

February 21, 2017

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, February 21, 2017.

Board Members

Present: Afternoon and Evening Session 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; Bev B. McKay – White Post District; Absent: None

County Staff Present

David Ash, Tom Judge, Brian Lichty, Brandon Stidham, Lora Walburn

Constitutional / State Offices

Barbara Bosserman, Anthony “Tony” Roper

Press

Cathy Kuehner - The Winchester Star

Others Present

Ed Carter, Clif Balderson, Charlie Monroe and other citizens

1) Call to Order

Chairman Weiss called the afternoon session to order at 1:01 p.m.

2) Adoption of Agenda

- Zoning Ordinance Text Amendment TA-17-01 Set Public Hearing
- Finance Committee: Clarification Supplemental Appropriation Item D
- Miscellaneous: Special Election for Commonwealth Attorney Replacement

Supervisor Catlett 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	- Aye
David S. Weiss	- Aye

3) Citizens Comment Period

No persons addressed the Board.

4) VDOT Update

Ed Carter, Assistant Residency Administrator, with Charlie Monroe and Clif Balderson, appeared before the Board to provide the monthly update.

Maintenance

- Performed ditching operations on Rt. 627 and will continue in White Post area;
- Conducted brush cutting on Rt. 658; the median on Rt. 50 and used boom axe along slopes on Rt. 50; we will continue with boom axe operations along Rt. 50 this month;
- Removed hazardous trees on Rt. 340 with contractors and plan to continue with 72 that have been identified on Rt.601;
- Performed large item trash pickup on primary's and tree clean up after wind storm;
- Will be doing pipe replacements on routes 604, 620 and 621 and using the pipe flusher on Rt. 621;
- Will have an asphalt leveling crew at various locations on routes 7, 50 and 340 and the pothole patcher on routes 601, 606, 632, 649 and 255.

Projects

- Allen Road: our plan is to complete the hard surfacing on Allen Road this summer.

Board Issues

- Bridge Repair Submit by Supervisor Byrd: Under advisement.

- Curvatures on Route 7 Submit by Chairman Weiss: As a primary road, requires review by traffic engineering.
- Route 340 Intersection in Boyce – Dip in Road: Gutter pan presents safety issues for buses.
- Route 723 and Route 255 Near Millwood: Constituents find this area difficult to navigate. An improvement project is scheduled.
- Kimble Road, Triple J Road: Speed limit cannot be further lowered. VDOT suggests increased enforcement.
- Route 604: Recent improvements reduced maintenance needs on this road.
- Eagle Scout Project – Traffic Circle: Supervisor Daniel thanked VDOT, David Ash and Keith Dalton for prompt response. Clif Balderson recommended using solar panels to light the flag pole.

5) Approval of Minutes

Supervisor Byrd moved to approve the minutes for:

- **December 20, 2016 BoS Regular as modified:**
 - o **Book 22 Page 872 Strike Supervisor unavailable February 21.**
- **January 17, 2017 BoS Regular Meeting as modified:**
 - o **Book 22 Page 895 Add Robina Rich Bouffault, Chris Bates to others present.**
 - o **Book 22 Page 897 Change third bullet at bottom to read “Habitat model is based on need, ability to pay and willingness to partner.”**
 - o **Book 22 Page 898 Millwood House Second Bullet change to read “Exploring ways to move forward with the property and to keep with the Wells Fargo program requiring that these properties address community blight.”**

The motion carried by the following vote:

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

6) Consent Agenda

A. Soechtig Withdrawal Board of Septic and Well Appeal

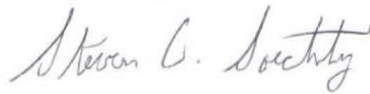
Dr. and Mrs. Steven A. Soechtig
Waterford, Virginia
8 February 2017

Board of Supervisors
Clarke County, Virginia

Dear Board Members:

In June of 2016 we submitted an appeal of the denial of a Drainfield Certification Letter for our Lot 23, Section B in the Paris Heights subdivision. A previous appeal had been denied by the Board of Septic and Well Appeals on 26 May. The appeals were in accordance with 143-11B(6) of the Clarke County Septic Ordinance. A revision of the Septic Ordinance that was approved by the Board of Supervisors on 20 December 2016 enabled us to resubmit our application for a Certification Letter in accordance with the ordinance revisions. The resubmitted application was approved and the Certification Letter was subsequently issued. Therefore, I am hereby withdrawing the appeal.

