

March 19, 2024 Clarke County Board of Supervisors 1:00 pm
Regular Meeting
Main Meeting Room

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, March 19, 2024, at 1:00 pm.

Board Members Present: (Afternoon & Evening Sessions)

- Matthew E. Bass - Berryville District (arrived late to afternoon session)
- 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, Brandon Stidham, Lorien Lemmon, Wayne Whetsell, Cathy Kuehner, Lisa Cooke

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

Constitutional Officers / State Offices / Other Agencies Present:

(Afternoon Session) Sheriff Travis Sumption, Ed Carter

(Evening Session) Deputy Brian Rosenberry

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

Others Present:

(Afternoon Session) Ronnie Huff, Hunter Dickinson, Jeff Hinson, various other citizens

(Evening Session) Hunter Dickinson, Charles Alton, Ty Lawson, Braden Houston, various other citizens

1) *Call to Order*

Chairman Weiss called the meeting to order at 1:04 pm.

2) *Adoption of Agenda*

- Add Item 18A: Closed Session pursuant to §2.2-3711(A)(7)

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

Matthew E. Bass	-	Absent
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.

Supervisor Bass entered the meeting at 1:07 pm.

4) *VDOT Update*

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

Maintenance Matters

- Mobilized for several weather events.
- Began spot grading on some stabilized roads from weather-related issues and will continue with spring grading cycle this month.
- Repaired shoulder areas on Route 340 and installed pipe on Route 7.
- Will be conducting pipe-cleaning operations on various routes this month.
- Began large item trash pickup on primary routes and will continue this month.
- Picked up debris on Route 601 and will continue cleanup this month.
- Addressed pothole complaints and will continue this month.

Board Issues

- Met with Supervisor McKay to adjust the location of the proposed speed table in Millboro and intersection of Route 50 and Route 624; awaiting resolution of support from the Board to proceed with speed table installation.

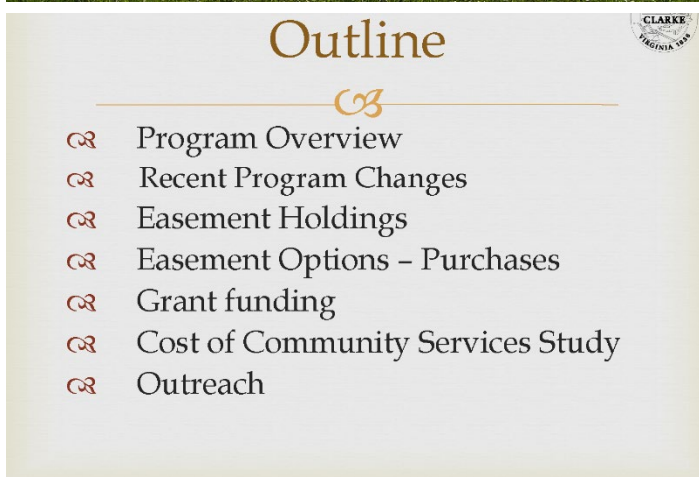
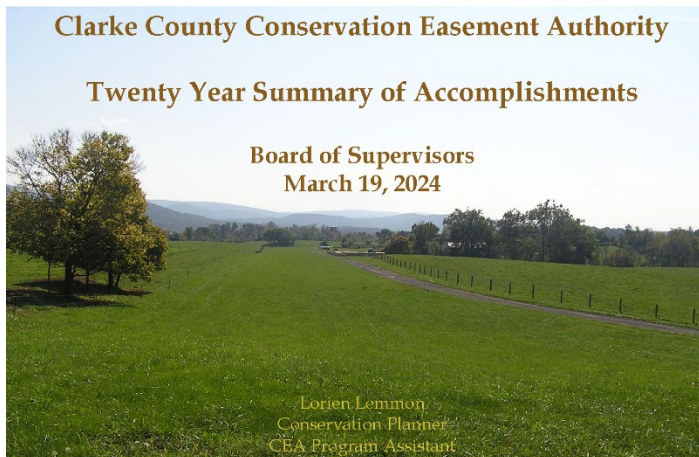
- Working with citizens to address speeding complaints on Route 601.

Vice Chair Catlett

- Shared that a citizen requested white lines be painted on the edge of Bishop Meade Road.
 - Mr. Carter advised that VDOT will investigate and can add lines if space allows.

5) *Conservation Easement Authority Five-Year Report*

Conservation Planner Lorien Lemmon presented the following:



Program Overview



- Clarke County Easement Authority established in 2002
- The purposes of the Authority are to acquire and/or receive conservation easements, by purchase, gift, or other conveyance; to hold and enforce conservation easements conveyed to it; and to administer the Clarke County Conservation Easement Authority.
- County Code §72-12 requires that the Board of Supervisors receive 5-yr reviews of the Program

Program Goal



"To protect and preserve land with significant agricultural, natural, scenic, and historic resources."



CEA_16-05 Moore & Dorsey Farm



CEA_22-05 Liberty Hill Pond

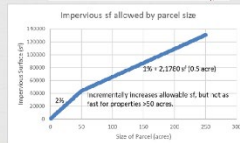
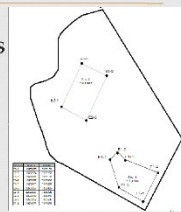


CEA_22-01 Smithfield Farm

Changes to Program (2019-2023)



- Update deed language – IRS audits
- Building Envelope Policy
- Impervious Surface Limitation
- Zero DUR policy
- Nutrient Bank Policy



CEA Easement Holdings



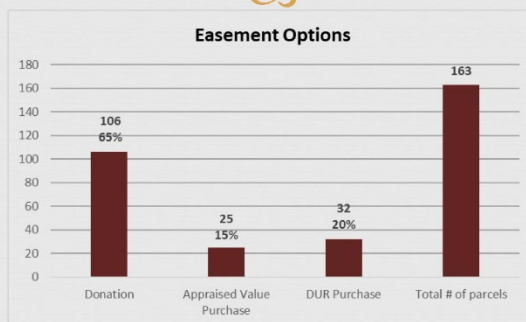
Year	Acres	DUR's Retired	# of Easements
2003	145	3	2
2004	35	14*	4
2005	313	5	9
2006	579	18	7
2007	1261	45	30
2008	276	12	12
2009	484	13	5
2010	474	21	11
2011	591	18	7
2012	709	26	9
2013	613	15	6
2014	404	15	7
2015	33	3	2
2016	1262	30	15
2017	308	14	8
2018	636	16	8
2019	207	7	3
2020	23	2	1
2021	244	13	4
2022	816	27	8
2023	154	5	5
Grand Total	9509	307	163

Easement Options




- ☞ Donation
- ☞ Purchase - Appraised Value
- ☞ Purchase - DUR purchase

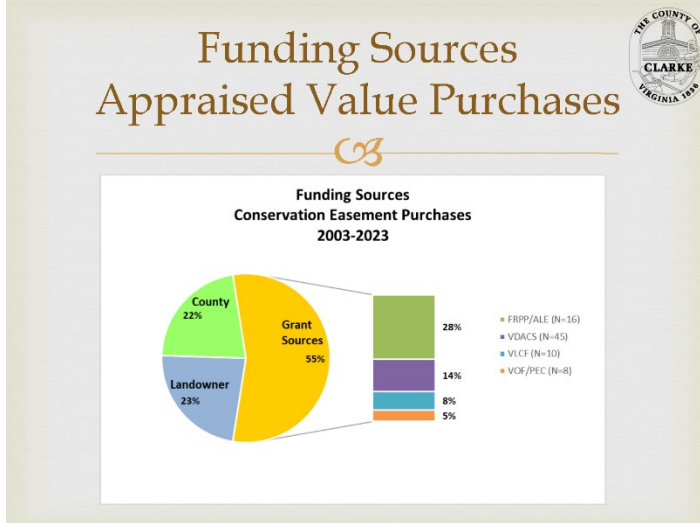
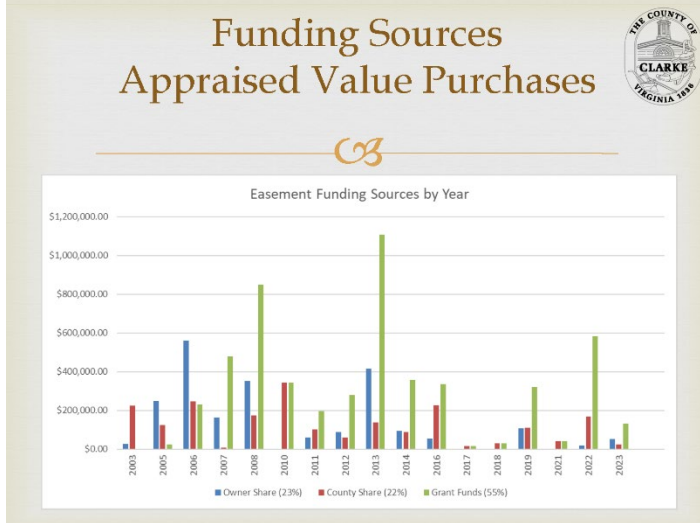
County Easement Holdings



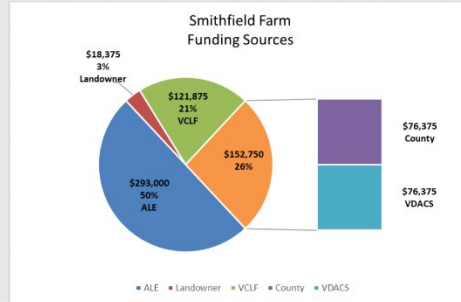
Funding Sources Appraised Value Purchases



- ☞ **Local**
 - ☞ ~ \$120,000 annual appropriation
 - ☞ Rollback - \$12,000 - \$146,000
- ☞ **Land owner – income dependent/donation**
- ☞ **Grant Funds**
 - ☞ ALE (formally FRPP), VDACS, VLCF, VOF, PEC
- ☞ **Private Donations**
- ☞ **1% Transfer Fee**

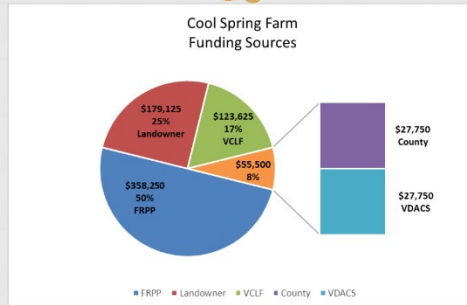


Leveraging Smithfield Farm



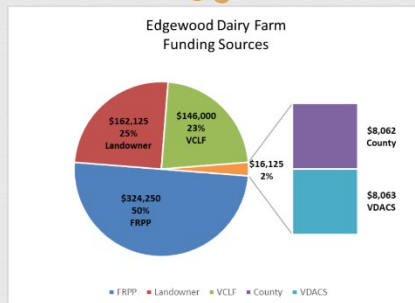
Total Appraised Value = \$586,000
Cash to landowner = \$570,069

Leveraging Cool Spring Farm



Total Appraised Value = \$716,500
Cash to landowner = \$537,375

Leveraging Edgewood Dairy Farm



Total Appraised Value = \$648,500
Cash to landowner = \$486,375

DUR Purchase Option

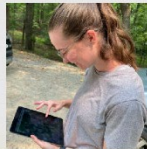


- ☞ In 2010, the CEA initiated the DUR Purchase Option
- ☞ Up to \$40,000 per DUR retirement
- ☞ Income dependent - AGI past 3 yrs
- ☞ Appraisal difference - \$40,000 = state tax credits, federal and state tax deductions
- ☞ Faster, less competitive
- ☞ 28 easements used this option 2010-2023
- ☞ 50/50 Cost shared w/VDACS

Monitoring & Inspection



- ☞ Virginia Land Conservation Foundation (VLCF) funds for stewardship of easements
- ☞ To date we have received \$269,057
- ☞ Hire summer interns to complete inspections
- ☞ Pay for Landscape software



Cost/Benefits



- ☞ Cost of Community Services
 - ☞ Weldon Cooper - 2018

- ☞ Composite Index - sets State funding level for schools

Cost/Benefits



Cost of Community Services

For every tax \$1.00 the County receives, it spends:



