

September 20, 2016

Clarke County Board Of Supervisors
Regular Meeting
Main Meeting Room

1:00 p.m.

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, September 20, 2016.

Board Members Present

Mary L.C. Daniel – Berryville District; David S. Weiss - Buckmarsh / Blue Ridge District;
Terri T. Catlett - Millwood / Pine Grove District; Barbara J. Byrd – Russell District

Board Members Absent

Afternoon Session: Bev B. McKay – White Post District

Evening Session: Bev B. McKay – White Post District

Staff Present

David Ash, Ryan Fincham, Tom Judge, Brandon Stidham, Alison Teetor, Lora Walburn

Constitutional / State Offices

Beth Marple, Travis Sumption, Anne Williams

Press

Cathy Kuehner - The Winchester Star

Others Present

Jason Burns, Jean Hess, Len Capelli, Pat Dickinson, Robert Mitchell, Gwen Malone, Scott Smalley, Steven A. Soechtig, Barbara M. Soechtig and other citizens

1) Call to Order

Chairman Weiss called the afternoon session to order at 1:00 p.m.

2) Adoption of Agenda

David Ash requested the addition of the following items:

- Add with VDOT - Alison Teetor Pollinator Group Planting Project
- Closed Session Pursuant to §2.2-3711-A7 Consultation with legal counsel and briefings by staff members or consultants pertaining to actual or probable litigation, where such consultation or briefing in open meeting would adversely affect the negotiating or litigating posture of the public body; and consultation with legal counsel employed or retained by a public body regarding specific legal matters requiring the provision of legal advice by such counsel.

Supervisor Byrd moved to adopt the agenda as modified. The motion carried by the following vote:

Barbara J. Byrd	- Aye
Terri T. Catlett	- Aye
Mary L.C. Daniel	- Aye
Beverly B. McKay	- Absent
David S. Weiss	- Aye

3) Citizens Comment Period

Diana Kincannon, 294 Milton Valley Lane, Berryville, Chair - Barns of Rose Hill Board: provided a brief report to the Supervisors. Highlights include:

- Thanked the County for its ongoing support of the Barns.
- Presented eight music programs from a variety of styles including bluegrass, classical guitar, jazz and tuvan throat singing over the last 60 days.
- Other programs include:
 - Weekly jam sessions for musicians.
 - One historical speaker.
 - One open-mike event for poetry reading.
 - Five children’s educational programs with the Library over the summer.
- Collecting audience data.
 - Between 800 to 1,000 people every two month.
 - Between 5,000 and 6,000 people per year.
 - Many visitors are coming from outside the immediate area.
 - Believe that the Barns is affecting local tourism.

- Believe that new signage on Route 7 is responsible for increased traffic to the visitor's center.
- September 11 celebrated its fifth anniversary as an open, functioning community arts and education center. Approximately 150 persons attended.
- Planning a yuletide feast for December 11 that will include artwork from a Russian artist with a cello concert by the artist's wife.
- Stuart M. Perry donated tons of gravel applied at the loading entrance.
- Raising funds to repaint the full exterior.
- Committed to providing quality programs in the arts and quality community services including educational programs.

Supervisor Byrd thanked Mrs. Kincannon for her efforts.

Mrs. Kincannon remarked that the Barns relies on volunteers and the community's good will.

Supervisor McDaniel joined the meeting at 1:10 pm.

Diane Harrison, 325 South Church Street, Berryville: provided a brief summary of the Studio Tour and Artisan Trail. Highlights include:

- Studio Tour 2016 planned for October 1 and 2 from 10 am to 5 pm.
 - Bringing 30 artists to 22 different sites.
 - Most artists will be in their own studios.
- Artisan Trail
 - Trail is year-around.
 - Kick off conducted at the George Washington Hotel in Winchester at which Supervisor Daniel gave a speech.
 - Trail has a large number of artisans from Clarke County.
 - Trail helps support tourism in the area.

Chairman Weiss thanked Ms. Harrison for her efforts.

4) VDOT Update

Ed Carter, Assistant Residency Administrator, with Charlie Monroe and Maintenance Operations Manager, Bill Stover, appeared before the Board to provide the monthly update.

Mr. Carter introduced Bill Stover, VDOT's new Maintenance Operations Manager, who has more than forty years' experience, most recently worked in Stephens City, and now will be Charlie Monroe's supervisor.

Chairman Weiss welcomed Mr. Stover to Clarke County and expressed the Board's appreciation for VDOT's service in the County.

Maintenance:

- Completed the first round of all mowing and weed eating on primary and secondary routes and 95% of the second round on our secondary routes.
- VDOT will complete our second round of secondary routes this month. The second round of primaries will begin after the butterfly season.
- Applied plant mix patching and skin patching on Rt. 761 from Rt. 661 to Frederick County line and will complete remainder with plant mix patching this month.
- VDOT will be continuing with skin patching on various routes this month in anticipation of scheduled surface treatment.
- Graded and applied dust control on routes 637 and 621. We will continue with grading operations on remaining non-hard surfaced routes this month.
- VDOT did some brush control spraying on Rt. 7 and plan to continue on Rt. 50.

Board issues:

- Lake Frederick signal warrants study – has been started and is expected to be complete within the next several weeks.
 - Camera has been positioned to monitor.
 - No more reportable accidents in the area.
 - Traffic engineers do not believe that dual left turns will be necessary.
 - VDOT conducts review of every fatal accident.
 - Shoulder repair on Route 522: one side complete; VDOT will seek update from Warren County on its portion.
- VDOT is working in partnership with pollinator group. Volunteers will be helping to plant over 1,500 plants.
 - Alison Teetor briefly summarized the pollinator group's planting project. Highlights include:
 - September 22 at 10 am, group is planting a large plot at the back of the Park and Ride on Route 50
 - Thanked VDOT for working to facilitate the project.

- Planting species that provide habitat for butterflies, bees and other pollinators needed for agriculture.
- Hoping this activity will encourage other counties and communities to create these planting areas.
- Approximately sixty to seventy-five students from Loudoun County will be assisting.
- Working with master gardeners and naturalists.
- Blandy is represented on the panel.

Chairman Weiss thanked Ms. Teetor for her efforts. He advised that he was unable to attend the planting.

Supervisor Byrd

- Old Charlestown Road and Summit Road: Expressed appreciation for application of plant mixture.
- Westwood Road First Sharp Curve: Scrub trees in wooded area causing sight distance issues.
- Dead Ash Tree Removal: VDOT discussing for more than a year and will be addressing statewide. Until a solution is reached, should a tree be deemed particularly dangerous, contact VDOT.
- Junk Trees / Invasive Species: VDOT addressing area by area.
- No Parking Signs by Route 340 Cigarette Store: Planning Commission is reviewing the matter. County Planning notified the property owner notified of issues.
- Allen Road: Looks great.

Supervisor Catlett

- Millwood Crosswalk Painting: Community is hoping to have project completed before the October 1 and 2 events.
- Janesville Road Dust Control: Chemicals applied this summer.

Supervisor Daniel

- Round-about 45 MPH speed limit: VDOT conducted no speed limit studies to change the posted 45 MPH speed limit.

5) Victim Witness Annual Update by Beth Marple

Beth Marple, Victim Witness Director, appeared before the Board to provide the first annual update. Highlights include:

- For FY2016, provided services to:
 - 107 new victims, figure does not include cases carried over from FY2015.
 - 76 new witnesses, figure does not include law enforcement.
- Keeping up with restitution monitor.
- Keeping up with General District Court dates.
- Monitored \$186,864 and collected \$30,889.95.
- To explain services provided by this position, shared examples from two cases.
- National Night Out held in August.
 - Officer Joey Shoremount Berryville Police Department and Victim Witness Director headed up the event.
 - Local businesses donated door prizes, time and food.
 - Fifteen community service providers participated from Berryville Police Department, Clarke County Sheriff's Office, Virginia State Police, Mount Weather, Blue Ridge Volunteer Fire and Rescue Company, J. H. Enders Volunteer Fire and Rescue Company, Boyce Volunteer Fire and Rescue Company, District 11 probation and parole, the Laurel Center, Clarke County Health Department, Clarke County Social Services, Clarke County Animal Shelter, and Virginia Department of Aging and Rehabilitation.
 - Personal thank you notes and certificates were given to all the community service providers.
- FY2016 Expenditures – Update on request to extend time limit to use \$1,304 carry over – less than \$20 remaining.
- FY2017: Anxious to hire part-time person. Still waiting for County response.
- Purchased a color printer with FY2016 money

Supervisor Catlett thanked Mrs. Marple for her presentation and service.

Supervisor Daniel expressed her appreciation.

Chairman Weiss expressed thanks for a job well done.