Respectfully,



Steven A. Soechtig

County of Clarke
FEB 08 REC'D
Received

B. Skyline Regional Criminal Justice Academy Agreement

**Resolution of the Clarke County Board of Supervisors to Enter Agreement Establishing
Skyline Regional Criminal Justice Academy
2017-01R**

WHEREAS, the Town Of Berryville, The County Of Clarke, The County Of Frederick, The Frederick County Emergency Communications Center, The Town Of Front Royal, The Lord Fairfax Community College, The Town Of Middletown, The Northwestern Regional Jail Authority, The RSW Regional Jail Authority, The Town Of Stephens City, The Town Of Strasburg, The County Of Warren, The City Of Winchester, And The County Of Rappahannock, have agreed to form a regional criminal justice academy pursuant to Section 15.2-1747 et. seq. of the Code of Virginia in order to furnish the highest achievable level of professional law enforcement and criminal justice-related training to

the participating jurisdictions through the development and operation of initial recruit training, continuing in-service training and advance training programs; and

WHEREAS, it is necessary for the participating members to enter into an agreement establishing the regional criminal justice academy that sets forth the relationship between the members and the regional criminal justice academy.

NOW, THEREFORE, BE IT RESOLVED, by the Clarke County Board of Supervisors as follows:

1. The Board hereby agrees to establish the Skyline Regional Criminal Justice Academy pursuant to Section 15.2-1747 et. seq. of the Code of Virginia.
2. At its regular meeting of February 21, 2017 the Board authorized the County Administrator to sign the Charter Agreement Establishing the Skyline Criminal Justice Academy, a copy of which is attached to this Resolution.

Attest

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

CHARTER AGREEMENT ESTABLISHING THE
SKYLINE REGIONAL CRIMINAL JUSTICE ACADEMY

THIS CHARTER AGREEMENT (“Agreement”) is made this ____ day of April, 2017, by and among the TOWN OF BERRYVILLE, the COUNTY OF CLARKE, the COUNTY OF FREDERICK, the TOWN OF FRONT ROYAL, the LORD FAIRFAX COMMUNITY COLLEGE, the TOWN OF MIDDLETOWN, the NORTHWESTERN REGIONAL JAIL AUTHORITY, the RSW REGIONAL JAIL AUTHORITY, the TOWN OF STEPHENS CITY, the TOWN OF STRASBURG, the COUNTY OF WARREN, the CITY OF WINCHESTER, the COUNTY OF RAPPAHANNOCK (collectively the “Member Jurisdictions”).

WHEREAS, the Member Jurisdictions are each currently members of the Rappahannock Regional Criminal Justice Academy; and

WHEREAS, the Member Jurisdictions have determined that it is in their best interest to withdraw as members of the Rappahannock Regional Criminal Justice Academy and to establish and operate a new criminal justice training academy to be known as the Skyline Regional Criminal Justice Academy; and

WHEREAS, on November 2, 2016, the Board of Directors of the Rappahannock Regional Criminal Justice Academy approved the withdrawal of the Member Jurisdictions effective June 30, 2017; and

WHEREAS, the Member Jurisdictions have each adopted a resolution to withdraw as a member of the Rappahannock Regional Criminal Justice Academy and to start training as a member of the Skyline Regional Criminal Justice Academy effective July 1, 2017; and

WHEREAS, the Member Jurisdictions desire to enter into this Agreement pursuant to Section 15.2-1747 of the Code of Virginia to provide for the establishment and operation of the Skyline Regional Criminal Justice Academy.

NOW THEREFORE, the Member Jurisdictions agree as follows:

SECTION 1. NAME

The Member Jurisdictions agree to create a regional criminal justice training academy pursuant to the provisions of Section 15.2-1747 of the Code of Virginia to be known as the Skyline Regional Criminal Justice Academy ("Academy").

SECTION 2. PRINCIPAL OFFICE

The principal office of the Academy shall initially be located at 2275 Third Street, Middletown, Virginia 22645 in the County of Frederick, Virginia. The principal office may be changed at such times and under such conditions as the Board may determine.

