke County 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 October 10, 2023*

- A. FY23 to FY24 School Division Capital Projects Carryforward: The total proposed FY23 School Division Capital Carryforward amount is \$1,077,519. The amount of the locally funded carryforward request is \$262,455. The remaining \$815,064 is for federal or state funded projects.

2023-10-10 Summary: Following review, the Finance Committee recommends approving the requested carryforward as presented.

2023-10-17 Action: Brenda Bennett reviewed the above summary.

- The proposed end-of-year adjustments are made after looking at the FY23 ending balances for each project and evaluating project needs for the FY24 budget lines.
- Most of those adjustments shift budget to cover FY24 expenditures and encumbrances for known HVAC needs.

Chairman Weiss

- Observed that the local portion of this request is significantly lower than in previous years.

Clarke County Schools Capital Projects Fund 302
 FY23 Year End
 9.12.23 (IAS)

PROPOSED

PROPOSED FY23 CLARKE COUNTY SCHOOLS CAPITAL CARRYFORWARD

EXPENDITURES

ACCOUNT DESCRIPTION	FY23 ORIGINAL APPROP	FY23 Transfers/ Adjustments	FY23 REVISED BUDGET	FY23 YTD ACTUAL	Proposed EOY Adjustmnts	Proposed FY23 CARRY FORWARD	Notes
School Furniture Replacements	100,000		100,000	37,626	(62,374)	0	*
Uniform Repl & Band Instruments	0	9,676	9,676	9,676		0	
Athletics Equipment & Uniforms	60,000	25,247	85,247	21,275	(33,000)	30,972	Moved a portion to HVAC line. Remaining for FY24 safety equip. reconditioning (helmets, shoulder pads, shin guards, batting helmets)
School Bus Purchases	170,000	-28,230	141,770	107,678	(19,900)	14,192	Moved a portion to cover Vehicle & Equipment purchases. Remaining for additional future bus expense
Other Veh & Equip Purchases	0	28,230	28,230	48,130	19,900	0	
School Food Services	0	14,025	14,025	0	(14,025)	0	*
Fencing	100,000	70,947	170,947	170,947	850	850	To cover addtl Gate at Boyce ES in FY24
School Signage	0	1,072	1,072	1,072		0	
Asphalt/Sidewalk/Track/Court	25,325	23,876	49,201	59,637	10,436	0	
Painting	15,000	16,089	31,089	0	(31,089)	0	*
Heating, Ventilation & A/C	850,000	-88,159	761,841	118,454	(4,492)	638,895	To cover FY24 exp & encumbrance (\$543,516) for BES boiler & heat recovery units at CES & addtl FY24 needs
School Board Office Renovation	0	9,690	9,690	9,690		0	
Cooley Upper Campus Renovation	0	5,504	5,504	5,504		0	
ADA Improvements	0	58,800	58,800	0	(25,654)	33,146	To cover ADA improvements at BES and additional FY24 ADA improvements
Cooley School Repairs	0	0	0	0		0	
School Security System Grant	30,000	-30,000	0	0		0	
Flooring	20,000	4,322	24,322	11,797		12,525	For classroom carpets and tile
Security Improvements	0	85,787	85,787	80,438	32,225	37,574	Security expenses for Cooley Upper including camera's, intercom, hand held radios, etc. Will also provide matching funds for grant, if rec'd. Match is approx \$25k
Boyce School Repairs	0	2,449	2,449	2,449		0	
Cooley School Repairs	0	6,571	6,571	0	(6,571)	0	*
Johnson Wms MS Repairs	0	5,998	5,998	0	(850)	5,148	FY24 expense for bleachers
Clarke County High School Repair	0	6,185	6,185	6,185		0	
Technology Classroom Ins	46,000	57,010	103,010	115,198	12,188	0	
Technology Inst Support	0	2,945	2,945	5,889	2,944	0	
Technology Administration	0	34,824	34,824	34,594	(230)	0	E-Rate funds fully spent for FY23
Sub-Total	1,416,325	322,858	1,739,183	846,238	(119,642)	773,303	
VPSA-Technology Bond							
Technology Clsrm Instr/Admin	154,000	232,541	386,541	82,325		304,216	Restricted use of VPSA Technology funds
Sub-Total	154,000	232,541	386,541	82,325		304,216	
519 ARP ESSER III							
Heating, Ventilation & A/C		432,536	432,536	432,536		0	
Sub-Total		432,536	432,536	432,536		0	
520 ARP HVAC CSLFRF							
Heating, Ventilation & A/C		317,094	317,094	317,094		0	
Sub-Total		317,094	317,094	317,094		0	
Safe Reopening							
		92,400	92,400	2,145	(90,255)	0	
Sub-Total		92,400	92,400	2,145	(90,255)	0	
TOTAL EXPENSES	1,570,325	1,397,429	2,967,754	1,680,338	(209,897)	1,077,519	

REVENUE

Digital Mapping DCJS				-6,221		0	
E-Rate		-35,000	-35,000	-20,757		0	Xfer rev bdgt from 205. E-Rate revenue is 80% of expenses
Refund				-1,900		0	one time refund of \$1,900 for items purchased in FY22
VPSA Technology Bond	-154,000	-232,541	-386,541	-82,325		-304,216	VPSA Tech Bond revenue - restricted
519 ARP ESSER III		-432,536	-432,536	-432,536		0	
520 ARP HVAC CSLFRF	0	-317,094	-317,094	-317,094		0	
VDH Safe Reopening Grant		-92,400	-92,400	-2,145	90,255	0	
VDDE School Construction Funds	-1,416,325		-1,416,325	-791,727	113,750	-510,848	carryforward to FY24
Transfer from General Fund		-322,858	-287,858	-25,403		-262,455	carryforward to FY24
TOTAL REVENUE	-1,570,325	-1,432,429	-2,967,754	-1,680,107	204,005	-1,077,519	

* To increase carryforward for HVAC and Security Improvement needs in FY24

Supervisor McKay moved to approve the requested FY23 to FY24 School Division Capital Projects Carryforward 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

B. FY24 School Supplemental Request: The CCPS School Board is requesting an FY24 supplemental appropriation for the ending FY23 School Operating fund balance of \$97,957.

2023-10-10 Summary: Following review, the Finance Committee recommends, “Be it resolved that FY24 School Capital Projects budgeted expenditure and appropriation be increased \$97,957, and that the designation of general fund balance for School Operating carryover be decreased in the same amount, all for the purpose of funding the FY24 Capital Projects needs as specified by the School Board at their September 2023 meeting”.

2023-10-17 Action: Brenda Bennett reviewed the above summary.

- Schools are requesting that the balance remaining in the FY23 School Operating Fund be reappropriated to their FY24 capital projects budget.

Vice Chair Catlett moved, be it resolved, that FY24 School Capital Projects budgeted expenditure and appropriation be increased \$97,957, and that the designation of general fund balance for School Operating carryover be decreased in the same amount, all for the purpose of funding the FY24 Capital Projects needs as specified by the School Board at their September 2023 meeting. 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. FY23 to FY24 Government Capital Projects Carryforward: Per the attached spreadsheet, the proposed FY23 Government Capital Carryforward request amount is \$1,155,765.

2023-10-10 Summary: Following review, the Finance Committee recommends, approving the requested carryforward as presented.

2023-10-17 Action: Brenda Bennett reviewed the above summary.

