

June 18, 2024

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, June 18, 2024, at 1:00 pm.

Board Members Present: (Afternoon & Evening Sessions)

Douglas Shaffer - 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, Brandon Stidham, Cathy Kuehner, Brenda Bennett, Michelle Brown, Alison Teetor, Jeremy Camp

(Evening Session) Chris Boies, Cathy Kuehner

Constitutional Officers / State Offices / Other Agencies Present:

(Afternoon Session) Sheriff Travis Sumption, Ed Carter, Matt Smith

(Evening Session) Thomas Christian

Press:

(Afternoon & Evening Sessions) Mickey Powell, Winchester Star

Others Present:

(Afternoon Session) Brandon Davis, Jim Draucker, Emily Buckman, Bailey Beard, Matthew Stroot, Connor Denison, Jeff Hinson, Frank Lee, Hunter Dickinson

(Evening Session) None

1) *Call to Order*

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

Chairman Weiss offered the Board’s condolences to the family of James “Jimmy” William Crim, who passed away on June 15. Mr. Crim was the longest-serving member of the John H. Enders Volunteer Fire Company.

2) *Adoption of Agenda*

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

Douglas Shaffer	-	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.

Chairman Weiss congratulated Public Information Officer Cathy Kuehner on her upcoming retirement, noting that she always performed her duties with great passion and caring. The Board thanked her for her service to the county and wished her great luck for the future.

4) *VDOT Update*

Residency Administrator Ed Carter provided the following update on VDOT activities during the month of June:

Maintenance Items

- Started spring mowing cycle on secondary routes and primary routes not treated with plant growth retardant (PGRs) and will complete this month.
- Patched and repaired shoulders on Route 621 (Lockes Mill Road) and Route 657 (Senseny Road).
- Will be doing additional shoulder repairs on Route 7 this month.
- Applied dust control on various stabilized routes and will continue as necessary.

- Repaired potholes on various routes and will continue to do so as they arise.
- Will be installing new pipe on Route 612 (Shepherds Mill Road) this month.

Board Concerns

- Completed surface treatment schedule on Route 608 (Wickliffe Road) and Routes 621, 613, & 618.
- Completed the rural rustic project on Route 621 (Lockes Mill Road) and a short extension on Route 619 (Lime Marl Road).
- Contractor continues to work on Route 7 shoulder widening and rumble strips placement; there will also be new guardrails.
- Planning to place a short section of curbing in an area where slide was repaired on Route 621 (Tilthammer Road).

Vice Chair Catlett

- Thanked VDOT for extending the rural rustic project onto Lime Marl Road.
 - Ed Carter advised that VDOT is also putting together a list of similar small projects for Morgans Mill Road. With recent state law changes, funds leftover from the Lockes Mill Road project can now be spent on these types of maintenance items.
- Further asked about the paving work for the Millwood speed tables.
 - Mr. Carter replied that it was originally scheduled for the week of June 17 but the contractor is behind schedule and work should start next week.

Supervisor Lawrence

- Requested updated traffic count data recently collected in the Russell District, as increased truck traffic is a specific concern.
 - Ed Carter responded that he would coordinate with the Central Office to get the data for the Board.
- Further inquired about the bridge project on Old Charles Town Road.
 - Mr. Carter shared that the project is running several months behind and is scheduled to be bid in December 2024.

Chairman Weiss

- Stated that the median on either side of the crossover at Routes 7 & 612 needs to be mowed to improve line of sight.

5) *Clarke County High School Widget Cup Team*

Clarke County Economic Development & Tourism Director Michelle Brown introduced Career & Technical Education teacher, Jim Draucker, and Clarke County High School Widget Cup Team members Emily Buckman, Bailey Beard, Matthew Stroot, and Connor Denison, who presented the following:

- The Clarke County team recently won the Widget Cup Championship for a third consecutive time and a fourth time overall.
- Schools from Winchester and Frederick County high schools also competed.
- This year’s project prompt required the team to design and build an outdoor chair for Belle Grove to use on their walking trails. Teams do not know what the prompt will be until the day of the competition.
- After they created a design and had it approved, two team members created a video and interactive presentation while the rest of the team built the chair itself over the course of 4 hours.
- According to the judges, the Clarke team’s presentation and video are what set them apart from the other competitors.

Chairman Weiss

- Congratulated the team for their victory and offered the Board’s appreciation to Mr. Draucker for his leadership and guidance.

Vice Chair Catlett

- Observed that the team’s collaborative work sets an excellent example for adults as well as students.

6) *Northern Shenandoah Valley Regional Commission Update*

NSVRC Executive Director Brandon Davis presented the following:

- With 11 employees, the Regional Commission is now as large as ever in its 50-plus year history. The Commission is lean and has no middle management, having self-driven and capable people on staff is the key to success.
- NSVRC aims to serve the region, especially the smaller communities who may not have the sophistication and complexity of larger localities. Program areas include housing, community development, economic development, transportation, and natural resources.
- Small towns are beholden to the same planning and zoning laws as large counties but may lack the capacity to do so. To help, the regional commission provides part-time contracted support to Toms Brook and Middletown.
- The Commission is the fiscal agent and/or grant manager for a number of programs that enable communities access to state and federal resources that they would not be eligible for otherwise. The Home Investment Partnership Program is one example that provides roughly \$500,000 per year to the area for affordable housing. Partnering with non-profit groups to implement these programs allows more of the funds to be used directly in the community instead of paying for staff.