SECTION 3. BOARD OF DIRECTORS

The Board of Directors (the "Board") shall be composed as follows:

- (i) each county shall be represented by both the chief of police and sheriff. If a county does not have a chief of police, then only the sheriff shall serve as the member representing that county. Notwithstanding the above, the director of the Frederick County Emergency Communications Center shall serve as a member representing Frederick County in addition to its sheriff.
- (ii) each city shall be represented by its chief of police or other City Official appointed by the governing body and sheriff or other City Official appointed by the governing body. Notwithstanding any other provisions of this Charter, these members shall serve for terms as designated by the governing body.
- (iii) each town shall be represented by its chief of police.
- (iv) each regional jail shall be represented by its superintendent.
- (v) if a Member Jurisdiction is not a city, county, town or regional jail, then that Member Jurisdiction shall be represented by its chief law enforcement officer.

The members of the Board shall serve for a term coexistent with their employment as sheriff, chief of police, jail superintendent, chief law enforcement officer, or director of emergency communications center. Each member of the Board shall have one vote. A majority of the Board shall constitute a quorum, and a vote of the majority of the members of the Board voting shall be necessary for the passage of all items. Each member of the Board may appoint an alternate in writing to attend meetings and vote in place of the member. The Board may adopt by-laws governing the operation of the Board and Academy.

The Board shall annually elect a Chairman and Vice-Chairman to serve as Officers of the Board.

During the annual meeting, the Board shall also elect a secretary. The secretary need not be a member of the Board. The secretary shall keep written minutes of the meeting and deliver copies to the members of the Board. The Board shall fix such meeting times as it deems necessary.

SECTION 4. EXECUTIVE COMMITTEE

The Board may create an Executive Committee, which may exercise the powers and authority of the Academy between meetings of the Board as authorized by law. The Chairman of the Academy Board of Directors shall serve as the Chairman of the Executive Committee. The remaining members of the Executive Committee shall be determined by the Board.

SECTION 5. PURPOSE AND POWERS

The purpose of the Academy is to furnish the highest achievable level of professional law enforcement and criminal justice-related training to the participating jurisdictions through the development and operation of initial recruit training, continuing in-service training and advanced training programs. The Academy shall have all powers set forth in Sections 15.2-1747 *et seq.*, of the Code of Virginia, as amended, and other provisions of Virginia Law.

SECTION 6. ADDITIONAL MEMBERS

Other governmental units may become members of the Academy upon a resolution adopted by the governing body of the governmental unit requesting membership in the Academy and approval of the request by a two-thirds vote of the Board of the Academy, subject to such conditions as the Board may prescribe.

SECTION 7. WITHDRAWAL AS A MEMBER

Members may withdraw from the Academy as provided by Sections 15.2-1747 *et seq.*, of the Code of Virginia as the same may be amended.

SECTION 8. AMENDMENT OF AGREEMENT

This Agreement may be amended upon approval by three-fourths of the governing bodies of the then Member Jurisdictions.

SECTION 9. AUDIT

An annual, independent financial audit made by a Certified Public Accountant of the Academy, and any special funds, shall be conducted. Copies of all audits shall be sent to each Member Jurisdiction.

SECTION 10. FINANCE AND BUDGET

The Board shall adopt a budget for each fiscal year, and shall submit its approved budget to each Member Jurisdiction prior to January 1 of each year. Such budget shall estimate the amount of funds needed from each Member Jurisdiction to operate the Academy during the fiscal year beginning July 1. Each Member agrees to pay, subject to appropriation, a percentage of the total cost of operating the Academy for the next fiscal year (minus any grants or income from the training of non-members or other source), which percentage shall be determined by comparing the number of criminal justice officers (subject to mandatory training) employed by each Member Jurisdiction. Member Jurisdictions agree to make such payment to the Academy by such date established by the Board.

SECTION 11. EFFECTIVE DATE AND DURATION

This Agreement shall be effective from date of its approval by all of the governing bodies of the Member Jurisdictions. The Academy shall continue in effect in perpetuity unless dissolved by unanimous action of the governing bodies of the Member Jurisdictions. In the event this Agreement is terminated, payment and/or credit for the furnishing and use of real property owned by a Member Jurisdiction shall be adjusted ratable to the date of termination. All property shall be scheduled and valued by or at the direction of the Board and distributed in kind to the participants as nearly as is feasible in the same proportion as each participant contributed to acquiring it; however, one or more participants may purchase the interests of one or more of the other participants in the property.