6) Hecate Energy Clarke County, LLC Economic Benefits Agreement

TO: Board of Supervisors

FROM: Brandon Stidham, Planning Director

SUBJECT: Hecate Energy Clarke County, LLC Economic Benefits Agreement

DATE: September 13, 2016

Attached [*below in minutes*] you will find a draft Economic Benefits Agreement provided by Hecate Energy Clarke County, LLC in accordance with Condition #15 of the special use permit to operate a solar power plant that was approved by the Board on June 21, 2016:

15. Payment Agreement. Prior to the issuance of a land disturbance permit, the Applicant shall enter into a written agreement with the County providing for payments to the County in addition to real estate taxes, and compliance with said agreement shall be a condition of this Special Use Permit.

In summary, Hecate agrees to provide a one-time “good neighbor payment” of \$85,000 and ongoing annual payments for a twenty-five year period according to the attached Schedule A upon commencement of the project. Because the facility will be constructed in two phases, 50% of the “good neighbor payment” will be made prior to issuance of the land disturbance permit for each project phase. Additionally, 50% of the annual payment amount will be made upon commencement of Phase I with the remaining 50% being paid upon commencement of Phase II according to Schedule A. These payments will be in addition to the annual real estate tax payments for the property and the rollback taxes that will be owed as a result of converting the property from agricultural/land use status. This agreement has been reviewed and approved by the County Attorney and the tax and payment amounts were developed in consultation with the Commissioner of the Revenue.

Staff recommends that the Board pass a formal motion to authorize the County Administrator to execute the Economic Benefits Agreement. This will enable Hecate to move forward with obtaining land disturbance and building permits. If you have any questions or concerns in advance of the meeting, please do not hesitate to contact me.

Economic Benefits Agreement

This Economic Benefits Agreement, dated the ____ day of _____, 2016, 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 HECATE ENERGY CLARKE COUNTY LLC, its successors or assigns (“Hecate”), whose mailing address is 621 W. Randolph St., Chicago, IL 60661.

RECITALS:

WHEREAS, Grantees made application for a special use permit applicable to a parcel of real estate (“the Parcel”), specifically identified as Tax Map #27-A-5, for a 20 – 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 Hecate 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 special use permit (SUP-16-01) was approved by the County, which special use permit contains Condition No. 15 which provides that "Prior to the issuance of a land disturbance permit, the Applicant shall enter into a written agreement with the County providing for payments to the County in addition to real estate taxes . . ."; and

Whereas, Hecate 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 Condition No. 15 of SUP-16-01.

NOW, THEREFORE, the parties agree as follows:

1. Hecate 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 \$42,946.24;
2. The County has agreed to allow the Project to be constructed in phases and therefore agrees that the total economic benefit package will be split into two separate projects. Prior to the issuance of the first land disturbance permit, Hecate will make a "good neighbor" payment in the amount of \$42,500, with the second "good neighbor" payment in the amount of \$42,500 to be due and payable prior to the issuance of the second land disturbance permit. The total "good neighbor" payments shall not exceed \$85,000 in total for the Project.
3. In addition to the "good neighbor" payments described above, Hecate shall pay the County annually upon commencement of Phase I of the Project, for a period of twenty-five (25) years, the minimum sum shown on attached Schedule A for Phase I Construction, which sum shall not include the annual real estate taxes payable on the Parcel.
4. In addition to the "good neighbor" payments described above, and in addition to the annual payments under Phase I of the Project described above, Hecate shall pay the County annually upon commencement of Phase II of the Project, for a period of twenty-five (25) years, the minimum sum shown on attached Schedule A for Phase II Construction, which sum shall not include the annual real estate taxes on the Parcel.

Witness the following signatures and seals:

BOARD OF SUPERVISORS OF
CLARKE COUNTY, VIRGINIA

By: _____
County Administrator

HECATE ENERGY CLARKE COUNTY, LLC.

By: _____

SCHEDULE A
Minimum annual payments and "good neighbor" payments ("GNP")

Phase I Construction		Phase II Construction	
GNP	\$42,500	GNP	\$42,500
Year 1	\$20,992	Year 1	\$20,992
Year 2	\$21,397	Year 2	\$21,397
Year 3	\$21,814	Year 3	\$21,814
Year 4	\$22,241	Year 4	\$22,241
Year 5	\$22,676	Year 5	\$22,676
Year 6	\$23,120	Year 6	\$23,120
Year 7	\$23,582	Year 7	\$23,582
Year 8	\$24,053	Year 8	\$24,053
Year 9	\$24,534	Year 9	\$24,534
Year 10	\$25,024	Year 10	\$25,024
Year 11	\$25,524	Year 11	\$25,524
Year 12	\$26,034	Year 12	\$26,034
Year 13	\$26,555	Year 13	\$26,555
Year 14	\$27,086	Year 14	\$27,086
Year 15	\$27,627	Year 15	\$27,627
Year 16	\$28,179	Year 16	\$28,179
Year 17	\$28,742	Year 17	\$28,742
Year 18	\$29,317	Year 18	\$29,317
Year 19	\$29,903	Year 19	\$29,903
Year 20	\$30,500	Year 20	\$30,500
Year 21	\$31,110	Year 21	\$31,110
Year 22	\$31,732	Year 22	\$31,732
Year 23	\$32,366	Year 23	\$32,366
Year 24	\$33,013	Year 24	\$33,013
Year 25	<u>\$33,673</u>	Year 25	<u>\$33,673</u>
Total	\$713,295	Total	\$713,295

Brandon Stidham summarized the economic benefits agreement.

Following brief discussion, **Supervisor Catlett moved to direct the County Administrator to execute the agreement. The motion carried by the following vote:**

Barbara J. Byrd	- Aye
Terri T. Catlett	- Aye
Mary L.C. Daniel	- Aye
Beverly B. McKay	- Absent
David S. Weiss	- Aye

- 7) Set Public Hearing TA-16-03 Addition of Farm Distilleries as a Permitted Use in the AOC and FOC Districts; Use of Waterworks by Farm Breweries, Farm Wineries, and Farm Distilleries

Brandon Stidham provided a brief overview of the proposed text amendment. Points of interest:

- No comment at Planning Commission’s public hearing.
- VDH do not take issue with drainfields at this point.
- Food preparation was discussed at length.

Supervisor Byrd moved to set public hearing for Tuesday, October 18, 2016, at 6:30 pm or as soon thereafter as the matter may be heard. The motion carried by the following vote:

Barbara J. Byrd	-	Aye
Terri T. Catlett	-	Aye
Mary L.C. Daniel	-	Aye
Beverly B. McKay	-	Absent
David S. Weiss	-	Aye

8) Approval of Minutes

Supervisor Byrd requested change to:

- Page 695 change “Supervisor Byrd” to “Chairman Weiss” Shepherds Mill Road Route 612

Supervisor Daniel requested changes to:

- Page 694 bottom paragraph change "you" to "Mr. Archibald.”
- Page 696 change "LFCC and Clarke County” to “LFCC and Clarke County High School.”
- Page 696 the last line change "eight" to "eighth".
- Page 708 Change “gym” to PokémonGo location, with a gem.”

Supervisor Byrd moved to approve as corrected the minutes for August 16, 2016 Regular Meeting. The motion carried by the following vote:

Barbara J. Byrd	-	Aye
Terri T. Catlett	-	Aye
Mary L.C. Daniel	-	Aye
Beverly B. McKay	-	Absent
David S. Weiss	-	Aye

9) Consent Agenda

Lord Fairfax Health Department 2016-2017 Locality AgreementCOMMONWEALTH OF VIRGINIA
DEPARTMENT OF HEALTH

STATEMENT OF AGREEMENT WITH the Board of Supervisors of Clarke County

Under this agreement, which is created in satisfaction of the requirements of § 32.1-31 of the *Code of Virginia* (1950), as amended, the Virginia Department of Health, over the course of one fiscal year, will pay an amount not to exceed \$335,359 from the state general fund to support the cooperative budget in accordance with appropriations by the General Assembly, and in like time frame, the **Board of Supervisors of Clarke County** will provide by appropriation and in equal quarterly payments a sum of \$220,000 local matching funds and \$0 one-hundred percent local funds for a total of **\$220,000** local funds. These joint funds will be distributed in timely installments, as services are rendered in the operation of the **Clarke County Health Department**, which shall perform public health services to the Commonwealth as indicated in Attachment A(1.), and will perform services required by local ordinances as indicated in Attachment A(2.). Payments from the local government are due on the third Monday of each fiscal quarter.

The term of this agreement begins July 1, 2016. This agreement will be automatically extended on a state fiscal year to year renewal basis under the terms and conditions of the original agreement unless written notice of termination is provided by either party. Such written notice shall be given at least 60 days prior to the beginning of the fiscal year in which the termination is to be effective. Any increase or decrease in funding allocation shall be made by an amendment to this agreement.