- NSVRC is one out of 21 Virginia planning districts to receive a \$2 million grant from VA Housing to help develop new affordable housing within the region.
- As a conduit for the VATI project, eight local governments were able to use their ARPA funds to match state and federal dollars to provide rural broadband access to everyone. The project is moving forward and milestones are current, though the make ready work is likely to take longer than the contractually obligated period, so NSVRC is anticipating requesting an extension.
- The Shenandoah Valley Tourism Partnership works with tourism directors and destination marketing organizations to market the region as a whole; NSVRC is the fiscal agent for that partnership and also provides some staff support.
- GOVirginia, with NSVRC as fiscal agent and support organization, helps to provide regionally oriented grants for economic development to boost entire markets and program areas. An example of this is NextGen Nurses, which is working to alleviate a regional bottleneck in professional nurse training and technology constraints.
- Another project is the creation of an economic development district covering the Northern Shenandoah Valley. This district is federally recognized, which required the creation of a comprehensive economic development strategy. As a result, some federal funding is available for added staff capacity. This allows the NSVRC to better support localities and allows localities to be more competitive in seeking outside funding opportunities.
- The RideSmart program supports park and ride lots and bus services to reduce the number of commuter vehicles on the road.
- The Commission received a \$4 million EPA grant to reinvigorate recycling in the Northern Shenandoah Valley. Through a collaborative procurement process and capital cost support, the NSVRC hopes to be able to help smaller localities restore and implement recycling services to keep recyclable materials out of landfills.
- Recently, the NSVRC helped the Town of Boyce with a plan for sidewalk replacement and a capital plan to access funds in order to complete it.

Supervisor Lawrence

- Inquired if the NSVRC had resources to help smaller localities spend opioid settlement funds within the guidelines.
 - Mr. Davis advised that there is interesting work happening in southwestern Virginia regarding opioid settlement funds; his staff can research it further.

Chairman Weiss

- Asked what the Director's greatest challenge is.
 - Brandon Davis responded that the greatest challenge is being able to say yes to great ideas without adding more staff or taking away from something else worthwhile.

- Further opined that the organization seems to be thriving under Mr. Davis’ leadership and advised that the Board is appreciative of the NSVRC’s work at a local level.

7) *Approval of Minutes*

Vice Chair Catlett moved to approve the minutes of the May 21, 2024 regular meeting as presented. The motion carried by the following vote:

Douglas Shaffer	-	Aye
Terri T. Catlett	-	Aye
Doug M. Lawrence	-	Aye
Beverly B. McKay	-	Aye
David S. Weiss	-	Aye

8) *Resolution for the Purchase of the Former Camp 7 Property (Tax Map Parcel 27-A-10A) (2024-09R)*

County Administrator Chris Boies presented the following:

- The proposed resolution would enables the purchase of 40 acres of the former Camp 7 property.
- The purchased property would then be deeded to the Industrial Development Authority (IDA), who would be tasked with developing the parcel as a business park.
- The county negotiated a price of \$100,000 with the state, which is a fantastic deal at \$2,500 per acre.
- This property is a key investment for the county to explore commercial and light industrial opportunities at the Double Tollgate intersection.
- There are only three areas designated for expanded growth in the Comprehensive Plan: around the Town of Berryville, the Waterloo intersection, and Double Tollgate.
- If this resolution is approved, the IDA would have to take action to accept the property and execute the proper documents allowing the IDA Chair or Vice Chair to complete the real estate closing.
- Staff is still working with the Virginia Department of General Services; purchasing a piece of property from the state is a complicated task.
- The county currently receives no tax on this property and has not for several decades, as it is owned by the Commonwealth. Water and sewer service will soon be available to this property so it is a major opportunity.

- The property is zoned AOC, so a new business park zoning district will need to be developed so the property can be re-zoned as appropriate. The Planning Commission will develop the criteria, but the Board of Supervisors will have the ultimate authority to decide what uses to allow in that zoning district by right and/or by Special Use Permit.
- The IDA will have quite a bit of work to do once they own the property. They will need to evaluate the existing prison building (the older brick building) for potential uses. Utility services need to be figured out. If the property were to be sub-divided into lots for a business park, a roadway would be required.
- Staff suggests that the Board hold a joint meeting with the IDA to set expectations and discuss a vision for the property, and it would be helpful to have the Planning Commission Chair and Vice Chair attend as well.

Supervisor McKay

- Opined, and Vice Chair Catlett agreed, that purchasing this property is a unique and worthwhile opportunity.

Chairman Weiss

- Offered the Board’s compliments to staff for keeping pressure on the state to keep moving forward through the process, which was not easy to do.
 - Chris Boies added that Senator Vogel also helped a great deal.

