

June 20, 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, June 20, 2017.

Board Members

Present Afternoon and Evening Sessions: 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

Absent Afternoon and Evening Sessions: Bev B. McKay – White Post District

County Staff Present

David Ash, Brian Lichty, Brandon Stidham, Lora Walburn

Constitutional / State Offices

Anthony “Tony” Roper

Press

Cathy Kuehner - The Winchester Star

Others Present

Clif Balderson, Ed Carter, Anne Chisholm, Rob Goldsmith, Daniel Oates, Frank Stearns, and other citizens

1) Call to Order

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

2) Adoption of Agenda

David Ash advised that Item 5 Closed Session would be for 2.2-3711 A7 Consultation with legal counsel.

By consensus, the Board adopted the agenda.

3) Citizens Comment Period

Daniel Oates, resident Shepherds Mill Road: Mr. Oates presented a petition endorsed by over forty residents asking the Supervisors and VDOT to address speeding issues on Route 612, extending the 35 MPH zones, eliminating the 55 MPH zone, eliminating the passing lane, and safety issues at the stop sign.

4) VDOT Update

Ed Carter, Assistant Residency Administrator, provided the monthly update.

Maintenance

- Completed primary mowing and began secondary mowing.
- VDOT will continue with secondary mowing this month;
- Repaired asphalt patches on routes 7, 340 and 50;
- Performed asphalt on routes 602 and 649 and skin patched on routes 602, 628, 649 and 658;
- Will continue patching operations on routes 658 and 761;
- Trimmed brush around signs on mowed routes and will continue this month;
- Used pothole patcher to repair holes and shoulders on routes 606, 632 and 761;
- Repaired concrete curbs at park/ride;
- Cleaned ditches and pipes on Rt. 601 and conducted ditching operations on routes 604 and 606;
- Will be performing shoulder work on primary's, repairing and dressing; Will repair pipes and intersection at routes 622 and 625;
- Will continue with grading on non-hard surfaced routes and applying dust control as warranted.

Board Concerns:

- Rt. 340 / Cigarette Mart: The large swale added by the owner seems to have addressed the parking problem.

- Parking issue at Appalachian Trail / Route 7:
 - VDOT is meeting on site June 27 with Alison Teetor.
 - Matt Dana, ADA for Location & Design will look at the site and review for possible solutions.
 - Extending No Parking signs along Rt. 7 will simply move the problem further down the road.
 - Gavel surface and paved surface have different maintenance requirements.
 - Engineer will determine construction requirements.
 - Typically, it is less costly for a locality to maintain.

- Supervisor Catlett:
 - Prospect Lane off Browntown Road: Constituent indicates that there are a large number of potholes. VDOT will check road ownership.
 - Millwood:
 - New stop sign getting good reviews.
 - Property owner at corner concerned about vehicles hitting her building.
 - Placed delineator posts.
 - Septic pump location.
 - Guardrail in that location is not an option.
 - Traffic will check crosswalk from the Post Office.
 - VDOT and County attempting to make safety improvements in this unique, historic site.

- Supervisor Byrd
 - Old Charlestown Road: Will check construction schedule
 - Route 340 / Cigarette Store: According to latest information, the property owner indicates that he has seen no improper parking.
 - Allen Road: Complete paving in FY2018.

Shepherds Mill Road

Highlights of discussion include:

Chairman Weiss comments:

- Serious problems exist along this road.

- Suggested changes to the passing zone moving it further away from Cannonball Lane.

Clif Balderson / Ed Carter / VDOT comments:

- Traffic engineers:
 - Use nationally recognized standards.
 - Determined no need to lower the speed since recent speed studies indicate speed limits are maintained 90 percent of the time.
 - Found no basis to lower speeds. Traffic engineers look at current vehicle speeds versus posted speed limit - within 5 miles of posted speed limit preferred.
- VDOT will explore changes to the passing zone.
- VDOT's goal is to move traffic at the highest, safe speed.
- VDOT is not an enforcement agency.
- Efforts to reduce speeds on secondaries, currently 45 mph for trucks and 55 mph for other vehicles unless otherwise posted, to 45 mph statewide have not gained traction.
- Road is experiencing the same problems as all roads statewide: drivers are too distracted, too reckless, too fast, and do not want to accept responsibility.