The parties agree that:

1. Under this agreement, as set forth in paragraphs A, B, C, and D below, the Commonwealth of Virginia and the Virginia Department of Health shall be responsible for providing liability insurance coverage and will provide legal defense for state employees of the local health department for acts or occurrences arising from performance of activities conducted pursuant to state statutes and regulations.
 - A. The responsibility of the Commonwealth and the Virginia Department of Health to provide liability insurance coverage shall be limited to and governed by the Self-Insured General Liability Plan for the Commonwealth of Virginia, established under § 2.2-1837 of the Code of Virginia. Such insurance coverage shall extend to the services specified in Attachments A(1.) and A(2.), unless the locality has opted to provide coverage for the employee under the Public Officials Liability Self-Insurance Plan, established under § 2.2-1839 of the Code or under a policy procured by the locality.
 - B. The Commonwealth and the Virginia Department of Health will be responsible for providing legal defense for those acts or occurrences arising from the performance of those services listed in Attachment A(1.), conducted in the performance of this contract, as provided for under the Code of Virginia and as provided for under the terms and conditions of the Self-Insured General Liability Plan for the Commonwealth of Virginia.

- C. Services listed in Attachment A(2.), any services performed pursuant to a local ordinance, and any services authorized solely by Title 15.2 of the Code of Virginia, when performed by a state employee, are herewith expressly excepted from any requirements of legal defense or representation by the Attorney General or the Commonwealth. For purposes of assuring the eligibility of a state employee performing such services for liability coverage under the Self-Insured General Liability Plan of the Commonwealth of Virginia, the Attorney General has approved, pursuant to § 2.2-507 of the Code of Virginia and the Self-Insured General Liability Plan of the Commonwealth of Virginia, the legal representation of said employee by the city or county attorney, and the **Board of Clarke County** hereby expressly agrees to provide the legal defense or representation at its sole expense in such cases by its local attorney.
 - D. In no event shall the Commonwealth or the Virginia Department of Health be responsible for providing legal defense or insurance coverage for local government employees.
2. Title to equipment purchased with funds appropriated by the local government and transferred to the state, either as match for state dollars or as a purchase under appropriated funds expressly allocated to support the activities of the local health department, will be retained by the Commonwealth and will be entered into the Virginia Fixed Asset Accounting and Control System. Local appropriations for equipment to be locally owned and controlled should not be remitted to the Commonwealth, and the local government's procurement procedures shall apply in the purchase. The locality assumes the responsibility to maintain the equipment and all records thereon.
 3. Amendments to or modifications of this contract must be agreed to in writing and signed by both parties.

 Marissa J. Levine, MD MPH, FAAFP
 State Health Commissioner
 Virginia Department of Health

 Local authorizing officer signature

 Authorizing officer printed name

 Authorizing officer title

 Date

 Date

Approved as to form by the Office of the Attorney General on August 29, 2011.

Attachments: Local Government Agreement, Attachment A(1.)
 Local Government Agreement, Attachment A(2.)

LGA-Revised June 2015

LOCAL GOVERNMENT AGREEMENT, ATTACHMENT A(1.)

VIRGINIA DEPARTMENT OF HEALTH
COMMUNITY HEALTH SERVICES

BASIC PUBLIC HEALTH SERVICES TO BE ASSURED BY LOCAL HEALTH DEPARTMENTS
INCOME LEVEL A IS DEFINED BY THE BOARD OF HEALTH TO BE MEDICALLY INDIGENT (32.1-11)

For Each Service Provided, Check Block for Highest Income Level Served			
COLLABORATIVE COMMUNITY HEALTH IMPROVEMENT PROCESS	Income A only	Defined by Federal Regulations	All (specify income level if not ALL)
Assure that ongoing collaborative community health assessment and strategic health improvement planning processes are established. To include public health, health care systems and community partners. As provided for in §32.1-122.03 Code Link-32.1-122.03; State Health Plan Link Virginia Plan for Well-Being 2016-2020			X
COMMUNICABLE DISEASE SERVICES	Income A only	Defined by Federal Regulations	All (specify income level if not ALL)
Immunization of patients against certain diseases, including Childhood Immunizations As provided for in 32.1-46 Code Link-32.1-46			X
Immunization of patients against certain diseases, including Childhood Immunizations As provided for in 32.1-46 Code Link-32.1-46			X
Sexually transmitted disease screening, diagnosis, treatment, and surveillance 32.1-57, Districts may provide counseling Code Link-32.1-57			X
Surveillance and investigation of disease 32.1-35 and 32.1-39 Code Links-32.1-35, 32.1-39, 32.1-43			X
HIV/AIDS surveillance, investigation, and sero prevalence survey 32.1-36, 32.1-36.1, 32.1-39 Code Links-32.1-36, 32.1-36.1, 32.1-39			X
Tuberculosis control screening, diagnosis, treatment, and surveillance 32.1-49, 32.1-50.1, and 32.1-54 Code Links-32.1-49, 32.1-50, 32.1-54			X
FAMILY PLANING SERVICES	Income A only	Defined by Federal Regulations	All
Clinic services including drugs and Contraceptive supplies Family Planning Population Research Act of 1970, Title X Code Link-32.1-77, 32.1-325		X	
Pregnancy testing and counseling Family Planning Population Research Act of 1970, Title X Code Link-32.1-77, 32.1-325		X	

LOCAL GOVERNMENT AGREEMENT, ATTACHMENT A(1.)

VIRGINIA DEPARTMENT OF HEALTH
COMMUNITY HEALTH SERVICES

BASIC PUBLIC HEALTH SERVICES TO BE ASSURED BY LOCAL HEALTH DEPARTMENTS
INCOME LEVEL A IS DEFINED BY THE BOARD OF HEALTH TO BE MEDICALLY INDIGENT (32.1-11)

CHILD HEALTH SERVICES	Income A only	Defined by Federal Regulations	All
Children Specialty Services; diagnosis, treatment, follow-up, and parent teaching 32.1-77, 32.1-89 and 32.1-90 Code Links-32.1-77, 32.1-89, 32.1-90			X
Screening for genetic traits and inborn errors of metabolism, and provision of dietary supplements Code Links-32.1-65, 32.1-69			X
Well child care up to age <u>19</u> (enter year) Board of Health Code Link-32.1-77			X
WIC : Federal grant requirement Public Law 108-265 as amended, Child Nutrition Act of 1966; Child Nutrition and WIC Reauthorization Act 2009 Code Link-32.1-351.2		X	
EPSDT: DMAS MOA Social Security Act section 1905(r) (5) Code Link-32.1-11			X
Blood lead level testing Code Link-32.1-46.1, 32.1-46.2			X
Outreach, Patient and Community Health Education Code Link-32.1-11, 32.1-11.3,			X
Community Education Code Link-32.1-11, 32.1-23			X
Pre-school Physicals for school entry Code Link-22.1-270			X
Disabled disability Waiver Screenings DMAS MOA Code Link-32.1-330			X
Services for Children with Special health care needs Title V, Social Security Act Code Link-32.1-77			X
Child restraints in motor vehicles Code Link-46.2-1095, 46.2-1097			X
Babycare: DMAS MOA			X
MATERNAL HEALTH SERVICES	Income A only	Defined by Federal Regulations	All
Prenatal and post partum care for low risk and intermediate risk women , Title V, Social Security Act Code Link-32.1-77		X	
Babycare Services: DMAS MOA		X	
WIC: Federal grant requirement Public Law 108-265 as amended, Child Nutrition Act of 1966; Child Nutrition and WIC Reauthorization Act 2009 Code Link-32.1-351.2		X	

LOCAL GOVERNMENT AGREEMENT, ATTACHMENT A(1.)