Supervisor Lawrence moved to adopt the Resolution for the Purchase of the Former Camp 7 Property (Tax Map Parcel 27-A-10A)(2024-09R) as presented. The motion carried by the following vote:

Douglas Shaffer	-	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
Douglas Shaffer
(540) 955-7158

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 for the Purchase of the Former Camp 7 Property (Tax Map Parcel 27-A-10A) 2024-09R

WHEREAS the Industrial Development Authority of the Clarke County, Virginia (“IDA”) was formed to promote economic development activities in Clarke County; and

WHEREAS by letter dated November 16, 2023, attached hereto as Exhibit A, the Commonwealth (the “Commonwealth”) of Virginia Department of General Services (“DGS”) notified Clarke County, Virginia (the “County”) of certain surplus property comprised of 40.57± acres available for possible acquisition located on Ray of Hope Lane (Tax Map Parcel 27-A-10A; the “Property”); and

WHEREAS the Property was formerly used by the Virginia Department of Corrections and has been owned by the Commonwealth; and

WHEREAS in accordance with Code of Virginia Section 2.2-1156, as it may be amended from time to time, the County was invited to submit a proposal for the use of the Property for a bona fide economic development activity; and

WHEREAS the County prepared such a proposal as outlined in a letter dated December 20, 2023, attached hereto as Exhibit B, which was subsequently accepted by DGS; and

WHEREAS the County supports and will provide funding for the purchase of the Property, the title to which will be held by the IDA; and

WHEREAS the DGS is willing to quitclaim whatever right, title, and interest it has to the Property to the IDA, in its “AS-IS, WHERE-IS” condition;

NOW, THEREFORE, BE IT RESOLVED that the Clarke County Board of Supervisors hereby approves the purchase of the Property for \$100,000, to be deeded to the IDA for economic development purposes:

1. Authorization of Transactions. The acquisition of the Property described above in the Recitals to this resolution is hereby approved, together with all related and incidental transactions not specifically recited that may be necessary or appropriate to give effect to the transaction, as determined by County staff or legal counsel (“Transaction Documents”).

2. Authorization for the Execution of Documents. The IDA Chair and Vice Chair are each independently authorized to execute and deliver on behalf of the IDA, and if required, the Secretary is authorized to affix and attest the seal of the IDA to the Transition Documents as may be necessary to effect the approvals herein granted. The above named officers of the Authority are further authorized to execute and deliver on behalf of the IDA such other instruments, documents, or certificates, and to do and perform such things and acts, as they deem necessary or appropriate to carry out the transactions authorized and contemplated by this resolution, and all of the foregoing, previously done or performed by such officers of the IDA, are in all respects, approved, ratified, and confirmed.
3. General Authority. From and after the execution and delivery of the Transaction Documents and other related documents, if any, hereinabove authorized by this resolution, the proper IDA officers, agents, and employees are authorized, empowered, and directed to do all such things and to execute all such documents and instruments as may be necessary to carry out and comply with the provisions of the documents executed, and further are authorized to take any and all additional actions and to execute and deliver any and all other certificates and documents as may be necessary in the execution and delivery of the Transaction Documents.
4. Effect of Resolution. This resolution shall take effect immediately upon adoption.

AND BE IT FURTHER RESOLVED the following actions are approved as part of this resolution to purchase the Property:

1. Budget Amendment. “Be it resolved that FY 25 Capital Projects Fund budget and expenditure appropriation be increased in the amount of \$100,000, and that fund balance designation for Economic Development be decreased by the same amount, all for the purpose of purchasing Tax Map Parcel 27-A-10A from the Commonwealth.”
2. Zoning District Creation. The Clarke County Planning Commission is directed to work with the Board of Supervisors and IDA to develop a new zoning district for the future rezoning of this property for a business park. The new zoning district should carefully consider potential industrial and business uses, setbacks, screening requirements, and other appropriate considerations for a successful business park.
3. Development of the Property. The IDA is instructed to develop a plan for the highest and best use of the property, examine the possibility of reusing the existing prison building, examine potential road, water, and sewer infrastructure necessary for the development of the rest of the property, research and apply for grants and other funding available for the prison building renovation and installation of necessary infrastructure for the development of the property, and eventually market and attract new businesses to the property, which will increase county tax revenues and create new employment opportunities for local residents, as allowed in the newly created zoning district.

APPROVED AND ORDERED ENTERED in the official records by the unanimous vote of the Clarke County Board of Supervisors' members assembled on the 18th day of June, 2024.

ATTEST 2024-09R

David S. Weiss, Chair

9) *Set Public Hearing: Cesspools and Other Unpermitted Onsite Sewage Disposal Systems Text Amendment (PH2024-10: TA24-01)*

Planning Director Brandon Stidham presented the following:

- Wording of the current Subdivision Ordinance Section 4.5.6E only obligates the applicant to demonstrate that the VDH has approved their existing or proposed system and to show that system on the plat. The applicant is not obligated to upgrade or construct a new system.
- This is problematic for existing dwellings served by a cesspool or other substandard or undocumented system.
- The proposed text amendment would change the ordinance to require any existing cesspool or unpermitted onsite sewage disposal system to be replaced or upgraded to a Virginia Department of Health (VDH) approved system prior to the final approval of a subdivision plat.
- The justification for this rule is to protect the groundwater from contamination. Cesspools have never been an approved method of sewage disposal and should be replaced before a failure occurs.
- As a matter of practice, staff would counsel applicants for subdivisions to resolve any cesspool or unpermitted system issue before filing a subdivision application.
- Also proposed is the removal of the word “standard” under subsection E, because the word has no technical meaning and could be inaccurately interpreted to mean “conventional”.
- The Planning Commission held a public hearing on this proposed text amendment on June 7 and there were no speakers for or against.

