

March 20, 2018

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, March 20, 2018.

#### 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

Absent Afternoon: None

Present 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 Evening: None

#### County Staff Present

David Ash, Brian Lichty, Brandon Stidham, Brianna R. Taylor

#### Constitutional / State Offices / Other Agencies

Travis Sumption; Tom Judge

#### Press

Cathy Kuehner - The Winchester Star

#### Others Present

Howard Means, Bre Bogert

#### 1) Call to Order

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

Chairman Weiss thanked those present for venturing forth on this snowy day.

2) Adoption of Agenda

- VDOT: Unable to attend.
- Add to Miscellaneous: Burn Ban Notices – Impose and Rescind

**Vice Chair McKay 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

Chairman Weiss informed those present that before the citizens comment period he wanted to make a statement for himself. *"Last month, I defended the integrity of our staff; and, I think that was an appropriate defense. However, the manner in which I did it was abrupt and was not appropriate. So, I've spoken with Mr. Maynard; and, he accepted my apology. I apologize to the Board and, also, to the public at large."*

Howard Means, Millwood: spoke in support of the proposed destruction the derelict property in Millwood. He remarked on how grateful he was to see the demolition of the Millwood building. He asked if the Board would consider removing the shed on the property as well.

Supervisor Byrd provided anecdotal comments on the old mills in the County. She thanked Mr. Means for his efforts.

Supervisor Daniel contributed that on April 20 fourth-grade students in Clarke County Public Schools and Powhatan would be visiting Josephine School Museum, Clermont Farm, and Burwell-Morgan Mill.

Chairman Weiss thanked Mr. Means.

4) VDOT Update

Due to inclement weather responsibilities, the Virginia Department of Transportation was unable to send a representative. Ed Carter, Assistant Residency Administrator, provided the following update via email:

Maintenance

- Completed litter pickup on all primary's and high volume secondary's.
- Performed Boom-axe operations on routes 601 and 613.
- Cleaned up trees and debris from recent wind damage and plan to remove hazardous tree from routes 601 and 611 this month.
- Started grading non-hard surfaced roads and stone application where needed and will continue this month as weather permits.
- Repaired potholes on various routes and will continue as they are reported.
- Plan to repair ditch on Rt. 649 near Providence Chapel Church and perform shoulder repairs on primary routes as weather permits.
- Mobilized for some weather events and will continue as forecast dictate.

Projects:

- Rt. 671 Bridge Replacement: Design and environmental work is moving forward.
- Morgan Ford Bridge Replacement: Continuing on schedule.

Board Issues:

- Rt. 638 Speed Limits – Discussion
- Rt. 7 Sight Distance Issue – Reviewing request to remove minimal trees at driveway entrance. Researching available funding.

Supervisor Comments:

- Supervisor Byrd:
  - Crossover on Route 340 by 340 Depot: Culvert needs to be repaired / replaced.
- Chairman Weiss
  - Raven Rocks Road Speed Limit Issue: Request status update.

5) Discussion of Resolution to Remove the Structure Identified as 1862 Millwood Road 2018-02R

**Resolution to Remove Structure Identified as 1862 Millwood Road  
2018-02R**

The Board of Supervisors of Clarke County hereby, resolves, finds, and directs as follows:

1. The structure located on the property in the Village of Millwood identified as 1862 Millwood Road, (Tax Parcel No. 30A-A-22), due to its deteriorated condition, is determined to be a structure which might endanger the public health and/or the safety of residents of the County.
2. The County Administrator shall prepare and send to the owner of the property a Notice (i) that the Board of Supervisors has, by resolution, determined that the condition of the structure on the property is such that its deteriorated condition might endanger the public health and/or the safety of residents of the County, (ii) that the owner must remove the structure within sixty (60) days of receipt of the Notice, and (iii) that if the structure is not removed within sixty (60) days of receipt of the Notice the County will remove the structure, with the cost and expenses of removal to be chargeable to and payable by the owner and which may be collected by the County as taxes are collected and shall constitute a lien on the property.
3. The County Administrator shall send the Notice to the owner and shall publish the Notice in accordance with the provisions of Virginia Code § 15.2-906.

Adopted this 20<sup>th</sup> day of March, 2018.

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David L. Ash, County Administrator

David Ash explained that in adopting the resolution the Board would be finding that the structure is a hazard to public health and safety; and once that has been determined, formal notice is provided to the owner. If the owner does not respond in the sixty days included in the notice, the County can undertake the removal and add it to the tax bill for collection.

Highlights of Board discussion include:

- Public hearing is not a requirement for this action.
- Sixty-day notice period begins on date of owner receipt of notice.
- The Board can extend past the sixty-day notice period.
- All agreed to a sixty-day notice period.
- Middle of structure collapsed this winter.
- Contractor that performs demolition will determine what materials can be salvaged.
- Board agreed that it would prefer owner removal.

