

November 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, 2<sup>nd</sup> Floor, Berryville, Virginia conducted on Tuesday, November 21, 2017.

#### Board Members

Present Afternoon 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

#### County Staff Present

David Ash, Brian Lichty, Brandon Stidham, Alison Teetor, Brianna Taylor

#### Constitutional / State Offices

Anthony "Tony" Roper

#### Press

Cathy Kuehner - The Winchester Star

#### Others Present

Clif Balderson, Ed Carter, Linda Holtzapple, Robina Rich Bouffault, Chuck Bishop, and other citizens

#### 1) Call to Order

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

#### 2) Adoption of Agenda

- Consent Agenda: Remove Item C. Conservation Easement Authority: Application for Donation – Stephanie Burgevin and Add discussion immediately after adoption of the Consent Agenda.
- Closed Session Pursuant to §2.2-3711-A1 Specific Employees or appointees of the Board and §2.2-3711-A3 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.

**Vice Chair McKay moved to adopt the agenda 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	- Aye
David S. Weiss	- Aye

3) Citizens Comment Period

No citizens addressed the Board.

4) VDOT Update

Ed Carter, Assistant Residency Administrator, provided the following update:

Maintenance

- VDOT began mowing operations on primary's and boom axe cutting on secondary's;
- VDOT will continue with both this month;
- Conducted grading operations and stone application on non-hard surfaced roads and will continue this month;
- Assisted with installation of plows and spreaders on contractor equipment in preparation of upcoming winter season;
- VDOT is currently averaging removal of 10 deer carcasses per day;
- VDOT is also picking up an increased amount of debris including 18 discarded tires from various routes;
- VDOT's contract tree removal crew will be back in the area this month.

Projects:

- Rt. 761 Bridge: Received consensus from Board on preferred option for replacement. VDOT will be meeting with Frederick County on November 27 to gather its input on the project.

Board Issues:

- Rt. 612 Bridge – Awaiting Traffic Engineering recommendation.
- Rt. 638 speed limits – Awaiting Traffic Engineering report.
- Rt. 7 parking area – Completed mowing VDOT right-of-way section. Waiting on additional information prior to authorizing Clarke to proceed with the project.

Supervisor Catlett

- Adopt-A-Highway Program: VDOT is responsible for picking up bagged trash. Contact Charlie Monroe for local pick up.

Chairman Weiss introduced Brianna Taylor, Administrative Assistant – County Administration, who started with Clarke County Administration on Monday, November 20.

5) Shenandoah Area Agency on Aging Update

Linda Holtzapple, newly-appointed Executive Director, appeared before the Board to introduce herself and provide update. Highlights include:

- Ms. Holtzapple worked with the Berkeley County, West Virginia, agency on aging for nearly fourteen years. Also worked seven years with the American Red Cross and five years with the March of Dimes.
- Virginia and West Virginia provide the same programs through the Older Americans Act
- SAAA covers six jurisdictions.
- Senior Olympics conducted at Clarke County's Senior Center. Parks and Recreation staff were impressive in the event organization and support.
- Expressed appreciation for Robina Rich Bouffault, SAAA Board member, stating that she was a strong member and very engaged.
- Expressed appreciation for Clarke County's support and response.

- Clarke County has the lowest, 8%, participation in the regional service area. The need for support services in Clarke is not as strong as other communities in the region.
- SAAA does investigate nursing home complaints; however, depending on the nature of the complaint, other governmental entities may be involved.

Chairman Weiss expressed the Board's appreciation to Ms. Holtzapple and Mrs. Bouffault.

#### 6) Clarke County Public Schools

School Superintendent Chuck Bishop appeared before the Board to provide an update. Highlights include:

- No Child Left Behind Act is being replaced by Every Student Succeeds Act.
- SOL scores are consistent with state averages.
- All schools are currently accredited by the Virginia Department of Education.
- Johnson William Middle [Reading], and Elementary Schools D.G. Cooley [Math] and Boyce [Reading], each must have an improvement plan.
- High School continues to have a strong graduation index.
- Class of 2017 graduated 189 with 27.5% receiving a standard diploma and 68.2% received an advanced-credit diploma.
- Statistics presented reflect the percentage of students planning to join the military after high school.
- Reviewed statistics on postsecondary plans and division demographics.
- Average daily membership for the 2017-2018 School Year 1,944 K-12 and 44 pre-K students. Last school year's ADM – 1,960.
- School Administrative Offices have moved into the renovated Primary School.
- Standards of Accreditation are changing.
- Continue to partner with Lord Fairfax Community College.
- Continue to address facility upgrades / equipment replacement.
- In the process of updating the Strategic Plan.
- School report cards are now called school quality profiles.