VIRGINIA DEPARTMENT OF HEALTH
COMMUNITY HEALTH SERVICES

ENVIRONMENTAL HEALTH SERVICES
BASIC PUBLIC HEALTH SERVICES TO BE ASSURED BY LOCAL HEALTH DEPARTMENTS

<p>The following services performed in accordance with the provisions of the Code of Virginia, the regulation of the Board of Health and/or VDH agreements with other state or federal agencies.</p>	
<p>Ice cream/frozen desserts: Under the agency's Memorandum of Agreement (MOA) with the Virginia Department of Agriculture and Consumer Services (VDACS), the local health department is responsible for initiating the issuance, suspension, reinstatement and revocation of permits for all frozen desserts plants which are an integral part of any premises, including Grade "A" milk plants, hotels, restaurants, and mobile units where frozen desserts are frozen or partially frozen or dispensed for retail sale.</p>	X
<p>Investigation of communicable diseases: Pursuant to §§ 32.1-35 and 32.1-39 of the Code of the Code of Virginia, the local health director and local staff are responsible for investigating any outbreak or unusual occurrence of a preventable disease that the Board of Health requires to be reported. Code Links-32.1-35, 32.1-39</p>	X
<p>Marinas: Pursuant to §32.1-246 of the Code of Virginia, local health department staff are responsible for permitting marinas and other places where boats are moored and is responsible for inspecting them to ensure that their sanitary fixtures and sewage disposal facilities are in compliance with the Marina Regulations (12VAC5-570-10 et seq.) Code Link-32.1-246</p>	X
<p>Migrant labor camps: Pursuant to §§ 32.1-203-32.1-211 of the Code of Virginia, local health departments are responsible for issuing, denying, suspending and revoking permits to operate migrant labor camps. Local health departments also must inspect migrant labor camps and ensure that the construction, operation and maintenance of such camps are in compliance with the Rules and Regulations Governing Migrant Labor Camps (12VAC5-501-10 et seq.). Code Links-32.1-203, 32.1-211</p>	X
<p>Milk: Pursuant to §§ 3.2-5130, 3.2-5206, 3.2-5208 of the Code of Virginia and the agency's MOA with VDACS, the local health department is responsible for issuing, denying, suspending and revoking permits for Grade "A" milk processing plants which offer milk and or milk products for sale in Virginia. Local health department are also responsible for the inspection of Grade "A" milk plants for compliance with the Regulations Governing Grade "A" Milk (2VAC5-490-10). Code Links-3.2-5130, 3.2-5206, 3.2-5208</p>	X
<p>Alternative discharging sewage systems: Pursuant to § 32.1-164(A) of the Code of Virginia, local health department are responsible for issuing, denying and revoking construction and operation permits for alternative discharging systems of less than 1000 gallons per day serving single family dwellings. Local health departments are also required to conduct regular inspections of alternative discharging systems in order to ensure that their construction and operation are in compliance with the Alternative Discharging Regulations (12VAC5-640-10 et seq.). Code Link-32.1-164</p>	X
<p>Onsite sewage systems: Pursuant to §32.1-163 et seq. of the Code of Virginia, local health department staff is responsible for performing site evaluations and designs of onsite sewage systems. Local health department staff is also responsible for issuing, denying and revoking construction and operation permits for conventional and alternative onsite sewage systems. Local health department staff are also responsible for inspecting the construction of onsite sewage systems for compliance with the Sewage Handling and Disposal Regulations (12VAC5-610-20 et seq.,"SHDR") and the Alternative Onsite Sewage System Regulations (12VAC5-613-10 et seq.,"AOSS Regulations). Local health department is also responsible for ensuring the performance, operation and maintenance of onsite sewage systems are in compliance with the SHDR and AOSS Regulations. Code Link-32.1-163</p>	X
<p>Rabies: Pursuant to §3.2-6500 et seq. of the Code of Virginia, the local health department is responsible for investigating complaints and reports of suspected rabid animals exposing a person, companion animal, or livestock to rabies. Code Link- 3.2-6500</p>	X

LOCAL GOVERNMENT AGREEMENT, ATTACHMENT A(1.)

VIRGINIA DEPARTMENT OF HEALTH
COMMUNITY HEALTH SERVICES

ENVIRONMENTAL HEALTH SERVICES

BASIC PUBLIC HEALTH SERVICES TO BE ASSURED BY LOCAL HEALTH DEPARTMENTS

<p>Restaurants/eating establishments: Pursuant to §35.1-14 of the Code of Virginia, local health departments are responsible for issuing, denying, renewing, revoking and suspending permits to operate food establishments. In addition, local health departments are required to conduct at least one annual inspection of each food establishment to ensure compliance with the requirements of the Food Regulations (12VAC5-421-10 et seq.). These regulations include requirements and standards for the safe preparation, handling, protection, and preservation of food; the sanitary maintenance and use of equipment and physical facilities; the safe and sanitary supply of water and disposal of waste and employee hygiene standards. Code Link- 35.1-14</p>	X
<p>Sanitary surveys: The local health department is responsible for conducting surveys of properties which include soil evaluations and identification of potential sources of contamination. The surveys are conducted in order to determine site suitability for onsite sewage systems, alternative discharging systems and wells. Code Link-32.1-11, 32.1-43</p>	X
<p>Single home sewage discharge Code Link-32.1-164</p>	
<p>Hotels/Motels: In accordance with §35.1.13 of the Code of Virginia, local health department staff is responsible for issuing, denying, revoking and suspending permits to operate hotels. The local health department is responsible for conducting inspections of hotels to ensure compliance with the Hotel Regulations (12VAC5-431-10 et seq.). These regulations include requirements and standards for physical plant sanitation; safe and sanitary housekeeping and maintenance practices; safe and sanitary water supply and sewage disposal and vector and pest control. Code Link-35.1-13</p>	X
<p>Water supply sanitation-Inspection of Water Supplies Code Link- 15.2-2144</p>	X
<p>Wells: Pursuant to §32.1-176.2, local health departments are responsible for issuing, denying and revoking construction permits and inspection statements for private wells. Local health departments are also responsible for inspecting private wells to ensure that their construction and location are in compliance with the Private Well Regulations (12VAC5-630-10 et seq.). Code Link-32.1-176.2</p>	X
<p>Homes for adults: The local health department, at the request of the Department of Social Services (DSS) will inspect DSS-permitted homes for adults to evaluate their food safety operations, wastewater disposal and general environmental health conditions.</p>	X
<p>Juvenile Justice Institutions: Pursuant to §35.1-23 of the Code of Virginia and the agency's memorandum of understanding with the Department of Corrections, local health departments are responsible for conducting at least one annual unannounced inspection of juvenile justice institutions in order to evaluate their kitchen facilities, general sanitation and environmental health conditions. Code Link-35.1-23</p>	X
<p>Jail inspections: Pursuant to § 53.1-68 of the Code of Virginia and the agency's memorandum of understanding with the Department of Corrections, local health departments are responsible for conducting at least one annual unannounced inspection of correction facilities in order to evaluate their kitchen facilities, general sanitation and environmental health conditions. Code Link-53.1-68</p>	X
<p>Daycare centers: At the request of DSS will inspect DSS-permitted daycare centers to evaluate their food safety operations, wastewater disposal and general environmental health conditions.</p>	X
<p>Radon Pursuant to §32.1-229 local health department may assist VDH Central Office with Radon testing and analysis. Code Link-32.1-229.</p>	X
<p>Summer camps/ Campgrounds: Pursuant to 35.1-16 and 35.1-17 of the Code of Virginia, local health departments are responsible for issuing, denying, revoking and suspending permits to operate summer camps and campgrounds. The local health department is responsible for conducting inspections of summer camps and campgrounds not less than annually to ensure that their construction, operation and maintenance are in compliance with the Regulations for Summer Camps (12VAC5-440-10 et seq.) and the Rules and Regulations for Campgrounds (12VAC5-450-10 et seq.). Code Links-35.1-16, 35.1-17</p>	X

LOCAL GOVERNMENT AGREEMENT, ATTACHMENT A(1.)

VIRGINIA DEPARTMENT OF HEALTH
COMMUNITY HEALTH SERVICES

OTHER PUBLIC HEALTH SERVICES
BASIC PUBLIC HEALTH SERVICES TO BE ASSURED BY LOCAL HEALTH DEPARTMENTS

The following services performed in accordance with the provisions of the Code of Virginia, the regulations of the Board of Health and/or the policies and procedures of the State Department of Health	
Medicaid Nursing Home Screening DMAS MOA Code Link- 32.1-330	X
Comprehensive Services Act 2.2-5201-2.2-5211 Code Link- 2.2-5201, 2.2-5211	X
Vital Records (Death Certificates) Code Link- 32.1-254, 32.1-255, 32.1-272	X
Early Intervention Services Community Policy and Management Teams (CPMT) Interagency Coordinating Council (Infants/Toddlers) Code Link- 2.2-5305, 2.2-5306	X
Immunizations for maternity and post-partum patients Code Link-32.1-11, 32.1-325, 54.1-3408.	X
AIDS Drug Assistance Program (ADAP) Code Link-32.1-11,32.1-330	X
Emergency Preparedness and Response Code Link-32.1-42, 32.1-43, 32.1-229.	X
HIV Counseling, Testing and Referral Code Link-32.1-37.2	X

LOCAL GOVERNMENT AGREEMENT, ATTACHMENT A(1.)

VIRGINIA DEPARTMENT OF HEALTH
COMMUNITY HEALTH SERVICES

OPTIONAL PUBLIC HEALTH SERVICES

For Each Service Provided, Check Block for Highest Income Level Served			
	Income A only	Defined by Federal Regulations	All
COMMUNICABLE DISEASE SERVICES			
Foreign Travel Immunizations			
Other:			
CHILD HEALTH SERVICES			
School health services			
Sick child care			
Other:			
Community Education			X
MATERNAL HEALTH SERVICES			
Funds for deliveries			
Funds for special tests and drugs			
Diagnosis, treatment, and referral for gynecological problems			
Other:			
Community Education			X
FAMILY PLANNING SERVICES			
Nutrition Education			
Preventive Health Services			
Pre-Conception Health Care			
Other: Community Education			X

LOCAL GOVERNMENT AGREEMENT, ATTACHMENT A(1.)

VIRGINIA DEPARTMENT OF HEALTH
COMMUNITY HEALTH SERVICES

OPTIONAL PUBLIC HEALTH SERVICES

For Each Service Provided, Check Block for Highest Income Level Served			
GENERAL MEDICAL SERVICES	Income A only	Defined by Federal Regulations	All
Activities of Daily Living			
Community Education			X
General Clinic Services (100% Locally Funded)			
Outreach			
Occupational health services			
Personal care			
Pharmacy services-Alternate Drug Delivery Site			
Hypertension screening, referral, and counseling			X
Respite care services			
Other:			
SPECIALTY CLINIC SERVICES (List)	Income A only	Defined by Federal Regulations	All
DENTAL HEALTH SERVICES	Income A only	Defined by Federal Regulations	All
Preventive Clinic Services - Children			
Preventive Clinic Services - Adults			
Restorative Clinic Services			
Community Education			
Other:			

LOCAL GOVERNMENT AGREEMENT, ATTACHMENT A(2.)