- Chairman Weiss noted that this is a limited action taken by the Board against a structure in extreme condition and is not indicative of the Board's desire to take on derelict home or invade constituent's property rights.

**Supervisor Catlett moved to remove the Structure Identified as 1862 Millwood Road 2018-02R. 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) Approval of Minutes

**Supervisor Daniel moved to approve the minutes for March 5, 2018, 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) Consent Agenda

A. Lord Fairfax Health District Locality Agreement FY2018

**COMMONWEALTH OF VIRGINIA DEPARTMENT OF HEALTH**

**STATEMENT OF AGREEMENT WITH the Board of Supervisors of Clarke County**

Under this agreement, which is created in satisfaction of the requirements of § 32.1-31 of the *Code of Virginia* (1950), as amended, the Virginia Department of Health, over the course of one fiscal year, will pay an amount not to exceed \$338,269 from the state general fund to support the cooperative budget in accordance with appropriations by the General Assembly, and in like time frame, the Board of Supervisors of Clarke County will provide by appropriation and in equal quarterly payments a sum of \$221,909 local matching funds and \$0.00 one-hundred percent local funds for a total of \$221,909 local funds. These joint funds will be distributed in timely installments, as services are rendered in the operation of the Clarke County Health Department, which shall perform public health services to the Commonwealth as indicated in Attachment A(1.), and will perform services required by local ordinances as indicated in Attachment A(2.). Payments from the local government are due on the third Monday of each fiscal quarter.

The term of this agreement begins July 1, 2017. This agreement will be automatically extended on a state fiscal year to year renewal basis under the terms and conditions of the original agreement unless written notice of termination is provided by either party. Such written notice shall be given at least 60 days prior to the beginning of the fiscal year in which the termination is to be effective. Any increase or decrease in funding allocation shall be made by an amendment to this agreement.

The parties agree that:

1. Under this agreement, as set forth in paragraphs A, B, C, and D below, the Commonwealth of Virginia and the Virginia Department of Health shall be responsible for providing liability insurance coverage and will provide legal defense for state employees of the local health department for acts or occurrences arising from performance of activities conducted pursuant to state statutes and regulations.
  - A. The responsibility of the Commonwealth and the Virginia Department of Health to provide liability insurance coverage shall be limited to and governed by the Self-Insured General Liability Plan for the Commonwealth of Virginia, established under § 2.2-1837 of the Code of Virginia. Such insurance coverage shall extend to the services specified in Attachments A(1.) and A(2.), unless the locality has opted to provide coverage for the employee under the Public Officials Liability Self-Insurance Plan, established under § 2.2-1839 of the Code or under a policy procured by the locality.
  - B. The Commonwealth and the Virginia Department of Health will be responsible for providing legal defense for those acts or occurrences arising from the performance of those services listed in Attachment A(1.), conducted in the performance of this contract, as provided for under the Code of Virginia and as provided for under the terms and conditions of the Self-Insured General Liability Plan for the Commonwealth of Virginia.
  - C. Services listed in Attachment A(2.), any services performed pursuant to a local ordinance, and any services authorized solely by Title 15.2 of the Code of Virginia, when performed by a state employee, are herewith expressly excepted from any requirements of legal defense or representation by the Attorney General or the Commonwealth. For purposes of assuring the eligibility of a state employee performing such services for liability coverage under the Self-Insured General Liability Plan of the Commonwealth of Virginia, the Attorney General has approved, pursuant to § 2.2-507 of the Code of Virginia and the Self-Insured General Liability Plan of the Commonwealth of Virginia, the legal representation of said employee by the city or county attorney, and the Board of Clarke County hereby expressly agrees to provide the legal defense or representation at its sole expense in such cases by its local attorney.
  - D. In no event shall the Commonwealth or the Virginia Department of Health be responsible for providing legal defense or insurance coverage for local government employees.
2. Title to equipment purchased with funds appropriated by the local government and

transferred to the state, either as match for state dollars or as a purchase under appropriated funds expressly allocated to support the activities of the local health department, will be retained by the Commonwealth and will be entered into the Virginia Fixed Asset Accounting and Control System. Local appropriations for equipment to be locally owned and controlled should not be remitted to the Commonwealth, and the local government's procurement procedures shall apply in the purchase. The locality assumes the responsibility to maintain the equipment and all records thereon.

- Amendments to or modifications of this contract must be agreed to in writing and signed by both parties.

Marissa J. Levine, MD MPH, FAAFP, Local authorizing officer signature  
State Health Commissioner Virginia Department of Health

Approved as to form by the Office of the Attorney General on August 4, 2017.