Supervisor Catlett asked for explanation of the pre-K program.

Vice Chair McKay put forth that he did not support the IB program in the Schools and asked the Superintendent to review ways to better utilize funding.

Superintendent Bishop remarked that there was always room for growth and expressed his strong support for continuous improvement and continuous growth.

Supervisor Byrd commented that some of their tenants move to Clarke County because of the excellent school system.

Chairman Weiss thanked Superintendent Bishop for his update and expressed the Board's appreciation for his hard work and dedication.

7) Approval of Minutes

Vice Chair McKay, Book 23 Page 108, clarified that Berryville residents would not prohibited from taking their trash to the convenience center.

**Supervisor Byrd moved to approve the minutes for October 17, 2017, Board of Supervisors Regular Meeting 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

8) Consent Agenda

A. Acknowledgement of the Quietus of Edythe Pifer, Clarke County Treasurer 1972 thru 1991, on Thursday, October 19, 2017



*In Memory of Edythe Pifer  
Clarke County Treasurer  
1972 thru 1991*

B. November 2017 Abstract of Votes

**ABSTRACT of VOTES**

Cast in CLARKE COUNTY, VIRGINIA  
at the 2017 November General Election held on November 07, 2017 for,

**Governor**

NAMES OF CANDIDATES ON THE BALLOT

TOTAL VOTES RECEIVED  
(IN FIGURES)

Edward W. "Ed" Gillespie - Republican	3102
Ralph S. Northam - Democratic	2400
Clifford D. Hyra - Libertarian	65
Total Write-In votes [From Write-Ins Certifications] [Valid Write-Ins + Invalid Write_ins = Total Write In Votes]	5
Total Number of Overvotes for Office	0

We, the undersigned Electoral Board, upon examination of the official records deposited with the Clerk of the Circuit Court of the election held on November 07, 2017, do hereby certify that the above is a true and correct Abstract of Votes cast at said election for the Governor.

Edward W. "Ed" Gillespie - Republican

## ABSTRACT of VOTES

Cast in CLARKE COUNTY, VIRGINIA  
at the 2017 November General Election held on November 07, 2017 for,

### Lieutenant Governor

NAMES OF CANDIDATES ON THE BALLOT

TOTAL VOTES RECEIVED  
(IN FIGURES)

Jill H. Vogel - Republican	3290
Justin E. Fairfax - Democratic	2247
Total Write-In votes [From Write-Ins Certifications] [Valid Write-Ins + Invalid Write_ins = Total Write In Votes]	7
Total Number of Overvotes for Office	0

We, the undersigned Electoral Board, upon examination of the official records deposited with the Clerk of the Circuit Court of the election held on November 07, 2017, do hereby certify that the above is a true and correct Abstract of Votes cast at said election for the Lieutenant Governor.

Jill H. Vogel - Republican

## ABSTRACT of VOTES

Cast in CLARKE COUNTY, VIRGINIA  
at the 2017 November General Election held on November 07, 2017 for,

### Attorney General

NAMES OF CANDIDATES ON THE BALLOT

TOTAL VOTES RECEIVED  
(IN FIGURES)

John D. Adams - Republican	3122
Merk R. Herring - Democratic	2409
Total Write-In votes [From Write-Ins Certifications] [Valid Write-Ins + Invalid Write_ins = Total Write In Votes]	6
Total Number of Overvotes for Office	0

We, the undersigned Electoral Board, upon examination of the official records deposited with the Clerk of the Circuit Court of the election held on November 07, 2017, do hereby certify that the above is a true and correct Abstract of Votes cast at said election for the Attorney General.

John D. Adams - Republican

## ABSTRACT of VOTES

Cast in CLARKE COUNTY, VIRGINIA  
at the 2017 November General Election held on November 07, 2017 for,

### Member House of Delegates

District: 010

NAMES OF CANDIDATES ON THE BALLOT

TOTAL VOTES RECEIVED  
(IN FIGURES)

J. Randall Minchew - Republican	987
Wendy W Gooditis - Democratic	773
Total Write-In votes [From Write-Ins Certifications] [Valid Write-Ins + Invalid Write_ins = Total Write In Votes]	0
Total Number of Overvotes for Office	0

We, the undersigned Electoral Board, upon examination of the official records deposited with the Clerk of the Circuit Court of the election held on November 07, 2017, do hereby certify that the above is a true and correct Abstract of Votes cast at said election for the Member House of Delegates.