Supervisor Lawrence

- Observed that the proposed requirement has the potential to add significant cost for someone seeking to subdivide their property.
 - Mr. Stidham responded that the Planning Commission discussed this aspect in detail. Someone seeking a minor subdivision to settle a decedent estate or to sell lots off their property due to financial difficulties could incur additional costs, which is a drawback to the amendment.

Vice Chair Catlett

- Inquired if there were any sources of assistance for someone in that situation.
 - Brandon Stidham advised that there is an income-based assistance fund available through the state. Replacing a cesspool or bringing an unpermitted system into compliance will increase the property value, as well.

Vice Chair Catlett moved to set a public hearing on the proposed text amendment (PH2024-10: TA24-01) for July 16, 2024 at 6:30 pm or as soon thereafter as the matter may be heard. The motion carried by the following vote:

Douglas Shaffer	-	Aye
Terri T. Catlett	-	Aye
Doug M. Lawrence	-	Aye
Beverly B. McKay	-	Aye
David S. Weiss	-	Aye

10) *Set Public Hearing: Minor Commercial Public Assembly Use – Country Inns Text Amendment (PH2024-11: TA24-02)*

Planning Director Brandon Stidham presented the following:

- The “country inn” special use allows minor commercial public assembly activities to be approved as an accessory use, subject to requirements in use regulation 3.
- Following the Carter Hall special use permit application deliberations, planning commissioners indicated a preference for removing this as an accessory use.
- Impacts from a country inn (lodging for up to 15 rooms and meal services for overnight guests) are different from impacts of a minor commercial public assembly use (hosting events).
- The proposed text amendment would remove minor commercial public assembly from accessory use by a country inn.
- Under the proposed text amendment, applicants wanting to operate a country inn and have minor commercial public assembly activities (such as hosting weddings or conferences) would be required to get a special use permit for a country inn and a separate special use permit for a minor commercial public assembly use.
- Staff also recommends removal of use regulation 8, which references compliance with the county’s special events ordinance. This would not prohibit special events from being approved at a country inn, but would limit the impression that country inns are acceptable venues for such events.
- Additional proposed language clarifies staff’s interpretation of meal service, establishing that meal service is only available to overnight guests of the country inn.
- The Planning Commission held a public hearing on June 7 and no one spoke for or against the text amendment.

Supervisor Lawrence

- Requested clarification on the “required front yard” referenced in use regulation 4.
 - Mr. Stidham advised that the required front yard is the area between the front plane of the building and the front property line; parking is not permitted there.

Chairman Weiss

- Noted that the Board is not seeking to prohibit these uses, just to clarify them as separate and to better define the processes.

Vice Chair Catlett moved to set a public hearing on the proposed text amendment (PH2024-11: TA24-02) for July 16, 2024 at 6:30 pm or as soon thereafter as the matter may be heard. The motion carried by the following vote:

Douglas Shaffer	-	Aye
Terri T. Catlett	-	Aye
Doug M. Lawrence	-	Aye
Beverly B. McKay	-	Aye
David S. Weiss	-	Aye

11) *Set Public Hearing: Helicopter Landing Area Use and Prohibition of Private and Public Airstrips and Airports Text Amendment (PH2024-12: TA24-03)*

Planning Director Brandon Stidham presented the following:

- Staff recently noted provisions in Code of Virginia §15.2-2293.2, which restricts localities from imposing a total ban on non-commercial helicopter departures and landings but allows them to require a special exception, special use permit, or conditional use permit for repetitive helicopter landings and departures on the same parcel of land. Special exceptions or special use permits may be made subject to reasonable conditions for the protection or benefit of owners and occupants of neighboring parcels.
- The Zoning Ordinance does not currently address helicopter use at all. Per Section 5.1.2A, if a use does not meet the definition of any use listed in Section 5, then it is considered to be a prohibited use.
- The proposed text amendment would establish helicopter landing areas for personal use as a new special use allowed in the AOC and FOC districts. Staff has developed reasonable use regulations, including that a helicopter landing

area must be accessory to a residential use on the same lot, minimum lot size, required setbacks, and surface requirements to prevent erosion.

- Proposed use regulations aim to keep this use low-impact.
- Currently, private and public airstrips and airports are not listed in the Zoning Ordinance as an allowable use and are thus considered a prohibited use. The proposed text amendment adds language to reinforce that public and private airstrips and airports are prohibited in the county.

Supervisor Shaffer

- Asked if the Planning Commission had discussed limiting landings and departures during specific overnight hours so as not to disrupt adjacent property owners.
 - Mr. Stidham replied that it had not been discussed previously but an hours regulation would be a reasonable addition to the ordinance.