SECTION 12. EXECUTION OF AGREEMENT

This Agreement may be signed in any number of counterparts, each of which is an original and all of which taken together form one single document.

WITNESS the following signatures:

TOWN OF BERRYVILLE

By: _____
Town Manager

Date: _____

COUNTY OF CLARKE

By: _____
County Administrator

Date: _____

COUNTY OF FREDERICK

By: _____
County Administrator

Date: _____

TOWN OF FRONT ROYAL

By: _____
Town Manager

Date: _____

LORD FAIRFAX COMMUNITY COLLEGE

By: _____
President

Date: _____

TOWN OF MIDDLETOWN

By: _____
Town Manager

Date: _____

NORTHWESTERN REGIONAL JAIL AUTHORITY

By: _____
Chairman

Date: _____

RSW REGIONAL JAIL AUTHORITY

By: _____
Chairman

Date: _____

TOWN OF STEPHENS CITY
By: _____ Date: _____
Town Manager

COUNTY OF RAPPAHANNOCK
By: _____ Date: _____
County Administrator

TOWN OF STRASBURG
By: _____ Date: _____
Town Manager

COUNTY OF WARREN
By: _____ Date: _____
County Administrator

CITY OF WINCHESTER
By: _____ Date: _____
City Manager

C. VACORP FY17-18 Acceptance to Renew Coverage

CLARKE COUNTY

2017-18 Acceptance to Renew Coverage

VACORP understands that local governments and school divisions have limited resources and that having contracted pricing locked in as early as possible within the budget process is very valuable. To assist you with your budget process, VACORP is offering to lock in your FY2016-17 pricing. VACORP will provide coverage for the new fiscal year at a price not to exceed your pricing for FY2016-17. This offer is being provided to select members that have met established claims performance and risk management criteria.

Please consider this offer, and if you would like to lock in your pricing for FY2017-18, please sign and return this form before March 1, 2017.

If you have questions about this offer, please contact VACORP Member Services at 844-986-2705.

2017-18 RENEWAL ACCEPTANCE:		
YES	NO	Renew all coverages as provided during the FY2016-17 Fiscal Year.
BILLING TERMS		
We select the billing terms indicated below for the following applicable coverages:		
Property & Casualty	<input type="checkbox"/>	Due and payable in full within 30 days of receipt
Workers' Compensation (select one)	<input type="checkbox"/>	Annual Payment, due and payable in full within 30 days of receipt; or
	<input type="checkbox"/>	Quarterly Installments, payable within 30 days of beginning of quarter
<i>A late charge of 1% per month (12% per annum) will be assessed for contributions received 30 days after the due date.</i>		

D. Amendment to Dark Fiber Lease Agreement

AMENDMENT TO DARK FIBER LEASE AGREEMENT

This Amendment to Dark Fiber Lease Agreement (“Amendment”) is entered into this third day of November, 2016 (the “Effective Date”), by and between Comcast of California/Maryland/Pennsylvania/Virginia/West Virginia, LLC, a limited liability company duly organized under the laws of the Commonwealth of Virginia (“Comcast”), Clarke County, Virginia (the “County”), and the Town of Berryville, Virginia (the “Town”). For purposes of this Agreement, Comcast, the County and the Town may be referred to collectively as the “Parties” and individually as a “Party.”

RECITALS

WHEREAS, on December 19, 2005, the County and the Town entered into a Dark Fiber Lease Agreement (the “Fiber Lease”) with Global Acquisition Partners, L.P., a/k/a Adelphia Cable Communications (“Adelphia”); and

WHEREAS, Comcast is the successor in interest to Adelphia; and

WHEREAS, Section 12 of the Fiber Lease states that the term of the Fiber Lease shall be for a period of ten years, followed by an indefinite number of annual renewals, at the discretion of the County and the Town; and

WHEREAS, the County and Comcast have recently reached agreement on the terms of the renewal of the cable television franchise granted by the County to Comcast (the “Renewed Franchise Agreement”); and

WHEREAS, the parties desire to amend the Fiber Lease to make the Fiber Agreement coterminous with the Renewed Franchise Agreement, and to address certain other issues; and

NOW THEREFORE, the Parties hereto, for good and valuable consideration, the receipt of which is acknowledged, hereby agree as follows.