VIRGINIA DEPARTMENT OF HEALTH
COMMUNITY HEALTH SERVICES

PUBLIC HEALTH SERVICES PROVIDED
UNDER LOCAL ORDINANCE

Neither the <i>Code of Virginia</i> nor Regulations of the Board of Health requires the following services to be provided by the local health department	Place an X in this column if service is provided for locality	Local ordinance code cite	Provide a brief description of local ordinance requirements
Accident Prevention			
Air Pollution			
Bird Control			
Employee Physicals			
General Environmental	X	Chapter 61,124,137	Animals, Nuisances, and Property Maintenance – Investigate Complaints
Housing - BOCA & local building codes	X	Chapter 124, 137	Nuisance and Property Maintenance-Investigate Complaints
Insect control	X	Chapter 124, 137	Nuisance and Property Maintenance-Investigate Complaints
Noise			
Plumbing			
Radiological Health			
Rodent Control	X	Chapter 124, 137	Nuisance and Property Maintenance-Investigate Complaints
Solid Waste	X	Chapter 137	Property Maintenance-Investigate Complaints
Swimming facilities			
Weeds	X	Chapter 137	Property Maintenance-Investigate Complaints
Smoking Ordinances			
Other environmental services (identify)			
Building Permit Walkover	X	Chapter 143 / Code of VA 32.1-165	Safe, Adequate, and Proper Review per Code
Local Septic Ordinance	X	Chapter 143	Determination of adequate site requirements and proper documentation per Ordinance
Local Well ordinance	X	Chapter 184	Determination of adequate site requirements and proper documentation per Ordinance

VIRGINIA DEPARTMENT OF HEALTH
COMMUNITY HEALTH SERVICES
PUBLIC HEALTH SERVICES PROVIDED UNDER
LOCAL ORDINANCES OR CONTRACT WITH LOCAL GOVERNMENTS
OPTIONAL PUBLIC HEALTH SERVICES

For Each Service Provided, Check Block for Highest Income Level Served			
	Income A only	Defined by Federal Regulations	All
Employee physicals			
Primary care for inmates in local jails or correctional institutions			
Other medical services (List)			
Other (please list)			
Please see attachment 043_FY14A			X

Addendum 043_FY17A Clarke County

The Health District will convene a meeting with pertinent Clarke County staff no later than February 28 to delineate current County and State Environmental Health service needs as well as project future needs.

The Lord Fairfax Health District will staff the Board of Septic and Well Appeals with an assigned staff person as well as a back-up staff person. Clarke County Government will communicate directly with assigned health department staff and the Environmental Health Supervisor as to meeting requirements. The county will provide annual feedback to the Environmental Health Supervisor concerning the quality of assistance received.

Clarke County government will provide training to both Environmental Health Specialists Senior and the Clarke County Environmental Health Supervisor in the use of GPS technology to document the location of private onsite septic drain fields and wells and proper interface with the County's GIS mapping system. Once training is completed, the Health District will provide use of at least one GPS unit to the Clarke County Environmental Health staff. Staff will include documentation of private onsite septic drain field and well locations in all future permitting activities, recording this data in the State's VENIS database and also sharing this data with Clarke County government. In addition, staff will collect this data, as time allows, on existing wells and drain fields – for instance, when investigating environmental health complaints that involve either wells or private onsite septic drain fields.

Clarke County Health Department will distribute Clarke County government's environmental health educational brochures and written materials to customers and clients. Clarke County government will provide training and information concerning their local environmental initiatives to all health department support and environmental health staff so that staff will be able to support the county's needs in this area.

The Lord Fairfax Health District will develop and implement a strategy to increase the sharing of desired data with Clarke County government. It will include promoting the provision of GW-2 forms.

The Lord Fairfax Health District and Clarke County will complete an assessment of duties and services desired in Environmental Health no later than May 1 Yearly. This assessment will be used to evaluate current Environmental Health and Support staffing levels.

1. The Health District will convene a meeting with pertinent Clarke County staff no later than February 28 Yearly to delineate current County and State Environmental Health service needs as well as project future needs.
2. Complete a staffing level evaluation for Environmental Health and Support (clerical) staff by May 1, Yearly.
3. Add GPS coordinates to future well and private onsite sewage disposal system VENIS records and share with county.
4. Distribute requested County materials to customers.
5. Staff the Board of Septic and Well Appeals with a primary and back-up staffer.
6. Develop a strategy to provide requested data to the County routinely.

Deed of Easement Clarke County School Board and County of Clarke, Virginia Ballfield, Trail and Fence

THIS DEED OF EASEMENT, dated this 20th day of September, 2016, is by and between the COUNTY SCHOOL BOARD OF CLARKE COUNTY, VIRGINIA, party of the first part, hereinafter called Grantor, and the COUNTY OF CLARKE, VIRGINIA, party of the second part, hereinafter called Grantee.

WHEREAS, Grantor is the owner of that certain parcel of land located at the southwest intersection of West Main Street and Westwood Road, in Longmarsh Magisterial District, Clarke County, Virginia; and

WHEREAS, the Grantor's aforesaid property is adjoined on the west by property of the Grantee, on which is located the Clarke County Recreation Park; and

WHEREAS, there is a walking trail and a sports field located on the Grantee's aforesaid property; and

WHEREAS, a small portion of the walking trail and sports field are located on the aforesaid property of Grantor; and

Prepared By: Robert T. Mitchell, Jr., Esquire
Hall, Monahan, Engle, Mahan & Mitchell
9 East Boscawen Street
Winchester, VA 22601

Title Company: None

WHEREAS, Grantee desires to obtain an easement from the Grantor to permit the location of a portion of the walking trail and sports field, and a light pole to be used in conjunction with the sports field, to be located on the property of Grantor; and

WHEREAS, the Grantee, County School Board of Clarke County, Virginia, by resolution adopted on , 2016, authorized the conveyance of the hereinafter described easement to the Grantee and authorized and empowered the Chairman of the School Board to execute a Deed of Easement for that purpose.

NOW, THEREFORE, Grantor does hereby grant and convey unto the Grantee an easement for the location of a portion of a walking trail, a portion of a sports field, and a light pole on the aforesaid property of Grantor, the location of said easement being more particularly shown and described on the attached plat of W. Stuart Dunn, L.S., dated May 31, 2016.

The Grantee shall have the right to mow, trim, and remove weeds, shrubbery, or other obstructions in the easement area, reasonably deemed by it to interfere with the use of the easement area for the purposes intended.

The Grantee and its agents shall have full and free use of the said easement for the purposes named, and shall have all rights and privileges reasonably necessary to the exercise of its easement rights.

The Grantee joins in this Deed of Easement to indicate his acceptance of this easement and the terms set forth herein.

WITNESS the following signatures and seals:

By: COUNTY OF CLARKE COUNTY,
VIRGINIA
Chairman, Board of Supervisors

STATE OF VIRGINIA AT LARGE
_____ OF _____, To-wit: (SEAL)

The foregoing instrument was acknowledged before me this day of , 2016, by , Chairman of the Board of Supervisors of Clarke County, Virginia.