Clarke County Capital Projects (fund 301)
 FY23 Year End
 9/28/2023
 JAS

PROPOSED FY23 COUNTY CAPITAL CARRYFORWARD

EXPENDITURES

ACCOUNT DESCRIPTION	FY23 ORIGINAL APPROP	FY23 TRANFRS/ADJS MTS	FY23 REVISED BUDGET	FY23 YTD ACTUAL EXPENSES	Proposed EOY Adjustments	Proposed FY23 Carryforward	% USED	Notes
94110 HVAC System Replacement	425,000	202,017	611,043	250,759	-104,027	216,258	46.40	FY24 expenses for Circuit Court Chiller Replacement-
94120 Roofing	0	8,000	8,000	0		8,000	0.00	For FY24 roof prep & paint at FISH building
94130 Painting and Flooring	0	32,691	32,691	20,008		12,683	61.20	For FY24 exterior repairs to the Historical Association Bldg
94140 Landscaping	0	7,336	7,336	0		7,336	0.00	Use for FY24 expenses
94141 Courthouse Green Project	0	75,380	75,380	52,851		22,529	70.10	FY24 expenses for A&E, survey, and next phase
94150 Asphalt, Sidewalk, Path	0	6,915	6,915	6,915		0	100.00	
94180 Courthouse Complex Repai	0	8,309	8,309	8,309		0	100.00	
94182 Circuit Courthouse Renov	0	15,000	15,000	0		15,000	0.00	Use for FY24 design work
94310 Sheriff's Equipment	14,000	22,026	36,026	21,171		14,855	58.80	FY24 expenses Firearms, accessories, bullet proof vests
94326 Fire/EMS Vehicle	50,000	0	50,000	50,000		0	100.00	
94331 Sheriff's Vehicles	116,000	33,200	149,200	124,761		24,439	83.60	Use for FY24 expenses
94410 Health & Human Svcs Spac	0	15,000	15,000	0		15,000	0.00	FY24 design work
94501 Berryville Business Park	0	280,000	280,000	256,757		23,243	91.70	FY24 expenses to finish remaining work(tree/stump removal, ditch clearing)
94505 Double Tollgate			15,974	15,974		0		
94601 Technology Improvements	0	1,118	1,118	0		1,118	0.00	Use for FY24 expenses
94603 Mobile Radio System	95,000	504,099	599,099	538,943		60,156	90.00	Use for FY24 expenses (Westwood Rd site)
94604 911 Phone System	0	44,842	44,842	29,895		14,947	66.70	For FY24 expenses - paid for with grant funds
94610 Mobile Radios EMS	0	50,000	50,000	1,617		48,383	3.20	FY24 portable radio expenses (ordered in FY23 but not rec'd)
94611 Avenity-Tax Software	0	259,000	259,000	14,400		244,600	5.55	Use for FY24 expenses
94701 Tennis Court	60,000	30,000	90,000	90,347	347	0	100.00	
94702 Swimming Pool	0	38,144	38,144	9,999		28,145	26.20	FY24 Zero Depth Entry Pool expenses
94703 Park Repairs	0	78,129	78,129	10,932	-347	66,850	14.00	Use for FY24 exp. (More dugout work/general park repairs)
94705 Park Sitework and Parkin	25,000	0	25,000	25,000		0	100.00	
94711 Baseball Fields	0	10,000	10,000	10,000		0	100.00	
94802 Reassessment	200,000	0	200,000	0	104,027	304,027	0.00	For FY24 Reassessment expenses
94803 Tourism Signs	0	30,000	30,000	1,803		28,197	6.00	Use for FY24 grant expenses
Sub-Total	985,000	1,751,206	2,736,206	1,580,441	0	1,155,765	56.70	
483-94804 DeedBookRestoration	0	31,666	31,666	31,666		0	100.00	
501-94606 Broadband	2,700,000	0	2,700,000	2,700,000		0	100.00	
666-94329 AFG-Radio Replacements	50,000	-50,000	0	0		0	0.00	
TOTAL EXPENSES	3,735,000	1,732,872	5,467,872	4,312,107	0	1,155,765	78.30	

REVENUE

94604 911 Phone System Grant		44,842	44,842	29,895		14,947		To cover FY24 expenses
483-94804 DeedBookRestoration		31,666	31,666	31,666		0		Project complete
501-94606 Broadband-Transfer from ARPA Acct		2,798,564	2,798,564	2,700,000.00		98,564		For additional FY24 expenses
94803 Tourism Grant -ARPA		30,000	30,000	1,803		28,197		To cover FY24 grant expenses
189909 Insurance Recovery		17,917	17,917	17,917		0		
189912 Tennis Courts grants			0	28,000				
Transfer from General Fund	3,735,000	-1,190,117	2,544,883	1,502,826		1,014,057		
TOTAL REVENUE	3,735,000	1,732,872	5,467,872	4,312,107	0	1,155,765		

Supervisor McKay moved to approve the requested FY23 to FY24 Government Capital Projects carryforward 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

D. FY23 General Fund Transfers: Budgeted expenditure transfer requests for the purpose of covering overdrawn FY23 accounts from underdrawn FY23 accounts.

2023-10-10 Summary: Following review, the Finance Committee recommends approving this request as presented.

2023-10-17 Action: Brenda Bennett reviewed the above summary:

- Proposed transfers are adjustments needed to make department budgets whole.
- In general, transfers are made between budgets and departments that are related.

Supervisor Bass

- Inquired about the animal control budget.
 - Chris Boies answered that new shelter personnel was hired at a higher salary and that the sheer number of animals requiring care at the shelter was much higher than before. That budget line should be re-named “Animal Shelter”.

Vice Chair Catlett

- Asked the difference between “Refuse Disposal” and “Solid Waste Convenience”.
 - Chris Boies answered that “Solid Waste Convenience” is the convenience center at Quarry Road. “Refuse Disposal” covers trash pickup at all dumpster sites and the county’s portion of the convenience center sites at Double Tollgate and Shenandoah Farms.