Supervisor Byrd comments:

- Supports reducing speed limits.
- Road is used by commuters and through trucks.

Supervisor Daniel comments:

- Sympathizes with constituents living in the area but accepts national standard.
- Supports changes to the passing zone.
- Petition well written and signed by most persons on Shepherds Mill Road.
- Requested VDOT be more creative in finding traffic calming options.

5) Closed Session Pursuant to §2.2-3711-A7

At 1:45 pm, Supervisor Daniel moved that the Clarke County Board of Supervisors enter Closed Session pursuant to Section 2.2-3711-A7 Code of Virginia 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. 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 2:05 pm, 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 Daniel 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 taken following Closed Session.

6) Volunteer Fire Company Workers Compensation and Accidental Death and Disability Coverage by Stephanie Heintzleman

Stephanie Heintzleman appeared before the Supervisors to explain insurance coverage for the line of duty act. Highlights include:

- Distributed proposal.
- Listing of participating jurisdictions will be provided.
- Workers Compensation:
 - o VACORP provides workers compensation coverage for volunteers.
 - o Data ownership allows the County to move faster and analyze claims.
 - o The State has developed a dollar amount for volunteer compensation.
 - o Insurance based on the number of active volunteers, those who run six or more calls in a calendar year.
- Accident and Sickness [ADD] Insurance:
 - o Propose providing an accident and sickness insurance to volunteers.
 - o Participation in this benefit may help to attract and retain volunteers.
 - o Lesser coverage but covers volunteers performing other aspects of service outside of call response.
- Nurse Service:
 - o Members contact medical service that is responsible for triage and referral.
 - o The service will report the claim.

Brian Lichty comments:

- Worked through the process with Chris Shipe.
- Provides necessary coverage.
- All fire and ems questions have been answered.
- Insurance is beneficial to the County and volunteers,
- Insurance provides a benefit to volunteers.

David Ash comments:

- Local jurisdictions currently reviewing proposals. Changes take effect July 1.

- Benefit for County and volunteers.
- Failure to provide could be seen as a system weakness.
- Cost is based on a 93-member head count.
- Membership will be audited annually and amount adjusted.

Supervisor Byrd moved to procure the coverage. 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) People, Inc. Annual Update by Robert G. Goldsmith

Rob Goldsmith appeared before the Board to provide the annual update. Highlights include:

- Distributed 2016 Annual Report
- Requested that Supervisors direct questions or suggestions pertaining to service expansion to People, Inc.
- Some services provided:
 - o Credit counseling to persons with financial need.
 - o Short-term loans.
 - o Counseling to persons at risk of losing their home and to those that are behind in rent.
 - o First-time homebuyer assistant.
 - o Training and technical assistance to persons with small businesses wishing to expand.
 - o Funding for business start-up.
- People Inc. does not have dedicated staff to promote the agency; therefore, it relies on referrals.
- Thanked the Board for its appointment of Colleen Hillerson to the People Inc. Board.

Chairman Weiss expressed the Boards' appreciation for the services provided and commented that Mr. Goldsmith had touched many lives during his 39 years with People Inc.

8) Approval of Minutes

Supervisor Byrd offered to assist in the design of the BCCGC seal.

Supervisor Catlett corrections:

– Book 23 Page 11 Change from Cleremont to Clermont and change May to June

Supervisor Daniel moved to approve the minutes for May 16, 2017, Board of Supervisors Regular Meeting as amended. 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

Conservation Easement Authority - Barbehenn, Desrosiers, Elrod - Easement Donation

MEMORANDUM

TO: Board of Supervisors, David Ash

FROM: Conservation Easement Authority, Alison Teetor

DATE: May 31, 2017

SUBJECT: Items for Consent Agenda –Barbehenn, Desrosiers, Elrod - Easement Donation

The Clarke County Easement Authority has approved the following actions. The Authority requests the Board of Supervisors to authorize the Chairman of the Board of Supervisors to execute deeds, easements, and other documents necessary to the transactions.

Raymond & Michael Barbehenn

The property is located on the west side of Blue Ridge Mountain Road approximately 2.3 miles north of Route 50. The parcel is a portion of Cabin Properties previously owned by the Smalley family. The parcel is identified as Tax Map# 40-A-4M, consisting of 100.4 acres, with 2 DURs.