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

LOCAL GOVERNMENT AGREEMENT, ATTACHMENT A(1.)  
VIRGINIA DEPARTMENT OF HEALTH COMMUNITY HEALTH SERVICES

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

For Each Service Provided, Check Block for Highest Income Level Served			
COLLABORATIVE COMMUNITY HEALTH IMPROVEMENT PROCESS	Income A only	Defined by Federal Regulations	All (specify income level if not ALL)
Assure that ongoing collaborative community health assessment and strategic health improvement planning processes are established. To include public health, health care systems and community partners. As provided for in §32.1-122.03 Code Link-32.1-122.03; State Health Plan Link Virginia Plan for Well-Being 2016-2020			X
COMMUNICABLE DISEASE SERVICES	Income A only	Defined by Federal Regulations	All (specify income level if not ALL)
Immunization of patients against certain diseases, including Childhood Immunizations As provided for in 32.1-46 Code Link- <a href="#">32.1-46</a>			X
Sexually transmitted disease screening, diagnosis, treatment, and surveillance 32.1-57, Districts may provide counseling Code Link- <a href="#">32.1-57</a>			X
Surveillance and investigation of disease 32.1-35 and 32.1-39 Code Links- <a href="#">32.1-35</a> , <a href="#">32.1-39</a> , <a href="#">32.1-43</a>			X
HIV/AIDS surveillance, investigation, and sero prevalence survey 32.1-36, 32.1-36.1, 32.1-39			X

CodeLinks- <a href="#">32.1-36</a> , <a href="#">32.1-36.1</a> , <a href="#">32.1-39</a>			
Tuberculosis control screening, diagnosis, treatment, and surveillance <a href="#">32.1-49</a> , <a href="#">32.1-50.1</a> , and <a href="#">32.1-54</a> Code Links- <a href="#">32.1-49</a> , <a href="#">32.1-50</a> , <a href="#">32.1-50.1</a>			X
FAMILYPLANINGSERVICES	Income A only	Defined by Federal Regulations	All
Clinic services including drugs and Contraceptive supplies Family Planning Population Research Act of 1970, Title X Code Link- <a href="#">32.1-77</a> , 42 U.S.C 300 et seq., and 42 CFR Part 59		X	
Pregnancy testing and counseling Family Planning Population Research Act of 1970, Title X Code Link- <a href="#">32.1-77</a> , 42 U.S.C. 300 et seq., and 42 CFR Part 59)		X	
CHILDHEALTHSERVICES	Income A only	Defined by Federal Regulations	All
Children Specialty Services; diagnosis, treatment, follow-up, and parent teaching <a href="#">32.1-77</a> , <a href="#">32.1-89</a> and <a href="#">32.1-90</a> Code Links- <a href="#">32.1-77</a> , <a href="#">32.1-89</a> , <a href="#">32.1-90</a>			
Screening for genetic traits and inborn errors of metabolism, and provision of dietary supplements Code Links- <a href="#">32.1-65</a> , <a href="#">32.1-67</a> , <a href="#">32.1-68</a>			
Well child care up to age 19 Board of Health Code Link- <a href="#">32.1-77</a>			X
WIC: Federal grant requirement Public Law 108-265 as amended, Child Nutrition Act of 1966; Child Nutrition and WIC Reauthorization Act 2009 Code Link- <a href="#">32.1-351.2</a>		X	
EPSDT: DMAS MOA Social Security Act section 1905(r) (5) Code Link- <a href="#">32.1-11</a>			X
Blood lead level testing Code Link- <a href="#">32.1-46.1</a> , <a href="#">32.1-46.2</a>			X
Outreach, Patient and Community Health Education Code Link- <a href="#">32.1-11</a> , <a href="#">32.1-11.3</a> ,			X
Community Education Code Link- <a href="#">32.1-11</a> , <a href="#">32.1-23</a>			X
Pre-school Physicals for school entry Code Link- <a href="#">22.1-270</a>			X
Disabled disability Waiver Screenings DMAS MOA Code Link- <a href="#">32.1-330</a>			X
Services for Children with Special health care needs Title V, Social Security Act Code Link- <a href="#">32.1-77</a>			X
Child restraints in motor vehicles Code Link- <a href="#">46.2-1095</a> , <a href="#">46.2-1097</a>		X	
Babycare: DMAS MOA		X	
MATERNALHEALTHSERVICES	Income A only	Defined by Federal Regulations	All
Prenatal and post partum care for low risk and intermediate risk		X	



women, Title V, Social Security Act Code Link-32.1-77			
Babycare Services: DMAS MOA		X	
WIC: Federal grant requirement Public Law 108-265 as amended, Child Nutrition Act of 1966; Child Nutrition and WIC Reauthorization Act 2009 Code Link 42 U.S.C §1786 and 7CFR Part 26		X	