J. Randall Minchew - Republican

## ABSTRACT of VOTES

Cast in CLARKE COUNTY, VIRGINIA  
at the 2017 November General Election held on November 07, 2017 for,

### Member House of Delegates

District: 033

NAMES OF CANDIDATES ON THE BALLOT

TOTAL VOTES RECEIVED  
(IN FIGURES)

Dave A. LaRock - Republican	2173
Tia L. Walbridge - Democratic	1604
Total Write-In votes [From Write-Ins Certifications] [Valid Write-Ins + Invalid Write_ins = Total Write In Votes]	3
Total Number of Overvotes for Office	0

We, the undersigned Electoral Board, upon examination of the official records deposited with the Clerk of the Circuit Court of the election held on November 07, 2017, do hereby certify that the above is a true and correct Abstract of Votes cast at said election for the Member House of Delegates.

Dave A. LaRock - Republican



## ABSTRACT of VOTES

Cast in CLARKE COUNTY, VIRGINIA  
at the 2017 November General Election held on November 07, 2017 for,

### Commonwealth's Attorney

NAMES OF CANDIDATES ON THE BALLOT

TOTAL VOTES RECEIVED  
(IN FIGURES)

Anne M. Williams	4435
Total Write-In votes [From Write-Ins Certifications] [Valid Write-Ins + Invalid Write_ins = Total Write In Votes]	86
Total Number of Overvotes for Office	0

We, the undersigned Electoral Board, upon examination of the official records deposited with the Clerk of the Circuit Court of the election held on November 07, 2017, do hereby certify that the above is a true and correct Abstract of Votes at the said election and do, therefore, determine and declare that the following person(s) has received the greatest number of votes cast for the Commonwealth's Attorney.

Anne M. Williams

## ABSTRACT of VOTES

Cast in CLARKE COUNTY, VIRGINIA  
at the 2017 November General Election held on November 07, 2017 for,

### Member School Board

District: MILLWOOD DISTRICT

NAMES OF CANDIDATES ON THE BALLOT

TOTAL VOTES RECEIVED  
(IN FIGURES)

Jonathan M. Turkel	936
Total Write-In votes [From Write-Ins Certifications] [Valid Write-Ins + Invalid Write_ins = Total Write In Votes]	16
Total Number of Overvotes for Office	0

We, the undersigned Electoral Board, upon examination of the official records deposited with the Clerk of the Circuit Court of the election held on November 07, 2017, do hereby certify that the above is a true and correct Abstract of Votes at the said election and do, therefore, determine and declare that the following person(s) has received the greatest number of votes cast for the Member School Board.

Jonathan M. Turkel

## ABSTRACT of VOTES

Cast in the Town of BOYCE in CLARKE COUNTY, VIRGINIA  
at the 2017 November General Election held on November 07, 2017 for,

### Member Town Council

District: BOYCE

NAMES OF CANDIDATES ON THE BALLOT

TOTAL VOTES RECEIVED  
(IN FIGURES)

Dennis S. Hall	146
Carol Seay Everly	131
Total Write-In votes [From Write-Ins Certifications] [Valid Write-Ins + Invalid Write_ins = Total Write In Votes]	7
Total Number of Overvotes for Office	0

We, the undersigned Electoral Board, upon examination of the official records deposited with the Clerk of the Circuit Court of the election held on November 07, 2017, do hereby certify that the above is a true and correct Abstract of Votes at the said election and do, therefore, determine and declare that the following person(s) has received the greatest number of votes cast for the Member Town Council.

1. Dennis S. Hall

2. Carol Seay Everly

## ABSTRACT of VOTES

Cast in the Town of BOYCE in CLARKE COUNTY, VIRGINIA  
at the 2017 November General Election held on November 07, 2017 for,

### Recorder

District: BOYCE

NAMES OF CANDIDATES ON THE BALLOT

TOTAL VOTES RECEIVED  
(IN FIGURES)

Ruth A. Hayes	180
Total Write-In votes [From Write-Ins Certifications] [Valid Write-Ins + Invalid Write_ins = Total Write In Votes]	6
Total Number of Overvotes for Office	0

We, the undersigned Electoral Board, upon examination of the official records deposited with the Clerk of the Circuit Court of the election held on November 07, 2017, do hereby certify that the above is a true and correct Abstract of Votes at the said election and do, therefore, determine and declare that the following person(s) has received the greatest number of votes cast for the Recorder.