TERMS AND CONDITIONS

1. Parties. All references to Adelphia in the Fiber Lease shall be revised to refer to Comcast.
2. Term of Fiber Lease. Through negotiation and by mutual agreement of the Parties, the Parties hereby agree that, notwithstanding anything in the Fiber Lease to the contrary and subject to the performance of each Party of its obligations under this Amendment, the Fiber Lease shall terminate on the same date as the Renewed Franchise Agreement, including any future extensions of the term thereof. To reflect this amendment of the term of the Fiber Lease, the Parties hereby agree that the Fiber Lease is hereby amended to (i) delete Section 12 (“Term”) in its entirety, and (ii) replace Section 12 with the following:

This Lease shall terminate on the same date as the Franchise Agreement between the County and Comcast dated as of November 3, 2016, including the initial term and any subsequent extensions of that term, but not including any renewal of the Franchise (the "Termination Date"). Upon such Termination Date, this Lease shall be of no further force and effect, subject to the right of the parties to negotiate a new agreement governing the same subject matter. In addition, the County, acting on behalf of the County and the Town, shall have the right to terminate this Agreement at any time upon sixty (60) days written notice to Comcast.

3. Maintenance Fee. The parties hereby agree that the Fiber Lease is hereby amended to (i) delete Section 11 ("Maintenance and Repair") in its entirety, and (ii) replace Section 11 with the following:

The County and Town agree, at their sole cost and expense, to maintain the Fiber Backbone. All maintenance work and repair on the Fiber Backbone shall be performed by Comcast, or its agents or contractors approved by Comcast, at the County and Town's sole expense. Such repairs and servicing shall be performed by qualified employees, agents, or contractors of Comcast in a good and workmanlike manner. Beginning on November 3, 2016, the County and the Town shall compensate Comcast for all such maintenance and repair of the Fiber Backbone by paying an annual maintenance fee of Three Thousand Six Hundred Dollars (\$3,600.00), adjusted by the annual average of the Consumer Price Index for all Urban Consumers (CPI-U) for the Washington-Baltimore CMSA, as published by the Bureau of Labor Statistics. Payment shall be due thirty (30) days after receipt of an invoice from Comcast. Comcast shall deliver the first such invoice no later than June 1, 2017, and annually thereafter. The County shall act as agent for payment on behalf of the Town, and invoices shall be sent to the County at the addresses designated by the County for delivery of notice. Under no circumstances shall the Town have any right to damages arising out of technical problems with the Fiber Network other than the costs of any repairs actually performed by the Town and only after Comcast declined to perform such repairs following written request.

4. Effect on Fiber Lease. Nothing in this Amendment shall release or discharge any of the Parties from any of their respective obligations or liabilities under the Fiber Lease, as amended hereby. Except as modified by this Amendment, the Fiber Lease shall remain in effect as written. In the event of any conflict between the Fiber Lease and this Amendment, this Amendment shall control. This Amendment shall not be modified, amended, supplemented or revised, except by a written document signed by all the Parties.
5. Notices. All notices, demands, requests or other communications given under this Amendment or the Fiber Lease shall be in writing and be given by personal delivery, certified mail, return receipt requested, or nationally recognized overnight courier service to the address set forth below or as may subsequently in writing be requested.

If to the County:

County Administrator
Clarke County
101 Chalmers Court
Berryville, VA 22611

With a copy to:

Director of Information Technology
Clarke County
101 Chalmers Court
Berryville, VA 22611

If to the Town:

Town Manager
Town of Berryville
101 Chalmers Court
Berryville, VA 22611

If to Comcast:

Comcast
600 Hays Avenue
Staunton, Virginia 24401
ATTN: Government Affairs Department

With copies to:

Comcast Cable
7850 Walker Drive, 2nd Floor
Greenbelt, MD 20770
Attn.: Government Affairs Department

And to:

Comcast Cable Northeast Division
676 Island Pond Rd.
Manchester, NH 03109
Attention: Government Affairs Department

6. Binding Effect/Governing Law/Severability. This Amendment shall be binding upon the Parties and their respective successors and assigns. This Amendment will be governed by the laws of the Commonwealth of Virginia, without regard to the conflicts of laws principles of such state. If any provision of this Amendment is found to be invalid or unenforceable, the validity and enforceability of the remaining provisions of this Amendment will not be affected or impaired.