The property is wooded and vacant. The parcel has over ½ mile of frontage on the Appalachian Trail corridor. The parcel meets three of the four criteria, the score was 58.45 due to retiring both of the remaining DUR's, AT corridor frontage, and steep slopes. The owner would like to retire both of the remaining DURs.

Matthew DesRosiers and Lisa Eagley

The property is located on the east side of Bishop Meade Road approximately 1.2 miles south of the intersection with Lord Fairfax Highway (Route 340). The parcel

is identified as Tax Map# 22-A-122A and consists of 30 acres, with 1 existing dwelling and 2 DURs. It is just south of the Westphal property.

The property resource score is 66.95. The applicant is retiring both of the remaining DUR's. The parcel is within the Chapel Rural Historic District and the house is a contributing structure. The parcel is adjacent to several eased properties and has 760' of frontage on Bishop Meade Rd. a state designated scenic byway.

Warrick and Andrea Elrod

The property is located on the south side of Harry Byrd Highway (Route 7) at 420 Rock Hall Farm Lane. The parcel also extends to Moose Road adjacent to the Moose Club. The parcel is identified as Tax Map# 6-A-27 and consists of 78.65 acres, with 1 existing dwelling and 1 DUR. The parcel meets 2 of the 4 criteria. The property resource score is 37.5 and the parcel is over 40 acres.

The applicant would retain the remaining DUR and would like to subdivide one lot of approximately 15 acres. Points were given for the house being a contributing structure in a future historic district as it was built in 1840.

Supervisor Catlett move to approve the Consent Agenda. 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 August 2017

06/12/2017 Summary: The Personnel Committee reviewed the expiring terms and recommended the appointment:

- Diane Harrison to the Fire and EMS Commission replacing citizen-at-large position formerly held by Laure Wallace. Her term starts June 20, 2017, and expires August 31, 2021.

06/20/2017 Action: **Supervisor Daniel moved to approve the appointment of Diane Harrison 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. Appointment of Animal Control Officer

06/12/2017 Summary: The Personnel Committee recommended appointment of:

- Jason Hough, Deputy Sheriff, as Animal Control Officer for Clarke County to an indefinite term.

06/20/2017 Action: **Supervisor Byrd 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

C. Appointment Community Policy and Management Team [CPMT]

06/12/2017 Summary: See Work Session.

Staff Recommendation: The Personnel Committee review and make recommendation that the Board of Supervisors approve at its June 12, 2017, Work Session the following:

Be it resolved that the Board of Supervisors:

- 1) *Appoint the BoS liaison to the Clarke County Board of Social Services to serve also as its representative on the Community Policy and Management Team.*

Supervisor Barbara J. Byrd - Governing Body Representative to a term expiring December 31, 2017.

- 2) *Appoint existing members to an interim term expiring December 31, 2017.*
 - a. *Denise Acker - Community Services Board*
 - b. *Mark Legrys - Juvenile Court Services*
 - c. *April Jenkins - Department Of Health*
 - d. *Angie Jones - Department Of Social Services*
 - e. *Ellen Bauserman - local school division*

- f. *Laura Obradovic – Grafton School – Private Provider – Oath of Office and SOEI Filing Required Prior to Assuming Appointment.*
- g. *Audrey Brown – Parent Representative – Oath of Office and SOEI Filing Required Prior to Assuming Appointment.*

[Per Ethics Council 06-01-2017, SOEI on CPMT is filed only at the time of appointment and is not required annually.]

- 3) *Further consideration by the Board prior to December 31, 2017, to determine whether it wishes to establish alternate terms.*

§ 2.2-5205. Community policy and management teams; membership; immunity from liability.

The community policy and management team to be appointed by the local governing body shall include, at a minimum, at least one elected official or appointed official or his designee from the governing body of a locality that is a member of the team, and the local agency heads or their designees of the following community agencies: community services board established pursuant to § 37.2-501, juvenile court services unit, department of health, department of social services and the local school division. The team shall also include a representative of a private organization or association of providers for children's or family services if such organizations or associations are located within the locality, and a parent representative. Parent representatives who are employed by a public or private program that receives funds pursuant to this chapter or agencies represented on a community policy and management team may serve as a parent representative provided that they do not, as a part of their employment, interact directly on a regular and daily basis with children or supervise employees who interact directly on a daily basis with children. Notwithstanding this provision, foster parents may serve as parent representatives. Those persons appointed to represent community agencies shall be authorized to make policy and funding decisions for their agencies.