**Local Government Agreement, Attachment A(1)  
Virginia Department of Health Community Health Services  
Environmental Services Environmental Health Services  
Basic Public Health Services to be Assured by Local Health Departments**

The following services performed in accordance with the provisions of the Code of Virginia, the regulation of the Board of Health and/or VDH agreements with other state or federal agencies.	
<b>Ice cream/frozen desserts:</b> Under the agency's Memorandum of Agreement (MOA) with the Virginia Department of Agriculture and Consumer Services (VDACS), the local health department is responsible for initiating the issuance, suspension, reinstatement and revocation of permits for all frozen desserts plants which are an integral part of any premises, including Grade "A" milk plants, hotels, restaurants, and mobile units where frozen desserts are frozen or partially frozen or dispensed for retail sale.	X
<b>Investigation of communicable diseases:</b> Pursuant to §§ 32.1-35 and 32.1-39 of the Code of the Code of Virginia, the local health director and local staff are responsible for investigating any outbreak or unusual occurrence of a preventable disease that the Board of Health requires to be reported. Code Links- <a href="#">32.1-35</a> , <a href="#">32.1-39</a>	X
<b>Marinas:</b> Pursuant to § 32.1-246 of the Code of Virginia, local health department staff are responsible for permitting marinas and other places where boats are moored and is responsible for inspecting them to ensure that their sanitary fixtures and sewage disposal facilities are in compliance with the Marina Regulations (12VAC5-570-10 et seq.) Code Link- <a href="#">32.1-246</a>	X
<b>Migrant labor camps:</b> Pursuant to §§ 32.1-203-32.1-211 of the Code of Virginia, local health departments are responsible for issuing, denying, suspending and revoking permits to operate migrant labor camps. Local health departments also must inspect migrant labor camps and ensure that the construction, operation and maintenance of such camps are in compliance with the Rules and Regulations Governing Migrant Labor Camps (12VAC5-501-10 et seq.). Code Links- <a href="#">32.1 Chapter 6 Article 6</a>	X
<b>Milk:</b> Pursuant to §§ 3.2-5206, 3.2-5208 of the Code of Virginia and the agency's MOA with VDACS, the local health department is responsible for issuing, denying, suspending and revoking permits for Grade "A" milk processing plants which offer milk and or milk products for sale in Virginia. Local health department are also responsible for the inspection of Grade "A" milk plants for compliance with the Regulations Governing Grade "A" Milk (2VAC5-490-10). Code Links- <a href="#">3.2-5206</a> , <a href="#">3.2-5208</a>	X
<b>Alternative discharging sewage systems:</b> Pursuant to § 32.1-164(A) of the Code of Virginia, local health department are responsible for issuing, denying and revoking construction and operation permits for alternative discharging systems of serving individual family dwellings with flows less than or equal to 1,000 gallons per day on a monthly average. Local health departments are also required to conduct regular inspections of alternative discharging systems in order to ensure that their construction and operation are in compliance with the Alternative Discharging Sewage Treatment Regulations for Individual Family Dwellings (12VAC5-640- 10 et seq.). CodeLink- <a href="#">32.1-164</a>	X