\$1.24 on Residential



\$0.23 on Commercial



\$0.50 on Open Space



Cost/Benefits



Cost of Community Services Study

2018 Data – Composite Index = More \$ for Schools

- If Clarke County conservation easements had not been created:
 - Property values would be higher, reducing state funding for schools
 - state contributions would decrease by ~\$131,000 to \$147,000/year

County on average spends \$120,000/year on easements

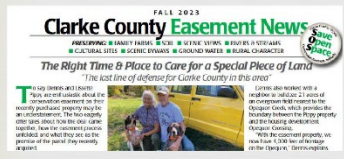
\$131,000 to \$147,000 - \$120,000 = **\$11,000 to \$27,000 net benefit/year**

Outreach Campaign



Quarterly Newsletter

Community Events



Direct Mailing

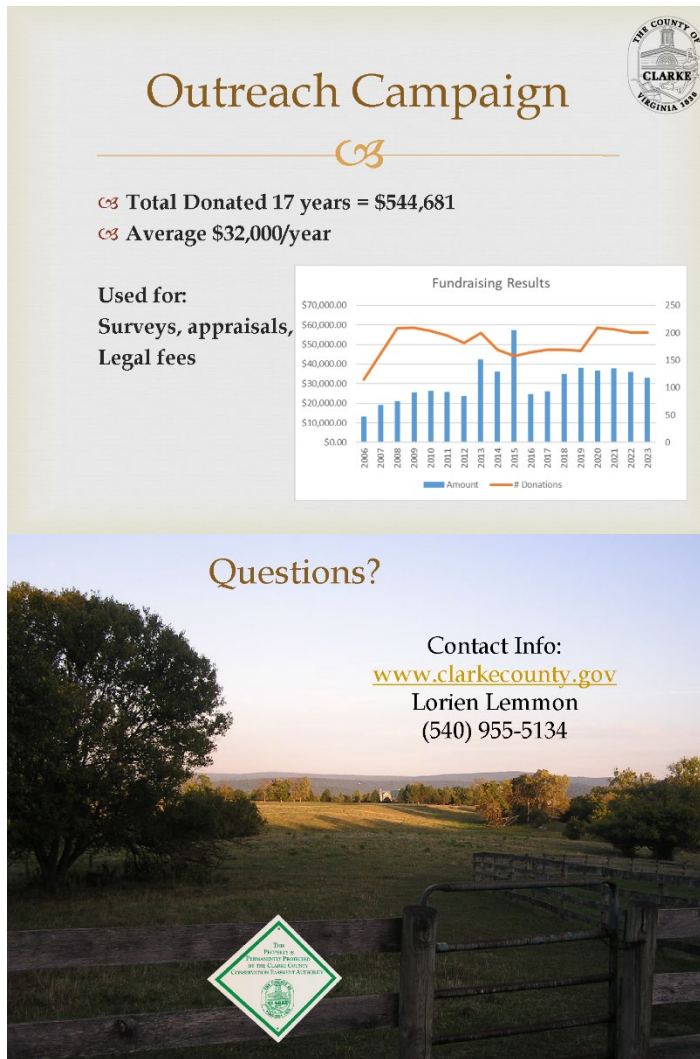
Clarke County Conservation Easement Authority
 540 955 5232 • 101 Chalmers Court • Berryville, Virginia 22611

January 24, 2024

RE: Clarke County Easement Program Information

Dear Clarke County Landowner,

I am contacting you to provide some information about the Clarke Conservation Easement Program. Periodically the Authority solicits landowners with property containing high conservation values, to determine if there is interest in protecting the land. These values include prime farmland soils, streams, or historic structures to name a few. This year we are reaching to properties that adjoin existing conservation easements in hopes of extending the protected areas.



Outreach Campaign

Total Donated 17 years = \$544,681
Average \$32,000/year


Used for:
Surveys, appraisals,
Legal fees

Fundraising Results

Year	Amount (\$)	# Donations
2006	10,000	100
2007	15,000	120
2008	20,000	140
2009	25,000	160
2010	25,000	160
2011	25,000	160
2012	25,000	160
2013	35,000	180
2014	40,000	200
2015	55,000	220
2016	25,000	140
2017	25,000	140
2018	35,000	180
2019	40,000	200
2020	40,000	200
2021	40,000	200
2022	40,000	200
2023	40,000	200

Questions?

Contact Info:
www.clarkecounty.gov
Lorien Lemmon
(540) 955-5134



Vice Chair Catlett

- Observed that the Conservation Easement Authority and staff work very hard to collaborate with citizens and customize each easement so that they provide as much benefit as possible.

Chairman Weiss

- Thanked the CEA and staff for their work, and observed that they have a robust program and that is a tremendous value to the county.

6) *Approval of Minutes*

Supervisor McKay moved to approve the minutes of February 20, 2024 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 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

- Proclamation Recognizing March as Developmental Disabilities Awareness Month (2024-01P)

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

Proclamation Recognizing March as Developmental Disabilities Awareness Month 2024-01P

WHEREAS NW Works is the employment service provider for adults living with developmental disabilities in Clarke County and has provided outstanding services to the citizens of the county; and

WHEREAS people with a developmental disability are of all racial, ethnic, educational, social, and economic backgrounds and are valued members of society who contribute significantly to our communities; and

WHEREAS we value what is important to people with disabilities and their families who are striving for everyday lives no different than those of all other citizens; and

WHEREAS we recognize that intervention, education, employment, and home and community-based services continue to be vital to enabling citizens with a developmental disability to enjoy the rights of citizenship and to participate in our Clarke County community.

NOW, THEREFORE, BE IT RESOLVED that the Clarke County Board of Supervisors recognizes March 2024 as Developmental Disabilities Awareness Month and encourages all citizens to support their fellow citizens who have a developmental disability, as well as their families, in all aspects of our community life.

ADOPTED AND ORDERED ENTERED in the official records by the unanimous vote of the Clarke County Board of Supervisors assembled on the 19th day of March, 2024

Attest:2024-01P

David Weiss, Chair

- Resolution of Recognition & Appreciation for Ronnie Huff (2024-02R)
- Chairman Weiss read the following resolution aloud:



Clarke County Board of Supervisors

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

Resolution of Recognition and Appreciation for Ronnie Huff 2024-02R

WHEREAS Ronnie Huff was appointed to the Parks & Recreation Advisory Board in January 1994 and served his community from that position until December 31, 2024; and

WHEREAS during that time, he helped raise over eighty percent of the more than \$800,000 needed to build the Recreation Center, a project that was a tremendous accomplishment for a county of Clarke’s size; and

WHEREAS Mr. Huff furthered his contributions by serving on the Comprehensive Plan Review Committee, the Little League Lights Committee, the Master Plan Committee, the Honorees and Memorials Committee, the Operations Maintenance Committee and the Maintenance Standards Committee; and

WHEREAS Ronnie volunteered as both a coach and an official for multiple youth sports and spent tireless hours supervising the gym, securing coaches, referees, and sponsors, while helping to mold youth basketball into the successful program that it is today; and

WHEREAS with major additions like the Little League fields, concession stand, and restrooms, trails, a new playground, a dog park, the Rotary Shelter, tennis courts, the Active Living Center, and soccer fields, the park has grown tremendously during his tenure on the Advisory Board; and

WHEREAS Mr. Huff was a dedicated supporter of recreation and sports for over four decades and such individuals are critical to the success of the Clarke County Parks & Recreation system.

NOW, THEREFORE, BE IT RESOLVED by the Clarke County Board of Supervisors that Ronnie Huff be recognized and congratulated for his service and dedication to all citizens of Clarke County.

APPROVED AND ORDERED ENTERED in the official records by the unanimous vote of the Clarke County Board of Supervisors assembled on the 19th day of March, 2024.

ATTEST 2024-02R

David S. Weiss, Chair

– Resolution of Support for Millwood Speed Tables (2024-03R)



Clarke County Board of Supervisors

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

**Resolution Supporting the Use of
Speed Tables in Millwood
2024-03R**

WHEREAS citizens from the community of Millwood have appeared before the Board of Supervisors to voice concerns over speeding traffic and have requested the use of traffic calming measures; and

WHEREAS the Virginia Department of Transportation (VDOT) has met with these citizens and developed a plan to implement Speed Tables as the preferred traffic calming measure; and

WHEREAS VDOT has agreed to pilot these traffic calming measures in the community of Millwood with a resolution of support from the Board of Supervisors; and

WHEREAS funding for this effort is available from VDOT’s county operational safety improvement funds for Clarke County; and

WHEREAS a representative of the Millwood community presented to the Board of Supervisors a petition of support from residents and property owners in the Millwood community at the regular meeting on February 20, 2024.

NOW, THEREFORE, BE IT RESOLVED that the Clarke County Board of Supervisors does support the proposed plan for traffic calming measures in the community of Millwood.

APPROVED AND ORDERED ENTERED in the official records by the unanimous vote of the Clarke County Board of Supervisors assembled on the 19th day of March, 2024.

ATTEST 2024-03R

David S. Weiss, Chair

- Resolution of Support for the Conservations and Protection of the Fairgrounds (2024-04R)

Clarke County Board of Supervisors



Berryville Voting District
Matthew E. Bass
 (540) 955-5175

Millwood Voting District
Terri T. Catlett – Vice Chair
 (540) 837-2328

Russell Voting District
Doug Lawrence
 (540) 955-2144

Buckmarsh Voting District
David S. Weiss – Chair
 (540) 955-2151

White Post Voting District
Bev B. McKay
 (540) 837-1331

County Administrator
Chris Boies
 (540) 955-5175

Resolution of Support for the Conservation and Protection of the Fairgrounds 2024-04R

WHEREAS the Ruritan Club of Clarke County (the “Ruritans”) owns two parcels of land (Parcel Identification Numbers 14-A-1 and 14-A-2) at 850 West Main Street in Berryville (the “Fairgrounds”), on which the Ruritans hold year-round fairs, agricultural, educational, and cultural programs open to the general public; and

WHEREAS the Fairgrounds provide recreational open-space opportunities to the citizens of Clarke County, including a vibrant agricultural fair with year-round events, competitions, and educational programs essential to the agricultural community of Clarke County; and

WHEREAS the Fairgrounds are a critical element of the rural character of Clarke County and promote rural and agriculturally-based tourism; and

WHEREAS current zoning for the Fairgrounds allows for high-density residential development subject to special use permit approval; and

WHEREAS the Fairgrounds represent an important recreational, agricultural, educational, and cultural resource for: (1) support for the agricultural community of the County, (2) maintenance of the rural character of the County, and (3) the promotion of County tourism and commerce; and

WHEREAS conservation and protection of the Fairgrounds as recreational open-space will further the County’s stated goals, objectives, and policies in the 2022 Comprehensive Plan, including:

Goal 1: Preserve and protect the agricultural, natural, and open-space character of unincorporated areas.

Objective 4 – Historic Resources

Preserve the County’s historic character by protecting its historical and cultural resources for the aesthetic, social, and education benefits of present and future citizens through the following policies and the Historic Resources Plan.

Policy 3. Encourage and assist property owners to place voluntary conservation easements on lands associated with historic buildings, sites,

districts, and archaeological resources representing all historical time periods and cultures present in the County

Objective 5 – Conservation Easements

Ensure the continued success of the Conservation Easement program by encouraging landowners to place County lands in voluntary permanent easement. Provide support and funding of the County’s Conservation Easement program and collaborate with other easement programs managed by State, Federal, and private entities.

Policy 3. Encourage and support the goals of the Conservation Easement Program to protect and preserve:

- c. Historic resources, to maintain community character and identity, and encourage the tourism industry.
- g. Lands that provide viewsheds for the County’s gateways, main roads, and scenic byways.

Policy 4. Continue to support efforts pertaining to public education and outreach to expand the understanding and benefits of conservation easement.

Objective 10. Economic Development

Encourage economic growth that his compatible with the County’s environmental quality, rural character, and residential neighborhoods and that provides a healthy balance between revenues from residential and agricultural uses, and those from commercial and industrial uses.