Ruth A. Hayes

C. Conservation Easement Authority: Application for Donation – Stephanie Burgevin

Item removed from Consent Agenda and added as a discussion item immediately following adoption of Consent Agenda.

D. Conservation Easement Authority: Application for Donation – Arden Carroll

MEMORANDUM

TO: Board of Supervisors, David Ash  
 FROM: Alison Teetor  
 DATE: November 15, 2017  
 SUBJECT: Application for Donation – Arden Carroll

At their November 16, 2017 meeting the Authority gave preliminary approval to the following easement donation. 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 transaction.

Arden Carroll has applied to the easement authority for approval of an easement donation. The property is located on the west side of Old Chapel Road approximately 4/10 of a mile south of the intersection with Browntown Road. The property currently consists of two parcels Tax Map# 21-A-46, 10.47 acres, that has an existing house constructed in 1900 and 0 DURs, and Tax Map# 21-A-46A, 8.1 acres, vacant, with 1 DUR. The applicant proposes to merge the 2 parcels and retire the 1 remaining DUR.

The parcel is zoned AOC and is currently in use value taxation, in accord with the Commissioner of Revenue's requirements, therefore a donation may be considered if at least two of the following four guidelines are met:

- 1) the parcel's Property Resource Score is at least 35;
- 2) at least one dwelling unit right is extinguished by the conservation easement;
- 3) the parcel is adjacent to a parcel already under permanent conservation easement;
- 4) the property has a minimum area of 40 acres.

The property meets 2 of the 4 criteria. The property resource score is 55.5. The applicant would retire the remaining DUR. It is not next to an existing easement and it is less than 40 acres. Points were given for retiring 1 DUR, have frontage on the railroad, being within the Prospect Hill Spring drainage basin, and having a structure that is potentially contributing to a rural historic district.

**Recommendation**

Approve the easement donation and authorize the chair to sign documents associated with the transaction.

Vice Chair McKay moved to approve the items on 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	- Aye
David S. Weiss	- Aye

Conservation Easement Authority: Application for Donation – Stephanie Burgevin

Alison Teetor, Natural Resources Planner and staff representative to the Conservation Easement Authority, reviewed the request explaining that since the date of her memorandum [below] Ms. Burgevin decided to increase the number of donated DUR's from one to three.

MEMORANDUM

TO: Board of Supervisors, David Ash  
FROM: Alison Teetor  
DATE: November 15, 2017  
SUBJECT: Application for Donation – Stephanie Burgevin

At their November 16, 2017 meeting the Authority gave preliminary approval to the following easement donation. 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 transaction.

Stephanie Burgevin has submitted an application for an easement donation in October 2016. The property is located at 721 Kennel Road approximately 7/10 south of Route 50. The parcel is identified as Tax Map# 38-A-17, consisting of 87 acres. The parcel has a couple of outbuildings but no dwellings, consisting of primarily pasture with scattered woods. There are 4 DURs remaining on the parcel. The applicant originally wanted to retire 3 of the 4 DURs, however her appraiser wanted to confirm that the property could be subdivided and based on current zoning requirements she would need a 30' access easement to the property which she does not have. Therefore, she has revised her request to retire only one DUR leaving 3 on the property. The Easement Authority has approved construction of a primary dwelling and a tenant house. The third DUR cannot be utilized under current zoning and she will likely amend the deed of easement in the future to retire this DUR as well.

The parcels are zoned AOC and currently in landuse, in accord with the Commissioner of Revenue's requirements, therefore a donation may be considered if at least two of the following four guidelines are met:

- 1) the parcel's Property Resource Score is at least 35;
- 2) at least one dwelling unit right is extinguished by the conservation easement;
- 3) the parcel is adjacent to a parcel already under permanent conservation easement;
- 4) the property has a minimum area of 40 acres.

This property meets all 4 of the criteria. The revised Property Resource Score is 63.6, the parcel is over 40 acres, the applicant is interested in retiring 1 of the 4 DURs and it is adjacent to parcels already under permanent conservation easement. Points were given for retiring 1 DUR, being adjacent to existing easements, the parcel is within the Greenway Rural Historic District and has two sinkholes.

**Recommendation**

Approve the easement donation and authorize the chair to sign documents associated with the transaction.

Vice Chair McKay moved to accept the easement donation.

Vice Chair McKay put forward the following:

- The plat provided originated in the Lord Fairfax era, surveyed by George Washington, and has not changed since that time.
- The property originally belonged to a family that grew apples in the 1700's.
- Very few such properties remain.
- This donation demonstrates how the easement program preserve these properties.