The local governing body may appoint other members to the team including, but not limited to, a local government official, a local law-enforcement official and representatives of other public agencies.

When any combination of counties, cities or counties, and cities establishes a community policy and management team, the membership requirements previously set out shall be adhered to by the team as a whole.

Persons who serve on the team shall be immune from any civil liability for decisions made about the appropriate services for a family or the proper placement or treatment of a child who comes before the team, unless it is proven that such person acted with malicious intent. Any person serving on such team who does not represent a public agency shall file a statement of economic interests as set out in § 2.2-3117 of the State and Local Government Conflict of Interests Act (§ 2.2-3100 et seq.). Persons representing public agencies shall file such statements if required to do so pursuant to the State and Local Government Conflict of Interests Act.

Persons serving on the team who are parent representatives or who represent private organizations or associations of providers for children's or family services shall abstain from decision-making involving individual cases or agencies in which they have either a personal interest, as defined in § 2.2-3101 of the State and Local Government Conflict of Interests Act, or a fiduciary interest.

06/20/2017 Summary: David Ash recounted Board action taken at its June Work Session. Chairman Weiss stated that the Personnel Committee would make recommendation in July for the vacant parent representative position.

D. Appointment Family Assessment and Planning Team [FAPT]

Staff Recommendation: The Personnel Committee review and make recommendation that the Board of Supervisors approve at its June 12, 2017, Work Session the following:

06/12/2017 Summary: See Work Session.

Be it resolved that the Board of Supervisors:

- 1) *Appoint the existing members to an interim term expiring December 31, 2017.*
 - a. *Vicki Normoyle - Community Services Board*
 - b. *Kista Opoku-Achompong - Juvenile Court Services Unit*
 - c. *Gay Allen - Department Of Social Services*
 - d. *Christine Thompson - Local School Division*
 - e. *Vacant - No Recommendation - Parent Representative – Oath of Office and SOEI Filing Required Prior to Assuming Appointment.*
 - f. *Chris Rosseau – Intensive Supervisor and Counseling – Private Provider Representative.*

[Per Ethics Council 06-01-2017, SOEI on FAPT is filed only at the time of appointment and is not required annually.]

- 2) *Further seek recommendation from the Community Policy and Management Team for:*
 - a. *FAPT Parent Representative Appointment **Composition not compliant with 2.2-5207 until position filled.***
 - b. *FAPT Length of Term for Appointed Members – three to five years*
 - c. *CPMT Process for its Notification to the Board of Supervisors Re of Vacancies on FAPT and CPMT's Recommendation for Appointment*

§ 2.2-5207. Family assessment and planning team; membership; immunity from liability.

Each community policy and management team shall establish and appoint one or more family assessment and planning teams as the needs of the community require. Each

family assessment and planning team shall include representatives of the following community agencies who have authority to access services within their respective agencies: community services board established pursuant to § 37.2-501, juvenile court services unit, department of social services, and local school division. Each family and planning team also **shall include a parent representative and may include a representative of the department of health** at the request of the chair of the local community policy and management team. Parent representatives who are employed by a public or private program that receives funds pursuant to this chapter or agencies represented on a family assessment and planning team may serve as a parent representative provided that they do not, as a part of their employment, interact directly on a regular and daily basis with children or supervise employees who interact directly on a regular basis with children. Notwithstanding this provision, foster parents may serve as parent representatives. The family assessment and planning team may include a representative of a private organization or association of providers for children's or family services and of other public agencies.

Persons who serve on a family assessment and planning team shall be immune from any civil liability for decisions made about the appropriate services for a family or the proper placement or treatment of a child who comes before the team, unless it is proven that such person acted with malicious intent. Any person serving on such team who does not represent a public agency shall file a statement of economic interests as set out in § 2.2-3117 of the State and Local Government Conflict of Interests Act (§ 2.2-3100 et seq.). Persons representing public agencies shall file such statements if required to do so pursuant to the State and Local Government Conflict of Interests Act.