Function	Function Description	Revised Budget	YTD Actual	Available Budget	Adj Amount	Notes
11010	Board of Supervisors	58,600.26	50,906.18	7,694.08		
12110	County Administrator	430,358.92	381,261.81	49,097.11		
12120	Public Information Serv	69,055.24	68,785.15	270.09		
12210	Legal Services	35,000.00	17,373.74	17,626.26		
12310	Commissioner of Revenue	283,267.05	288,064.64	-599.58	599.58	Health Ins
12410	Treasurer	384,092.20	405,390.05	-16,494.85	16,494.85	\$13k cc fees, \$4k maint contracts
12510	Data Processing/IT	423,817.85	386,539.32	37,278.53		
13100	Electoral Board and Officials	58,129.51	49,623.74	8,505.77		
13200	Registrar	133,889.58	126,728.04	7,161.54		
21100	Circuit Court	19,860.00	13,450.17	6,409.83		
21200	General District Court	8,620.00	7,866.44	753.56	(282.25)	
21510	Blue Ridge Legal Services	1,500.00	1,500.00	0.00		
21600	Juvenile & Domestic Relations	6,400.00	6,682.25	-282.25	282.25	ovr spent - copier maint, misc mat'ls & supplies
21700	Clerk of the Circuit Court	291,332.99	280,853.45	10,479.54		
21910	Victim and Witness Assistance	75,941.79	75,105.12	836.67		
21940	Regional Court Services	6,930.00	6,930.00	0.00		
22100	Commonwealth's Attorney	495,606.00	474,751.63	20,854.37	(17,094.43)	
31200	Sheriff - Total	3,185,705.08	3,120,752.79	64,952.29		
31210	Criminal Justice Training Ctr	19,593.00	21,723.00	-2,130.00	2,130.00	dues increased by \$53 per participant
31220	Drug Task Force	12,500.00	14,355.46	-1,855.46	1,855.46	increased expenses
32200	Volunteer Fire Companies	190,980.00	177,430.80	13,549.20	(12,105.14)	
32201	Blue Ridge Volunteer Fire Co	105,200.00	98,998.09	6,201.91	(6,201.91)	
32202	Boyce Volunteer Fire Co	120,430.00	104,546.28	15,883.72	(15,883.72)	
32203	Enders Volunteer Fire Co	165,750.00	198,136.95	-32,386.95	32,386.95	mileage
32310	Fire and Rescue Services	1,962,573.21	1,950,709.48	11,863.73	(4,248.10)	
32320	Lord Fairfax Emergency Medical	6,575.00	6,575.00	0.00		
32400	Forestry Services	2,874.00	2,873.34	0.66		
33210	Regional Jail	628,535.00	616,757.00	11,778.00	(5,384.46)	
33220	Juvenile Detention Center	36,168.00	37,547.00	-1,379.00	1,379.00	increased expenses
33300	Probation Office	400.00	48.00	352.00		
34100	Building Inspections	267,212.54	257,762.80	9,449.74		
35100	Animal Control	121,475.26	161,849.26	-37,174.00	37,174.00	S8k OT, S8,200 Health Ins, S8,600 Leave PO, S8,400 PurchSvcs, S3,600 Mat&Sup
35300	Med Examiner & Indigent Burial	200.00	220.00	-20.00	20.00	
42400	Refuse Disposal	180,000.00	191,317.94	-11,317.94	11,317.94	increased expenses
42410	Solid Waste Convenience	93,875.28	70,716.53	23,158.75	(23,158.75)	
42600	Litter Control	11,118.92	10,999.50	119.42		
42700	Sanitation	244,000.00	238,977.72	5,022.28		
43200	General Property Maintenance - All Accounts	913,560.97	882,800.93	30,760.04	(25,333.19)	
<hr/>						
51100	Local Health Department	193,642.00	193,642.00	0.00		
51200	Our Health	6,500.00	6,500.00	0.00		
52400	N Shen Valley Subst Abuse Coal	15,000.00	15,000.00	0.00		
52500	Northwestern Community Svcs	105,985.00	105,985.00	0.00		
52800	Concern Hotline	1,500.00	1,500.00	0.00		
52900	NW Works	5,000.00	5,000.00	0.00		
53230	Shenandoah Area Agency on Aging	40,000.00	40,000.00	0.00		
53240	VA Regional Transp Assn	24,960.00	24,960.00	0.00		
53250	FISH of Clarke County	1,000.00	1,000.00	0.00		
53600	Access Independence	1,500.00	1,500.00	0.00		
53700	The Laurel Ctr (Women's Shltr)	4,000.00	4,000.00	0.00		
53710	Tax Relief for the Elde	215,000.00	0.00	215,000.00		
69100	Lord Fairfax Community College	16,528.00	16,528.00	0.00		
71100	Parks Administration	511,968.02	503,293.03	8,674.99		
71310	Recreation Center	165,687.90	164,456.60	1,231.30		
71320	Swimming Pool	105,275.14	96,062.33	9,212.81		
71350	Parks Programs	394,187.37	244,502.43	149,684.94		
71360	Concession Stand	20,051.07	17,747.03	2,304.04		
72240	Barns of Rose Hill	14,000.00	14,000.00	0.00		
72700	VA Commission for the Arts	9,000.00	9,000.00	0.00		
73200	Handley Regional Library	314,000.00	314,000.00	0.00		
81110	Planning Administration	500,853.62	484,891.07	15,962.55		
81120	Planning Commission	14,398.28	14,051.24	347.04		
81130	Berryville Dev Authority	900.00	128.82	771.18		
81140	Regional Airport Authority	5,000.00	5,000.00	0.00		
81310	Help With Housing	5,000.00	5,000.00	0.00		
81400	Board of Zoning Appeals	3,519.08	11,449.38	-7,930.30	7,930.30	legal fees
81510	Office of Economic Development	170,525.32	129,415.23	41,110.09		
81530	Small Business Dev Center	2,000.00	2,000.00	0.00		
81540	Blandly Experimental Farm	3,500.00	3,500.00	0.00		
81550	Berryville Main Street	3,866.00	3,866.00	0.00		
81800	Historic Preservation Comm	35,405.00	34,087.02	1,317.98		
81910	Northern Shen Valley Reg Comm	10,914.00	10,913.37	0.63		
82210	Water Quality Management	30,000.00	16,610.00	13,390.00	(7,930.30)	
82220	Friends of the Shenandoah	9,000.00	9,000.00	0.00		
82230	Board of Septic Appeals	1,569.36	437.18	1,132.18		
82400	LF Soil & Water Cons Dist	7,500.00	7,500.00	0.00		
82600	Bio-solids Application	1,096.44	15.33	1,081.11		
83100	Cooperative Extension Program	54,431.77	45,876.67	8,555.10		
<hr/>						
83400	4-H Center	3,125.00	3,125.00	0.00		
91600	Contingency Reserves	106,500.00	0.00	94,299.00		
92500	Rev Refunds - Ins Claim Reimb	0.00	1,803.82	-1,803.82	1,803.82	Ins Claim refunds
92600	Rev Refunds - Ambulance	0.00	4,248.10	-4,248.10	4,248.10	
Grand Total		14,185,016.02	13,378,504.25	806,511.78	0.00	

Vice Chair Catlett moved to approve the FY23 General Fund Transfer requests 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. FY24 Parks Donation Fund Transfer Requests:

1. The Parks and Recreation Department is requesting permission to transfer \$3,908.71 from the Parks Donation Fund to the Parks and Recreation Operating Fund for the purpose of covering the purchase of park benches (\$969.01) and swim team lap lanes (\$2,939.70).

2023-10-10 Summary: Following review, the Finance Committee recommends, “Be it resolved that FY24 Parks Administration expenditure and appropriation be increased \$3,908.71, that donation revenue of the same amount be recognized, and that this amount be transferred from the Parks Donation Fund to the General Fund, all for the purpose of purchasing a park bench (\$969.01) and swim team lap lanes (\$2,939.70)”.

2023-10-17 Action: Brenda Bennett reviewed the above summary:

- Request to have amount appropriated into operating budget.
- The revenue will be transferred from the parks donation fund; there is no additional local money involved.

Supervisor Bass moved, be it resolved, that FY24 Parks Administration expenditure and appropriation be increased \$3,908.71, that donation revenue of the same amount be recognized, and that this amount be transferred from the Parks Donation Fund to the General Fund, all for the purpose of purchasing a park bench (\$969.01) and swim team lap lanes (\$2,939.70). 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

2. The Parks and Recreation Department is also requesting the remaining balance of the Parks Donation Fund in the amount of \$58,805.96 be transferred to the Capital Projects Fund to help cover the cost of the FY24 Zero Depth Entry Pool project.

2023-10-10 Summary: Following review, the Finance Committee recommends, “Be it resolved that FY24 Capital Projects expenditure and appropriation be increased \$58,805.96, that donation revenue of the same amount be recognized, and that this amount be transferred from the Parks Donation Fund to the Capital Projects Fund, all for the purpose of providing additional funds for the Zero Depth Entry Pool project”.

2023-10-17 Action: Brenda Bennett reviewed the above summary.

Supervisor Bass moved, be it resolved, that FY24 Capital Projects expenditure and appropriation be increased \$58,805.96, that donation revenue of the same amount be recognized, and that this amount be transferred from the Parks Donation Fund to the Capital Projects Fund, all for the purpose of providing additional funds for the Zero Depth Entry Pool project. 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. Sheriff’s Office – PSAP Retention Grant

2023-10-10 Summary: Following review, the Finance Committee recommends, “Be it resolved that FY24 Sheriff’s Office budgeted expenditure and appropriation be increased \$27,500, and that budgeted revenue from the State be increased and recognized in the same amount, all for the purpose of receiving an FY24 PSAP Staffing Recognition grant for Communications Staff bonus payments”.

2023-10-17 Action: Brenda Bennett reviewed the above summary:

- The communications office sought this grant funding in order to provide bonus payments to help alleviate staffing shortages at the communications center, where there are still two vacant positions.
- PSAP stands for Public Safety Answering Point.

Supervisor McKay moved, be it resolved, that FY24 Sheriff’s Office budgeted expenditure and appropriation be increased \$27,500, and that budgeted revenue from the State be increased and recognized in the same amount, all for the purpose of receiving an FY24 PSAP Staffing Recognition grant for Communications Staff bonus payments. The motion carried by the following vote:

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

G. FY25 Budget Calendar

2023-10-10 Summary: Following review, the Finance Committee recommends adopting the proposed FY25 Budget Calendar.

2023-10-17 Action: Brenda Bennett reviewed the above summary:

- There are no substantive changes to this calendar from last year’s version.

Vice Chair Catlett moved to adopt the proposed FY25 Budget Calendar 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

H. Bills and Claims

2023-10-10 Summary: Following review, the Finance Committee recommends approving the September 2023 Invoice History report.

2023-10-17 Action: Brenda Bennett reviewed the above summary.

Supervisor McKay moved to approve the September 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

I. Standing Reports

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

2023-10-17 Action: Information Only.

13) *Joint Administrative Services Board Update*

Brenda Bennett advised the following:

- The Joint Administrative Services Board met in September and heard an update on the outstanding issues with Benefit Plan Administrators (BPA).
- Staff is still working to resolve specific issues in order to finally close out that contract.
- Progress is being made: two issues are now resolved and two remain. Staff intends to resolve all issues and close that fund account out by the end of December.
- The auditors will be onsite to conduct fieldwork for the FY23 audit during the week of October 30. There will be a tight turnaround to meet all deadlines, but the auditors should be able to present their finalized report to the Board of Supervisors at the December meeting.
- The newest staff member is fully on-boarded and is a welcome addition. He is working more with payroll and is taking on human resources and benefits tasks.