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

9) Board of Supervisors Personnel Items

A. Expiration of Term for appointments expiring through December 2017

11-09-2017 Summary: The Personnel Committee recommends:

- Appoint Katherine Berger, Clarke County Historic Preservation Commission, to complete the term of Jon Joyce expiring May 31, 2019
- Appoint Lisa Goshen, Community Policy and Management Team, to complete the term of Audrey Brown expiring December 31, 2020
- Appoint Suzette Graves, Clarke County Library Advisory Council, to complete the term of Christina Maggio expiring April 15, 2021
- Re-appoint Cindy Leahy, Handley Regional Library Board, to a first four-year term expiring November 30, 2021
- Re-appoint Audrey Brown, Northwestern Community Services Board, to a first three-year term expiring December 31, 2020
- Send notice of expiration of term to Boyce Town Council re Steve Wisecarver, Parks & Recreation Advisory Board Town of Boyce representative, four-year appointment expires December 31, 2017.

11-19-2017 Action: David Ash presented the Personnel Committee's recommendations.

**Supervisor Byrd moved to approve the recommendation for appointments. 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

Chairman Weiss expressed the Board's appreciation to the appointees for their willingness to serve.

B. FLSA Exemption Review

11-09-2017 Summary: David Ash advised that job descriptions for review have not yet been provided by the requesting agency.

11-21-2017 Action: David Ash informed the Board that the consultant that provides the classification services has been in touch with the Sheriff and the Commonwealth Attorney. The Sheriff has returned position questionnaires to the consultant for review.

10) Board of Supervisors Work Session Items

A. USGS Update by David Nelms

11-09-2017 Summary: Mr. Nelms provided an update on the ongoing water quality and quantity research program. He reminded the Board of the importance of maintaining data sampling in future years. Mr. Nelms promised to provide links to additional information for the Board's use.

11-21-2017 Action: No action required during the regular meeting.

B. Parking Area – Appalachian Trail

11-09-2017 Summary: The Board discussed the importance of the additional parking to serve the Appalachian Trail and to authorize to staff to proceed with clearing and grading.

11-21-2017 Action: David Ash advised that VDOT and Alison Teetor were reviewing details.

C. Legislative Priorities 2018 Review

11-09-2017 Summary: The Board tabled review until its regular meeting.

11-21-2017 Action: Following lengthy discussion, by consensus the Board approved the 2018 Legislative Priorities as follows:

*2018 Legislative Priorities and Positions for Clarke County*  
11/21/2017 Revision

**Issue: Broadband**

Clarke County urges the Commonwealth and Federal Government to assist communities in their efforts to deploy universal, affordable access to broadband for all areas, particularly in under-served and rural areas.

Additionally, Clarke County opposes mandates that limit or restrict local use authority for the siting of telecommunications infrastructure or result in a negative fiscal impact to county budgets.

Issue: Drug Courts, Treatment, and Substance Abuse Assistance

Clarke County urges the General Assembly to continue and expand the use of Drug Courts, treatment, and substance abuse assistance in an effort to provide a more complete and less costly alternative to employing only the criminal justice system to resolve the issues surrounding substance abuse.

Issue: Education

Clarke County supports full funding of Virginia's Standards of Quality as recommended by the Board of Education. The Commonwealth should fund its share of the true cost of K-12 public education without reducing other parts of the budget affecting local government or shifting costs from the Commonwealth to localities.

In addition to meeting its obligations to fund fully instructional staff, Clarke County believes the Commonwealth should meet its obligation to fund fully the support side of K-12. Full restoration should be made of the cuts made in since 2009 in areas related to support staff funding including the elimination of the funding cap on support positions, reinstatement of the Cost of Competing funds for support staff, etc.

Clarke County supports legislation to adjust the calculation of the local Composite Index to base its Real Estate value calculations on use-value instead of true value in localities that have adopted use-value taxation.

Issue: Ethics Rules

Clarke welcomes a review of the Commonwealth's Ethics Rules but believes that the rules that affect local jurisdictions and their Boards, Commissions, Authorities and Committees are strong enough today. Clarke cautions that any increase to the ethics rules affecting localities could prove detrimental to getting people to serve in local government positions. On the State level, Clarke supports the idea of recording the votes of individual members of the General Assembly at all subcommittee meetings.

Issue: Funding for State Mandated

Clarke County urges the Commonwealth to meet its full funding obligations for Constitutional Officers and their



**Positions and Jails** state mandated positions. In addition, Clarke requests that the state budget be amended to fund local and regional jails based on actual costs as determined by the Annual Jail Cost Report, published by the Compensation Board.