Persons serving on the team who are parent representatives or who represent private organizations or associations of providers for children's or family services shall abstain from decision-making involving individual cases or agencies in which they have either a personal interest, as defined in § 2.2-3101 of the State and Local Government Conflict of Interests Act, or a fiduciary interest.

06/20/2017 Summary: David Ash recounted Board action taken at its June Work Session. Chairman Weiss stated that the Personnel Committee would make recommendation in July.

11) Board of Supervisors Work Session

A. Personnel Committee Recommendations Re CPMT and FAPT

06/12/2017 Summary: Appointment Family Assessment and Planning Team The Board discussed the staff recommendations intended for the Personnel Committee. Following discussion, **Supervisor Byrd moved the adoption of the recommendations as presented by staff.**

Be it resolved that the Board of Supervisors:

- **Appoint the existing members to an interim term expiring December 31, 2017.**

- Vicki Normoyle - Community Services Board
 - Kista Opoku-Achompong - Juvenile Court Services Unit
 - Gay Allen - Department Of Social Services
 - Christine Thompson - Local School Division
 - Vacant - No Recommendation - Parent Representative – Oath of Office and SOEI Filing Required Prior to Assuming Appointment.
 - Chris Rosseau – Intensive Supervisor and Counseling – Private Provider Representative.
- Further seek recommendation from the Community Policy and Management Team for:
- FAPT Parent Representative Appointment Composition not compliant with 2.2-5207 until position filled.
 - FAPT Length of Term for Appointed Members – three to five years
 - CPMT Process for its Notification to the Board of Supervisors Re of Vacancies on FAPT and CPMT’s Recommendation for Appointment

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

Appointment Community Policy and Management Team [CPMT]: The Board discussed the staff recommendations intended for the Personnel Committee. Following discussion, **Supervisor Catlett moved the adoption of the recommendations as presented by staff.**

Be it resolved that the Board of Supervisors:

- **Appoint the BoS liaison to the Clarke County Board of Social Services to serve also as its representative on the Community Policy and Management Team. Supervisor Barbara J. Byrd - Governing Body Representative to a term expiring December 31, 2017.**
- **Appoint existing members to an interim term expiring December 31, 2017.**
 - a. **Denise Acker - Community Services Board**
 - b. **Mark Legrys - Juvenile Court Services**
 - c. **April Jenkins - Department Of Health**
 - d. **Angie Jones - Department Of Social Services**
 - e. **Ellen Bauserman - local school division**
 - f. **Laura Obradovic – Grafton School – Private Provider – Oath of Office and SOEI Filing Required Prior to Assuming Appointment.**

g. Audrey Brown – Parent Representative – Oath of Office and SOEI Filing Required Prior to Assuming Appointment.

- Further consideration by the Board prior to December 31, 2017, to determine whether it wishes to establish alternate terms.

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

The Personnel Committee agreed to discuss term length and future appointments at its next meeting.

B. Northwestern Regional Adult Detention Center Notice to Director Harold Clarke VDOC for Immediate Relief Re State Inmates

06/12/2017 Summary: The Supervisors discussed the importance of this issue to localities.

06/20/2017 Summary: Subsequent to discussion, by consensus, the Board agreed to send a letter to the Jail Superintendent with copies to the other Board Chairs and Mayors.

C. Closed Session Pursuant to §2.2-3711-A3 Acquisition of Real Property

06/12/2017 Summary: **Supervisor Catlett moved that the Clarke County Board of Supervisors enter Closed Session pursuant to Section 2.2-3711-A3 Code of Virginia discussion or consideration of the acquisition of real property for a public purpose, or of the disposition of publicly held real property, where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the public body. 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

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 Daniel 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	-	Aye
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	-	Aye
David S. Weiss	-	Aye

No action taken following Closed Session.

12) Finance Committee

1. FY2017 General Update.

06/12/2017 Summary: The Committee reviewed the status of several General Fund budgets that may exceed their budget before yearend, and discussed possible solutions.

06/20/2017 Summary: No action taken.