14) *Government Projects Update*

Chris Boies provided the following update:

- All Points Broadband will present an update on the broadband project this evening.
- Rappahannock Electric Cooperative has scheduled a call on Monday October 23 to provide an update from their perspective as well.
- Demolition of the old air handler and chiller is complete at the courthouse. Installation of the new air handler and chiller should begin this week.
- Two new generators were included in the capital projects budget. One is needed at the Westwood tower now that emergency communications equipment has been moved there; right now this location is covered by a portable generator. The generator that serves the 911-dispatch center also needs to be replaced. An engineering firm is designing specifications for those projects so that they can be bid out.
- A contract to complete the zero-depth entry at the pool was awarded. Work should begin soon, as all color decisions and tile selections have been made. This project is expected to be complete in time for the regular summer pool season.

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 approved resolutions	David Weiss
3.	Execute appointment letters	David Weiss
4.	Process appointment to IDA	Catherine Marsten
5.	Process Employee of the Quarter award	Catherine Marsten
6.	Process bills & claims and finance items	Brenda Bennett

- | | |
|--|----------------------------|
| 7. Process application for easement donation | Lorien Lemmon |
| 8. Process Hazard Mitigation Plan and forward revisions to NSVRC | Chris Boies/Wayne Whetsell |
| 9. Send legislative priorities to candidates | Catherine Marsten |

17) Board Member Committee Status Reports

Supervisor Matthew Bass

Board of Septic and Well Appeals

- Nothing to report.

Library Advisory Council

- Submitted a request to the Joint Building Committee to relocate a bench to the exterior of the BCCGC building.

Litter Committee

- Picking suitable locations to install signs and will need to make applications to VDOT.
- Looking for volunteers to help with litter pickup on October 21.

Josephine School Community Museum Board

- Nothing to report.

Legislative Updates

- VACO is working on their legislative priorities as well.

Northwestern Regional Adult Drug Treatment Court Advisory Committee

- Meets next week.

Northwestern Regional Juvenile Detention Center Commission

- Has not met recently.

Sheriff's Office

- Recently re-accredited.

Town of Berryville

- Holding a public hearing October 24 on D.R. Horton's rezoning proposal for the Friant property.

Parks and Recreation Advisory Board

- Excited for the zero-depth pool entry project.

Supervisor Bev McKay

Town of Boyce

- Nothing to report.

Northern Shenandoah Valley Regional Commission

- Meets October 19.

Regional Airport Authority

- Nothing to report.
- Conservation Easement Authority
- Nothing to report.
- Sanitary Authority
- The sewer plant is very sensitive to temperature changes and the weather has caused some high phosphorus levels recently.
- Berryville-Clarke County Joint Building Committee
- The library has a bronzed statue bench that was donated to them in 2008. The bench is currently in children’s section and the library has requested to place it outside the building. The building committee agreed to bring the request to the Board and the Town Council.

Vice Chair Catlett

- Observed that many visitors come to the building for the library and that seeing the statute bench outside reinforces the library’s presence.

Supervisor Bass

- Agreed, adding that the request is consistent with the other Handley Regional Library locations as they all have similar statue benches.

Supervisor Lawrence

- Suggested installing in in a gravel area close to the building.

Chairman Weiss

- Shared that this request has been in the pipeline for many years. According to meeting minutes from various groups from 2008-2012, the statue bench was originally intended to be placed outside the building. The library is part of the existing building, not an outside agency that is asking to put up a memorial or statue.

By consensus, the Board agreed to allow the library to place the statue bench outside the Joint Government Center at a location to be determined by the Joint Building Committee, pending agreement by the Berryville Town Council.

Vice Chair Terri Catlett

Career and Technical Education

- Will meet next month.

Historic Preservation Commission

- Held a public hearing for a Certificate of Appropriateness, which was declined. The applicant may appeal the decision within thirty days.

Clarke County Humane Foundation

- Discussing the high number of animals at the shelter and the challenges that presents.

Village of Millwood

- Ongoing discussions about speed tables.
- Planning Commission
 - Condolences to the family of longtime Planning Commissioner Charlie Kackley, who recently passed away.
- Community Policy & Management Team
 - New CSA Coordinator was hired.
 - Preparing for audit.

Supervisor Doug Lawrence

- Berryville-Clarke County Joint Committee on Economic Development & Tourism
 - Meets October 27.
- Board of Social Services
 - Page County director held a great workshop on compassion fatigue.
 - Annual report to come in next Board packet.
- School Board
 - Good newspaper coverage recently.
- Regional Jail Authority
 - Next meeting is in November.
 - Jail seems very well run and is almost fully staffed.

Chairman David Weiss

- Fire/EMS Commission
 - Reports on calls and response time show steady improvement.
 - The FRAG is working well but there are concerns that it is not a public body and that could create transparency concerns in the future.
 - Will meet again in December and make an official recommendation.
- Industrial Development Authority
 - Meets October 26.

18) *Closed Session pursuant to §2.2-3711(A)(7)*

At 2:54 pm, Supervisor Bass moved to enter closed session pursuant to §2.2-3711-(A)(7) for briefings by staff pertaining to probable litigation, where such briefing in open meeting would adversely affect the negotiating or litigating posture of the public body. 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 3:16 pm, with the members of the Board of Supervisors being assembled within the designated meeting place with open doors and in the presence of members of the public and/or the media desiring to attend, Supervisor Bass moved to reconvene in open session. The motion carried as follows:

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

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

CERTIFICATION OF CLOSED SESSION

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

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

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

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

No action was taken following the Closed Session.

At 3:17 pm, Chairman Weiss recessed the meeting.

At 6:32 pm, Chairman Weiss reconvened the meeting.

19) *Citizen's Comment Period*

Mary Carol Ivie of Dorsey Street in Berryville

I am not against farmers making a living on agriculturally zoned land, used for agriculture. I am against random development and urban sprawl. I oppose the solar farm and established event and wedding venues on agriculturally zoned land.

My family moved to the planned community of Dale City, Prince William County, in 1973. The Rural Crescent was established in 1974 along the western border to preserve the rural part of the county and restrict the urban sprawl. The eastern part of the county, Woodbridge, Manassas, and Dumfries was designated for residence and commercial growth. The Rural Crescent restricted water and sewer. Rural Residential zoning allowed one house to five acres, later changed to ten acres, and agriculture, the dairy farms and the horse farms. It was to stay green and keep that portion of Prince William green.

Slowly, the county chipped away at the Rural Crescent. When Disney announced they were coming, zoning allowances were made to permit water and sewer and build homes in the Gainesville/Haymarket area. This was done secretly by the Board of Supervisors under the guise of bringing revenue into the county. Then came the need for a grocery store (driving 20 minutes to the closest chain grocery store was unthinkable) and next Target and Walmart. New schools and roads were needed to accommodate the urban sprawl. All in the former Rural Crescent.

Today, the Rural Crescent is almost gone. Data centers are threatening the remaining northwestern section. Threatening the Manassas Battlefield and the surviving horse farms. People are asking how could this happen?

We moved to Berryville, Clarke County, to get away from the madness in our once rural home in western Prince William. I am seeing the same thing happen here in our new home in Clarke. Protect the green areas. Don't let Clarke County become like Prince William.

Clyde Crosswell of Crums Church Road in Berryville

I have a couple of questions that might help the information that we gain about the broadband implementation. I wonder how many people have, thus far, signed up in the county. What are the potential numbers of individual sites or hookups? How many are we looking at for homes or businesses or individual hookups? What is the criteria where we will begin hookups instead of just building the infrastructure? What can we as citizens do to assist the planning and decision-making for expediting and easing the process of implementation along the way?

20) *All Points Broadband Update*

Jimmy Carr, Chief Executive Officer of All Points Broadband, presented the following:

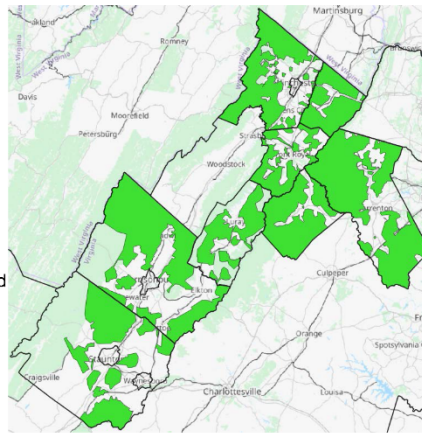


October 17, 2023

- Clarke County is part of the largest broadband deployment project in the history of the Commonwealth of Virginia, as part of an eight county regional project.
- The cost to the county is fixed so the county's contribution to the project will not increase but the cost to All Points Broadband (APB) is likely to increase.
- "Unserved locations" were identified according to the definition of "unserved" was when the grant was applied for.