* * *

Supervisor Catlett moved to approve 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 - Aye
David S. Weiss - Aye

7) Board of Supervisors Personnel Item

A. Expiration of Term for appointments expiring through April 2017

02/13/2017 Update: The Personnel Committee recommends:

- Reappoint Kathy Smart to a three-year term on the Berryville Area Development Authority expiring on March 31, 2020.
- Appoint Christina "Tia" Maggio to a four-year term on the Clarke County Library Advisory Council expiring April 15, 2021. Ms. Maggio replaces Ms. Kenlynne White, who resigned effective the end of the current term.
- Appoint Bette Brondstater to the Clarke County Library Advisory Council to serve the remainder of the term of Maxine Zinman expiring April 15, 2019. Ms. Zinman resigned in December 2016.
- Reappoint Dirck Holscher to a four-year term on the Clarke County Library Advisory Council expiring April 15, 2021.
- Reappoint Christopher Curran to a four-year term on the Clarke County Library Advisory Council ending April 15, 2021.

02/21/2017 Action: Vice Chair McKay moved to approve the appointments 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	- Aye
David S. Weiss	- Aye

B. Personnel Policy Update

02/13/2017 Update: The Committee recommends the County Administrator to meet with Board Members and Constitution Officers to discuss implication and implementation of the proposed policy.

02/21/2017 Action: David Ash informed the Supervisors that the document was reviewed by legal counsel and deemed acceptable. Chairman Weiss asked members of the Board to read the proposed draft. He further requested that the Finance Committee review for fiscal impact.

8) Board of Supervisors Work Session

A. VDOT priorities for Allen Road and Lockes Mill Road.

02/13/2017 Summary: VDOT notified the Board that discussion of amending the six year plan was not needed. Available funding is sufficient to complete the Allen Road project.

02/21/2017 Action: See Item 4 for update.

B. BoS FY2017 Priorities.

02/13/2017 Summary: The 2017 priority list was reviewed and approved as presented with an understanding that priorities would be reconsidered should additional information become available on any of the prioritized matters.

02/21/2017 Action: David Ash summarized. No action taken.

C. Economic Development Strategic Plan 2014 Action Plan Items Review.

02/13/2017 Summary: The Economic Development Strategic Plan was discussed. The County Administrator was directed to use board member comments to provide guidance to the Economic Development Director on developing specific action plans to implement the strategy. A copy of the Economic Development Directors Report is included for review.

02/21/2017 Action: Highlights of discussion include:

- Supervisor Byrd would like staff to work on making the economic development goals a little less wordy and more specific.
- Plan is a component of the Comprehensive Plan.
- David Ash, in conjunction with Supervisor Byrd, will work on implementing action items.
- Strategic Plan is a planning document. The Memorandum of Understanding document is the Economic Development Director's job description.
- Economic Development Director and Economic Development Advisory Committee input on Strategic Plan.

D. FY2018 Budget

02/13/2017 Summary: Board members held a general discussion about the status of the budget process. Finance Committee members solicited comment and questions from other board members at any time during the budget process.

02/21/2017 Action: David Ash summarized. No action taken.

9) Finance Committee

1. FY2017 Supplemental Appropriations

a. *Sheriffs Grant.*

"Be it resolved that FY 17 budgeted expenditure and appropriations for Sheriff's Department be increased \$11,712, and that revenue from the Commonwealth be recognized in the same amount, al/for the purpose of expending staff time on the objectives of the "Policing in the 21 Century" program."

02/21/2017 Action: Supervisor Daniel moved "Be it resolved that FY 17 budgeted expenditure and appropriations for Sheriff's Department be increased \$11,712, and that revenue from the Commonwealth be recognized in the same amount, al/for the purpose of expending staff time on the objectives of the "Policing in the 21 Century" program. The motion carried by the following vote:

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

b. *Conservation Easement Purchase: Johnston.*

"Be it resolved that FY 17 budgeted expenditure and appropriations for the Conservation Easement Fund be increased \$30,160, that VDACS revenue in the amount of \$15,080 be recognized, that that the Designation for Conservation Easement purchases be reduced in the same amount, all for the purpose of purchasing a Conservation Easement on the property of Bill & Jane Johnston. "

02/21/2017 Action: **Supervisor Byrd moved to adopt the resolution 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	- Aye
David S. Weiss	- Aye

c. *Conservation Easement Stewardship: Community Services Study.*

"Be it resolved that FY 17 budgeted expenditure and appropriations for the Conservation Easement Fund be increased \$11,894, from the Stewardship funds currently on balance for the purpose of a Community Services Study."