**Issue: Land Conservation** Clarke County supports the Purchase of Development Rights program, the Tax Credit program for the donation of easements, the transferability of tax credits.

**Issue: State Tax Reform, Cost and Revenue Shifting and State Year-end Surplus Funds** Clarke County calls upon the Commonwealth to restructure state income, sales and use taxes to address anachronistic tax policies. Tax reform is required to help buttress the Commonwealth's General Fund that finances most core government functions and must be stabilized to meet current and foreseeable core service demands. Failure to address this need has resulted in the unfair gradual shifting of costs and the outright reduction in aid to localities to balance the state budget. With each passing year Clarke County has been required to raise real estate taxes in order to incrementally subsidize a variety of traditionally state funded (or state shared) costs (Compensation Board, Registrar, Cooperative Extension, Line of Duty, Social Services and the court system for example). This cost shifting places a tremendous burden on a regressive real estate tax system. Cost shifting must stop and the tax system must be reformed to reduce the burden on the real estate tax. Action must be taken to restore "Aid to Localities".

At a minimum tax reform should meet the following criteria:

- Reduction of local dependence on the real estate tax.
- Address fairness in taxing structures and "level the playing field" to eliminate unequal treatment; for example, ensuring the collection of sales tax from internet sales thereby promoting uniformity and fairness in the tax treatment of businesses selling goods in the Commonwealth.
- Offset any change that reduces or eliminates an existing local funding source by a new or expanded source. Clarke County opposes repeal of the machinery and tools tax or the BPOL tax unless such



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**Issue: Water Availability**

- offset is guaranteed.
- Ensure equal taxing authority to towns, cities and counties. Clarke County's support for equal taxing authority is broad and includes requesting and supporting action by the General Assembly for partial measures such as authorizing the imposition of meals tax and cigarette and tobacco tax without need for referendum.
- Protection of the commonwealth's general fund and preservation for core government functions such as public education, health and human services, public safety, natural resources and environmental services. Transportation maintenance and improvements should be paid by user fees.

Clarke County supports proactive state action in reviewing and establishing regulations and programs to ensure that localities water sources are protected and that water quantity, as well as quality be protected.

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**Issue: Water Quality**

Clarke County supports cost effective measures aimed at reducing loadings of pollutants in state waters from both point and non-point sources but urges the Commonwealth to consider the impacts of such measures will have on both local governments and agriculture. Further, Clarke believes reliable forms of financial and technical assistance will be required to help localities and agriculture meet the Commonwealth's goals with regard to water quality.

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a) FY2017 Supplemental Appropriations.

11-09-2017 Summary: **Supervisor Daniel moved, "Be it resolved that General Fund budget transfer be made between accounts and in the amounts listed on the attached, and be it further resolved that estimated revenue be reduced by the accounts and amounts listed on the attached."** 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

11-21-2017 Action: No action required during the regular meeting.

b) FY2017 Year End

- a. FY2017 Capital Projects Carryover: Summary 11-09-2017: **Vice Chair McKay moved, "Be it resolved that FY2018 budgeted expenditure, appropriation, and estimated revenue be adjusted according to the carryforward column on the two attached documents."** 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

11-21-2017 Action: No action required during the regular meeting.

- b. FY2017 Conservation Easement Fund Carryover. Summary 11-09-2017: **Supervisor Byrd moved, "Be it resolved that FY2018 budgeted expenditure and appropriation be increased \$30,160, that revenue from the Commonwealth be recognized in the amount of \$15,080, and that existing local funds in the Conservation Easement funds be utilized in the amount of \$15,080, all for the purpose of continuing appropriations for the Johnston easement purchase."** 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

11-21-2017 Action: No action required during the regular meeting.

- c. FY2017 Year-end General Fund Balance Designations. Summary 11-09-2017: **Supervisor Catlett moved, "Be it resolved that FY2017 year-end fund balance designations be established as presented on the attached document. 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

11-21-2017 Action: No action required during the regular meeting.

c) FY2018 Supplemental Appropriations

- a. Social Services. Summary 11-09-2017: **Supervisor Byrd moved, "Be it resolved that FY2018 Budgeted expenditure and appropriations be increased \$38,000, and the Designation for Government Savings decreased in the same amount, all for the purpose of purchasing two vehicles for the Department of Social Services." 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

11-21-2017 Action: No action required during the regular meeting.