VATI Project Overview

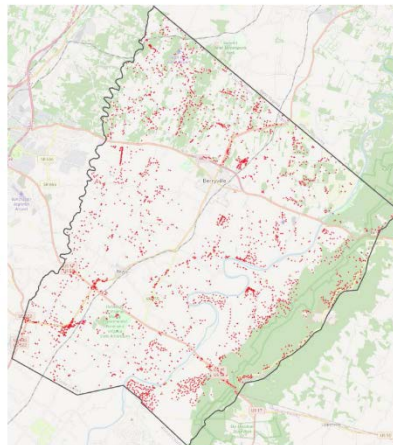
- ~\$300M project
- VATI grant awarded 7/2022, starting 36-month project timeline for substantial completion
- ~3,100 miles distribution fiber and middle mile infrastructure
- Making FTTH broadband available to 41,690 unserved locations
- In partnership with Dominion, Rappahannock Electric Cooperative, Shenandoah Valley Electric Cooperative



© All Points Broadband 2023 | 1

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



© All Points Broadband 2023 | 2

- The Northern Shenandoah Valley Regional Commission (NSVRC) serves as fiscal agent for the project. They handle reporting and compliance, check APB work and reimbursement requests, and manage the grant on behalf of the eight participating counties.
- “Unserved locations” were not served with wired broadband capable of delivering 25 megabits per second (Mbps) down and 3Mbps up at the time the grant was submitted.

Supervisor Lawrence

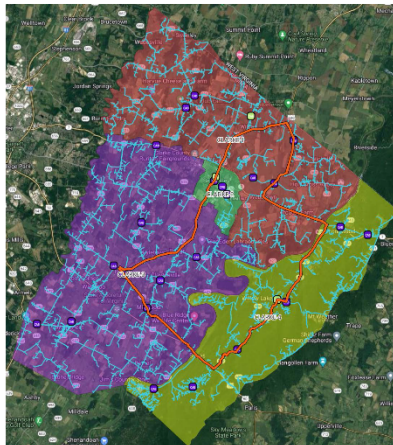
- Asked if locations that are already served would be able to hookup if the lines being installed if they so choose.
 - Mr. Carr answered that, until the grant is closed out, APB is only able to build to eligible locations that were included in the grant application. When the grant obligations are satisfied, APB could then use private capital to expand the network or offer service to other locations.

Project Status

- Key dependencies for last-mile deployment:
 - 1) Middle mile capacity in place
 - 2) Utility Make Ready
 - 3) Significant queue of constructable miles
- OSP materials deliveries on schedule and inventory levels consistent with plan
 - Reminder: APB does not seek reimbursement or report progress when materials are purchased, only when specific contract milestones achieved
- Project-wide low-level design and utility pole fielding underway in advance of attachment requests for tens of thousands of poles and make-ready construction for tens of thousands of poles

Countywide Network Layout

- 4 Fiber Service Areas designated based on location density, geography, and network redundancy
- 25 active and passive cabinets
- Redundant countywide fiber ring (orange)
- Field validation complete and QA/QC underway
- 1st VATI contract milestone to be achieved on schedule in Q4 2023

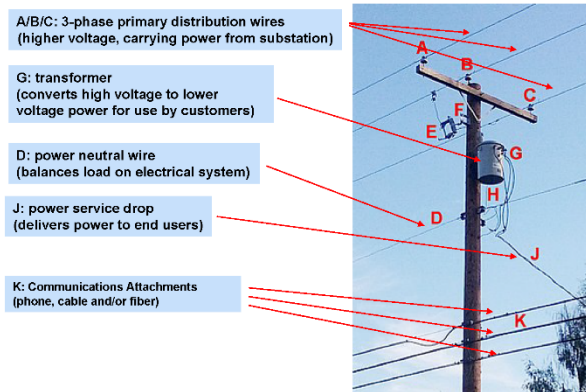


NSVRC Initiative Timeline

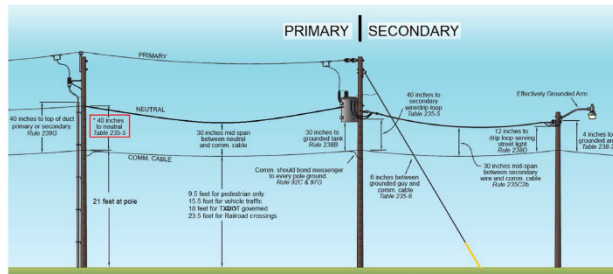
- Q3 2022: Low-level design underway
- Q1/Q2 2023: Make ready fielding, engineering and construction commence
- Q4 2023: APB/NSVRC and county partners collaborate to finalize newly eligible locations to add to project
 - Changes in eligibility and base mapping will create opportunity to extend fiber to additional locations
- Q2 2024: Last-mile fiber construction commences
 - Augusta County initial focus of construction activity
- Q1 2025: Projected commencement of Clarke County fiber construction
 - Primary schedule determinant is pole make ready cadence
- Q2 2025: Projected commencement of installations in completed FSAs in Clarke County
- Q3 2025: Substantial completion of last-mile network

- At the time of the grant application (end of 2021), the definition of broadband was 25Mbps down/3Mbps up. That definition has changed to 100Mbps down/20Mbps up. This means there are more locations in the county that will be eligible for state and federal broadband money.
- APB will continue to work with the county to seek additional state or federal money and will not ask the county for any additional funds.
- About 90 days after last-mile fiber construction starts in Clarke, APB expects to start “lighting” customers within the service area.

What is on a Typical Pole?



Why is Make Ready Required?



- The National Electric Safety Code (NESC) establishes certain minimum clearances that must be maintained between various components of the electric grid, telecommunications infrastructure, and the ground
- Some utilities condition access to their poles on compliance with requirements in addition to the NESC, such as the requirement to conduct Pole Loading Analysis (PLA) when certain conditions are present (span length, angle change, etc.)

What Does Make Ready Mean?

- Make ready is the process of preparing utility poles to accommodate new communications attachments
- Make ready generally consists of increasing clearances between lines and/or the ground through one or more of the following:
 - 1) relocating communications lines
 - 2) relocating electric equipment
 - 3) adding additional "mid-span" poles
 - 4) replacing existing poles with taller poles
- The first step in the make ready process is pole "fielding", during which data about current conditions is collected in the field to inform subsequent engineering and analysis



Make Ready Process Overview (oversimplified)

- FCC has established 165-day timeline for "large jobs"
- REC and SVEC have committed to achieving ~1,250 poles/month of NTPs (system-wide)
- APB, REC & SVEC are employing new methods and procedures to meet the shared challenge

Stage	Responsible Party	Activity	FCC Timeline for "Large Jobs"	
Fielding	APB (including contractor)	Field survey each pole along route to document existing conditions	60 days	
Make Ready Engineering (MRE)	APB (including contractor)	Vendor and APB review fielding results, confirm poles for attachment; prepare/submitt application to pole owner		
Pole Owner's Evaluation	Pole owner (frequently outsourced)	Review pole attachment applications. Identify make ready scope of work for electric, existing anchors, and APB. Prepare and submit for electric MRC		
Electric Make Ready Construction (MRC)	Pole owner (frequently outsourced)	Pole owner performs make ready construction/ pole replacement for its owned assets at which point an "NTP" is issued		105 days
Communications Make Ready Construction (MRC)	3rd party standards (frequently outsourced)	3rd party standards evaluate their attachments per approved applications. Can be performed by APB through "one touch make ready" (OTMR) process with customer approved vendor		30 days
Pole Attachment	APB (outsourced to contractor)	APB releases installation contractor to hang fiber		

Pole Attachment Status

- To date, APB has completed fielding on 15,364 poles
- 7,834 poles are currently pending pole owner review
- 1,054 poles have received Notice to Proceed (NTP)
- Oldest pending ticket 182 days old, average pending ticket 89 days old
- APB and utility partners ramping make ready cadence to ~4,500 poles/month