<p><b>Onsite sewage systems:</b> Pursuant to § 32.1-163 et seq. of the Code of Virginia, local health department staff is responsible for reviewing and processing site evaluations and designs of onsite sewage systems in accordance with applicable state regulations and may perform such evaluations and designs as allowed. Local health department staff is also responsible for issuing, denying and revoking construction and operation permits for conventional and alternative onsite sewage systems. Local health department staff are responsible for assuring that onsite sewage systems are inspected at time of construction for compliance with the Sewage Handling and Disposal Regulations (12VAC5-610-20 et seq.; "SHDR") and the Alternative Onsite Sewage System Regulations (12VAC5-613-10 et seq.; "AOSS Regulations"); local health department staff may perform such inspections as required. Local health department staff is also responsible for assuring the performance, operation, and maintenance of onsite sewage systems are in compliance with the SHDR and AOSS Regulations. Code Link-<a href="#">32.1-163</a></p>	<p>X</p>
<p><b>Rabies:</b> Pursuant to § 3.2-6500 et seq. of the Code of Virginia, the local health department is responsible for investigating complaints and reports of suspected rabid animals exposing a person, companion animal, or livestock to rabies. Code Link- <a href="#">3.2-6500</a></p>	<p>X</p>
<p><b>Restaurants/eating establishments:</b> Pursuant to § 35.1-14 of the Code of Virginia, local health departments are responsible for issuing, denying, renewing, revoking and suspending permits to operate food establishments. In addition, local health departments are required to conduct at least one annual inspection of each food establishment to ensure compliance with the requirements of the Food Regulations (12VAC5-421-10 et seq.). These regulations include requirements and standards for the safe preparation, handling, protection, and preservation of food; the sanitary maintenance and use of equipment and physical facilities; the safe and sanitary supply of water and disposal of waste and employee hygiene standards. Code Link- <a href="#">35.1-14</a></p>	<p>X</p>
<p><b>Sanitary surveys:</b> The local health department is responsible for assuring that surveys are conducted of properties which include soil evaluations and identification of potential sources of contamination; local health department staff may perform such inspections as required. The surveys are conducted in order to determine site suitability for onsite sewage systems, alternative discharging systems and wells. Code Link-<a href="#">32.1-11</a></p>	<p>X</p>
<p><b>Single home sewage discharge</b> Code Link-<a href="#">32.1-164</a></p>	
<p><b>Hotels/Motels:</b> In accordance with § 35.1-13 of the Code of Virginia, local health department staff is responsible for issuing, denying, revoking and suspending permits to operate hotels. The local health department is responsible for conducting inspections of hotels to ensure compliance with the Hotel Regulations (12VAC5-431-10 et seq.). These regulations include requirements and standards for physical plant sanitation; safe and sanitary housekeeping and maintenance practices; safe and sanitary water supply and sewage disposal and vector and pest control. Code Link-<a href="#">35.1-13</a></p>	<p>X</p>
<p><b>Water supply sanitation-Inspection of Water Supplies</b> Code Link- <a href="#">15.2-2144</a></p>	<p>X</p>
<p><b>Wells:</b> Pursuant to § 32.1-176.4, and the resulting authority provided by the Board, local health departments are responsible for issuing, denying and revoking construction permits and inspection statements for private wells. Local health departments are also responsible for inspecting private wells to ensure that their construction and location are in compliance with the Private Well Regulations. (12VAC5-630-10 et seq.) Code Link-<a href="#">32.1-176.4</a></p>	<p>X</p>
<p><b>Homes for adults:</b> The local health department, at the request of the Department of Social Services (DSS) will inspect DSS-permitted homes for adults to evaluate their food safety operations, wastewater disposal and</p>	<p>X</p>

general environmental health conditions. (22VAC40-80-160(B)(3))	
<p><b>Juvenile Justice Institutions:</b> Pursuant to § 35.1-23 of the Code of Virginia and the agency's memorandum of understanding with the Department of Corrections, local health departments are responsible for conducting at least one annual unannounced inspection of juvenile justice institutions in order to evaluate their kitchen facilities, general sanitation and environmental health conditions. CodeLink-<a href="#">35.1-23</a></p>	X
<p><b>Jail inspections:</b> Pursuant to § 53.1-68 of the Code of Virginia and the agency's memorandum of understanding with the Department of Corrections, local health departments are responsible for conducting at least one annual unannounced inspection of correction facilities in order to evaluate their kitchen facilities, general sanitation and environmental health conditions. Code Link-<a href="#">53.1-68</a></p>	X
<p><b>Daycare centers:</b> At the request of DSS will inspect DSS-permitted daycare centers to evaluate their food safety operations, wastewater disposal and general environmental health conditions. (22VAC40-80-160(B)(3))</p>	X
<p><b>Radon</b> Pursuant to § 32.1-229, local health department may assist VDH Central Office with Radon testing and analysis. Code Link-<a href="#">32.1-229</a>.</p>	X
<p><b>Summer camps/Campgrounds:</b> Pursuant to §§ 35.1-16 and 35.1-17 of the Code of Virginia and the corresponding regulations, local health departments are responsible for issuing, denying, and revoking permits to operate summer camps and campgrounds. The local health department is responsible for conducting inspections of summer camps and campgrounds not less than annually to ensure that their construction, operation and maintenance are in compliance with the Regulations for Summer Camps (12VAC5-440-10 et seq.) and the Rules and Regulations Governing Campgrounds (12VAC5-450-10 et seq.). Code Links-<a href="#">35.1-16</a>, <a href="#">35.1-17</a></p>	X

**Community Health Services  
Other Public Health Services  
Basic Public Health Services To Be Assured By Local Health Departments**

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

**Local Government Agreement, Attachment A(1.)**

Virginia Department Of Health  
Community Health Services  
Optional Public Health Services