Policy 11. Support a vigorous agricultural development program in the County that emphasizes promotion of Clarke County agricultural products, encourages cooperation with individual agricultural interests within the County and advocacy agencies, and establishes liaisons with counties in the area that have similar development programs; and

WHEREAS the Ruritans desire to place a conservation easement on the Fairgrounds to ensure the continued open-space use of the Fairgrounds in perpetuity, and a requirement for a qualified conservation contribution under federal and Virginia laws and regulations is that the easement be pursuant to a clearly delineated local government conservation policy and will yield a significant public benefit.

NOW, THEREFORE, BE IT RESOLVED that the Clarke County Board of Supervisors does hereby issue this resolution of support for the conservation and protection of the Fairgrounds through a Qualified Conservation Contribution, that the Fairgrounds are worthy of preservation and conservation and that such a Qualified Conservation Contribution is consistent with and promotes the agricultural and open-space preservation policies of the County as provided in the 2022 Comprehensive Plan.

AND BE IT FURTHER RESOLVED that conservation and preservation of the Fairgrounds will yield significant benefits to the citizens of Clarke County by (1) preserving the unique character of the Fairgrounds as a recreational, educational, and cultural resource for County residents, (2) preventing loss of the Fairgrounds to residential development, (3) promoting Clarke County agricultural education and appreciation, (4) advocating the benefits of conservation easements, and (5) promoting Clarke County tourism and commerce.

APPROVED AND ORDERED ENTERED in the official records by the unanimous vote of the Clarke County Board of Supervisors’ members assembled on the 19th day of March, 2024.

ATTEST 2024-04R

David S. Weiss, Chair

– Abstract of Votes: March 2024 Presidential Primary

ABSTRACT of VOTES

Cast in CLARKE COUNTY, VIRGINIA
at the 2024 March Republican Primary held on March 05, 2024 for,

President

NAMES OF CANDIDATES ON THE BALLOT	TOTAL VOTES RECEIVED (IN FIGURES)
Chris Christie - Republican	6
Ryan L. Binkley - Republican	4
Vivek Ramaswamy - Republican	8
Donald J. Trump - Republican	1353
Ron D. DeSantis - Republican	19
Nikki R. Haley - Republican	600
Total Number of Overvotes for Office	0

We, the undersigned Electoral Board, upon examination of the official records deposited with the Clerk of the Circuit Court of the election held on March 05, 2024, do hereby certify that the above is a true and correct Abstract of Votes cast at said election for the President.



Given under our hands this 11th day of MARCH, 2024

Carol S. Hester, Chairman
R. C. Johnson, Vice Chairman
Kay Marie Bugg, Secretary
Kay Marie Bugg, Acting Secretary

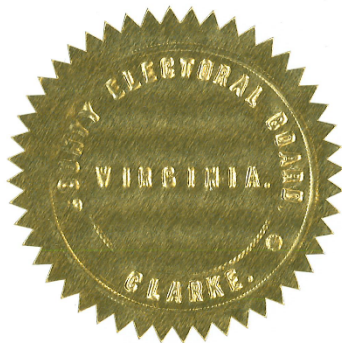
ABSTRACT of VOTES

Cast in CLARKE COUNTY, VIRGINIA
at the 2024 March Democratic Primary held on March 05, 2024 for,

President

NAMES OF CANDIDATES ON THE BALLOT	TOTAL VOTES RECEIVED (IN FIGURES)
Marianne Williamson - Democratic	33
Joseph R. Biden, Jr. - Democratic	541
Dean Benson Phillips - Democratic	28
Total Number of Overvotes for Office	0

We, the undersigned Electoral Board, upon examination of the official records deposited with the Clerk of the Circuit Court of the election held on March 05, 2024, do hereby certify that the above is a true and correct Abstract of Votes cast at said election for the President.



Given under our hands this 11th day of MARCH, 2024

Carol S. Chestnut, Chairman
R. Johnson, Vice Chairman
Ky. Marino Buzje, Secretary
Ky. Marino Buzje, Acting Secretary

8) Set Public Hearing: Proposed FY25 Budget (PH2024-05)

County Administrator Chris Boies presented the following:

**SUMMARY OF RECOMMENDATIONS
FROM FINANCE COMMITTEE
MEETING**
March 19th at noon

FINAL EXPENDITURE RECOMMENDATIONS

<u>Balanced Budget Proposal</u>	<u>Final Finance Comm. Recommendation</u>
· Employee Raise 4%	· Employee Raise 5%
· New Investigator position-excluded	· New Investigator position-included
· Outside Agencies-capped at no more than 10% increase	· Outside Agencies-minor changes from balanced budget proposal

SCHOOL OPERATING FUNDING

<u>Requested by School Board</u>	<u>Proposed in County Budget</u>
· Total Expenditure \$28,678,326	· Total Expenditure \$28,678,326
· State/Fed Rev. \$12,105,893	· State/Fed Rev. \$12,705,893*
· Local Funding \$16,572,433	· Local Funding \$15,972,433

*Uses General Assembly Budget

SCHOOL DEBT SERVICE

<u>Requested by School Board</u>	<u>Proposed in County Budget</u>
· Total Expenditure \$2,284,871	· Total Expenditure \$2,284,871
· State/Fed Rev. \$176,019	· State/Fed Rev. \$176,019
· Local Funding \$2,108,852	· Local Funding \$2,108,852

SCHOOL CAPITAL FUNDING

<u>Requested by School Board</u>	<u>Proposed in County Budget</u>
<ul style="list-style-type: none"> • Total Expenditure \$779,500 • State/Fed Rev. \$238,000 • Local Funding \$541,500 	<ul style="list-style-type: none"> • Total Expenditure \$638,000 • State/Fed Rev. \$238,000 • Local Funding \$400,000*
<p>*With the understanding that any school operating carryforward from FY 24 will be given back to the Schools for FY 25 Capital. The schools would need to carry forward around half of one percent of the FY 24 operating budget to make up the difference.</p>	

PROPOSED TAX RATES

<u>Current Year (FY 24)</u>	<u>Proposed (FY 25)</u>
<ul style="list-style-type: none"> • Real Estate \$0.60 • Personal Property \$4.271 • Machine & Tools \$1.25 • PP (Fire/Rescue) \$2.136 	<ul style="list-style-type: none"> • Real Estate \$0.60 • Personal Property \$4.496 • Machine & Tools \$1.25 • PP (Fire/Rescue) \$2.248

- Staff is still waiting on final personal property tax numbers.
- Changes to the previous balanced budget proposal were made today, following a noon meeting of the FY25 Budget Finance Committee.
- The proposed budget includes fully funding the school’s operating budget request, which includes additional staff positions and a 5% raise for school employees.
- The FY25 Budget Finance Committee proposes bringing the personal property tax rate back to \$4.496, which was the rate from 2012 to 2022.
- Within this proposed \$56 million budget, there is a little over \$4 million in funding for capital projects that have been planned for several year, the largest of those being the Double Tollgate pump station and force main.
- Many minor capital and technology expenditure requests are not included in the FY25 budget because they are able to be satisfied in the current year’s budget instead.
- The change to the composite index caused a loss of about \$600,000 and the proposed increase to the personal property tax rate will result in about \$500,000 more in revenue. This tax increase would not be necessary if the composite index had remained the same.
- Staff proposes including a comprehensive fee schedule to be reviewed and adopted every year as part of the budget process, which allows the public to provide comment on it.
- This fee schedule includes proposed changes to the current building permit and inspections fees.

Chairman Weiss

- Shared that the Board reduced all vehicle values by 15% in 2022, due to extreme inflation in used vehicle values and then reduced the personal property tax rate in 2023 in order to mitigate the impact to county citizens. Now, vehicle values seem to have returned to normal. The Finance Committee is proposing to return personal property tax to its previous rate, primarily to make up for state revenue lost due to the composite index change.

Vice Chair Catlett

- Observed that the schools presented a needs-based budget and that the budget process has been very collaborative. The schools have also been able to return funds from their operating budget at the end of the year, which has been very helpful.

Supervisor Bass moved to set a public hearing on the Proposed FY25 Budget (PH2024-07) for April 8, 2024, 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) *Set Public Hearing; Proposed CY24 Tax Rates (PH2024-06)*

Chris Boies advised the following:

- Staff will add "The Board will also review and take public comment on the comprehensive schedule of user fees" to the public hearing advertisement.
- People will have ample opportunity to review the fee schedule prior to the public hearing: it will be posted with the other public hearing documents on the county website and is also available for review in the County Administration office.

Supervisor Lawrence

- Opined that reviewing user fees annually is a good idea.

Vice Chair Catlett

- Suggested that, generally, it is good for fees to accurately reflect what things cost.

Chairman Weiss

- Added that the county does not want to profit on these fees, just to cover the costs of providing those services.

Supervisor Bass moved to set a public hearing on the Proposed CY24 Tax Rates (PH2024-06) for April 8, 2024, 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

10) *Board of Supervisors Work Session Items from March 4, 2024*

Board of Supervisors Work Session Items
 Berryville/Clarke County Government Center, 2nd Floor
 101 Chalmers Court, Berryville, Virginia 22611
 March 4, 2024, 6:30 pm, 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, Brenda Bennett
School Board Members Present: Monica Singh-Smith
Others Present: Rick Catlett, John Staelin, Hunter Dickinson
Press Present: Mickey Powell, Winchester Star


2024-03-04 Summary: Chairman Weiss called the meeting to order at 6:31 pm.

A. School Board FY25 Budget Presentation

- School Board Chair Monica Singh-Smith opened the presentation by summarizing the School Board’s budget process and provided some context for the FY25 budget request.
- Superintendent Rick Catlett presented the Clarke County School Board Proposed FY25 Budget:

FY25 Superintendent's Proposed Budget
approved by the CCSB on February 26, 2024

every child
every classroom
every day



A NEEDS BASED BUDGET:

§ 22.1-92. Estimate of moneys needed for public schools; notice of costs to be distributed.

A. It shall be the duty of each division superintendent to prepare, with the approval of the school board, and submit to the governing body or bodies appropriating funds for the school division, by the date specified in § 15.2-2503, the estimate of the amount of money **deemed to be needed** during the next fiscal year for the support of the public schools of the school division. The estimate shall set up the amount of money deemed to be needed for each major classification prescribed by the Board of Education and such other headings or items as may be necessary.

FY25 BUDGET NEEDS ARE DRIVEN BY:

- STRATEGIC PLAN GOALS
- SCHOOL COMMUNITY SURVEY PRIORITIES
- INPUT FROM PRINCIPALS AND DEPARTMENT HEADS
- INCREASING NEEDS OF STUDENTS

STRATEGIC PLAN GOALS:

Goal 1: We will continue to improve student achievement to prepare students for post-secondary education, career readiness, and opportunities to realize their fullest potential in life.

Goal 2: We will enact a safe and nurturing climate for learning and working that maximizes student achievement and promotes human development.

Goal 3: We will employ personnel who share the vision, mission and core values of the school division and demonstrate foundational skills in critical thinking, collaboration, creative thinking, communication, and citizenship. (Implement compensation, benefits and wellness plans that are competitive with appropriate regional markets.)

Goal 4: Clarke County Public Schools will increase the integration of digital technology use and application to enhance and transform the learning of all students and all personnel.

Goal 5: We will implement effective and efficient operational practices throughout the division.