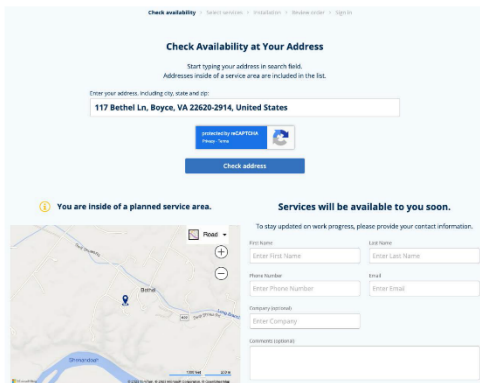
• The volume of make-ready work underway in Virginia (and nationally) is unprecedented

Remaining Eligible Locations Outside the FY22 VATI Project

- The FY22 VATI grant is set for the specific locations included in the polygons included with the application that were not successfully challenged – FY22 VATI grant funding cannot be used for locations outside the approved project
- Because of changes in eligibility criteria and shift to new federal mapping, there are additional locations outside the project area eligible for additional state and/or federal broadband funding in the future
- APB, NSVRC and County staff are actively working to identify specific solutions for newly eligible locations:
 1. APB direct investment
 2. FY24 BEAD program (no County match)
 3. Referral to other programs / providers
- How can Clarke help?
 - Send resident inquiries to APBfiber.com
 - Continue sharing data regarding other unserved areas/locations
 - Assume that most recent FCC data is more helpful but not 100% accurate

- Once APB reaches certain milestones, they can start using their own money to build to locations that were not identified in the grant.
- If newly eligible locations are identified, APB will apply for additional state or federal money and permission to expand the project area to serve those locations, without asking the county for additional financial contribution.

Customer Preregistration: APBfiber.com



We are on our way:
Service is planned for the address but not yet available. The resident should register the location and APB will notify them ~90 days ahead of serviceability

Preregister:
Remember to enter contact information and click "Go To Survey"
• No obligation
• Opt-out anytime
• Receive email notices

October Mailer To All Project Locations



**CLARKE COUNTY HAS PARTNERED WITH
ALL POINTS BROADBAND TO BRING YOU FIBER BROADBAND**

COMING SOON: BLAZING-FAST FIBER IS HEADED TO YOUR HOME
 You don't have to live with slow internet! Clarke County and All Points Broadband are working to bring fast, reliable fiber broadband internet to you.

Good news: Your location is included in the project!

Pre-register today at APBFiber.com to stay up to date on the project and be notified as soon as fiber is available for purchase.

WHAT IS HAPPENING NOW?

<p>Make Ready Utility Poles are being made ready for All Points Broadband fiber.</p>	<p>Construction Construction crews will build the fiber network once the poles are ready.</p>	<p>Installation All Points Broadband will contact pre-registered locations 90 days before service is available.</p>
---	--	--

© All Points Broadband 2023 | 13



Supervisor Bass

- Inquired about hosting a distribution cabinet on private property.
 - o Jimmy Carr responded that engineers will identify potential locations and a site acquisition team will contact property owners to negotiate specific terms if the property owners are interested. The process is privately negotiated and wholly voluntary.

Chairman Weiss

- Thanked Mr. Carr for the update, adding that APB has a daunting timeline for such a large project.

21) *Public Hearing: REC/Virginia Port Authority Conditional Rezoning (PH2023-11: CZ23-01)*

Brandon Stidham, Director of Planning, presented the following:

CZ-23-01, Rappahannock Electric Cooperative (applicant)/Virginia Port Authority (owner)

- Re-zone 65 acres from Agricultural-Open Space-Conservation (AOC) to Highway Commercial (CH) and Historic Access Corridor Overlay District (HAC) subject to conditions proffered by the applicant.
- Located on south side of Lord Fairfax Highway (US 340) between intersections of Featherbed Road (Rt. 644) and Highland Corners Road (Rt. 669).
- Double Tollgate Plan Area – Sub-Area B
- Tax Map #27-A-10C
- White Post Election District (McKay)





Proposed Use

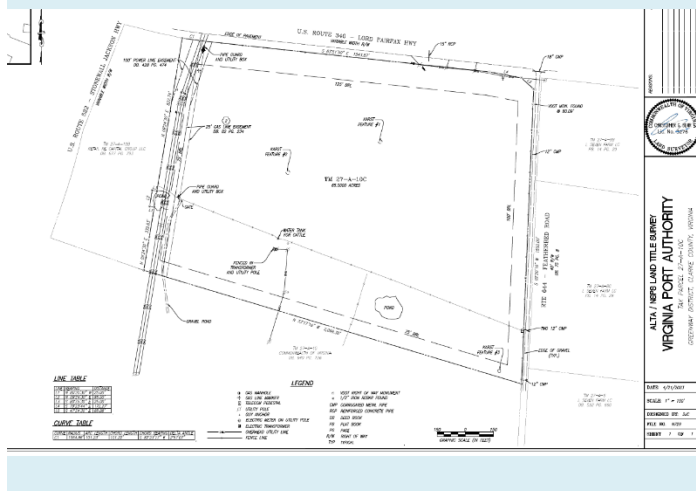
- **“Public utility facility” – a new regional office for REC to include:**
 - Offices
 - Auditorium (for REC training and briefing purposes)
 - Storage yard
 - Fuel tanks and fueling stations for REC vehicles
 - Maintenance shop with wash bay for REC vehicles
 - Indoor storage for vehicles and mobile substations
 - Communications tower of approximately 60 feet in height
- **Approximately 41 acres to be developed – remainder would be left vacant except for cattle grazing**
- **Rezoning to CH District is necessary to allow the proposed use**
- **Rezoning to HAC Overlay District is recommended by the Double Tollgate Area Plan “to ensure high-quality, compatible architectural design for structures at the County’s southeastern gateway”**

Conditional Zoning Generally

- Rezoning “subject to certain conditions proffered by the zoning applicant for the protection of the community that are not generally applicable to land similarly zoned.”
- Va. Code limitations on proffers include:
 - Rezoning must give rise for the need for the conditions.
 - Conditions shall have a reasonable relation to the rezoning.
 - Limits on payment for or construction of off-site improvements.
 - Cannot have a proffer that is not related to the physical development or physical operation of the property.
 - Shall conform to the Comprehensive Plan.
- Locality cannot deny a conditional zoning application on grounds that the applicant did not proffer something that was requested by the locality.

Conditional Zoning Generally

- Proffers must be provided in writing prior to advertised public hearing and in accordance with Zoning Ordinance deadlines.
- Site development plan is not required.
- A survey plat showing the area to be rezoned is required.
- Applicant has provided a “concept development plan (CDP)” that is proffered to govern the overall development of the property.



Key Issues

- **Property access:**
 - **Transportation improvements – turn lanes and partial paving of Featherbed Road**
 - **Citizen concerns regarding the partial paving of Featherbed Road**
- **Provision of wastewater pump station site per Frederick Water report**
- **Proffered conditions are provided by applicant to address these issues and mitigate other impacts of the proposed development**







VDOT Comments

- **VDOT comments (8/30/2023):**
 - No overall objections to the applicant's proposed entrances and improvements
 - Continue to recommend upgrades to Featherbed Road as proffered by the applicant
 - Recommend proffering the U.S. 340 right turn lane onto Featherbed Road - this is currently proffered by the applicant subject to warrant analysis to be conducted at site development plan review
 - All transportation improvements should be constructed prior to issuance of an occupancy permit for the facility - the applicant has proffered to do this
- **Traffic impact analysis (TIA) is required by Zoning Ordinance but not by VDOT requirements**
 - VDOT staff stated that they do not believe a TIA would identify any other required improvements
 - Recommends applicant instead conduct turn lane warrant analyses to determine need for turn lanes and tapers at intersections and access points - this will be done for the two improvements noted in the proffers

VDOT Comments (cont.)