02/21/2017 Action: **Supervisor Byrd moved to approve the resolution 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	- Aye
David S. Weiss	- Aye

d. *General Government Capital Projects Fund: Greenway Court.*

"Be it resolved that FY 17 budgeted expenditure and appropriations for the General Government Capital Projects Fund be increased \$6,059, and that revenue from the Commonwealth be recognized in the amount \$3,340, and that donations in the amount of \$2,719 be recognized, all for the purpose of completing certain work on the Greenway Court restoration project . "

02/21/2017 Action: Tom Judge provided the requested clarification with the appropriate language for the proposed resolution. **Vice Chair McKay moved to approve the resolution 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	- Aye
David S. Weiss	- Aye

2. FY2018 Budget

The Committee discussed the FY2018 Budget as presented at February Board Work Session.

02/21/2017 Action: Highlights of review include:

- Consensus no tax increase.
- Meet needs but do so without tax increase.
- Schools proposing a 2% pay increase. General Government historically matches the Schools pay increase.

3. Acceptance of Bills and Claims

The Finance Committee recommends acceptance of this report.

02/21/2017 Action: **Supervisor Catlett moved to accept the January 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	- Aye
David S. Weiss	- Aye

4. Monthly Reports

Reconciliation of Appropriations, Fund Balance, Expenditure Summary/YTD Budget Report, Capital Projects Status

10) Joint Administrative Services Board Update

Highlights of Tom Judge's update include:

- Health insurance decreased 3%.
- Utility billing running.
- Tax module implementation is in process.

11) Government Projects Update

David Ash provided the monthly project update.

- Convenience Center: Seeking drainfield onsite.
- Parks Pavilion: Seeking clarification from Stewart Dunn. Shelter will be placed in the apex of the loop – closer to the front of the loop.
- Ballfield lighting project: Project moving forward under the review of Maintenance Director.
- Courthouse:
 - o Commonwealth Attorney and Sheriff oppose transitioning attorney’s conference room to a waiting area citing security issues and noise.
 - o Maintenance Director is exploring ways to solve HVAC as far as possible with maintenance and repair.
 - o Courts would welcome a visit from members of the Board of Supervisors.

12) Miscellaneous Items

Zoning Ordinance Text Amendment TA-17-01 Set Public Hearing

Brandon Stidham reviewed TA-17-01 Agricultural Business Uses and answered questions from the Board. Chairman Weiss asked Mr. Stidham to include maps for the public hearing.

Supervisor Daniel moved to set public hearing for Tuesday, March 21, 2017, 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	- Aye
David S. Weiss	- Aye

Special Election for Commonwealth Attorney Replacement

David Ash advised the Supervisors that Commonwealth Attorney, Suzanne “Suni” Mackall, announced her resignation effective April 1 along with plans to announce the interim appointment of the Assistant Commonwealth Attorney, Anne Williams. Such action necessitates a special election to fill the vacated constitutional office.

Supervisor Daniel moved to instruct the County Attorney to file the petition and writ on behalf of the Board of Supervisors at the appropriate time. The motion carried by the following vote:

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

Broadband Implementation Committee

Chairman Weiss announced Supervisors Mary Daniel and Bev McKay as the Board of Supervisors' Chair appointments to the Broadband Implementation Committee.

13) Summary of Required Action

<u>Item</u>	<u>Description</u>	<u>Responsibility</u>
1.	Develop / process public hearing notice for TA17-01.	Lora B. Walburn
2.	Process approved minutes.	Lora B. Walburn
3.	Process Skyline Regional Criminal Justice Academy Resolution and Agreement.	Lora B. Walburn
4.	Execute and forward VACorp FY2017-2018 Acceptance to Renew.	David Ash
5.	Process Dark Fiber Lease Agreement.	Lora B. Walburn
6.	Update appointment database and process notice of appointment.	Lora B. Walburn
7.	Process letters of appointment and update database.	Lora B. Walburn
8.	Request areas of priority from Director of Economic Development.	David Ash

14) Board Member Committee Status Reports

Supervisor Barbara J. Byrd

- Berryville Town Council:
 - o Meetings well attended.