SCHOOL COMMUNITY SURVEY RESULTS:

TOP 5 PRIORITIES:

Priority 1: Employee Compensation

Priority 2: Student-Teacher Ratios

Priority 3: Career and Technical Education Programming

Priority 4: Advanced Academic Offerings

Priority 5: Instructional Materials and Supplies

SCHOOL COMMUNITY SURVEY RESULTS:

	SUBGROUP: 200 Total Respondents				
PRIORITY CHOICES	Parents: 37%	Employees: 49%	Community: 12%	Students: 2%	ALL: 100%
Advanced Academic Offerings	4		3	2	4
Athletics					
Bus Replacement					
CTE Programming	1	3	1		3
Reducing Health Insurance Premiums		4			
Employee Compensation	2	1	2	1	1
Fine Arts		5		2	
Staff Professional Development				2	
Instructional Materials and Supplies	5		5		5
Remedial Programs				2	
Student- Teacher Ratios	3	2	4		2
Technology Upgrades					

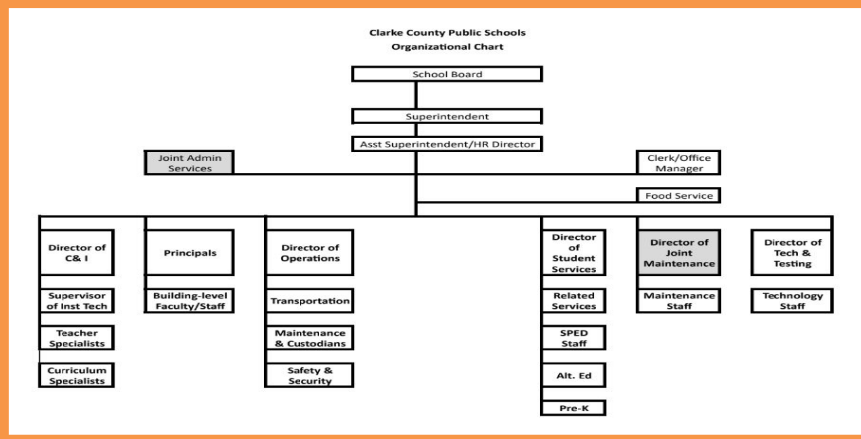
INPUT FROM PRINCIPALS/ DEPARTMENT HEADS:

November: budget requests with justification are submitted to the Superintendent in the areas of Personnel, Capital, Professional Development, and Technology

December: requests are reviewed and discussed

After deliberations, some requests are included, some are not.

INPUT FROM PRINCIPALS/ DEPARTMENT HEADS:



INCREASING NEEDS OF STUDENTS:

English Language Learners

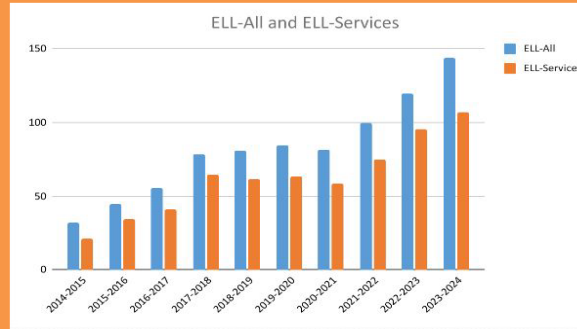
Free/Reduced Lunch Eligible

Special Education/ Section 504 of the Rehabilitation Act

Intensive Behavior Support

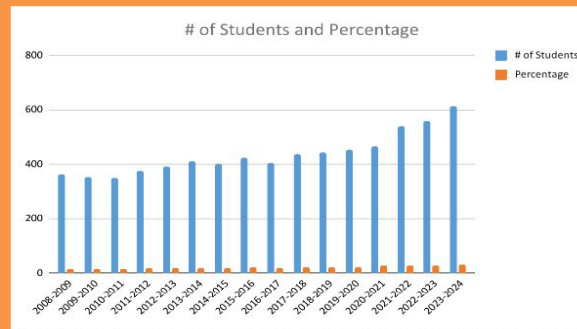
Homeless (McKinney-Vento Act)

English Language Learners (ELL)



32 students in 2014-15, 144 students in 2023-24

Free/Reduced Lunch Eligible



16% in 2010-11, 32% in 2023-24

K-12 Special Education and 504



Increasing numbers and needs K-12, 229/70 in 2023-24
 Increasing numbers and needs in Early Childhood SPED (90% increase since 2020)

Intensive Behavior Program

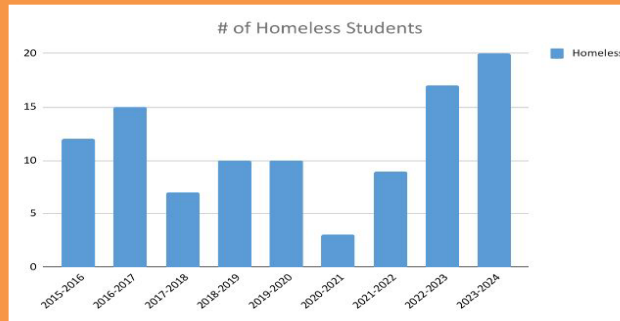
Increasing behavior issues at the early grades

Students may or may not be receiving SPED/504 services

Board Certified Behavior Analysts (BCBA), Registered Behavior Technicians (RBT), Instructional Assistants (IA) work with students K-12

Serving 46 students K-12 with many more students currently referred

Homeless Students (McKinney-Vento Act)



20 students in 2023-24

FAST FACTS ABOUT CCPS:

1,933 students: 43 in PK; 1,890 in K-12

300 employees, ~180 teachers

4 schools:

Clarke County High (plus Alternative Education)

Johnson-Williams Middle

DG Cooley Elementary (Lower and Upper Campus)

Boyce Elementary

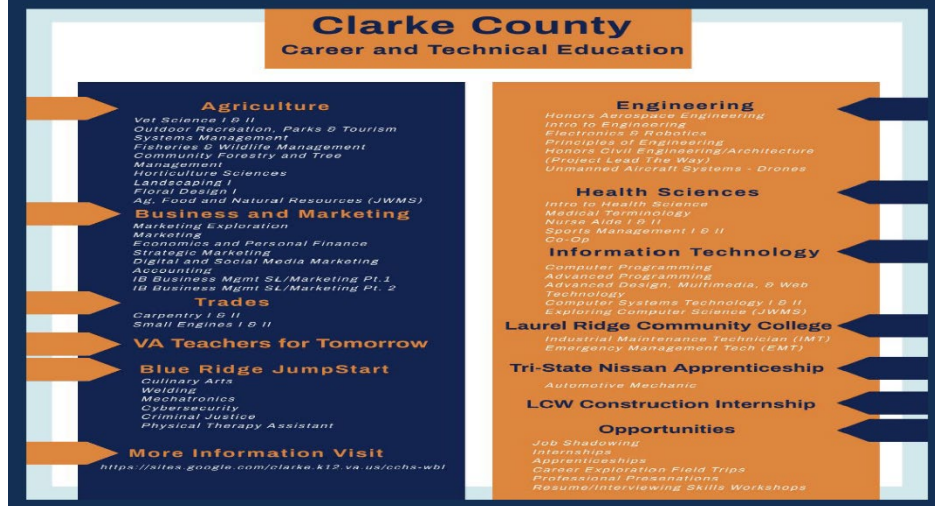
ALL schools are fully accredited by the VDOE

FAST FACTS ABOUT CCPS:

- 69.2% of CCHS graduates earn the Advanced Studies Diploma compared to 51.5% in the state
- ~70% of graduates enroll in a 2 or 4 year postsecondary institution after graduation
- 99.3% On-Time Graduation Rate, consistently one of the highest in Virginia

ADVANCED AND SPECIALIZED PROGRAMMING:

- CCHS: Dual Enrollment, Advanced Placement (AP), International Baccalaureate (IB), Honors, Governor’s School (MVGS) and Career and Technical Education (CTE)
- J-WMS: Honors Courses, World Languages, Advisory and CTE Electives
- K-12: Meaningful and Engaging Opportunities
 Art, Music, Theatre, Technology, Physical Education



ADDITIONAL INFORMATION:

Enrollment Trends

Enrollment and Program Capacity by School

Pupil Teacher Ratios

Religious Exemption and Homeschool Students

ENROLLMENT TRENDS

K-12 Fall Membership Trends																	Spring
Year	KG	1	2	3	4	5	6	7	8	9	10	11	12	FT	Total	ADM	
2012-13	140	155	134	146	129	137	162	151	170	202	157	172	186	2,041	2,052	2,041	
2013-14	130	136	152	132	147	131	131	168	146	185	202	164	168	1,992	2,005	1,994	
2014-15	106	136	134	159	136	146	132	138	169	159	192	203	158	1,968	1,981	1,957	
2015-16	118	115	141	143	164	137	146	144	152	178	161	184	198	1,981	1,986	1,965	
2016-17	130	124	126	145	150	165	139	151	146	171	183	159	184	1,973	1,975	1,961	
2017-18	111	134	119	132	144	147	170	143	158	165	170	183	155	1,931	1,935	1,931	
2018-19	117	110	139	117	138	146	153	174	147	172	162	172	180	1,927	1,932	1,923	
2019-20	105	119	110	139	127	141	154	149	180	153	176	167	168	1,888	1,890	1,880	
2020-21	98	94	104	99	135	107	127	145	149	187	154	169	157	1,725	1,726	1,715	
2021-22	125	117	108	115	105	140	123	141	153	183	187	147	163	1,807	1,807	1,817	
2022-23	120	135	123	128	119	119	142	137	147	171	178	200	145	1,864	1,862	1,861	
*2023-24	115	130	140	132	125	126	126	150	151	163	168	173	191	1,890	1,887	1,886	
^2024-25	120	119	134	144	136	129	130	130	154	168	167	172	177	1,880	1,880	1,880	

NOTE: Data is from VDOE, Statistics and Reports, School Quality Profiles, and/or actual enrollment
 *2023-24 is the actual enrollment as of 12/12/2023, ADM is an estimate
 ^2024-25 projection: 3 year avg at K, trending increase at each grade, significant increase at 9th

CURRENT ENROLLMENT DATA BY SCHOOL:

BOYCE ELEMENTARY 301

COOLEY ELEMENTARY 510 (43 at CUC, 467 at CLC)

JOHNSON-WILLIAMS MIDDLE 427

CLARKE COUNTY HIGH 695

(as of 12/12/2023)

ENROLLMENT and PROGRAM CAPACITY BY SCHOOL

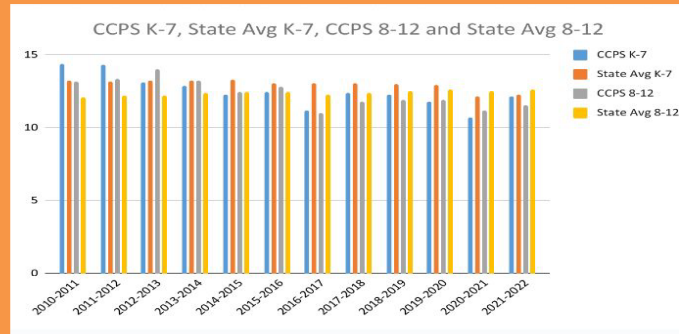
PROGRAM CAPACITY BY SCHOOL As of 12/12/2023

Utilizing the GUIDELINES FOR SCHOOL FACILITIES IN VIRGINIA'S PUBLIC SCHOOLS provided by and found on the VDOE website, program capacity and current enrollment for each school is listed below.

SCHOOL	CAPACITY	ENROLLMENT
CLARKE COUNTY HIGH	781	695
JOHNSON-WILLIAMS MIDDLE	574	427
DG COOLEY ELEMENTARY (LOWER)	496	467
BOYCE ELEMENTARY	374	301

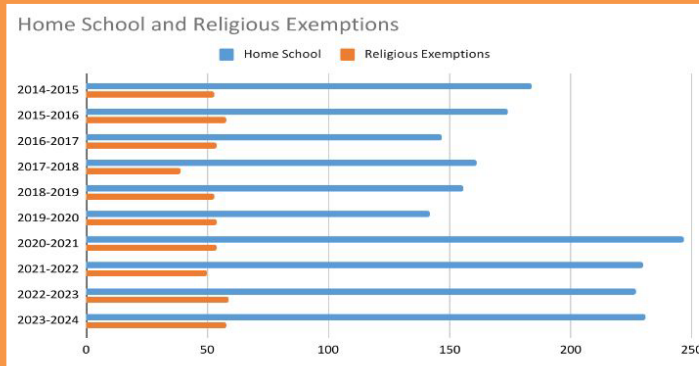
Cooley Upper Campus needs extensive renovation before moving a significant number of classrooms/students into the space. Assuming the building footprint would stay the same/similar during a renovation, the post-renovation program capacity for Cooley Upper Campus would be 242.