- **VDOT comments (10/17/2023):**
 - Staff asked whether VDOT would require the entrance to be located on Featherbed Road if the applicant was only proposing one entrance
 - VDOT staff - "strongly suggest the entrance be on Featherbed Road to help preserve safety and capacity on US 340"
 - If a future signal or median is needed on US 340, applicant's US 340 entrance may have to be converted to a right in/right out only entrance
 - Featherbed Road entrance "would both reduce the number of vehicle conflict points and be further away from the US 340/522 signal"
 - VDOT will allow the US 340 entrance "if this is what the Clarke BOS desires"

Proffers 1.1 – 1.3, Development and Use of Property

- Applicant has proffered that the only allowable use will be a “public utility facility” – a new regional office for REC
- “Agriculture” is a permitted use in the CH District – cattle grazing can continue until property is developed, may continue on undeveloped area after development at REC’s discretion
- No other uses would be allowed unless the applicant applies for a proffer amendment

Proffers 2.1 – 2.2, Building and Site Design

- Development to be in “substantial conformance” with the Concept Development Plan (CDP) – material alterations at site development plan review would require proffer amendment, minor modifications are allowed
- Oil/water separators to be installed and/or collection/containment facilities to be provided in maintenance and wash areas and will be cleaned at least annually

Proffers 3.1 – 3.5, Transportation

- Property access limited to one entrance on US 340 and two entrances on Featherbed Rd as generally shown on CDP – actual locations to be determined at site development plan review
- US 340 entrance improvements to be constructed prior to issuance of occupancy permit:
 - Eastbound 200’ right turn lane with 200’ taper
 - Westbound 100’ left turn lane with 200’ taper
- US 340/Featherbed Road intersection improvements to be constructed prior to issuance of occupancy permit:
 - Eastbound 200’ right turn lane with 200’ taper, if warranted at the time of site development plan review
 - Westbound 100’ left turn lane with 200’ taper

Proffers 3.1 – 3.5, Transportation

- Featherbed Road improvements to be constructed prior to issuance of occupancy permit :
 - Improve 150’ of existing pavement and add 115’ of new pavement to point just beyond full property entrance, 24’ pavement width with 3’ shoulders
 - Southbound 100’ right turn lane with 100’ taper, if warranted at the time of site development plan review
- Provision of 30’ wide interparcel access easement to Tax Map #27-A-10 in a location that is mutually agreeable to both property owners.

Review Factors

- **Conditional zoning regulations require evaluation of applications against 10 review factors set forth in Zoning Ordinance Section 6.3.3(D)**
- **These 10 factors can be used along with any other factors deemed applicable to determine action on a conditional zoning application.**

Review Factors

- **Consistency with the Clarke County Comprehensive Plan and any applicable implementing component plans (Double Tollgate Area Plan).**
 - **Property is located in Sub-Area B of the Double Tollgate Plan Area**
 - **Sub-Area B allows for CH District zoning if development is served by public water and public sewer**
 - **Facility generally would not be expected to cause significant degradation of natural resources (karst, erosion and sediment, and stormwater management plan reviews); proffer to provide collection/separation facilities for waste fluids**
 - **Transportation improvements are proffered to address impacts to the public road network**
 - **The proposed use as proffered is generally in accord with the Comprehensive Plan and Double Tollgate Area Plan**

Review Factors (cont.)

- **Impacts on the County's short-term and long-term fiscal resources (e.g., education, water, sewage, fire, police, rescue, solid waste disposal or other services) and compatibility with the County's capital improvement goals and objectives**
 - **Facility will have minimal impact on County resources and is expected to provide significant tax revenues**
- **Potential impacts that would reduce the conservation value of adjacent or nearby agricultural or forestal land or would impede the operations of an active agricultural or forestal operation**
 - **Facility will not impact adjacent agricultural land**
 - **Cattle grazing will be permitted to continue**

Review Factors (cont.)

- **Compliance with Virginia Department of Transportation (VDOT) regulations and recommendations of VDOT deemed necessary for safe and efficient movement of traffic**
 - **VDOT has no outstanding concerns with the applicant's proposed entrances and improvements**
- **No destruction of or encroachment upon historic or archeological sites, particularly properties under historic easement**
 - **Applicant's cultural resources desktop review found no adverse impacts to historic or archaeological sites – County's architectural historian concurs**

Review Factors (cont.)

- Will not cause an undue adverse impact on the following important resources located on the subject property or surrounding properties:
 - Surface or groundwater resources
 - Natural areas (e.g., unique geological features, rare plant habitats, or wildlife nesting areas)
 - Areas designated for conservation, recreation, or natural preservation
 - No impacts to environmental resources are noted at this time – final determination would be made in conjunction with site development plan review

Review Factors (cont.)

- Will not cause undue noise, light or glare, dust, odor, fumes, or vibration.
 - Facility is not expected to generate excessive noise, odor, fumes, or vibration that would impact nearby properties
- Availability of sufficient water for foreseeable needs.
- No unreasonable depletion of or other undue adverse effect on the water source(s) serving existing development(s) in adjacent areas.
 - Sufficient capacity will exist to serve the facility with public water
 - If temporary well is needed, applicant will use water stored in above ground tanks for washing vehicles and equipment
- Effective screening and buffering is provided, or the proposed development will be situated away from adjacent properties, in a manner to avoid causing detrimental visual impacts.
 - Applicant indicates that they will fully comply with the County's landscaping design standards

Citizen Comments

- Two nearby residents expressed concerns with the partial paving of Featherbed Road at the 9/1 Commission public hearing
 - Concerned that improving the Featherbed Road entrance and extending the pavement would encourage more drivers to use the road
 - Questioned the need for a second property entrance given the limited number of regular employees in the office building
 - Noted there are other design options to separate passenger vehicle from truck traffic

Planning Commission Recommendation

- Duly advertised public hearing was held on July 7
- Continued public hearing was held on September 1
- Commission voted unanimously to recommend approval of the conditional zoning request subject to the applicant's proffered conditions (dated August 31, 2023)

Staff Recommendation

- Staff has no outstanding concerns with the application.
- Recommend approval subject to the applicant's proffered conditions dated October 4, 2023.

Supervisor Bass

- Opined that the proffer related to water and sewer delays is ambiguous.
 - Brandon Stidham clarified that the applicant is proffering that they will not be responsible for causing any delays to implementing service.

Mr. John Foote, attorney for the applicant, presented the following:

- Planning Director Brandon Stidham has been a joy to work with.
- Conditional zoning is relatively new to this Board and is a hugely useful tool for the administration of land use because it allows tailoring.
- Proffers would become a part of the zoning of the property, and therefore become enforceable just like the zoning ordinance.
- The applicant worked with staff, VDOT, and Frederick Water to develop this set of proffers to mitigate potential concerns.
- Regarding Featherbed Lane: the prior proposal would have required an extension of pavement that citizens shared concerns about.
- The applicant has no intention of doing anything to disturb the long-term considerations of those who use Featherbed Lane and therefore eliminated 567 feet of pavement from the proposal, after extensive discussions with staff, citizens, and VDOT.
- The office building is not a customer service building, though there will be a kiosk available for customers to pay their bill.
- Two separate entrances are required: one for the office area and one for the lay-down yard area, which is only for use by the applicant.
- Improvements will make it possible for traffic to keep moving safely in both areas.

- The project will increase the assessed value of the real estate and the county will receive tax revenue.
- The project is expected to end up on public water and sewer service provided by Frederick Water.

Supervisor Bass

- Asked if there would be any additional signage on Featherbed Lane.
 - Mr. Foote advised that the applicant is prepared to install a sign saying “End of Pavement” and can discuss additional signage with VDOT.

Chairman Weiss opened the public hearing at 8:04 pm.

Clay Brumback of White Post

No other residents could be here tonight, so I’m representing them as well. We don’t have any problem with REC having this facility and what that means. It is a good thing and a whole lot better than the state owning it.

In general, we are taking 65 acres of farmland and turning it into Highway Commercial. I know it is on the plan for Double Tollgate. But, I would like to stop it there at Featherbed. Our issue is really not with paving Featherbed, it is just that it’s going to be a really big change for this area. All the extra turning lanes and all that frames it for future stuff down the line and that’s where everybody’s concerned.

It would be great, when this project does happen, if maybe something could be brainstormed to use the entrance off of 522 through the VDOT area. It’s a dual lane, it may be the safest, and it may be the cheapest route. It’s just something to consider. As that end of the county is faced with a lot of pressure, with Lake Frederick, Stephens City, and Frederick County all around, I don’t want our county to forget about our boundaries either. We need to stick to the plan for the Double Tollgate area and stop it right there. That’s the only concern. We certainly appreciate backing off of the paving and the signage offers. But, we just want to make the Board aware that it is a big change down there and we don’t want to lose little chunks of our county at a time as we get closer and closer.

Chairman Weiss closed the public hearing at 8:07 pm.

Supervisor Lawrence

- Asked if a traffic impact analysis would be done.
 - Brandon Stidham advised that VDOT recommends performing a turn lane warrant analysis instead.