COMMUNICABLE DISEASE SERVICES	Income A only	Defined by Federal Regulations	All
Foreign Travel Immunizations			X
Other:			
CHILD HEALTH SERVICES			
School health services			
Sick child care			
Other:			
Community Education			X
MATERNAL HEALTH SERVICES	Income A only	Defined by Federal Regulations	All
Funds for deliveries			
Funds for special tests and drugs			
Diagnosis, treatment, and referral for gynecological problems			
Other:			
Community Education			X
FAMILY PLANNING SERVICES	Income A only	Defined by Federal Regulations	All
Nutrition Education			X
Preventive Health Services			X
Pre-Conception Health Care			X
Other: Community Education			X
GENERAL MEDICAL SERVICES	Income A only	Defined by Federal Regulations	All
Activities of Daily Living			
Community Education			X
General Clinic Services (100% Locally Funded)			
Outreach			X
Occupational health services			
Personal care			
Pharmacy services-Alternate Drug Delivery Site			X
Hypertension screening, referral, and counseling			X
Respite care services			
Other:			
SPECIALTY CLINIC SERVICES (List)	Income A only	Defined by Federal Regulations	All
DENTAL HEALTH SERVICES	Income A only	Defined by Federal Regulations	All
Preventive Clinic Services - Children		X	
Preventive Clinic Services - Adults			

Restorative Clinic Services			
Community Education			X
Other:			

**Local Government Agreement, Attachment A(2.)  
Virginia Department of Health Community Health Services  
Public Health Services Provided Under Local Ordinances or Contract with Local Governments  
Optional Public Health Services**

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

**LOCAL GOVERNMENT AGREEMENT, ATTACHMENT A(2.)  
VIRGINIA DEPARTMENT OF HEALTH COMMUNITY HEALTH SERVICES  
PUBLIC HEALTH SERVICES PROVIDED UNDER  
LOCAL ORDINANCES OR CONTRACT WITH LOCAL GOVERNMENTS  
OPTIONAL PUBLIC HEALTH SERVICES**

For Each Service Provided, Check Block for Highest Income Level Served			
	Income A only	Defined by Federal Regulations	All

Employee physicals			
Primary care for inmates in local jails or correctional institutions			
Other medical services (List)			
Other (please list)			
Please see attachment 043_FY18A			X

**B. Board of Supervisors Approval of Conservation Easement Authority Deed Template Change in Response to Recent State Supreme Court Judgment**

**MEMORANDUM**

**TO:** Board of Supervisors, David Ash

**FROM:** Conservation Easement Authority, Alison Teetor

**DATE:** March 13, 2018

**SUBJECT:** Revised Deed of Easement template

The Conservation Easement Authority has proposed changes to its deed template that must receive final approval from the Board of Supervisors. The changes are in response to the recent State Supreme Court judgment described below.

In 2016, Supreme Court of Virginia heard a case between Wetlands America Trust, Inc. v. White Cloud Nine Ventures regarding a conservation easement ambiguity resolved in favor of allowing construction. Wetlands America Trust, Inc. (WAT) holds a conservation easement on Virginia property owned by White Cloud Nine Ventures, L.P. (White Cloud). White Cloud purchased the property to lease it to a related entity to use for a vineyard, grazing and milking cows, raising wheat, constructing a building to be used for a creamery, bakery, wine storage, and the tasting, sampling and sale of wine, cheese and bakery products. White Cloud began construction of the building, an adjoining parking lot, a new road and a new bridge. WAT sued, seeking a declaratory judgment that the construction and intended “commercial use” violated the conservation easement’s restrictive covenants. The trial court denied the declaratory judgment and the Supreme Court upheld the lower court’s opinion. Crucial to White Cloud’s victory in this case were provisions in WAT’s deed template that were ambiguous.

As a result of the court case the Virginia Outdoors Foundation and Piedmont Environmental Council recently updated their deed templates to strengthen the ambiguous sections relating to commercial uses. The Easement Authority last updated their deed template in March 2016 but had not addressed any of the issues discussed in the Court case. Beginning in May 2017, staff obtained copies of the new templates from VOF and PEC and Michelle Jones, attorney and member of the Easement Authority, reviewed the changes and made recommendations to strengthen the Authority’s template. After many months of discussion and final review and approval by Mr. Mitchell, the Authority approved and recommends approval of the attached template.

**Recommendation**

Approve the revised deed template as presented.

**Supervisor Catlett moved to adopt 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

8) Board of Supervisors Personnel Item

A. Expiration of Term for appointments expiring through May 2018

03-12-2018 Summary: The Personnel Committee recommends:

- Thomas McFillen to an additional four-year term on the Berryville Area Development Authority expiring 3/31/2022

03-20-2018 Summary: **Supervisor Daniel moved to approve the recommendations 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

B. Springsted Responses to Recently-Reviewed Positions by David Ash.

03-12-2018 Summary: David Ash reported on status. The Committee is awaiting additional information from attorneys.

03-20-2018 Summary: David Ash advised that he is waiting on information from the Sheriff's office.