Pupil-Teacher Ratios



Consistently identified as a priority, class sizes and pupil-teacher ratios have remained below state averages

Religious Exemption & Home School Students



231 Home School and 58 Religious Exemption in 2023-24

FY25 BUDGET PROPOSAL

THE FOUR FUNDS OF THE SCHOOL BUDGET:

School Operating (86% personnel costs, 14% other)

School Capital

School Food Service

School Debt Service

REVENUE SOURCES:

Local Revenue (Fees, Tuition)

State Revenue (Basic Aid, Sales Tax)

Federal Revenue (Title Grants, ESSER)

General Fund Transfer (County of Clarke)

Other Sources (Clarke County Education Foundation)

SCHOOL OPERATING FUND

FY25 SCHOOL OPERATING BUDGET FACTORS

FACTORS IMPACTING FY25 STATE REVENUE:

Local Composite Index (LCI) of Ability-to-Pay <\$606,505> loss of revenue
 Average Daily Membership (ADM) <\$13,868> loss of revenue
 *The State Budget (GOV Budget) No Compensation Supplement funding

*This FY25 budget proposal is based on the revenue detail in the Governor's original budget. Revenue changes were introduced by both chambers of the General Assembly and would provide increased revenue to CCPS and include compensation supplements (salary increases) for FY25.

Senate (SB30): +\$800,867
 3% salary increase
 House (HB30): +\$247,434
 3.375% salary increase

Composite Index of Local Ability-to-Pay (LCI) determines a school division's ability to pay education costs fundamental to the Commonwealth's Standards of Quality (SOQ) with local funds. The LCI is calculated using three indicators of a locality's ability to pay:

- True value of real property (weighted 50 percent)
- Adjusted gross income (weighted 40 percent)
- Taxable retail sales (weighted 10 percent)

As the LCI increases, the state's share of revenue to a locality decreases. Clarke's Local Composite Index (LCI) increased from 0.5728 to 0.6032, remaining the highest in the area.

Division	Final 2020-2022 Composite Index	Final 2022-2024 Composite Index	Final 2024-2026 Composite Index
CLARKE	0.5729	0.5728	0.6032
FREDERICK	0.4120	0.4141	0.4151
LOUDOUN	0.5466	0.5450	0.5518
WINCHESTER	0.4319	0.4172	0.4151

The LCI increase to 0.6032 is projected to cost Clarke \$606,505 in state revenue for FY25.

**A specific example of how the LCI impacts state funding:
ALL IN VA revenue distributed to districts in FY24**

School Division	2022-24 LCI	FY24 Projected ADM	All In Va Funding
DICKENSON	0.2301	1,841	1,111,629
BUCKINGHAM	0.3273	1,902	1,020,452
CLARKE	0.5728	1,903	321,709
BRISTOL	0.3058	2,071	1,201,347
KING WILLIAM	0.3063	2,103	707,232
ROCKBRIDGE	0.4530	2,145	728,015
APPOMATTOX	0.2960	2,308	1,103,910
BUCHANAN	0.2850	2,331	1,427,966
PATRICK	0.2511	2,341	1,264,773
SOUTHAMPTON	0.2965	2,368	1,080,390
STAUNTON	0.3967	2,378	948,768
FALLS CHURCH	0.8000	2,438	150,000
GOOCHLAND	0.8000	2,632	236,262
GREENE	0.3505	2,660	1,024,113

Average Daily Membership (ADM)

K-12 Fall Membership Trends

Year	KG	1	2	3	4	5	6	7	8	9	10	11	12	FT	Total	Spring ADM
2012-13	140	155	134	146	129	137	162	151	170	202	157	172	186	2,041	2,052	2,041
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NOTE: Data is from VDOE, Statistics and Reports, School Quality Profiles, and/or actual enrollment
 *2023-24 is the actual enrollment as of 12/12/2023, ADM is an estimate
 ^2024-25 projection: 3 year avg at K, trending increase at each grade, significant increase at 9th

The estimated ADM of 1880, a slight decrease from FY24 to FY25, is projected to cost Clarke \$13,868 is state revenue for FY25.

FY25 SCHOOL OPERATING BUDGET FACTORS

FACTORS IMPACTING FY25 EXPENSES:

Virginia Retirement System Rate Change (savings)	<\$200,000>
Health Insurance Premium Increases	\$57,232
Personnel Costs	\$595,862
DCJS SSO (Grant Expiring)	\$39,536
Master's Stipend Increase	\$54,750
Other Stipends Increase	\$15,693
Personnel Requests (Cooley Upper)	\$194,229
New Personnel Requests	\$281,345
Extended CTE Contracts	<u>\$10,309</u>
	\$595,862

Virginia Retirement System (VRS) Rate Changes

The Virginia Retirement System Board of Trustees adopted the employer contribution rates for FY25. The projected cost savings estimated by Finance, provided the GA adopts the VRS rate changes is approximately \$200,000.

Health Insurance Premium Increases

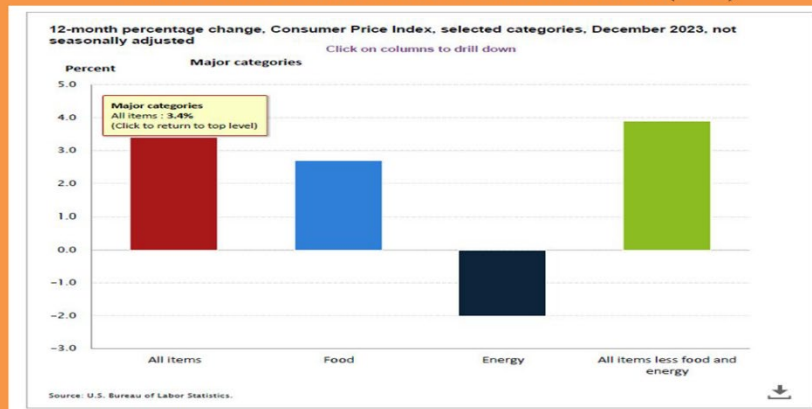
GOOD NEWS! The health insurance premium is estimated to increase by 2% at a cost of \$57,232 (Down from 10% at a cost of \$286,162).

Inflation and the Consumer Price Index (CPI)

The Consumer Price Index (all items) is currently 3.4%. Inflation is a strain to an employee's cost of living. It also affects school budgets as we are forced to pay more for everything from school supplies in the classroom to maintaining bus fleets.

All non-personnel lines of the operating budget have been reviewed (scrubbed) multiple times. Adjustments have been made, primarily to maintenance and custodial accounts, based upon trends and inflation.

Inflation and the Consumer Price Index (CPI)



Department of Criminal Justice Services (DCJS) Grant

Two School Security Officer (SSO) positions at our elementary schools have been partially grant-funded by the DCJS for two years, however, the grant funds expire at the end of FY24. The total cost of the two SSO positions is estimated to be \$108,603; the grant funded portion that expires in FY24 is \$39,536. The SSO positions are critical for safety and security.

Two School Resource Officers (SRO) are funded by and employees of the Clarke County Sheriff's Office. They are uniformed deputies and are stationed at CCHS and JWMS. Thankfully, Sheriff Sumption has advised these positions will remain for FY25.

Personnel Requests: Cooley Upper Campus

CCPS reopened the Cooley Upper Campus (CUC) for the FY24 school year to house Pre-Kindergarten/Early Childhood Special Education, Head Start, and to continue providing a space for Clarke County Parks and Recreation. No new personnel positions were requested or funded for this reopening, so there was a shifting of budgeted positions from other areas/schools. This request is intended to restore those positions. Positions repurposed to CUC include a Lead Teacher/Dean who serves as an administrator designee, a nurse, a secretary/registrar, and the sharing of the SSO with Cooley Lower Campus.

Personnel Requests: Cooley Upper Campus

Secretary/Registrar	\$36,915
Instructional Assistants (3 at Step 10 on scale)	\$64,149
*Nurse (Step 10 on Nurse scale)	\$50,678

*Grant funding pursued for revenue for nurse position

The projected cost of these positions is \$151,742 in salary plus \$42,487 (28%) in benefits, for a total of \$194,229.

New Personnel Requests

The Virginia Literacy Act (VLA) requires significant and ongoing professional development and data collection for all elementary literacy teachers. The VLA Literacy Specialist would work under the Director of Curriculum and Instruction and have primary responsibility for the implementation of VLA. This position is a teacher-scale position with an extended contract to 220 days. The position was requested last year but was not funded.

VLA Literacy Specialist (Step 20 on Teacher scale) \$77,199

All principals requested additional Special Education (SPED) support due to increasing caseloads and the increasing needs of students. After a thorough review of anticipated student enrollment and caseloads per teacher, the critical request is for the addition of two (2) Special Education Teachers.

Special Education Teachers (2 at Step 5 on Teacher Scale) \$117,962

New Personnel Requests, continued:

CCPS and the County of Clarke transitioned from contracted custodial services to in-house operation for FY24. The budget for FY24 was not sufficient to cover all personnel positions, primarily due to the cost of benefits, so two positions and materials/supplies had to be cut. The proposal is to return one custodial position to the workforce.

Custodian \$24,640

The projected cost of these NEW positions is \$219,801 in salary plus \$61,544 (28%) in benefits, for a total of \$281,345.

Stipend Increases

The current annual stipend for teacher-scale employees with a Master’s degree, who began employment with CCPS after FY15 (73 teachers), is \$4,250. An increase of \$750 would bring the master’s stipend to \$5,000. This increase has been discussed and proposed in past budgets, but has not been funded.

The estimated cost to raise the master’s stipend by \$750 for 73 teachers is \$54,750.

The current FY24 budget includes other stipends (instructional, extra duty, coaching, etc.) at an annual cost of \$313,868. These stipends have remained flat for many years.

The estimated cost to increase these stipends by 5% is \$15,693.

Extended Contracts

With the expansion of CTE programming in CCPS and the Agriculture program at J-WMS, two teacher positions, Work Based Learning (WBL) Coordinator and Agriculture Teacher need to be expanded to 11 month positions. These contract extensions were requested last year but not funded.

Extended contracts (WBL, Ag Teacher) \$10,309

The projected cost of these contract extensions is \$10,309.

PROPOSED NEW PERSONNEL EXPENSES:

POSITION	LOCATION	COST	NOTES*
School Security Officer (SSO)	BES	\$19,768	Grant funded portion of salary expires
School Security Officer (SSO)	CE	\$19,768	Grant funded portion of salary expires
Secretary/Registrar	JWMS	\$36,915	Reopening of CUC - rehire position shifted from JWMS
plus benefits		\$10,336	estimated at 28%
Instructional Assistant	CCHS	\$21,383	Reopening of CUC - rehire position shifted from CCHS, Step 10 on scale
plus benefits		\$5,987	estimated at 28%
Instructional Assistant	CE	\$21,383	Reopening of CUC - rehire position shifted from CCHS, Step 10 on scale
plus benefits		\$5,987	estimated at 28%
Instructional Assistant	BES	\$21,383	Reopening of CUC - rehire position shifted from CCHS, Step 10 on scale
plus benefits		\$5,987	estimated at 28%
School Nurse	BES/CUC	\$50,678	Reopening of CUC - shifted nurse from BES, hired new at BES
plus benefits		\$14,190	estimated at 28%
Virginia Literacy Act (VLA) Specialist	k-5	\$77,199	Step 20 on 220 Teacher Scale
plus benefits		\$21,616	estimated at 28%
Teacher, Special Education	BES	\$58,981	Step 5 on Teacher Scale
plus benefits		\$16,515	estimated at 28%
Teacher, Special Education	CCHS	\$58,981	Step 5 on Teacher Scale
plus benefits		\$16,515	estimated at 28%
Custodian	CCHS/JWMS	\$24,640	Step 1 on 240 scale
plus benefits		\$6,898	estimated at 28%
Work Based Learning Coordinator/ Ag Ed Teacher	CCHS/JWMS	\$10,309	Extended contracts to 220 days (11 months)
Adjust Master's Stipend	k-12	\$54,750	From \$4250 to \$5000 (73 teachers x \$750) (37 teachers at the higher rate)
Adjust all other Stipends	k-12	\$15,693	Adjust by 5%
		\$995,862	

TEACHER SALARY NOTES

- VA Teacher Salaries rank 25th nationally, \$6,787 below the national average
- VA ranks 12th in the country in per capita personal income
- A Teacher Salary comparison is completed each year. We have closed the gap with our market competition (WPS and FCPS) but have more work to do
- To recruit, hire, and retain teachers and staff, we must stay competitive with our market area
- 28% of Clarke County teachers live in Clarke County
- The cost of a 1% salary increase for all employees is ~\$193,189

A 5% increase for all employees is included in this proposed budget with an estimated cost of \$965,945 (a \$16,000 reduction since the 2/12/2024 work session).