2. General Discussion of Conservation Easement Funding.

06/12/2017 Summary: [Attached] are documents intended to provide an historical overview of Conservation Easement Funding in the County, as well as a statement of current resources. The Committee discussed the level of ongoing local tax funds (rollback and general taxes) that should be made available to the Easement Authority for the purchase of easements. There was a general recognition of the fact that delays in closing easement purchases can influence the funds received by VDACS. This discussion will continue next month.

06/20/2017 Summary: No action taken.

3. Impact of returning to four-year assessment cycle.

06/12/2017 Summary: The cost of the last reassessment was \$194,915. If an assessment is done every four years the annual cost is \$48,729. If the reassessment is done every six years the annual cost \$32,486. It therefore costs \$16,243 annually to reassess with greater frequency. It cannot be determined whether additional tax revenue would result from a reassessment because the Board might choose the neutral rate. Instead, the purpose of greater frequency in reassessment is greater equity in assessment and collection. The committee was generally disposed to favor the four-year cycle but agreed that a review of sales ratios was a necessary step before making a recommendation to the full board.

06/20/2017 Action: David Ash summarized.

4. FY 18 LODA Liability.

06/12/2017 Summary: That Commonwealth is requiring that localities assume the cost of liabilities existing before localities were required to pay for new claims. The County of Clarke has one such claim, and VaCorp is included the cost of this claim in the invoice for the FY 18 LODA premium (see attached email). This will require an additional payment of \$27,816. However, an supplemental appropriation action will await the actual billing, which may have other variances.

In addition, the Commonwealth is requiring that Clarke County pay its share of the implementation costs of transitioning claims from Treasury to VRS. Again, it is not known what the actual billing for this will be.

06/20/2017 Action: See Item 6

5. FY2018 Commission on the Arts Grant.

06/12/2017 Summary: The upcoming Arts Grant was approved for \$500 less than requested which, keeping the match ratio unchanged, reduces local tax funding \$500 for a total expenditure reduction of \$1,000. A proportional reduction to the two funding agencies would result in the following:

Organization	FY 18 Budget	Reduction	Revised
Barns of Rose Hill	\$7,000	-700	6300
Community Band	\$3,000	-300	2700
Total	\$10,000	-1000	9000

It is recommend that an appropriation adjustment be recommended: "Be it resolved that budget and appropriations for the Commission of the Arts be reduced \$1,000, and that revenue from that agency be reduced \$500, to correspond with actual expected funding from the Commonwealth. "

06/20/2017 Action: Highlights include:

- State FY2018 budget cut.
- The County did not cut its FY2018 budget contribution; and, since the FY2018 local budget was set, the Finance Committee did not opt to cover the gap left by the State.

Supervisor Catlett moved to adopt the resolution, "Be it resolved that budget and appropriations for the Commission of the Arts be reduced \$1,000, and that revenue from that agency be reduced \$500, to correspond with actual expected funding from the Commonwealth." 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. Tax Relief for the Elderly and Disabled.

06/12/2017 Summary: During the FY2018 budget process it was decided that the tax relief program for the elderly and disabled would be reviewed and discussed. The Finance Committee requested that the Commissioner of the Revenue estimate the cost impact of the proposed changes attached.

06/20/2017 Action: Chairman Weiss briefly reviewed. David Ash added that the information from the Commissioner of the Revenue included current applicants only.

7. Bills and Claims

06/20/2017 Action: **Supervisor Catlett moved to accept the May 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

8. Standing Reports

The following reports are attached: Reconciliation of Appropriations; Fund Balance; Expenditure Summary; Capital Projects Status.

13) Joint Administrative Services Board Update

In Tom Judge's absence, David Ash provided the following highlights:

- Joint Administrative Services staff provided Munis demonstrations.
- Munis program was not yet complete but progressing.

14) Government Projects Update

David Ash provided the monthly project update.

- 32 East Main Repairs: Complete
- Park Pool: Complete, open, and operating.
- Park Large Pavilion: Contractor caused some delays but moving forward.
- Convenience Center:
 - o Planning Department review tomorrow.
 - o Vegetative buffer is needed.
 - o Project on track.
 - o Need check to cover cost of DEQ review.

- Took pictures of compact placement from other locations for review with the contractor.
- BCCGC Bench: Security and safety issues associated with benches.
- CCPS Administrative Office:
 - Schools were asked to request cost of roof replacement and waterproofing from its contractor.
 - Maintenance Department will also seek quotes.