9) Board of Supervisors Work Session Items

03-12-2018 Summary: Board Members: Present: Barbara J. Byrd, Terri T. Catlett, Mary L.C. Daniel, Bev B. McKay, David S. Weiss Absent: None

General Government Staff Present: David Ash, Brian Lichty, Brandon Stidham, Lora B. Walburn

Constitutional Staff Present: Tom Judge

Joint Administrative Services Staff Present: Tom Judge

Press Present: Cathy Kuehner

Chairman Weiss called the Board of Supervisors Work Session and FY2019 Budget Work Session to order at 10 am.

Tom Judge requested the addition of Item C Convenience Center Funding Request.

**Supervisor Daniel moved to adopt the agenda as amended adding Item C Convenience Center Funding Request. 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

A. Consideration Sewer Easement William Genda, Historic Rosemont Manor

03-12-2018 Summary: David Ash reviewed the Mr. Genda's request to add a second connection to that portion of the sanitary sewer system belonging to the County. Highlights of discussion include:

- Rosemont Manor already has one hook up to the County's sewer system of which County employees were unaware.
- County's sewer system services the DG Cooley Upper and Lower Campus' and Parks and Recreation with Senior Center.
- Other businesses along Route 7 connected to the County's system are: Ruritan, St. Bridgett's Church, Todd Carlisle's property, the former skating rink.
- Agreement:
  - o A similar private user agreement is proposed.
  - o Will include a statement "that the sewer service extended is an accommodation; that the County is not in the business of providing "public" sewer, that the costs of operations, maintenance, repair or upgrade will be shared with users of the systems on a pro-rated basis as the need for such arises.
  - o Applicant will bear all costs including attorney's fees.
  - o Applicant will be asked to provide a schematic of the original / existing connection.

By consensus, the Board instructed David Ash to contact Mr. Genda and relay the Board's direction and to confirm with the Town sewer line and sewer system capacity.

03-20-2018 Action: David Ash reported the following:

- Working out details with Mr. Genda, applicant, and Robert Mitchell, County Attorney.
- Once complete, he will bring back to the Supervisors for further review.



- Keith Dalton, Berryville Town Manager, has not expressed any concerns during the course of several conversations on the matter.
- The whole of the County's is reinforced with liner.

B. FY2019 Budget Work Session with Tom Judge

03-12-2018 Summary: Tom Judge distributed the final draft of the FY2019 Budget and CY2018 Tax Rates. Highlights of review include:

- Tax rate: No Change
- Budget includes:
  - o 2.5% employee salary increase
  - o 14% health insurance increase
  - o Addition of two Emergency Medical Technicians
  - o Funding for Emergency Medical Technician schedule adjustments
  - o Volunteer incentive program
  - o \$15,000 more per volunteer company
  - o \$200,000 for reassessment
  - o \$112,000 appraisal software
  - o \$125,000 operation cost for Munis software program
- State Budget:
  - o General Assembly ended its session without adopting a budget.
  - o Further consideration of Circuit Court Clerk's request for a full-time position is dependent upon the State's budget.
  - o Many items could be affected by the State budget; however, Mr. Judge does not believe it will have a significant impact.
- Tax revenue estimates will be refined prior to adoption of the FY2019 budget.
- Determination of tax assessments for the solar farm are under review and could be adjusted.
- Tax Relief for the Elderly and Disabled reflects estimate based on FY2018 actual. If an applicant qualifies for tax relief, it will be granted regardless of budgeted amount.
- Reduction in Department of Social Services budget reflects transition of the joint foster care program to Frederick County. Social Services Director Angie Jones did warn the FY2019 Budget Finance Committee that her department's downward trend could change.
- Pay-as-you-go funds are used for one-time expenditures.
- General government projects are down with several projects to be completed with FY2018 funds.

- Surplus equipment is disposed most often on an on-line auction site.

In response to suggestions by Supervisor Catlett, Mr. Judge agreed to improve the index order of budget documents on line.

Chairman Weiss expressed appreciation to department heads for thoroughly vetting requests prior to submission.

Vice Chair McKay moved to set public hearing on Tuesday, April 3, 2018 at 7:30 pm, or as soon thereafter as the matter may be heard, in the Berryville Clarke County Government Center Main Meeting Room, 101 Chalmers Court, 2nd Floor, Berryville, VA, for FY2019 Budget and CY2018 Tax Rates and advertise the budget and tax rates 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

03-20-2018 Action: David Ash reminded that the Supervisors have set public hearing on the FY2019 Budget and CY2018 Tax Rates for April 3, 2018.

C. Convenience Center Funding Request

03-12-2018 Summary: Tom Judge distributed the following information for Board consideration and action.