SCHOOL OPERATING BUDGET FACTORS: FY17 to FY24

Fiscal Year	Salary Increase (%)	Health Insurance Increase			Local Transfer Increase Adopted Budgets
		Employee	Employer	Total	
FY24	7%	2%	16%	18%	\$896,103
FY23	10%	0%	8%	8%	\$496,106
FY22	5% plus Step teachers 5% all others	0%	0%	0%	\$196,488
FY21	Step for teachers	0%	0%	0%	(\$203,844)
FY20	4% for teachers 3% others	2.5%	2.5%	5%	\$215,306
FY19	2.5%	5%	9%	14%	\$690,018
FY18	3%	-1%	-2%	-3%	\$135,167
FY17	3%	3%	5%	8%	\$550,397

SCHOOL CAPITAL FUND

SCHOOL CAPITAL FUND

The School Capital projects account has been managed with ESSER (COVID) funds, funds from proffers (Shenandoah Crossing), and Capital Carryforward for FY23 and FY24; no new local funds have been requested from the County’s General Fund. Capital funds allow the school division to address both planned and unplanned capital expenses.

SCHOOL CAPITAL REQUEST

From the 5 Year Capital Improvement Plan:

School Bus Replacement \$122,000

BES Roof Replacement ~~\$350,000~~

Initially included, this request is removed based upon inspection from a roof consultant who advised that roof replacement at BES is not needed at this time. There are areas of shingle damage and blow off that can be resolved with localized repair. Age of the shingle roof is 18 years and life could be 25 to 30.

Cooley Upper Campus Secure Vestibule \$50,000
To be completed in FY24 using ESSER (COVID) funds

SCHOOL CAPITAL REQUEST, CONTINUED:

For ongoing and routine maintenance/replacement:

HVAC	\$150,000
Safety and Security, Alyssa's Law (panic alarms)	\$15,000
Safety and Security	\$85,000
Technology Classroom Instruction	\$20,000
CCHS Band Equipment	\$20,000
CCHS Athletic Equipment	\$10,000
CCHS Strength and Conditioning Equip.	\$10,000
Fleet Vehicle	\$22,000
BES Asphalt	\$25,000
Furniture	\$40,000
Painting	\$10,000
Flooring	\$10,000
School Signage	<u>\$2,500</u>
	\$419,500

SCHOOL CAPITAL REQUEST, CONTINUED:

TOTAL GENERAL FUND REQUEST \$541,500

FOOD SERVICE FUND

FOOD SERVICE FUND

Stand alone fund, managed by Sodexo, LLC
CCPS operated the program prior to 2010
Contracted to leverage resources, increase buying power,
and improve quality
Dietician and Nutrition experts to assist with meal planning and
nutrition requirements

DEBT SERVICE FUND

DEBT SERVICE FUND

There are no new capital projects requiring additional debt requests
 Debt balances remain on several projects (JWMS, CCHS, CLC)
 A reduction of subsidies/reimbursables has caused an increased request from the General Fund (County) for FY25
 Debt schedule is maintained by Joint Administrative Services and the detail is included in the agenda attachments

EXECUTIVE SUMMARY REVIEW

The **PROPOSED** FY25 School Operating Fund is a 3.96% increase over the FY24 Adopted School Operating Budget and includes:

- 5% Salary Increase for all Employees
- 2% Health Insurance Premium Increase
- \$595,862 in new personnel requests

Due to the reduction of State and Federal revenue of \$739,389, it would require a General Fund (County) increase of \$1,832,652.

Adding Debt Service of \$5,108 and School Capital of \$541,500 the total General Fund (County) increase would be \$2,379,260.

Clarke County Schools
Executive Summary

02/28/24
FY25 Proposed EXECUTIVE SUMMARY

Fund	FY 24 Adopted	Variance	%	FY 25 Proposed
Expenditure				
School Operating Fund	27,585,063	1,093,263	3.96%	28,678,326
Food Service Fund	1,565,391	(473,775)	-30.27%	1,091,616
Debt Service Fund	2,289,543	(4,672)	-0.20%	2,284,871
School Capital Fund	779,256	244	0.03%	779,500
Total Expenditure	32,219,253	618,060	1.91%	32,834,313
Revenue: Local, State & Federal Revenue				
School Operating Fund	12,845,282	(739,389)	-5.76%	12,105,893
Food Service Fund	1,565,391	(473,775)	-30.27%	1,091,616
Debt Service Fund	185,799	(9,780)	-5.26%	176,019
School Capital Fund	779,256	(541,256)	-69.46%	238,000
Total Local, State & Federal Revenue	15,375,728	(1,764,200)	-11.47%	13,611,528
Revenue: General Fund Tax Funding				
School Operating Fund	14,739,781	1,832,652	12.43%	16,572,433
Food Service Fund	-	-	100.00%	-
Debt Service Fund	2,103,744	5,108	0.24%	2,108,852
School Capital Fund	-	541,500	100.00%	541,500
Total General Fund Tax Funding	16,843,525	2,379,260	14.13%	19,222,785
Total Revenue	32,219,253	618,060	1.91%	32,834,313

*Includes the following:
 Reduction of \$200k reflecting the proposed change to VIGS rates (will need General Assembly adoption)
 Personnel costs include a 5% salary increase, non-personnel expenses adjusted for inflation/trends
 \$57,232 placeholder for 2% health insurance premium increase (reduced from 10%)
 \$595,862 cost of new personnel requests:
 - \$50 fully funded by locality \$39,536 (grant ends)
 - Increase to Master's stipend \$54,750
 - Increase to other stipends \$15,693
 - New Personnel (CUC) \$194,229
 - New Personnel requests \$281,345
 - Extended CTE contracts \$10,309
 **State funding based upon GOVERNOR's original proposed budget, Local Composite Index increase
 House Bill (HB30) proposes +\$247,434 additional STATE revenue; Senate Bill (SB30) proposes -\$800,867

- Board of Supervisors members asked several questions and thanked Mr. Catlett and Mrs. Singh-Smith for their presentation.

Chairman Weiss adjourned the meeting at 7:48 pm.

2024-03-19 Action: Chris Boies reviewed the above summary.

11) *Board of Supervisors Personnel Committee Items from March 11, 2024*

A. Expiration of Term for Appointments Expiring through April 2024

2024-03-11 Summary: Following review, the Personnel Committee recommends the following:

- Appoint Deborah Liggins to fill the unexpired portion of Adeela Al-Khalili’s term on the Historic Preservation Commission, which will expire on May 31, 2026.
- Reappoint Shelley Daisley to the Library Advisory Council for a four-year term expiring April 15, 2028.
- Reappoint Nancy Foster to the Library Advisory Council for a four-year term expiring April 15, 2028.

2024-03-19 Action: Chris Boies reviewed the above summary.

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

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

12) *Board of Supervisors Work Session Items from March 11, 2024*

Board of Supervisors Work Session Items
 Berryville/Clarke County Government Center, 2nd Floor
 101 Chalmers Court, Berryville, Virginia 22611
 March 11, 2024, 10:00 am, Meeting Room AB

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

Board Members Absent: None

Officer / Staff Present: Chris Boies, Catherine Marsten, Cathy Kuehner, Lorien Lemmon, Brandon Stidham, Sheriff Travis Sumption

Others Present: None

Press Present: Mickey Powell, Winchester Star

2024-03-11 Summary: At 10:00 am, Chairman Weiss called the meeting to order.

- A. Proposed Conservation Easement Authority Deed Template Changes: Conservation Planner Lorien Lemmon explained two proposed changes to the easement deed template as a result of recent guidance from the IRS concerning extinguishment and boundary line adjustments. She also reviewed proposed seed template language changes related to nutrient credit banks that places limits and parameters concerning prime farmland soils. Additional changes were made at the March 8 Conservation Easement Authority meeting were also reviewed. By consensus, the Board agreed to consider these items at their March 19 meeting.

- B. Proposed 2024 Clarke County Transportation Plan: Planning Director Brandon Stidham explained changes to the draft Transportation Plan. The major change is modifying the prioritized project list to include the Route 7 corridor from Shepherds Mill Road to the Loudoun County line as the second priority. This project addresses concerns raised by residents at a recent board meeting. The unpaved public roads list was also updated to include two additional roads. The Board agreed that safety on Route 7 was a top priority and that VDOT should fund improvements to the roadway to improve safety. By consensus, the Board agreed to consider authorizing a public hearing on the Transportation Plan at their March 19 meeting.

At 10:44 am, Chairman Weiss adjourned the meeting.

2024-03-19 Action: Chris Boies reviewed the above summary:

- Memos from the Conservation Easement Authority outline several recommended changes to their deed template, all of which have been reviewed by the County Attorney.
- Clauses regarding extinguishment and boundary line adjustments, as indicated in safe harbor guidance from the IRS.
- Language restricting nutrient credit banks using land conversion on easement properties; nutrient credit banks will be considered on a case-by-

case basis and the CEA will review and approve all planting and maintenance plans.

- Updating language regarding building and structures and private road and utilities to be consistent with the Virginia Outdoors Foundation model deed template.
- Amending the grantee approval section to clarify that only activities requiring approval are reviewed by the CEA.

Supervisor McKay

- Opined that these changes help to strengthen the conservation easement program overall.

Supervisor McKay moved to approve the Conservation Easement Authority’s proposed deed template changes 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

Chris Boies continued reviewing the March 11, 2024 Work Session summary:

- The biggest change to the proposed Transportation Plan came in response to the citizen concerns the Board heard at their February 20 meeting.
- A new project, corridor safety improvements on Route 7 between Shepherds Mill Road and the Loudoun County line, is now included as priority project number two.
- The Board also requested minor changes to the list of unpaved public roads.

Supervisor Lawrence

- Suggested holding this public hearing on the same night as the budget and tax rates public hearing.

Vice Chair Catlett moved to set a public hearing on the proposed 2024 Clarke County Transportation Plan (PH2024-07) for April 8, 2024, 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

13) *Board of Supervisors Finance Committee Items from March 11, 2024*

A. Review FY24 1st Half Revenue Report

2024-03-11 Summary: The Finance Committee reviewed revenue report.

2024-03-19 Action: Chris Boies reviewed the above summary.

B. Review FY24 1st Half Expense Report

2024-03-11 Summary: The Finance Committee reviewed expense report.

2024-03-19 Action: Chris Boies reviewed the above summary.

C. Bills and Claims

2024-03-11 Summary: Following review, the Finance Committee recommends approving the February 2024 Invoice History report.

2024-03-19 Action: Chris Boies reviewed the above summary.

Vice Chair Catlett moved to approve the February 2024 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

D. Standing Reports

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

2024-03-19 Action: Information Only.

14) *Joint Administrative Services Board Update*

Chris Boies advised the following:

- The Joint Administrative Services Board met on March 4 and discussed the ongoing reconciliation issues with BPA.
- The JAS Board also voted to cover all of the 2% insurance premium increase using health insurance account fund balance.
- Sarah Shiley was hired as the Sanitary Authority's Clerk and Senior Billing Manager.

15) *Government Projects Update*

Chris Boies provided the following update:

- There has been significant progress on the pool project; it has been completely drained as crews repair the tiles and coping stones along the edge. Work remains on schedule at this point.
- Additional opioid settlement funds will be sent, per agreements with Teva, Allergan, CVS, Walgreens, and Walmart. The funds total about \$15,000 and continues to research the best way to allocate all funds received to date.
- The Commissioner of the Revenue reports that the reassessment work is about 28% complete, with 2,284 parcels valued. The reassessment company is required to sign off on the new values by December 31, 2024 or they will face a 20% penalty, per their contract.
- The Board of Supervisors will need to appoint a Board of Equalization for the reassessment appeals process; it appears that those appointments are historically made in December.
- The Crooked Run and Double Tollgate pump station and force main project is out for bid. Bids are due April 23 and Frederick Water hopes to issue contracts mid-June. Staff expects to receive the financial agreement between Frederick Water and Clarke County for review; this agreement will eventually come before the Board for approval.
- A special thanks to Gordon and the staff of both the Treasurer and the Commissioner of the Revenue offices for working over the weekend on the Avenity software implementation.
- Thanks also to Catherine for covering clerking duties for the Sanitary Authority while the newly-hired clerk gets acclimated.