Supervisor McKay moved to set a public hearing on the proposed text amendment (PH2024-12: TA24-03), including additional language prohibiting helicopter landing and/or takeoffs between the hours of 10:00pm and 6:00am, for July 16, 2024 at 6:30 pm or as soon thereafter as the matter may be heard. The motion carried by the following vote:

Douglas Shaffer	-	Aye
Terri T. Catlett	-	Aye
Doug M. Lawrence	-	Aye
Beverly B. McKay	-	Aye
David S. Weiss	-	Aye

12) *Board of Supervisors Personnel Committee Items from June 10, 2024*

A. Expiration of Term for Appointments Expiring through August 2024

2024-06-10 Summary: Following review, the Personnel Committee took no action.

B. New Minimum Salary Requirements for Exempt Employees

2024-06-10 Summary: Following review, the Personnel Committee took no action.

2024-06-18 Action: Chris Boies reviewed the above summary:

- Annual salary thresholds for exempt employees in the federal Fair Labor Standards Act have changed.
- The current minimum annual salary an employee must make to be eligible for overtime exemption is \$35,568. On July 1, minimum will increase to \$43,888. On January 1, 2025, the minimum will increase again to \$58,656.
- There is pending court action to challenge the legality of those changes, and the county will wait for the outcome of that challenge before considering any necessary changes.
- All current exempt employees will meet the minimum requirements as of July 1. If the regulation were upheld, one current exempt employee would not meet the January 1 threshold.

13) *Board of Supervisors Finance Committee Items from June 10, 2024*

- A. FY25 Conservation Easement Supplemental Appropriation Request: The Conservation Easement Authority is requesting supplemental appropriation for an easement application submitted by George Williams.

2024-06-10 Summary: Following review, the Finance Committee recommends, “Be it resolved that FY25 budgeted expenditure and appropriation to the Conservation Easement fund be increased \$41,000, that State revenue from the Department of Forestry be budgeted in the amount of \$20,500, and that the Conservation Easement fund balance be reduced by \$20,500, all for the purpose of purchasing easement on the property of George Williams (Tax Map #30-A-47B).”

2024-06-18 Action: Brenda Bennett reviewed the above summary.

Supervisor McKay moved, be it resolved, that FY25 budgeted expenditure and appropriation to the Conservation Easement fund be increased \$41,000, that State revenue from the Department of Forestry be budgeted in the amount of \$20,500, and that the Conservation Easement fund balance be reduced by \$20,500, all for the purpose of purchasing easement on the property of George Williams (Tax Map #30-A-47B). The motion carried by the following vote:

Douglas Shaffer	-	Aye
Terri T. Catlett	-	Aye
Doug M. Lawrence	-	Aye
Beverly B. McKay	-	Aye
David S. Weiss	-	Aye

- B. FY25 Supplemental Appropriation Request for Sheriff’s Office Grant: The Sheriff’s Office has been awarded a Department of Criminal Justice Services grant in the amount of \$74,012. These grant funds will be used to purchase new Motorola portable radios for staff. This grant requires an in-kind match and fuel costs will be utilized for that match.

2024-06-10 Summary: Following review, the Finance Committee recommends, “Be it resolved that FY25 Capital Projects Fund budget and expenditure appropriation in the Sheriff’s Office Radio line be increased in the amount of \$74,012, and that budgeted revenue in the Capital Projects Fund be increased by the same amount, all for the purpose of receiving State revenue from the Virginia Department of Criminal Justice Services for the purchase of portable radios for Sheriff’s Office staff.”

2024-06-18 Action: Brenda Bennett reviewed the above summary:

- These funds will be used to purchase 14 portable radios for deputies and SROs in the next fiscal year.

Chairman Weiss

- Clarified that no additional funds are being requested so there is no impact to the bottom line.

Supervisor McKay moved, be it resolved, that that FY25 Capital Projects Fund budget and expenditure appropriation in the Sheriff’s Office Radio line be increased in the amount of \$74,012, and that budgeted revenue in the Capital Projects Fund be increased by the same amount, all for the purpose of receiving State revenue from the Virginia Department of Criminal Justice Services for the purchase of portable radios for Sheriff’s Office staff. The motion carried by the following vote:

Douglas Shaffer	-	Aye
Terri T. Catlett	-	Aye
Doug M. Lawrence	-	Aye
Beverly B. McKay	-	Aye
David S. Weiss	-	Aye

- C. FY24 Supplemental Appropriation Request for the Clerk of the Circuit Court: The Clerk of the Circuit Court has been approved to receive Compensation Board Technology Trust funds in the amount of \$48,500. These funds are to be used for the digitization of the 1935-1985 Grantor and Grantee Land Book indexes. There are no local funds required.

2024-06-10 Summary: Following review, the Finance Committee recommends, “Be it resolved, FY24 Capital Projects Fund budget and expenditure appropriation be increased in the amount of \$48,500, and that budgeted revenue in the Capital Projects Fund be increased by the same amount, all for the purpose of receiving State Compensation Board funds for the digitization of Grantor and Grantee Land Book indexes.”

2024-06-18 Action: Brenda Bennett reviewed the above summary:

Chairman Weiss

- Advised that the vendor completed this work without the Clerk’s authorization. The Finance Committee is only recommending approval because the funds are available through the Compensation Board so no local funds are being used.