Vice Chair Catlett

- Agreed that it is a big change and added that this is as good of a change as the county can influence.

Chairman Weiss

- Offered compliments on the teamwork and efforts of all involved. The Board does not take this lightly and it is a big action for Clarke. The Double Tollgate plan was developed intentionally and with established boundaries that this Board has no intention of changing. The Board feels it has systematically created the right atmosphere and appropriate legal boundaries for this change, which is a keystone for economic development in that area.

Supervisor McKay moved to approve conditional zoning application CZ23-01 (Rappahannock Electric Cooperative/Virginia Port Authority) to re-zone the property identified as Tax Map #27-A-10C from Agricultural-Open Space-Conservation (AOC) to Highway Commercial (CH) and Highway Access Corridor Overlay District (HAC) subject to the applicant’s proffered conditions dated October 4, 2023. 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) Public Hearing: Campground Regulations Text Amendment (PH2023-12: TA23-01)

Brandon Stidham, Director of Planning, presented the following:

TA-23-01, Campground Regulations

- Proposed text amendment to add a new temporary use, "camping," to Zoning Ordinance Section 5.4 (Uses, Definitions, and Use Regulations – Temporary Uses) and to delete the current uses "campground" and "summer camp" from Section 5.2D (Recreation/Education/Assembly Uses).
- **Purpose:**
 - Prohibit new permanent campgrounds including those operated as a business, as a non-profit, or as a summer camp.
 - Establish new regulations for the duration of camping activities, the long-term lease of a lot for camping, and temporary event camping.
 - Prohibit temporary or permanent onsite connections for recreation vehicles.

Proposed Text Amendment

- "Camping" would be re-defined as a temporary activity listed as a new temporary use in Section 5.4.
- Current zoning uses "campground" and "summer camp" would be removed from the Zoning Ordinance.
- Development of new permanent campgrounds both as businesses and as year-round facilities for groups and organizations would be prohibited.
- Any existing campgrounds and summer camps previously approved by the County would become non-conforming and would have limited capability to expand.

Proposed Text Amendment (cont.)

- The new temporary use, "camping," would limit all camping activities to:
 - A total of 30 days in any 60-day period
 - A maximum of 14 consecutive days
- Allows 180 days of camping in a calendar year and establishes a reasonable limit on the duration of a continuous camping activity.
- Applies to all camping activities being conducted on a lot of record (e.g., time limit would apply to three separate groups camping separately on a lot as a whole, not separate time limits for each group).
- Property owners can have friends and family camp including groups (e.g., church groups, scouts); new regulations would prevent group camping activities from becoming permanent.
- Would help to better distinguish between a legitimate camping activity and persons residing on a lot in a camping structure or RV.

Proposed Text Amendment (cont.)

- New regulations to emphasize temporary nature of camping:
 - Limited to recreational vehicles and temporary structures such as tents or yurts or similar forms of temporary shelter not permitted for permanent residential use.
 - Use of cabins or residential structures for a fee would be regulated as a short-term residential rental.
 - Temporary or permanent onsite connections for recreational vehicles to water, sewage disposal, electric power, or other utilities are prohibited.
 - Does not apply to generators, propane tanks, satellite dishes, and other portable utilities brought to a site on board an RV.

Proposed Text Amendment (cont.)

- Camping activities cannot be publicized as being open to the public or as being the permanent campground for a non-profit or similar organization.
- Temporary campground approval from the Virginia Department of Health (VDH) shall be obtained if required and maintained in good standing.

Proposed Text Amendment (cont.)

- **Long-term lease of a lot (e.g., “river lot camping”):**
 - Must have a written agreement between the property owner and each lessee for a minimum term of 30 days.
 - Limited to two campsites per lot of record.
 - “Campsite” – Area designated in a lease for camping by a specified lessee.
 - Each campsite is limited to no more than one RV including travel trailers, fifth-wheel campers, motor homes, pickup campers, and similar vehicles.
 - Time limitations apply – one lessee with a 4-month lease could:
 - Camp for consecutive three-day weekends throughout the lease period
 - Camp for 14 days in a row and still have 16 camping days to use over the remaining 46 days in the 60-day period
 - Use the campsite during the day without staying overnight without having the day count towards the total number of camping days used
 - Two lessees camping at separate times would count against the total time limitation for the lot of record

Proposed Text Amendment (cont.)

- **Temporary event camping in conjunction with a special event permit or agritourism activity zoning permit:**
 - Requires a zoning permit unless approved in conjunction with an agritourism activity zoning permit
 - Temporary campground approval from VDH is required and must be maintained in good standing throughout the event.
 - Duration is limited to the duration of the event.
 - Camping plan is required with the zoning permit application including:
 - Areas reserved for campsites
 - All facilities required by VDH temporary campground permit
 - Any other pertinent information required by the zoning administrator

Citizen Comments

- **Planning Commission held public hearing on June 2**
- **Speaker Lowell Smith – text amendment should take into account the possible future need for camping facilities along the Appalachian Trail (AT)**
- **Proposed that new camping facilities be allowed, either by-right or by special use permit, on lots that meet the following requirements:**
 - Adjacent to AT corridor land owned by the National Park Service
 - Are owned or operated by an IRS-qualified charitable organization with the principle mission being the maintenance and protection of the AT
 - Organization must have an established record of serving the public interest in providing access to and maintenance of the AT including its campground operations

Citizen Comments (cont.)

- Commission deferred discussion of the text amendment to the July 5 Work Session and continued the public hearing to the September 1 Business Meeting
- Commission requested no changes to the text amendment following discussion on July 5

Planning Commission Recommendation

- Continued public hearing was held on September 1
- Commission voted unanimously to recommend adoption of the proposed text amendment

Staff Recommendation

- Staff has no outstanding concerns with the adoption of this text amendment.

Supervisor Bass

- Asked, and Brandon Stidham affirmed, if Watermelon Park would be grandfathered as an existing business.

Chairman Weiss opened the public hearing at 8:23pm.

Diane Harrison of Berryville

This is very complicated. Too complicated, actually. How is enforcement of it going to happen? Eliminating campgrounds from our potential economic development or tourism at this point is crazy, to be honest. If you want a campground, we can put in requirements so you don't have big RVs going down roads. You can look at the state and the national parks regulations for theirs and adopt those into the county. I camp, I do mostly state and national parks. We have some creative capabilities for some of our properties that are just getting auctioned off over the last few months. We could have a camp, we could have ag-camps, where people actually want to come and be participating in those types of things. We have to be creative in what we're doing and this shuts it down. So, I ask that this not happen.

Amy Keeler of Frederick County

We have an adjoining property owner who is a Clarke County resident and who is currently operating a hipcamp business. Our property lines are now being impacted. According to what we've been told he is only allowed two campsites but right now he is operating six campsites. Five are in use pretty regularly. The reason we are

here tonight is that we are experiencing a lot of adverse impacts because of this hipcamp operation. We have had one of the camper's dogs come across the creek and try to bite, which we have on video. If this amendment were to pass, our adjacent property owner would not be able to expand his operation and would not be legally allowed to operate five campsites, as he is doing. He would be limited to just two.

John Levi of Berryville

I have a question on the prohibition for utility hookups. I understand why you would want that. If existing lot owners that have one or two campsites have electrical power already there, are they going to be forced to pull it out or just secure it so it's not usable by campers?

- o Brandon Stidham clarified that installing utility hookups would not be permitted.

Supervisor Bass

- Opined that it feels counter-intuitive for county with the Shenandoah River and Appalachian Trail running through it to restrict camping and suggested the matter warrants further discussion.

Vice Chair Catlett

- Shared, and Supervisor McKay agreed, that the county needs to find a balance because it is important to minimize the impacts to neighbors.

Supervisor Lawrence

- Asked if someone could establish a campground through a special use permit process.
 - o Mr. Stidham advised that the proposed text amendment would eliminate that option.

Chairman Weiss closed the public hearing at 8:39 pm.

Supervisor Bass moved to defer action on the proposed text amendment to the December 19 regular meeting and to discuss the matter at the November 6 work session. 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

23) Adjournment

Chairman Weiss adjourned the meeting at 8:41 pm.

24) Next Regular Meeting Date

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

ATTEST: October 17, 2023

David S. Weiss, Chairman

Chris Boies, County Administrator

Recorded and Transcribed by Catherine D. Marsten