16) *Miscellaneous Items*

None presented.

17) *Summary of Required Action*

<u>Item</u>	<u>Description</u>	<u>Responsibility</u>
1.	Process approved minutes.	Catherine Marsten
2.	Execute appointment letters.	David Weiss
3.	Process appointments.	Catherine Marsten
4.	Advertise public hearings.	Catherine Marsten
5.	Execute approved resolutions & proclamation.	David Weiss
6.	Process approved resolutions & proclamation.	Catherine Marsten
7.	Schedule VDOT to discuss the Secondary Six Year Plan at April work session.	Chris Boies
8.	Advertise scheduled public hearings.	Catherine Marsten
9.	Process deed template changes.	Lorien Lemmon
10.	Process bills & claims.	Brenda Bennett

18) *Board Member Committee Status Reports*

Supervisor Doug Lawrence

Board of Social Services

- Recent open house was well attended.

School Board

- Meets next week.

Regional Jail Authority

- County share reduced \$22,000 but this budget has not been finalized yet.

Vice Chair Terri Catlett

Career and Technical Education

- Has not met.

Clarke County Humane Foundation

- Will meet at end of Month.

Village of Millwood

- Resolution supporting speed tables was adopted earlier.

Planning Commission

- Reviewing a permit application from Long Branch.

Community Policy & Management Team

- Planning a work retreat in April.

Supervisor Bev McKay

Town of Boyce

- Working with VDOT and the railroad to repair the pipe that runs under the railroad.
- Continuing to discuss sidewalks.

Northern Shenandoah Valley Regional Commission

- Will meet tomorrow.

Regional Airport Authority

- Nothing to report.

Economic Development Advisory Committee

- Will meet March 20.

Conservation Easement Authority

- Deed template changes and fairgrounds easement already discussed.

Sanitary Authority

- Collection efforts on delinquent accounts continues.

Berryville-Clarke County Joint Building Committee

- Has not met.

Supervisor Matthew Bass

Board of Septic and Well Appeals

- Has not met.

Library Advisory Council

- Nothing to report.

Litter Committee

- Earth Day event planned for Saturday April 20.

Josephine School Community Museum Board

- Nothing to report.

Legislative Updates

- Nothing to report.

Northwestern Regional Adult Drug Treatment Court Advisory Committee

- Has not met.

Northwestern Regional Juvenile Detention Center Commission

- Has not met.
- Sheriff’s Office
 - Communications center is fully staffed for the first time in three years.
 - Expecting three graduates from the academy in May.
- Town of Berryville
 - Work Session on Friant property rezoning scheduled for April 1.
- Parks and Recreation Advisory Board
 - Has not met.

Chairman David Weiss

- Berryville-Clarke County Joint Committee on Economic Development & Tourism
 - Has not met.
- Historic Preservation Commission
 - Nothing to report.
- Industrial Development Authority
 - Has not met.

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

At 2:16 pm, Supervisor Bass moved to enter closed session pursuant to §2.2-3711-(A)(7) for briefings by staff pertaining to actual or probable litigation regarding a zoning matter, 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 2:32 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 2:33 pm, Chairman Weiss recessed the meeting.

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

19) *Citizen's Comment Period*

No persons appeared to address the Board.

20) *Public Hearing: Horus Virginia I LLC Siting Agreement*

Chairman Weiss advised that the Board would receive public comment on both public hearing items prior to taking any action, because the siting agreement is interconnected with the special use permit and site development plan application.

County Administrator Chris Boies presented the following:

- This public hearing, being held in accordance with Code of Virginia §15.2-2316.8, is on a siting agreement related to the special use permit for a proposed 50 MW solar power plant that will be heard next.
- The Commonwealth of Virginia offers localities different taxation models to receive revenues from solar facilities.
- The Revenue Sharing Model allows the county to adopt a flat fee per MW and to collect that fee annually. The original legislation capped that fee at a maximum of \$1,400 per MW, with a maximum escalation clause of 10% every five years. The county has not adopted this model, so it is not available, but it is important to note as it negatively impacts the local composite index.
- The Machinery and Tools/Real Estate Tax model is the default taxation model and takes into account the capital investment, the schedule of exemptions available to solar developers, the depreciation schedule (determined by the locality or the State Corporation Commission), and the local tax rates. This model is extremely complex to calculate, administer, and predict and it also impacts the local composite index.
- The last option is the siting agreement, which are binding for both the applicant and the county. A siting agreement is proposed in this case and would pay the county \$3.56 million over a 25-year term. The per megawatt amount equals the amount Hecate offered for their solar power plant facility in Double Tollgate.
- These payments would be in lieu of real estate, personal property, and machinery and tools tax that would have been collected for the project area.
- Under the current laws and tax rates, this siting agreement pays more than the revenue sharing or the machinery and tools/real estate taxation models, which also both negatively impact the local composite index.

- This siting agreement is also favorable to the developer, as they desire to have a known and legally binding financial commitment so they can build those costs into their financial model.
- The proposed siting agreement is a way to assure that the county will receive financial compensation if the special use permit is approved, while also assuring the solar developer a fixed cost amount per the agreement’s payment schedule.
- As staff worked through this process with the developer, the siting agreement seemed to be the fairest and most predictable way for the county and solar company to move forward, if the special use permit is approved.

The applicant’s attorney, Mr. Ty Lawson, shared that his client also feels that the siting agreement will work best because the financing and amounts are fixed over the specific term. This system provides a reliable revenue stream for the county and helps to eliminate some variables for the developer.

Chairman Weiss opened the public hearing at 6:39 pm.

No persons appeared to address the Board.

Chairman Weiss closed the public hearing at 6:39 pm.

21) *Public Hearing: Horus Virginia I LLC Special Use Permit & Site Development Plan (PH2024-04: SUP22-01/SP22-02)*

Zoning Administrator Jeremy Camp presented the following:

Clarke County, VA

BOARD OF SUPERVISORS

Special Use Permit (SUP-22-01) & Site Development Plan (SP-22-02)

Berkett Solar 50MW Solar Power Plant

APPLICANT
Horus Virginia I LLC
(OPDEnergy)

OWNER
Bellringer Farm, LLC



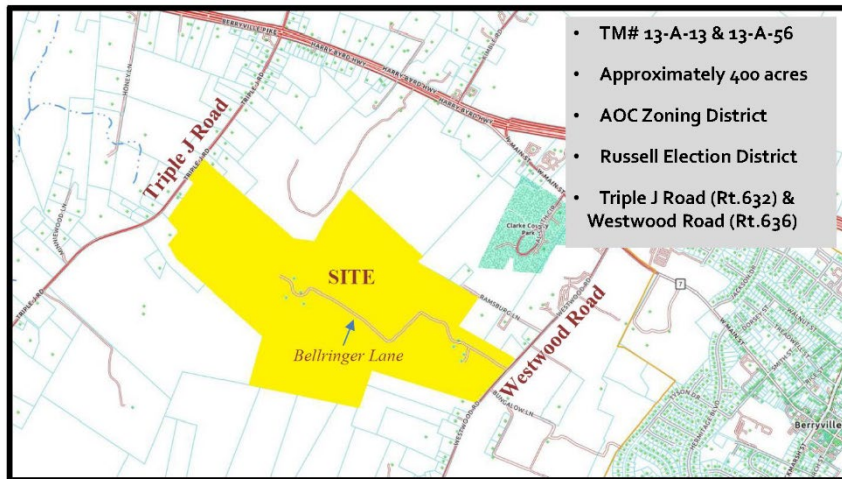
February 20, 2024 – BOS Regular Meeting – Set Public Hearing
March 19, 2024 – BOS Public Hearing

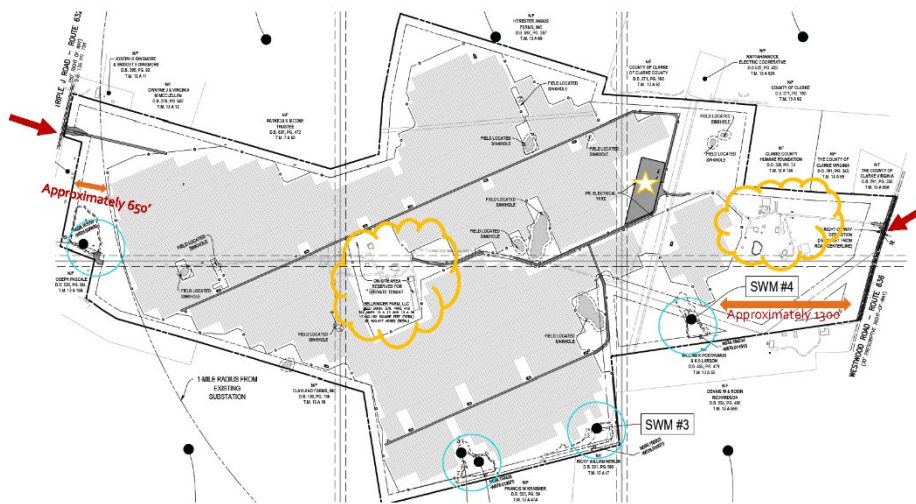
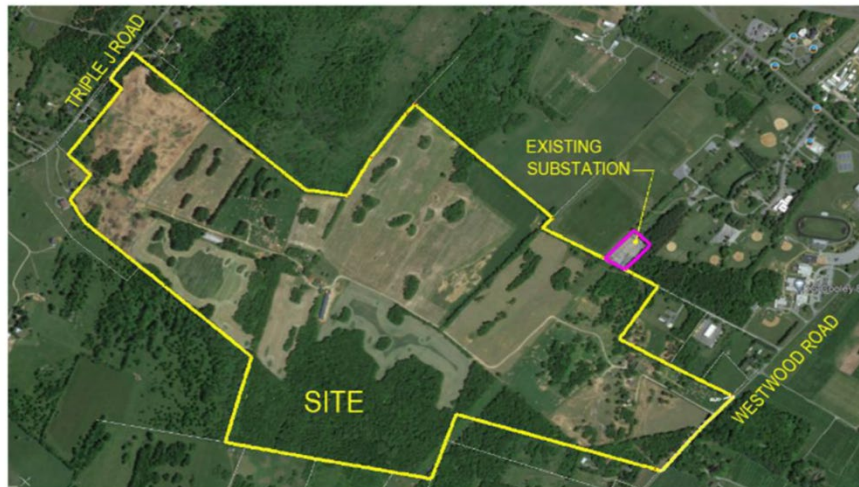
REQUEST

To develop a 50 MW Solar Power Plant on the subject property pursuant to Section 5.2C of the Clarke County Zoning Ordinance.



GENERAL INFORMATION





SUMMARY OF 22 RECOMMENDED SUP CONDITIONS

Highlights include:

- Required on-site maintenance of ALL site features. Also includes Emergency Action Plan (Exhibit A).
- A Decommissioning Plan (Exhibit B) was submitted by the applicant that establishes procedures for the decommission of the site at the end of its lifespan. This also includes a bond that the County will hold has a guarantee during the life of the project. The amount of the bond is to be evaluated every 5 years to adjust for inflation or other factors. Bonding is also required for the required landscaping buffer.

Chairman Weiss

- Asked if there was a prescribed method to evaluate the bond amount every five years, or if the re-evaluation would need to be negotiated every time.
 - Mr. Camp answered that the county would initiate the process, the applicant would submit an estimate, and then the county would exercise due diligence in evaluating it.