- Four persons have spoken out against the waiver of \$525,000 in fees for a senior housing developer.
- Formed a tree board.
- Planning improvements on Route 340 including crosswalks.
- Reevaluating size of pipes, hookup fees, and water meter fees.
- Establishing rules and regulations governing initiating contact with the Town's attorney.
- CEA: Conducted awards luncheon.
- Humane Foundation: Met last week. Will be adding a line fence to separate property. Citizens continue their generous support.
- Northern Shenandoah Substance Abuse Coalition: Meeting changed to February 24.
- Regional Jail: All board members reappointed. Parking lot lights addressed security issues.

Supervisor Terri Catlett

- Millwood Community: Did not meet.
- School Board:
 - Conducted budget public hearing.
 - Great deal of effort put into the budget.
 - CTE Committee: Meeting cancelled.
- Parks and Recreation Advisory Board: Did not meet.

Vice Chair Beverly McKay

- Clarke County Sanitary Authority:
 - Increased rates.
 - Changed the look of the bill.
 - Anderson and Associates hired to find an alternative source of water will have report by end of March.
 - Interlogic will perform remote monitoring.
 - Several telecommunications companies have approached regarding use of the tower.

Supervisor Mary L.C. Daniel

- Library Advisory Council:
 - Conducting eight summer programs.
 - Writing project this weekend.
 - Doing projects with the Barns of Rose Hill.
 - Involved in “community education.”
- Planning Commission:
 - Planning Commission Chair George Ohrstrom, II, appointed Planning Commissioners Jon Turkel and Robina Rich Bouffault to serve on the Broadband Implementation Committee.
 - Telecommunication subcommittee will make recommendation February 22
 - Conservation easement presented an award for sliding scale zoning.
 - Certified Planning Commissioner training will be conducted in Purcellville.
- Town of Berryville: Laura Patton retiring from the Town of Berryville. Her last day worked is Friday February 24.

Chairman David S. Weiss

- Fire and EMS Commission:
 - Did not attend.
 - Laure Wallace resigned.
- EDAC: Did not attend.

15) Closed Session

No Closed Session conducted.

Chairman Weiss recessed the meeting at 3:10 p.m.

Chairman Weiss reconvened the meeting at 6:30 p.m.

16) Citizen Comment Period

No persons addressed the Board.

17) PH 17-02 The Agricultural Land Plan

The Agricultural Land Plan is an implementing component of the Clarke County Comprehensive Plan. The purpose of the Plan is to outline the County's symbiotic relationship with its agricultural industry including approaches to supporting and promoting agriculture as well as guidance for land use planning and development of regulatory tools to preserve farmland. The Plan was developed not only to provide tools and approaches for conserving farmland, but to establish and maintain policies and programs for the long-term prosperity of the County's agricultural industries.

Brandon Stidham, Director of Planning, reviewed the goals, objectives and strategies of the revised plan, which was originally adopted by the Supervisors in 1997.

At 6:42 pm, Chairman Weiss opened the public comment portion of the public hearing. Being no persons desiring to address the matter, Chairman Weiss closed the public hearing.

The Supervisors discussed flexibility in the proposed goals, objectives and strategies.

Supervisor Daniel stated that the Planning Commission put a great deal of research, discussion and review into the proposed revision commenting that the plan is critical to preserving, protecting agriculture, a primary goal for economic development in the County.

Chairman Weiss opined that the goals, objectives and strategies were good but expressed concern about setting expectations too high creating a burden on limited resources. Brandon Stidham assured that adjusting expectations was an inherent part of the plan.

Chairman Weiss asked questions regarding *Strategy (b). Consider developing regulations for landowners to create farmland of various sizes for purchase or lease. Establish design criteria to ensure that the regulations are not used to create large residential lots that are not farmed.* Brandon Stidham shared his vision on this concept.

Supervisor Daniel moved to adopt the 2016 Revised Agricultural Land Plan as presented by Staff. The motion carried by the following vote:

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

Next Regular Meeting Date

The next regular meeting of the Board of Supervisors is set for Tuesday, March 21, 2017 at 1:00 p.m. in the Berryville Clarke County Government Center, Main Meeting Room, 101 Chalmers Court, Berryville, Virginia.

18) Adjournment

At 7:07 pm, being no further business, Chairman Weiss adjourned the meeting.

ATTEST: February 21, 2017

David S. Weiss, Chair

David L. Ash, County Administrator

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