Vice Chair Catlett moved, be it resolved, FY24 Capital Projects Fund budget and expenditure appropriation be increased in the amount of \$48,500, and that budgeted revenue in the Capital Projects Fund be increased by the same amount, all for the purpose of receiving State Compensation Board funds for the digitization of Grantor and Grantee Land Book indexes. The motion carried by the following vote:

Douglas Shaffer	-	Aye
Terri T. Catlett	-	Aye
Doug M. Lawrence	-	Aye
Beverly B. McKay	-	Aye
David S. Weiss	-	Aye

D. FY25 Historic Preservation Commission Supplemental Appropriation Request:

The Virginia Department of Historic Resources has approved a CLG grant in the amount of \$44,642 to fund the Design Review Guideline updates for Millwood and White Post structures in historic zoning districts. The grant includes a required local match of \$16,642, which consists of a \$12,000 cash match and \$4,462 of in-kind costs. Since the in-kind costs have already been budgeted/appropriated as part of the adopted FY25 budget, only the remaining \$40,000 needs expenditure budget and appropriation.

2024-06-10 Summary: Following review, the Finance Committee recommends, “Be it resolved that FY25 budgeted expenditure and appropriation to the Historic Preservation Commission’s operating fund be increased \$40,000, that State revenue from the Department of Historic Resources be budgeted in the amount of \$28,000, and that fund balance designation for Government savings

be decreased \$12,000, all for the purpose of accepting the DHR CLG grant for the Design Review Guideline updates for Millwood and White Post structures in historic zoning districts.”

2024-06-18 Action: Brenda Bennett reviewed the above summary:

- This request was originally excluded from the FY25 budget pending the grant application. The application was successful and the grant was awarded.

Chairman Weiss

- Opined that this is a worthy project, as specific design review guidelines will help the HPC make decisions.

Supervisor McKay

- Added that such guidelines will resolve interpretation issues.

Supervisor Lawrence moved, be it resolved, that FY25 budgeted expenditure and appropriation to the Historic Preservation Commission’s operating fund be increased \$40,000, that State revenue from the Department of Historic Resources be budgeted in the amount of \$28,000, and that fund balance designation for Government savings be decreased \$12,000, all for the purpose of accepting the DHR CLG grant for the Design Review Guideline updates for Millwood and White Post structures in historic zoning districts. The motion carried by the following vote:

Douglas Shaffer	-	Aye
Terri T. Catlett	-	Aye
Doug M. Lawrence	-	Aye
Beverly B. McKay	-	Aye
David S. Weiss	-	Aye

- E. FY24 Clarke County School Division Supplemental Appropriation Request: The School Board is requesting supplemental appropriation in the amount of \$16,760.50 to the Schools Capital Project Fund for repairs to the Boyce Elementary School roof. The roof was damaged during a storm and the school division’s insurance carrier processed a claim check in the amount of \$16,760.50 to make the repairs.

2024-06-10 Summary: Following review, the Finance Committee recommends, “Be it resolved that FY24 budgeted expenditure and appropriation to the School Capital Projects fund be increased \$16,760.50, and that budgeted revenue in the School Capital Projects fund be increased in the same amount, for the purpose of receiving insurance claim proceeds of \$16,760.50 for damages to the Boyce Elementary School roof.”

2024-06-18 Action: Brenda Bennett reviewed the above summary:

- No local funds are being requested, only appropriation of the funds received from insurance; the repairs have been completed.

Vice Chair Catlett moved, be it resolved, that FY24 budgeted expenditure and appropriation to the School Capital Projects fund be increased \$16,760.50, and that budgeted revenue in the School Capital Projects fund be increased in the same amount, for the purpose of receiving insurance claim proceeds of \$16,760.50 for damages to the Boyce Elementary School roof. The motion carried by the following vote:

Douglas Shaffer	-	Aye
Terri T. Catlett	-	Aye
Doug M. Lawrence	-	Aye
Beverly B. McKay	-	Aye
David S. Weiss	-	Aye

F. Bills and Claims

2024-06-10 Summary: Following review, the Finance Committee recommends approving the May 2024 Invoice History report.

2024-06-18 Action: Brenda Bennett reviewed the above summary.

Supervisor Lawrence moved to approve the May 2024 Invoice History Report as presented. The motion carried by the following vote:

Douglas Shaffer	-	Aye
Terri T. Catlett	-	Aye
Doug M. Lawrence	-	Aye
Beverly B. McKay	-	Aye
David S. Weiss	-	Aye

G. Standing Reports

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

2024-06-18 Action: Information Only.

14) *Joint Administrative Services Board Update*

Brenda Bennett advised the following:

- The Joint Administrative Services Board did not meet in May and will meet on June 24.
- JAS staff is busy with payroll updates and insurance changes that must happen before the new fiscal year begins.
- FY25 budget has been reviewed, reconciled, and posted for use in Munis.
- Auditors are onsite this week for preliminary work, they will be back to complete the audit in the fall.
- Staff is working to reconcile the self-funded insurance accounts with end-of-year processes.