- b. Schools. Summary 11-09-2017: The Supervisors agreed to consider setting a public hearing at its regular November meeting - *"Be it resolved that FY2018 School Capital Projects budgeted expenditure and appropriation be increased \$682,253, and that the General Fund Designation for School Carryover be decreased in the same amount, all for the purpose of funding certain capital expenditures proposed by the Clarke County School Board."*

11-21-2017 Action: **Vice Chair McKay moved to set public hearing for Tuesday, December 19, 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

- c. Lord Fairfax Health District. Summary 11-09-2017: Table discussion until the November regular meeting. Discuss request to carry \$25,000 from the FY2017 fund balance forward into our FY2018 Clarke County operating budget to offset the cost for Environmental Health records scanning project and much-needed phone system and network upgrades.

11-21-2017 Action: No action required during the regular meeting.

E. VDOT – Old Charlestown Road Bridge Discussion

11-09-2017 Summary: VDOT presented the Board with possible alternatives for repair or replacement.

11-21-2017 Action: No action required during the regular meeting.

F. Welcome Signs

11-09-2017 Summary: Supervisor Byrd presented information on the cost of additional welcome signs to be placed on major highways to the county. The Chair directed the information be forwarded to the Maintenance Director for inclusion in the FY2019 budget deliberations.

11-21-2017 Action: No action required during the regular meeting.

G. Closed Session 2.2-3711 A3

11-09-2017 Summary: **Supervisor Byrd moved that the Clarke County Board of Supervisors enter Closed Session pursuant to 2.2-3711 A3 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 Catlett 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 Catlett 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.

11-21-2017 Action: No action required during the regular meeting.

11) Joint Administrative Services Board

Highlights of update by Tom Judge include:

- Taxation system implementation was the main topic of discussion.
- Suspended decision to move forward and go live in December.

## 12) Government Projects Update

David Ash provided the monthly project update.

- Convenience Center:
  - Met with Frederick County to discuss the center, as well as the landfill.
  - Relocation of the well required reapplying for a well permit.
  - Contractor expected to be onsite Monday, November 27.
  - Bids expected to go out by mid-December.
  - Using a sole-source vendor for compactor equipment and procurement will be done separately and not inside the bid.
  - Will piggy-back Frederick County contracts on hauling waste to the landfill and with the current recycler.
  - Glass will not be recycled at this facility.
  - Staffing is the remaining issue to be worked out.
  - Frederick County recently completed a solicitation for a new site [moving the Clearbrook site] and got no response. Revised the solicitation and got a bidder at twice the anticipated cost.
  - Landfill use is up.
- Pavilion at Park:
  - Exchanging phone calls and emails and met with Maintenance Director and Purchasing Director.
  - Fiscal and/or purchasing policy changes may be necessary.
- HVAC:
  - Social Services has the one remaining unit.
  - General District Courthouse unit is being closely monitored. Board may wish to rethink the HVAC in the old courthouse.

## 13) Miscellaneous Items

### Fireworks Permit

David Ash relayed to the Board at he had issued a fireworks permit to a private party in the south end of the county for the evening of December 2. He stated that he had spoken with Sheriff Roper about use of the Code Red system to notify area residents.

Supervisor Daniel told the Board that Rosemont in Berryville had also been reluctant to send out notices of fireworks displays fearing that it might be perceived as an invitation; however, over the years, this has not happened and the number of complaints has dropped.

14) Summary of Required Action

<u>Item</u>	<u>Description</u>	<u>Responsibility</u>
1.	Process approved minutes.	Lora B. Walburn
2.	Check with Substance Abuse Coalition on MOU status.	David Ash
3.	Contact legislators re availability for Legislative Luncheon December 11, 12, or 13.	David Ash
4.	Compile notice of appointment and update database.	Lora B. Walburn
5.	Execute notice of appointment.	David Weiss
6.	Prepare and coordinate public hearing notice.	Lora B. Walburn

15) Board Member Committee Status Reports

Supervisor Barbara J. Byrd

- VACo Conference Status Report:
  - o Need an improved County constituent communication possibly on the County's website.
  - o When complete, place the Conservation Easement Economic Report on the website.
  - o Consider providing advise for seniors on how to manage finances into retirement possibly monthly at the Senior Center. Further research needed to identify and potentially coordinate with organizations currently providing these types of programs.
  - o Consider creating walking trails throughout the County. Further research needed to identify impediments, liabilities, limited access, etc.
  - o Resurrect the Clarke County Horse Festival that would take up a weekend using the Blue Ridge Hunt for a trial ride, the Clarke County Ruritan horse facilities (barn/new show ring) for exhibits, shows, clinics and workshops. Several horse farm tours of different disciplines: hunter, thoroughbred and pony breeding farms /

cutting, team penning, combined training, barrel racing, jumping and horse training.