My Commission expires _____

APPROVED AS TO FORM:
Robert T. Mitchell, Jr., Esquire
County Attorney

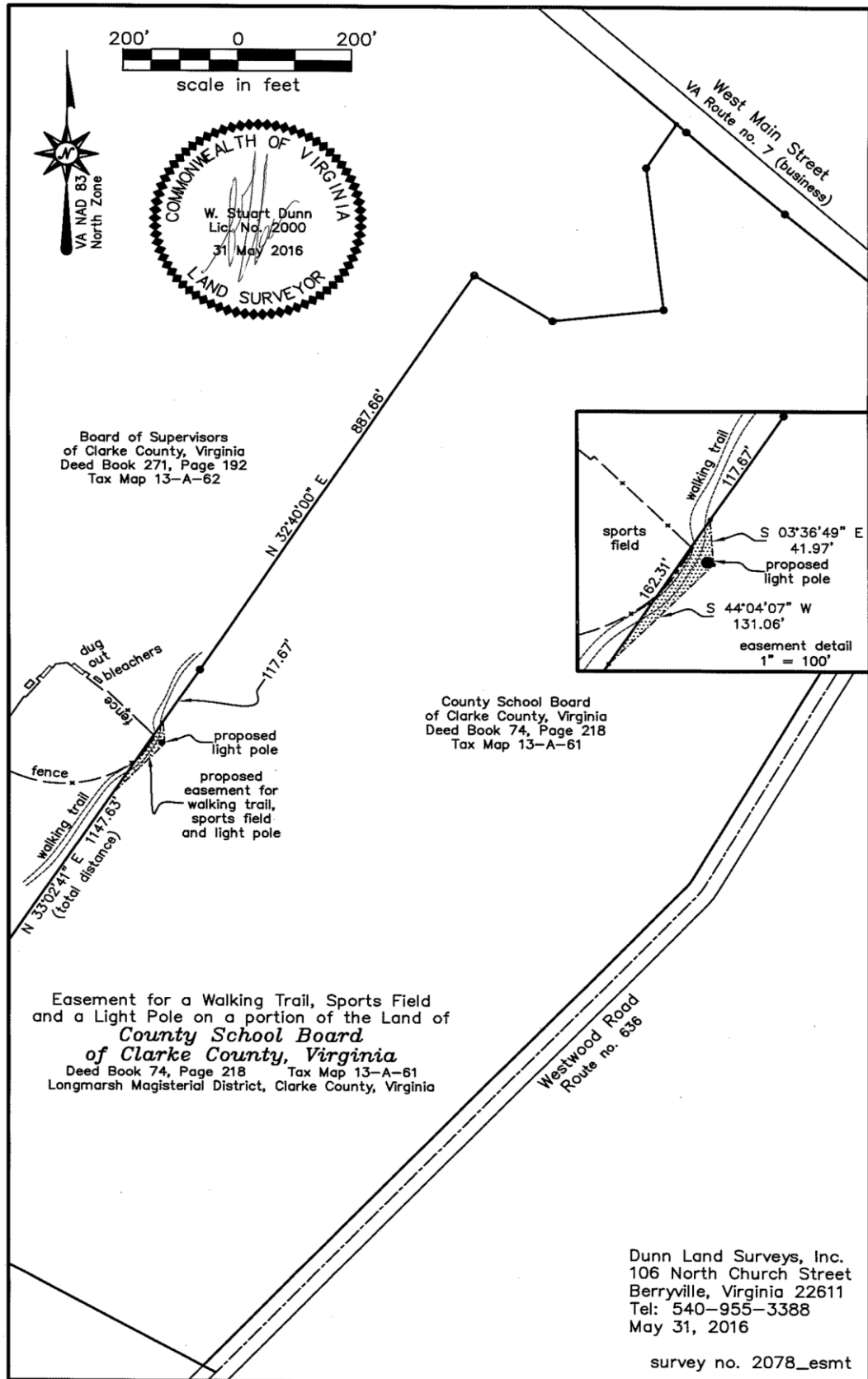
NOTARY PUBLIC
Notary Registration No.

COUNTY SCHOOL BOARD OF
CLARKE COUNTY, VIRGINIA
By: Chairman, School Board (SEAL)

STATE OF VIRGINIA AT LARGE
_____ OF _____, To-wit: (SEAL)

The foregoing instrument was acknowledged before me this day of , 2016, by , Chairman of the Clarke County School Board of Supervisors of Clarke County, Virginia.

My Commission expires _____



Supervisor Catlett moved to accept the items on the Consent Agenda as presented. The motion carried by the following vote:

Barbara J. Byrd	- Aye
Terri T. Catlett	- Aye
Mary L.C. Daniel	- Aye
Beverly B. McKay	- Absent
David S. Weiss	- Aye

10) Board of Supervisors Personnel Item

A. Expiration of Term for appointments expiring through September 2016

09-12-2016 Summary: The Personnel Committee recommends reappointment:

- Aubrey "Bre" Bogert Clarke County Library Advisory Council to fill the unexpired term of Kevin Dunbar expiring April 15, 2018.

09-20-2016 Action: Supervisor Daniel moved to approve the appointment as recommended by the Personnel Committee. The motion carried by the following vote:

Barbara J. Byrd	- Aye
Terri T. Catlett	- Aye
Mary L.C. Daniel	- Aye
Beverly B. McKay	- Absent
David S. Weiss	- Aye

B. Consideration of Hourly Rate Adjustment for EMT's Hired October 1, 2014

09-12-2016 Summary: The Personnel Committee recommends adjusting to current standard part-time EMT's hourly rate for employees hired October 1, 2014 or earlier.

09-20-2016 Action: David Ash briefly reviewed the hourly rate adjustment. Supervisor Byrd moved to approve the Personnel Committee recommendation. The motion carried by the following vote:

Barbara J. Byrd	- Aye
Terri T. Catlett	- Aye
Mary L.C. Daniel	- Aye
Beverly B. McKay	- Absent
David S. Weiss	- Aye

11) Board of Supervisors Work Session

A. Clarke County School Board Update by Chuyen Kochinsky, Chair, with Chuck Bishop, Superintendent

09-12-2016 Summary: The Superintendent updated the Board on the Schools' accomplishments for 2015/2016 and discussed the Schools' improvement strategy for 2016/2017. The Superintendent also provided an update on the special education program. The Board also discussed status of the Primary School capital project with the Superintendent.

09-20-2016 Summary: David Ash summarized the update.

B. NSVRC Update by Brandon Davis, Director

09-12-2016 Summary: Mr. Davis introduced himself as the newly appointed director of the Northern Shenandoah Valley Regional Commission, reviewed the Commission's activities highlighting its efforts in water quality and economic development. He offered to work with the Supervisors in the future in addressing issues of concern to Clarke County.

09-20-2016 Summary: David Ash summarized the update.

C. Joint Administrative Services Relocation Discussion

09-12-2016 Summary: The Board discussed the potential relocation of Joint Administrative Services to the soon-to-be-renovated Primary School building.

09-20-2016 Summary: David Ash summarized the discussion reminding that the Board made no decision at the Work Session.

Chairman Weiss reopened the discussion.

Supervisor Byrd addressed space issues in the BCCGC. She suggested moving Cooperative Extension and Economic Development to the proposed space at Primary and keeping Joint Administrative Services in its current location to keep it on neutral territory.

David Ash reminded that any change to the proposed plan required School Board approval.

Supervisor Catlett expressed concern about incompatible hours of operation for Virginia Cooperative Extension and Clarke County Public Schools.

David Ash noted that the suggested office space was separated from the School's space and had a separate entrance.

Supervisor Daniel opined that there was no clear, easy answer. She noted that one of Joint Administrative Services' great strengths was that while joint was independent. She put forth that she was inclined to proceed with the move to Primary with the caveat that it might have to relocate in future.

Chairman Weiss stated that the School Board needed direction from the Board of Supervisors so that it could instruct its architect.

Chairman Weiss stated that Economic Development would not be relocated to an area that was out of touch with County offices.

David Ash stated that he would contact the School Superintendent between sessions regarding the School Board's deadline for decision.

Chairman Weiss instructed Mr. Ash to report his findings at the evening session.

12) Board of Supervisors Finance Items

1. State Budget Shortfall.

09-12-2016 Summary: From Sep 1 Richmond Times-Dispatch: RICHMOND, Va. (AP) - Virginia Gov. Terry McAuliffe is asking his administration's agency heads to suggest where to cut state spending to help bridge an estimated \$1.5 billion budget gap. The Virginian-Pilot reports that McAuliffe's chief of staff, Paul Reagan, sent a memo to agency heads asking them to submit proposal of how to cut spending by 5 percent. The proposals are due Sept. 20. Last week, McAuliffe warned Virginia lawmakers to brace for "tough decisions ahead" to address the new budget shortfall, which is driven largely by lower-than-expected income and sales tax collections.

2. List of potential upcoming Supplemental Requests.

09-12-2016 Summary: The FY 16 year end General Fund balance will be available next month. The disposition of any unspent funds can be determined at that time. The following is a list of potential candidates for appropriation or designation:

a. *EMS Uniforms.*

There is a request for \$6,500 carryover funds for EMS uniforms.

09-20-2016 Summary: Tom Judge advised that the requested funding does not appear to be available at this point.

b. Equine Alliance Economic Development Funding Request.

The Equine Alliance requests funding of \$10,043 to perform a census of equine groups in Clarke County.

c. Certified Planning Commissioner program.

The Planning Director requests reappropriation of \$1,750 for training of two Planning Commission members.

d. Ball Field Lighting.

A firm price for this project is being sought.

09-20-2016 Summary: Chairman Weiss provided the following update:

- No “ballpark” cost is available at this time.
- Worst-case estimate is approximately \$90,000 for the total project.
- Little League committed \$35,000.
- Clarke County Parks and Recreation committed \$25,000
- Services are difficult to quantify.
- Rock provides uncertainty.
- Project will be rebid in the next two weeks.
- October 11, Finance Committee hopes to review and formulate a recommendation to the Supervisors for action at the October 18 meeting.

e. General District Court Renovation.

Additional renovations may be needed.

09-20-2016 Summary: Tom Judge advised that the funds previously budget have been spent but more renovations are needed.

f. *Recreation Center structural issue.*

An issue at the Recreation Center is being investigated.

09-20-2016 Summary: David Ash advised that during the expansion stress cracks on the interior and exterior of the south-corner rear wall of the gymnasium were detected and repaired. Now, separation has been detected on the north corner. A structural engineer is in the process of providing advice and estimates to stabilize the wall.

3. Fire and Rescue Funding.

09-12-2016 Summary: A history of Fire and EMS funding was reviewed.