15) *Government Projects Update*

Chris Boies provided the following update:

- The repairs to the back wall at the Recreation Center are scheduled to begin today. This involves some underpinning of the foundation. A crack was discovered in the wall and we have worked with various consultants to develop a plan of action to address the issue. The work is scheduled to be completed late this week or early next week.
- Work to remove the small concrete building from the Springsbury Tower should be done this week. They were going to use a crane to move the building but will now have to demo it, due to the terrain and weight of the building.
- I want to acknowledge the work done by the Commissioner and Treasurer's offices over the past several weeks; they do an extraordinary amount of transactions during our two annual tax deadlines. The new billing/payment system greatly increased the amount of online payments and we had very few long lines at the Treasurer's office the week of the deadline. Over 1,500 households created an online account in our portal; online payments were just shy of \$2.5 million. Over 4,200 transactions occurred online, with over 3,000 of those using the free e-check option.
- Thanks to Chief Deputy Putnam for getting the grant approved earlier in the agenda for the new radios for the Sheriff's Office. Some jurisdictions don't make the effort to apply for such opportunities so her efforts are appreciated
- Thanks to Cathy Kuehner for everything she has done to promote the sharing of information with our community over the past six years, we wish her the best in her retirement.
- Congratulations to the Sheriff, whose son recently graduated the Basic Fire Academy.

16) *Miscellaneous Items*

None presented.

17) *Summary of Required Action*

<u>Item</u>	<u>Description</u>	<u>Responsibility</u>
1.	Process and post approved minutes	Catherine Marsten
2.	Schedule & advertise public hearings	Catherine Marsten
3.	Execute approved resolution	David Weiss
4.	Process approved resolution	Catherine Marsten
5.	Process approved finance actions	Brenda Bennett
6.	Process bills & claims	Brenda Bennett
7.	Process changes to Code Chapter 148.	Catherine Marsten

18) *Board Member Committee Status Reports*

Supervisor Doug Lawrence

Board of Social Services

- The DSS FY23 annual report is in the packet.
- A total of \$27 million was spent on social services in Clarke in FY23, the bulk of which was Medicaid; the local funding amount was \$888,366.
- DSS continues to lose employees to other counties that offer higher salaries but heavier caseloads.

School Board

- Plans to hire an interim superintendent soon.

Regional Jail Authority

- Clarke’s portion of inmate cost has gone down again.
- The jail, particularly the rehabilitative program, is very well run.

Vice Chair Terri Catlett

Career and Technical Education

- Did not meet.

Clarke County Humane Foundation

- Kitten season is busy, currently over 85 cats at the shelter.

Village of Millwood

- Speed tables will be installed soon.

Planning Commission

- Will have a public hearing on campground regulations in July.

Community Policy & Management Team

- Scheduling specific meetings to evaluate policy issues.

Supervisor Bev McKay

Town of Boyce

- Discussed proposed water and sewer rate increases that are necessary to make repairs to the aging wastewater treatment infrastructure.

Northern Shenandoah Valley Regional Commission

- Update provided earlier in meeting.

Regional Airport Authority

- Nothing to report.

Economic Development Advisory Committee

- Nothing to report.

Conservation Easement Authority

- Nothing to report.

Sanitary Authority

- Nothing to report.

Berryville-Clarke County Joint Building Committee

- Meets July 3.
- Looking at options to replace or refurbish the meeting room chairs, if they are to be replaced the Board would prefer to match the style of the current chairs.

Chairman David Weiss

Berryville-Clarke County Joint Committee on Economic Development & Tourism

- Discussing new branding for county tourism.
- Ongoing discussions about encouraging access to downtown businesses during events held at the fairgrounds.
 - Sheriff Sumption advised that the Sheriff's Office made a proposal to Berryville Main Street regarding event traffic but it was not well received.

Board of Septic and Well Appeals

- Has not met.

Historic Preservation Commission

- Hosting an event June 19 to unveil the new historic marker honoring Judge John C. Underwood, a notable abolitionist who helped to author the Virginia Constitution of 1869.

Industrial Development Authority

- Meets July 25.

Supervisor Douglas Shaffer

Library Advisory Council

- Discussed changing their bylaws to eliminate term limits.

Litter Committee

- Potentially installing trash receptacles at three locations.
- Holding a boat ramp litter pickup event in August.
- Keep Clarke Clean road signs have been installed.

Josephine School Community Museum Board

- Nothing to report.

Legislative Updates

- Nothing to report.

Northwestern Regional Adult Drug Treatment Court Advisory Committee

- Nothing to report.

Northwestern Regional Juvenile Detention Center Commission

- Nothing to report.

Sheriff's Office

- Communications Specialist Savannah Bryant and Deputy Stoney Nicholson recognized as employees of the quarter.
- Discussing needs in preparation for the FY26 budget cycle.

Town of Berryville

- Held three public hearings: in-home business, erosion & sediment control, and street width and street light standards.
- Discussing regulations on portable storage containers.

Parks and Recreation Advisory Board

- Nothing to report.

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

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

19) Citizen's Comment Period

No persons appeared to address the Board.

20) Conservation Police Presentation

Officer Thomas Christian presented the following:

- Conservation Police Officers, formerly called game wardens, work through the Department of Wildlife Resources (DWR).
- The DWR local district covers the counties of Frederick, Clarke, Warren, Shenandoah, Page, and Rockingham, plus all of the cities in those jurisdictions as well.
- There were 1,366 deer harvested and tagged in Clarke County last hunting season, which is decent for the county's size. Kill permits add 400-500 more to that number. Deer population in Clarke County is very strong.
- Nine turkeys were harvested last fall and 186 in the spring. One bear was harvested in the county last hunting season as well.
- Regionally, 54 harvested deer tested positive for Chronic Wasting Disease (CWD). 40 of those cases were in Frederick County and six came from Clarke. Of those, three came from one property.