- Berryville Town Council:
  - The Town opted not to involve itself in a right-of-way dispute in the Swan Avenue area.
  - Constituent very upset about speeding vehicles in front of his house on Route 340.
  - Recorder Arnold urged Council to select a few goals on which to focus so it could achieve greater success in accomplishing its goals.
  - Town is still working on water and sewer study.
- Social Services: CPMT evaluations are lengthy.

Supervisor Terri T. Catlett

- Parks and Recreation: Did not meet.
- Clarke County School Board:
  - Citizens commented on CTE and weighted grade points.
  - Attending the Strategic Planning Committee meetings. Fine tuning the plan.

Supervisor Mary L.C. Daniel

- Broadband Implementation Committee:
  - Clarke Monthly contained a letter from the BIC that was similar to the letter sent to business owners.
  - Website helps residents to pair up with provider service.
  - Website provides County contact information to providers.
  - Meeting set for Monday, November 27.
- Josephine School Community Museum Board:
  - Supervisor Daniel asked to attend meetings by this board.
  - Its meetings are set for the fourth Monday at 4:30 pm.
  - Preparing for its poetry contest held in February.
- Library Advisory Council: Did not meet.
- Planning Commission:
  - Hydroponic Facility:
    - A large group from the Keeneland Estates area expressed concerns with the rumored hydroponic lettuce facility that has a contingency contract on the Rock Heaven Farm property.



- The Planning Commission has not received any permits or requests or applications.
- Robina Rich Bouffault provide an update on constituent concerns.
- Planning Commission Chair George Ohrstrom II explained everything from the right to farm act to the water tables in Clarke County.
- Citizens are getting involved in the process now instead of waiting.
- One citizen has started a website about the hydroponic lettuce facility.

Vice Chair Bev B. McKay

- Joint Building Committee: Discussed facility maintenance and moving drop boxes.
- NSVRC: Will hold its Christmas dinner December 13 at the George Washington Hotel.
- Sanitary Authority:
  - Broadband:
    - All Points Broadband: Discussing locations on the water towers with. No agreement at this time.
    - Winchester Wireless: Visited all three towers and very interested in discussing a proposal.
  - Still seeking locations to drill test wells to identify an alternate water source.
  - Latex gloves dumped in the sewer caused issues at the pump station. The responsible party was identified.

Chairman David S. Weiss

- Economic Development Advisory Committee: Did not meet in November. Will hold the annual business tour in December.
- Fire & EMS Commission: Focusing on the budget.
- Substance Abuse Coalition:
  - Supervisor Catlett and he attended the first graduation of offenders completing the drug court program.
  - Event held in the Winchester / Frederick Courthouse.
  - Judges Iden and Bryant presided.
  - Three persons graduated the program.
  - Goal is to graduate three persons per quarter.
- Quarterly Schools / County Joint Staff / Chair Meeting:
  - Met yesterday with Chuck Bishop and Tom Parker.

- Primary renovations almost complete.
- Discussed options for the former School Administration office building.
- Drafting a contract for County use of the building.
- Employee Appreciation and Service Recognition Luncheon
  - Event held Monday, November 20.
  - Lora Walburn recognized for 15 years of service and Susanne Vaughan for 20 years of service.
  - Pam Hess and Page Smoot recognized for 30 years of service.
- Berryville Farm Supply: Celebrated 60 years.

16) Closed Session Pursuant to §2.2-3711-A1 and §2.2-3711-A3

At 3:14 pm, Supervisor Byrd moved that the Clarke County Board of Supervisors enter Closed Session pursuant to §2.2-3711-A1 Specific Employees or appointees of the Board and §2.2-3711-A3 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

At 3:51 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	-	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.

Next Regular Meeting Date

The next regular meeting of the Board of Supervisors is set for Tuesday, December 19, 2017, at 1:00 p.m. in the Berryville Clarke County Government Center, Main Meeting Room, 101 Chalmers Court, Berryville, Virginia.

17) Adjournment

At 3:52 pm, being no further business, Chairman Weiss adjourned the meeting.

ATTEST: October 17, 2017

\_\_\_\_\_  
David S. Weiss, Chair

\_\_\_\_\_  
David L. Ash, County Administrator

Minutes recorded by Brianna Taylor, Administrative Assistant County Administration, and transcribed by Lora B. Walburn, Deputy Clerk to the Board of Supervisors