09-20-2016 Summary: Highlights of discussion include:

- Funding includes a full year of fee-for-service collection, associated expenditures for part-time EMT's, the Director, and the EMS Billing Coordinator.
- Fee-for-service revenue allows the County to enhance services, increase staffing, cover uniforms, equipment, etc. but does not offset the localities costs.
- Fee-for-service collections are approximately 80%.
- Increased expenditures for purchased services are primarily attributable to a third-party billing agency. It also includes vehicle repair and software costs.
- Increased expenditure in materials and supplies includes turnout equipment and resupply of ambulances. David Ash informed the Board that as a direct result of implementing fee-for-service the hospital now charges the County for the medical supplies provided to restock an ambulance.

4. FY 18 Budget Direction.

09-12-2016 Summary: The Finance Committee discussed potential changes to the budget process for FY 18. Items of discussion included the likelihood of funding shortfalls from the Commonwealth, Convenience Center operating costs, substitute clerical needs, and a more formal role for the Fire and EMS Commission.

5. Acceptance of Bills and Claims

09-12-2016 Summary: Acceptance of this report is recommended.

09-20-2016 Action: Supervisor Catlett moved to accept the August invoice history report as presented. The motion carried by the following vote:

Barbara J. Byrd	- Aye
Terri T. Catlett	- Aye
Mary L.C. Daniel	- Aye
Beverly B. McKay	- Absent
David S. Weiss	- Aye

6. Monthly Reports.

Reconciliation of Appropriations, Expenditure Summary.

13) Government Projects Update

David Ash provided the monthly project update.

- Ballfield lighting project: See detail under Item 12. d.
- Convenience Center:
 - o Design continues.
 - o Still have some issue to resolve including sanitary facilities for operators.
 - o Funding may be available spring 2016.
 - o Need to consider operations budgets for FY2018 budget year.
- Fire & EMS Director Replacement:
 - o Sought legal counsel on process.
 - o Propose to appoint several persons to assist in interview including a Supervisors and a member of the Fire & EMS Commission.
- BCCGC Security:
 - o Written procedures are needed.
 - o Bids received today.
 - o Need to meet with tenants to ensure there is an understanding on how it works.

14) Miscellaneous Items

No miscellaneous items were identified.

15) Summary of Required Action

<u>Item</u>	<u>Description</u>	<u>Responsibility</u>
1.	Process Hecate Agreement.	Brandon Stidham
2.	Find taxable value outside its use value solar farm.	Brandon Stidham
3.	Develop and process public hearing notice.	Lora B. Walburn
4.	Process approved minutes.	Lora B. Walburn
5.	Execute LFHD locality agreement.	David Ash
6.	Process and forward LFHD locality agreement.	Lora B. Walburn
7.	Execute deed of easement.	David Weiss
8.	Process and forward deed of easement.	Lora B. Walburn
9.	Update appointment database and process notice of appointment.	Lora B. Walburn
10.	Provide Payroll notice of pay rate adjustment.	Lora B. Walburn
11.	Contact Chuck Bishop re School Board deadline for JAS relocation.	David Ash
12.	Update and process amendment CC-2016-04, CC2016-05 to County Code.	Lora B. Walburn
13.	Add continued meeting to discussion Joint Administrative Services relocation to County calendar.	Susanne Vaughan

16) Board Member Committee Status Reports

Supervisor Barbara J. Byrd

- Board of Social Services: Identified persons for BoS consideration for appointment.
- Clarke County Humane Foundation: Mets tomorrow. Saturday is annual rabies clinic.
- Conservation Easement: Scheduling conflict.
- NW Juvenile Detention Center: No meeting.
- Regional Jail Authority: No meeting.
- Town of Berryville: Microphones did not work.

- Northern Shenandoah Substance Abuse Coalition: Lauren Cummins secured a federal grant for the drug court.

Supervisor Terri Catlett

- Parks and Recreation Advisory Board: No meeting.
- School Board:
 - Met August 22.
 - All schools accredited.
 - Seventeen persons spoke regarding the foreign exchange program.
 - School Board will conduct further review of foreign exchange program.
 - Discussed AP, IB and dual enrollment.
 - Will provide Supervisors details of the planned Richard Lewis memorial run scheduled for October 8, 2016.

Supervisor Mary L.C. Daniel

- Library Advisory Council:
 - Did not meet.
 - Orientation conducted with Laurine Kennedy.
 - On October 4, admission to the Alamo Draffhouse is free to those presenting a library card.
- Planning Commission: Met in September.
- Artisan Trail:
 - Attended artisan trail inaugural event.
 - Discussed economic impact of artisan industry in Virginia.
 - Board might wish to consider establishing a trail with wineries, breweries, distilleries.

Chairman David S. Weiss

- Fire and EMS Commission:
 - New director is focus.
 - Working on standard operating guidelines.
 - Response times are good but still experiencing issues getting out.
- Economic Development Advisory Committee:

- Meets tomorrow.
- Len Capelli working with community.
- MOU committee between town and county has not met for several months and the Board should evaluate next steps.

17) Closed Session Pursuant to 2.2-3711-A7 Consultation with legal counsel and briefings by staff members or consultants pertaining to actual or probable litigation, where such consultation or briefing in open meeting would adversely affect the negotiating or litigating posture of the public body; and consultation with legal counsel employed or retained by a public body regarding specific legal matters requiring the provision of legal advice by such counsel specific to Shenandoah Farms Sanitary District.

At 3:04 p.m., **Supervisor Byrd moved that the Clarke County Board of Supervisors enter Closed Session pursuant to Section 2.2-3711-A7 Code of Virginia re consultation with legal counsel. The motion carried by the following vote:**

Barbara J. Byrd	- Aye
Terri T. Catlett	- Aye
Mary L.C. Daniel	- Aye
Beverly B. McKay	- Absent
David S. Weiss	- Aye

At 3:45 p.m., 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 Byrd moved to reconvene in open session. The motion carried as follows:**

Barbara J. Byrd	- Aye
Terri T. Catlett	- Aye
Mary L.C. Daniel	- Aye
Beverly B. McKay	- Absent
David S. Weiss	- Aye

Supervisor Daniel 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:

Barbara J. Byrd	- Aye
Terri T. Catlett	- Aye
Mary L.C. Daniel	- Aye
Beverly B. McKay	- Absent
David S. Weiss	- Aye

No action was taken on matters discussed in closed session.

Chairman Weiss recessed the meeting at 4:15 p.m.

Chairman Weiss called the evening session to order at 6:30 p.m.

18) Citizen Comment Period

No persons addressed the Board.

19) PH 16-19: Appeal of Board of Septic Appeals Decision - Steven Soechtig Continued Public Hearing

Case Update: The applicant's attorney, Scott Smalley, submitted a request for continuance on July 15, 2016. Therefore, this matter was withheld from the July 19, 2016 agenda, and placed on the next regular meeting agenda for September 20, 2016. There has been no further actions or information provided by the applicant or their agents since the June meeting.

Ryan Fincham briefly summarized the appeal filed by Steven Soechtig in response to staff's recommendation for denial.

At 6:35 pm, Chairman Weiss opened the public comment portion of the public hearing.

Steven Soechtig, applicant, addressed the Board.

*My comments tonight will deal with:
The definition of a spring for the ordinance;
The zoning staff's interpretation and application of that definition
My determination of the correct interpretation and application
Zoning staff comments on the correct interpretation*

*The spring definition contains nine items.
Item 1) is a physical description of a spring as an issue of water from the ground.*

This is the basic definition of a spring.

Items 2 thru 9 either identify known important springs in the county or describe the utility of springs as sources of water. These are criteria.

The zoning staff interpretation of the definition is incorrect because it applies only the basic spring definition and does not consider any of the criteria for importance or utility. As a result, every issue of water in the county regardless of where the spring is located, how much water it produces, where the water flows to, or how the water it is used, will be subject to the extended separation requirements of the ordinance. If this is what the definition intends then why are there nine items where one would suffice? If the criteria in items 2) thru 9) do not contribute to the selection of a spring for the ordinance, then they serve no purpose for the definition.

In fact, item 1 cannot serve the purpose for selection of a spring because it is too generic, too subjective, and contains no distinct measure of significance.

The true purpose of item 1) is to ensure that the water sources referred to in items 2) thru 9) are springs rather than wells or other sources. Item 1) provides what we refer to as a necessary (but not sufficient) condition for selection of a spring. No feature may be further considered for selection unless it meets the necessary condition. However, it must also meet a further criterion of significance as contained in items 2) thru 9). This is the logical interpretation of the definition.

As you know from its report, the zoning staff does not agree with the validity of the logical interpretation. They claim to have found no evidence in minutes and reports from past meetings that the logical interpretation of the spring definition was considered by the authors. My review of the notes and minutes reveals otherwise.

The minutes from January to April 2004 show considerable concern that the spring definition was too subjective and needed additional and distinct criteria. Moreover, the existing spring definition in the septic ordinance was a listing of criteria but no

definition of a spring. They were already using the basic logical interpretation but did not have the necessary condition as is provided by a definition.