Highlights continued:

- Blasting is limited to SWM Basin #1 only and subject to the County's Blasting Plan and Permit requirements.
- Coordination with Fire & EMS is required. This includes the development of a Fire & Emergency Services Manual.
- Noise is mitigated by limiting construction activities to between 7AM and 7PM, excluding Sundays and federal holidays. Technical specifications of all facility equipment must also be provided to ensure they meet requirements.

Highlights continued:

- No vehicles or storage of equipment is permitted within 1000 feet of Westwood Road or 500 feet from Triple J Road. Triple J Road shall be gated. The applicant is responsible for any damages to adjoining properties caused as the result of ingress/egress of construction vehicles.
- The applicant is responsible to provide a report of karst monitoring and inspections periodically. Initially this shall be done annually for the first 5 years; every two years for the following 10 year period; and every 5 years thereafter for the life of the project. The applicant is responsible to address issues that may be found.

Highlights continued:

- The applicant is also responsible to provide stormwater drainage monitoring reports at the same schedule as that for karst monitoring. The applicant is responsible to address issues found.
- Additional erosion and sediment control measures are required above normal requirements. 1) This includes phasing of the project into two phases. The first half must be completed and stabilized before starting the second half. 2) All stormwater management facilities are required to be constructed up-front before construction of the solar power plant. 3) Additional wooded areas are identified on the site development plan for preservation.

Highlights continued:

- A payment agreement (siting agreement / EBA) is required as negotiated with the Board of Supervisors.
- Solar panels are required to be monocrystalline or polycrystalline panels. Other types, such as "Thin film", are prohibited.
- A pre-construction meeting is required with the Planning Dept. and the contractor prior to the start of construction activities.
- A metal detector survey is required for the eastern part of the property prior to construction activities to document any findings that may be associated with the Battle of Berryville.

PLANNING COMMISSION RECOMMENDATION

February 2, 2024 – The Planning Commission recommended conditional approval of both the site development plan and special use permit with the 22 recommended SUP conditions. The conditional approval of the site development plan was that DEQ approval would be finalized prior to final approval. DEQ granted approval a few days after the Planning Commission meeting so this condition is addressed. The conditional approval of the special use permit was that the Economic Benefits Agreement be accepted to the Board prior to final approval.

RECOMMENDATION FOR MARCH 19, 2024 BOARD MEETING

A public hearing is scheduled for the March 19th BOS Meeting.

Subject to consideration of public input received during the public hearing, Staff has no objections for approval of the Special Use Permit (SUP-22-01) and Site Development Plan (SP-22-02) as recommended by the Planning Commission, including the drafted SUP conditions.

Ty Lawson, attorney for the applicant, presented the following:

- This application was filed in 2022 and it has been a long process but a collaborative one.
- Ultimately, the applicant’s goal is to meet the county’s ordinance requirements.
- The proposed site is unique and well suited to this project, the location and the perimeter vegetation will help shield the solar panels from view.

Vice Chair Catlett

- Inquired how the solar panels were selected.
 - Braden Houston, lead developer for the project, advised that the panels would be monocrystalline type, but that they have not yet selected a specific manufacturer. The project is still waiting for their PJM Interconnection application approval to be finalized. The monocrystalline panels are sturdy and not likely to break unless intentionally damaged.

Supervisor McKay

- Observed that, at the developer’s project site in Jefferson County, West Virginia, most of the topsoil had been scraped off.
 - Mr. Houston responded that the site for that project was not as flat as the proposed site for this project and they will not be removing the topsoil. The landowner will be retaining ownership of the property and will likely return the land to grazing and farming use at the end of the project’s lifecycle.

Supervisor Lawrence

- Suggested planting a cover crop on the site as soon as possible to help mitigate erosion and other concerns.
 - Mr. Houston agreed and added that they were suggesting this to the landowner as well.
- Further questioned how the panels would respond to hail storms.
 - Braden Houston answered that, in order to prevent damage, the panels will lock into an upright, safety position if hail is detected.

Chairman Weiss opened the public hearing at 7:13 pm.

Chuck Alton of Westwood Road in Berryville

I think there are logical places for solar panels, possibly even including my backyard or my housetop or garage top. It's a matter of scale; 400 acres seems to me a very big area, particularly in this part of the country. Clarke County has always appealed to me, and to many other people, because of its rural and agricultural nature. This does not seem like a farm to me. It seems kind of industrial and does not seem to be keeping with the rural and agricultural, natural aspect of this county. I do think that it is too big and is really not appropriate. It is too industrial and I am concerned about the impact on the soil, which is more than just dirt, it is something that supports organisms, plants, and other things. It does not seem to me that this is the right spot for it.

In response to a citizen question, Jeremy Camp explained the following:

- All stormwater and erosion and sediment control issues are handled by the state Department of Environmental Quality. DEQ has prescribed and approved the stormwater retention ponds and the erosion/sediment control permits. The proposed stormwater ponds are approximately 20 feet off the property line, which meets setback requirements, and there is additional fencing included.
- According to project engineers, the stormwater management plan was designed to comply with the Safe Harbor Act, which is more restrictive than typical DEQ requirements. The existing land cover produces a higher runoff rate than the land cover proposed for the project.

Chairman Weiss closed the public hearing at 7:24 pm.

Supervisor McKay

Offered that solar power plants are not farms and the Board does not want to convert farmland to utility-scale solar, but the project meets the county's ordinance.

Supervisor Lawrence

Observed that farmers are against solar projects. The General Assembly has seen fit for Virginia to pursue solar and so the county needs to do its share. Ten megawatts serves 2500 to 3000 households. If this project is approved, the county will be producing seventy megawatts, which is more than enough for the county to do its share. Hopefully, new technology will improve photovoltaics. If it takes millions of years to form coal and oil, we do not really have the right to use it up in twenty or thirty generations. This should be the last solar project in the county.

Supervisor Bass

Advised that he is confident this project has been thoroughly vetted. The site is unique, primarily because of the viewshed, and the fact that it will not be highly visible is important. Offered commendations to staff and the applicant on their work on the siting agreement, especially as it takes care to avoid negatively impacting the local composite index. Clarke County has done its fair share to contribute to solar energy, and this project should be the last of it.

Vice Chair Catlett

Agreed that the project meets county ordinance requirements and that the county has done its part for solar energy. A lot of work has gone into making this project as good and as beneficial as possible for the county and the developer.

Chairman Weiss

Shared that the Board has made it very clear that it does not think this is a very good use of farmland. However, the state wishes for each locality to do its own share in pursuing solar energy and, with this project and the Hecate projects, the county has done that. The Planning Commission, staff, and the applicant have made great efforts to make it a more palatable site and overall use. The Board has already tightened the county ordinance requirements, so that any solar facility must be adjacent to an existing sub-station, effectively stating that there will not be any more solar farms in Clarke County because sub-stations also require a special use permit. This Board's view is that the county will provide solar energy for roughly its own size and population, but will not be responsible for the land use decisions made in other counties. Concerns about solar's competition with farmland, raising of rents, and impact to farmers have all come to fruition, which is why the Board acted to limit future solar development in the first place.

Supervisor Lawrence moved to approve the Horus Virginia I LLC Siting Agreement and the Horus Virginia I LLC Special Use Permit and Site Development Plan (SUP22-01/SP22-02), subject to conditions as recommended by staff. The motion carried by the following vote:

Matthew E. Bass	-	Aye
Terri T. Catlett	-	Aye
Doug M. Lawrence	-	Aye

Beverly B. McKay - Aye
 David S. Weiss - Aye

ECONOMIC BENEFITS AGREEMENT

This Economic Benefits Agreement (“Agreement”), dated this ____ day of _____, 2024, is by and between the BOARD OF SUPERVISORS OF CLARKE COUNTY, VIRGINIA (“County”), party of the first part, whose mailing address is 101 Chalmers Court, Suite B, Berryville, Virginia 22611 and HORUS VIRGINIA 1, LLC, its successors or assigns (“Horus”), party of the second part, whose mailing address is 615 Crescent Executive Court, Suite 130, Lake Mary, FL 32746.

RECITALS:

WHEREAS, Horus made application for a special use permit applicable to a parcel of real estate (“the Parcel”), specifically identified as Tax Map #13-A-13 and #13-A-56, for a 50 - megawatt solar photovoltaic project (“Project”), a solar energy facility within the meaning of the Clarke County Zoning Ordinance, allowed by special use permit in the agricultural district in which the Parcel lies; and

Whereas, changing the use of the Parcel from agricultural use to a solar energy facility in accordance with the application may eliminate or reduce various personal property taxes including, but not limited to, taxes on the personal property installed in connection with the project which may not be assessed as a result of Code of Virginia §58.1-3660, which was enacted after Horus began its effort to obtain zoning clearance for its project and which eliminated certain economic benefits which both parties expected the County to realize from the Project; and

Whereas, the Code of Virginia §15.2-2316.8 allows the County to enter into a siting agreement with the applicant to include financial compensation to the County for certain capital, budgeting, fiscal fund balance, and deployment of broadband needs; and

Whereas, the special use permit (SUP-22-01) was approved by the County, which special use permit contains a condition which provides that the applicant shall take responsibility for the payments specified under said agreement; and

Whereas, Horus wishes and offers to ameliorate any possible negative economic consequences of its Project, including, but not limited to, those caused by Code of Virginia §58.1- 3660, and to enter into this agreement in compliance with of SUP-22-01.

NOW, THEREFORE, the parties agree as follows:

1. Horus will be responsible for the payment of Roll Back taxes to the County as a result of the Parcel being no longer eligible for land use real estate tax treatment, the Roll Back taxes being estimated to be \$79,971;
2. Horus shall pay the County annually upon commencement of the Project, for a period of twenty-five (25) years, the minimum sum shown on attached Schedule A, which sum shall not include the annual real estate taxes payable on the Parcel for those areas of the Parcel outside of the solar project (“Good Neighbor Payments” (GNP)). Commencement of the project shall be defined as the point when the applicant applies for a land disturbance permit.
3. The term of this Agreement covers twenty-five (25) years which starts at the commencement of the Project. The parties to this Agreement agree that at the conclusion of the term of this Agreement, they shall make all reasonable and good faith efforts to negotiate a new economic benefits agreement to cover a new term and to address the continuance of the megawatt photovoltaic project on the Parcel.

Witness the following signatures and seals:

BOARD OF SUPERVISORS OF
CLARKE COUNTY, VIRGINIA

By: _____
County Administrator

Date

HORUS VIRGINIA 1, LLC

By: _____

Its: _____

Date

SCHEDULE A

Annual payments pursuant to agreed Economic Benefits Agreement

GNP	\$212,500
Year 1	\$104,960
Year 2	\$106,985
Year 3	\$109,070
Year 4	\$111,205
Year 5	\$113,380
Year 6	\$115,600
Year 7	\$117,910
Year 8	\$120,265
Year 9	\$122,670
Year 10	\$125,120
Year 11	\$127,620
Year 12	\$130,170
Year 13	\$132,775
Year 14	\$135,430
Year 15	\$138,135
Year 16	\$140,895
Year 17	\$143,710
Year 18	\$146,585
Year 19	\$149,515
Year 20	\$152,500
Year 21	\$155,550
Year 22	\$158,660
Year 23	\$161,830
Year 24	\$165,065
Year 25	\$168,365
Total	\$3,566,470

It is the agreement of Horus and the County that the above stated schedule and agreed upon Economic Benefits Agreement shall be the sole amount collected by the County and paid by Horus for a period of the twenty-five years commencing upon the date of completion of the installation of the commercial solar field and the delivery of power to First Energy from the commercial solar field. The County does agree that these payments and the above payment schedule shall be in lieu of any other payments required to be paid to the County whether they be by way of real property taxes, personal property taxes, machine and tool taxes, or any other County tax for the portions of the property containing the solar project.

22) *Adjournment*

Chairman Weiss adjourned the meeting at 7:36 pm.

23) *Next Regular Meeting Date*

The next regular meeting of the Board of Supervisors will be held on Tuesday, April 16, 2024, at 1:00 pm in the Berryville Clarke County Government Center, Main Meeting Room, 101 Chalmers Court, Berryville, Virginia.

ATTEST: March 19, 2024

David S. Weiss, Chairman

Chris Boies, County Administrator

Recorded and Transcribed by Catherine D. Marsten