15) Miscellaneous Items

None identified.

16) Summary of Required Action

<u>Item</u>	<u>Description</u>	<u>Responsibility</u>
1.	Develop and process public hearing for TA-17-02.	Lora B. Walburn
2.	Process approved minutes.	Lora B. Walburn
3.	Update appointment database and process notice of appointment.	Lora B. Walburn
4.	Send letter regarding status of state-responsibility inmates.	David Ash

17) Board Member Committee Status Reports

Supervisor Byrd

- Berryville Town Council:
 - Discussed water tower painting and lettering. Letter would cost \$15,000.
 - Debating use of town decals.
 - Discussed expansion of the business park.
 - Auditors provided update.
- Humane Foundation: Short meeting. Discussed mowing.

Supervisor Terri Catlett

- Parks and Recreation: Meets in July.
- Clarke County School Board:

- VFW recognized two teachers.
- Primary construction discussed.
- Richard Lewis Fund - will assist students with internet access.
- Millwood: Community picnic this Sunday.

Supervisor Mary L.C. Daniel

- Planning Commission:
 - Started discussion on Millwood parking issue.
 - Hecate public hearing set for July.
- Library Advisory Council:
 - Summer reading programs in progress.
 - On-line programs available.
 - Working with the Barns of Rose Hill with a master gardener class.
 - Library employees received naloxone training.
- Broadband Implementation Committee:
 - Waiting on RFI from Mike Legge.
 - RFI complete and hope to release soon.
 - Developed a web page on broadband access options.
 - Discussing mailing to promote website.
 - Currently, there is draft legislation that would regulate towers from the state level. Such legislation is seen as an infringement of local zoning powers.

Chairman David S. Weiss

- Fire and EMS Commission by Brian Lichty:
 - Working on Code changes.
 - Insurance large portion of recent discussions.
 - Address previous concerns on Fire Marshall
 - Address fireworks policies.
 - Working on policy and procedures
- IDA: Does not meet until July.
- CEA: Annual dinner Saturday at Ohrstrom's Barns at Camden.
- EDAC: Meets tomorrow.

Chairman Weiss recessed the meeting at 4:12 p.m.

Chairman Weiss reconvened the meeting at 6:32 p.m.

18) Citizens Comment Period

No persons addressed the Board.

19) PH 17-07: TA-17-02, Wireless Communication Facilities (WCFs)

Brandon Stidham provided a PowerPoint presentation covering TA-17-02.

At 6:57 pm, Chairman Weiss opened the public comment portion of the public hearing.

Frank Stearns, Verizon attorney Donohue & Stearns PLC, 201 Liberty Street, Leesburg, Virginia: thanked Brandon Stidham, the Planning Commission, and the wireless and broadband committees, for commitment, interest, and attention to detail. Highlights of his comments include:

- Verizon considering local expansion.
- Verizon would like to provide the service rather than build facilities.
 - Tower construction is a science and an art.
 - Facilities are built to withstand 160 mph wind gusts and 130 mph sustained winds.
- Wireless, an evolving industry, is providing an unimaginable quality of life.
 - Remote monitoring of medical devices is now possible.
 - Smart communities are being created with pre-wired homes and cars

Chairman Weiss thanked Mr. Stearns for his work with staff and the County.

Being no one other persons present desiring to speak, Chairman Weiss closed the public hearing at 7:05.

Chairman Weiss called for comment from the Board.

Supervisor Byrd commended Brandon Stidham and County staff.

Supervisor Catlett moved to adopt TA-17-02 as presented.

Chairman Weiss commended staff on an excellent job.

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

In conclusion, Brandon Stidham advised that towers will be non-reflective, neutral, base color and not lighted. He also informed the Supervisors that he would soon be submitting a fee proposal for consideration.

Next Regular Meeting Date

The next regular meeting of the Board of Supervisors is set for Tuesday, July 18, 2017, at 1:00 p.m. in the Berryville Clarke County Government Center, Main Meeting Room, 101 Chalmers Court, Berryville, Virginia.

20) Adjournment

At 7:09 pm, being no further business, Chairman Weiss adjourned the meeting.

ATTEST: June 20, 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