Supervisor Lawrence

- Inquired whether the deer tested were showing any symptoms of CWD.
 - Officer Christian answered that the tested were harvested and tagged by hunters, CWD testing as a result of citizen observation/concerns are reported separately.

Supervisor McKay

- Asked if the rate of CWD would continue to rise until the deer population was severely reduced.
 - Officer Christian responded yes, trying to reduce the population is why the DWR allows an early, antlerless-only deer season.
- Requested clarification on the rules for hunting bucks versus does.
 - Mr. Christian advised that a hunter must kill two does before they may kill a second buck. The DWR created these rules to entice hunters to shoot antlerless deer, as hunting antlered deer only does not reduce the population.

Officer Christian continued:

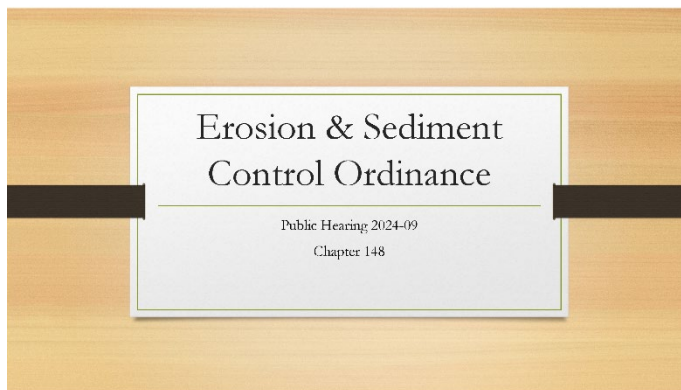
- Controlling and reducing the deer population is critically important. A large deer population results in more traffic accidents, more impacts to farmers, and greater risk of disease.

- Deer that test positive for CWD should not be consumed; if a deer tests positive, the hunter can get a tag re-issued for that deer.
- The spread of CWD accelerates when deer congregate in larger numbers, which is why feeding deer is prohibited in the county. In addition to CWD, deer contribute to the spread of tick-borne diseases such as lyme, anaplasmosis, and alpha-gal syndrome.
- Allowing hunting on more properties, particularly farms, would be beneficial.
- With only four field officers covering the entire six county district, game wardens appreciate help of local agencies and citizens.
- New signs were installed at all three boat ramps in the county. These signs advise that the areas are for hunting, fishing, or boating and all other activities are considered trespassing. Sheriff's deputies are also helping with enforcement.

The Board thanked Officer Christian for the presentation and his service to the county.

21) *Public Hearing: Clarke County Code Chapter 148 – Soil Erosion & Sediment Control (PH2024-09: CC2024-02)*

County Administrator Chris Boies presented the following:



What are we doing?

- Proposing to repeal the existing Chapter 148 in its entirety.
- Proposing to replace with new template ordinance from the state. This document is the basis for our Erosion & Sediment Control program, which includes reviewing plans, issuing land disturbance permits, conducting inspections, and enforcing local and state regulations.
- We have the option of administering a stormwater program, we are not recommending this.
- We have the option of having more stringent Erosion & Sediment Control regulations, we are not recommending this.

Why are we doing this?

- The Commonwealth requires all counties in Virginia to have an Erosion & Sediment Control Program.
- Changes made at the state level, which become effective July 1st, necessitate changes to the ordinance (mostly code references).
- Due to changes, the state changed the local ordinance template, which is what we are proposing to use for our local ordinance.

Who does this impact?

- County landowners who disturb between 10,000 square feet to 1 acre of ground.
- Under 10,000 square feet is not regulated.
- Over 1 acre goes to the Virginia Department of Environmental Quality for permitting and plan review.
- Construction of a single-family dwelling can use an agreement in-lieu of a plan (doesn't need full blown engineered plan).
- Exemptions also exist for agricultural activities, service connections, public emergencies, etc.

Where does this apply?

- All properties in the County except those located in the Town of Berryville.
- Towns have the option to have their own program and Berryville has elected to do so.



Chairman Weiss opened the public hearing at 7:02 pm.

No persons appeared to address the Board.

Chairman Weiss closed the public hearing at 7:02 pm.

The Board thanked staff for their efforts to ensure the county stays in compliance with state requirements.

Supervisor Lawrence moved to approve the proposed rewrite of Clarke County Code Chapter 148 – Soil Erosion & Sediment Control as presented, effective July 1, 2024.

The motion carried by the following vote:

Douglas Shaffer	-	Aye
Terri T. Catlett	-	Aye
Doug M. Lawrence	-	Aye
Beverly B. McKay	-	Aye
David S. Weiss	-	Aye

22) *Adjournment*

Chairman Weiss adjourned the meeting at 7:03 pm.

23) *Next Regular Meeting Date*

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

ATTEST: June 18, 2024

David S. Weiss, Chairman

Chris Boies, County Administrator

Recorded and Transcribed by Catherine D. Marsten