For the update, the authors combined the basic spring definition from the well ordinance with the criteria in the Septic ordinance. But there is no indication they intended the basic definition to replace the existing criteria for selection of a spring. In fact they added additional criteria to enhance the complete definition.

The zoning department claims that staff is bound by the plain meaning of the ordinance. But this plain meaning is apparently limited to the physical description in the first item of the definition. While this description does provide the plain meaning of a spring as one may find in a dictionary or textbook, it is not complete or sufficient to define a spring for the purpose of the ordinance.

By applying only item1) the zoning department selected a spring that has a very limited issue of water with a discharge channel that connects to no identified stream. Instead, the water is reabsorbed into the ground within a relatively short distance from the place of issue. The spring provides no drinking water to persons or animals, has never been developed, and is on no list. It satisfies no criterion of significance and should not be included among those springs requiring setbacks. The denial of the drainfield should be reversed.

Scott Smalley, legal counsel to Mr. Soechtig: On September 16, I gave Mr. Fincham a letter, accompanied by a letter from Steven White, soil scientist and the on-site alternate evaluator for this site. Using the references Mr. White gave, the soils at this site are actually quite good and quite deep and the drainfield is situated as far as possible, as far as is feasible, from the spring. We also have a TL3 alternative system; and we point out that this is the existing lot of record that under all of your current regulations could be fully developed except for the spring definition.

We also point out different localities definitions, setbacks, for a spring. Your ordinance is far in excess of any other ordinance. It is further that you provide no exception for a lot of record. I am proposing that we take a halt and see whether we can amend the definition to satisfy your public health concerns and the same situation for this existing lot of record. Let us see if we can work something out. That is what I am proposing and that is what I proposed in my letter to Mr. Fincham. Thank you.

Being no further persons desiring to address the Board, at 6:45 pm, Chairman Weiss closed the public hearing.

Chairman Weiss indicated that the Board could act to deny or to hold action pending further review.

Responding to Supervisor Byrd, Mr. Fincham explained that there were drainfields on adjacent lots. He noted that the spring's outflow spreads out and the down slope stream starts down slope from there.

Mr. Soechtig added that proposed drainfield would be 700 feet from the intermittent stream.

Supervisor Catlett thanked everyone for the information provided and opined that this was a good time to postpone action.

Ryan Fincham clarified for Supervisor Daniel that he did not distribute Mr. Smalley's September 16 letter prior to the meeting.

Chairman Weiss, noting that legislative action was requested in Mr. Smalley's September 16 letter and in the absence of Vice Chair McKay, with consensus from the Board, continued the matter to the October 11, 2016, Board of Supervisors Work Session.

20) PH 16-20 CC-2016-04 Chapter 154

Description:

Proposed amendment to repeal Chapter 154, Stormwater Management, of the Code of Clarke County. The purpose of the amendment is to comply with recent changes to the Stormwater Management Act (Code of Virginia §62.1-44.15:24 et seq.) which only allow localities that are Virginia Stormwater Management Program (VSMP) authorities to adopt stormwater ordinances that are more stringent than State requirements. Clarke County has chosen to opt-out of operating a local VSMP. The proposed amendment also avoids duplicitous local regulation of stormwater management by allowing the Virginia Department of Environmental Quality (DEQ) to serve as the sole regulatory authority for stormwater management in Clarke County.

Requested Action:

Conduct the advertised public hearing and take action either to adopt the proposed text amendment, adopt the amendment with recommended changes, or to defer action to address any outstanding concerns.

Brandon Stidham reviewed the proposed code amendment.

At 7:58 pm, Chairman Weiss opened the public comment portion of the public hearing. Being no further persons desiring to address the Board, Chairman Weiss closed the public hearing.

Supervisor Byrd moved to adopt 2016-14R as presented. The motion carried by the following vote:

Barbara J. Byrd	- Aye
Terri T. Catlett	- Aye
Mary L.C. Daniel	- Aye

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

**Resolution to Repeal County Code Chapter 154 – Stormwater Management
2016-14R**

Whereas, Chapter 154 – Stormwater Management – was adopted as part of the Code of Clarke County by the Board of Supervisors on August 17, 2010 in accordance with the Virginia Stormwater Management Act; and

Whereas, the purpose of the Chapter is to establish minimum stormwater management requirements and controls to protect properties, safeguard the general health, safety, and welfare of the public residing in watersheds within this jurisdiction, as well as to protect, sustain, recycle, and enhance the surface and ground water resources of Clarke County; and

Whereas, the Chapter contains provisions that are more stringent than current State Code requirements with regards to water quality standards for phosphorus removal and minimum area of land disturbance that trigger stormwater management requirements; and

Whereas, the Virginia General Assembly recently adopted changes to the Virginia Stormwater Management Act that authorize localities to adopt and enforce provisions that are more stringent than State Code requirements provided that (1) the locality has agreed to “opt-in” to managing the Virginia Stormwater Management Program (VSMP) and (2) the Virginia Department of Environmental Quality has reviewed and approved the more stringent local provisions; and

Whereas, the County chose to “opt-out” of assuming responsibility for management of the VSMP locally and therefore is not authorized under State law to enforce stormwater management regulations that are more stringent than State code requirements; and

Whereas, repealing Chapter 154 will comply with the Code of Virginia requirements and will avoid duplicitous local regulation of stormwater management by allowing the Virginia Department of Environmental Quality to serve as the sole regulatory authority for stormwater management in Clarke County.

Now Therefore, Be It Resolved that the Clarke County Board of Supervisors hereby repeals County Code Chapter 154 – Stormwater Management.

Adopted at the regular meeting of the Clarke County Board of Supervisors in Clarke County, Virginia held on September 20, 2016 following duly advertised Public Hearing.

David L. Ash, County Administrator
Clerk to the Board of Supervisors

21) PH 16-21 CC-2016-05 Chapter 17

Chapter 17 Fire, Emergency Medical Services (EMS), And Emergency Management, Department Of. The Clarke County Board of Supervisors shall consider amending the Clarke County Code to amend Chapter 17 §17-6 Fire and EMS Commission B. Membership Composition

David Ash reviewed the proposed code amendment to adjust Fire and EMS Commission membership composition. He reminded that the terms would begin September 1 for all new members.

At 7:05 pm, Chairman Weiss opened the public comment portion of the public hearing.

Jean Hess, 393 Evergreen Lane, Bluemont, spoke in support of the amendment. She opined that it might be good to have a variety on the Commission that includes the citizen appointee and representatives from each volunteer fire company.

Being no further persons desiring to address the Board, at 7:08 pm, Chairman Weiss closed the public hearing.

Supervisor Daniel confirmed that a letter expressing support of the amendment was written by Beth Leffel, Chair Fire and EMS Commission.

Supervisor Byrd moved to adopt as presented the amendment to Chapter 17 Section 17-6. The motion carried by the following vote:

- Barbara J. Byrd - Aye
- Terri T. Catlett - Aye
- Mary L.C. Daniel - Aye
- Beverly B. McKay - Absent
- David S. Weiss - Aye

Chapter 17 Fire, Emergency Medical Services (EMS), And Emergency Management, Department Of

§17-6 Fire and EMS Commission B. Membership Composition; Term. The Commission shall consist of ~~seven (7)~~ **eight (8)** members including:

- One (1) member of the Board of Supervisors;
- The Clarke County Sheriff;
- ~~Two (2) representatives recommended by the Clarke County Fire and Rescue Association to represent Fire and EMS services respectively;~~ **One (1) representative from each of the volunteer fire and EMS companies;** and
- Three (3) citizens-at-large representing consumers of fire and EMS services.

~~The two (2) Fire and Rescue Association~~ **three (3) volunteer fire and EMS company** representatives shall serve one-year terms **and shall be appointed by the Board of Supervisors with recommendation**

to be provided by the volunteer companies.

The three (3) citizens-at-large shall be appointed for initial terms of one (1) year, two (2) years, and three (3) years and thereafter for four (4) year terms.

The Sheriff shall serve a term coterminous with the term of office.

The Board of Supervisors shall appoint a representative annually at or shortly after its annual organizational meeting to serve a one-year term.

22) Recess

David Ash informed the Supervisors that Chuck Bishop, School Superintendent, had advised that the Schools had two to three weeks to make a decision on the relocation of Joint Administrative Services.

By consensus, the Supervisors agreed to continue the meeting to 1 pm on Friday, September 23, 2016, subject to confirmation of availability of Vice Chair McKay to attend the meeting

At 7:23 pm, Chairman Weiss recessed the meeting until 1:00 pm, Friday, September 23, 2016.

Next Regular Meeting Date

The next regular meeting of the Board of Supervisors is set for Tuesday, October 18, 2016 at 1:00 p.m. in the Berryville Clarke County Government Center, Main Meeting Room, 101 Chalmers Court, Berryville, Virginia.

ATTEST: September 20, 2016

David S. Weiss, Chair

David L. Ash, County Administrator

Minutes recorded and transcribed by: Lora B. Walburn, Deputy Clerk to the Board of Supervisors