Convenience Center

Estimated Cost:	\$900,115
Spent or encumbered to date:	\$151,410
Available budget:	\$592,989
Needed supplement:	\$155,716

*"Be it resolved that General Capital Projects budgets of \$102,434 for Economic Development and \$53,282 for Asphalt, Sidewalk, and Path repairs be transferred to the Convenience Center Capital project."*

**ESTIMATED BUDGET FOR CLARKE COUNTY CONVENIENCE CENTER****Paid To Date**

A/E Services to Date	\$ 105,420.05
Fees/Permits to Date	\$ 6,329.00
Advertising to Date	\$ 586.30
Jerry McDonald-Excavation Services	\$ 2,350.00
<b>Total To Date</b>	<b>\$ 114,685.35</b>

**Encumbered but Not Yet Paid**

Well Drilling Services	\$ 17,345.00
A/E Services	\$ 19,380.20
<b>Encumbered to Date</b>	<b>\$ 36,725.20</b>

**Estimated Future Expenses**

Pine Knoll Bid	\$ 546,371.00
One Marathon RJ575-HD Compactor (from Big Stuff, Inc.-NJPA)	\$ 65,821.00
Two RJ-40-OC 40-Yard Octagon Compaction Containers (from Bucks Fabricating)	\$ 16,870.00
Three 30-Yard Recycling Bins (Big Stuff, Inc.)	\$ 19,350.00
Shed for Staff/Employee	\$ 6,300.00
Concrete Slab for Shed	\$ 3,000.00
Nutrient Credits for 1.08 pounds of phosphorus	\$ 24,840.00
Electrical work needed by Rappahannock Electric	\$ 25,000.00
Security Cameras	\$ 3,000.00
Signage	\$ 1,500.00
Well Pump	\$ 1,000.00
<b>Total Estimated Future Expenses</b>	<b>\$ 713,052.00</b>
5% Contingency	\$ 35,652.60
<b>Total Project Cost</b>	<b>\$ 900,115.15</b>

Tom Judge informed the Board that the total project cost estimate was calculated using low bid, expenditures to date, and funds still encumbered for a total project cost of \$900,115.15.

Chairman Weiss made the Board aware that this was a time-sensitive decision noting that the County must have all funds available before entering the contract.

There was some discussion about available funds including return of unexpended funds from the Schools' Primary renovation project, which has not been finalized by Superintendent Bishop, who continues to work with H&W Construction to resolve final charges for liquidated damages.

Tom Judge assured the Supervisors that anticipated carryover funds would be available to replenish funds.

Supervisor Daniel moved to adopt the resolution ***"Be it resolved that General Capital Projects budgets of \$102,434 for Economic Development and \$53,282 for Asphalt, Sidewalk, and Path repairs be transferred to the Convenience Center Capital project."***  
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

Being no further business, Chairman Weiss adjourned the Board of Supervisors Work Session and FY2019 Budget Work Session at 11:03 am, Monday, March 12, 2018.

03-12-2018 Action: David Ash reminded the Board that at its March 12 Work Session action was taken to adopt funds for the Convenience Center budget.

#### 10) Board of Supervisors Finance Committee Items

##### A. Budget Transfers

###### a) *Park Trail*

03-12-2018 Summary: The Finance Committee recommends approval. "Be it resolved that \$10,500 budgeted expenditure and appropriation be transferred from the General Fund minor capital contingency to the General Capital Projects fund."

03-20-2018 Action: Tom Judge summarized the requested action.

Supervisor Byrd commented that she received a thank you letter from a constituent thanking the Board for the Park renovations.

Supervisor Catlett moved to approve ***"Be it resolved that \$10,500 budgeted expenditure and appropriation be transferred from the General Fund minor capital contingency to the General Capital Projects fund."*** 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) *FISH Building Porch*

03-12-2018 Summary: The Finance Committee recommends approval. Action: "Be it resolved that \$6,693 be transferred from the General Government Capital Projects fund roofing project to the flooring project for repair and/or replacement of the FISH building porch."

03-20-2018 Action: Tom Judge summarized the request. Highlights of Board comment and review include:

- Repairs were recently made to the porch at 32 East Main.
- Historical products will be used for the repair at 36 East Main.

**Vice Chair McKay moved to approve *"Be it resolved that \$6,693 be transferred from the General Government Capital Projects fund roofing project to the flooring project for repair and/or replacement of the FISH building porch."* 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) *Park Trash Cans*

March 12, 2018 Summary: The Finance Committee recommends approval. Action: "***Be it resolved that \$14,431 be transferred from the General Government Capital Projects fund Recreation Center account to a new account for the purchase of trash cans at the Park.***"

March 20, 2018 Action: Tom Judge briefly reviewed. Highlights of discussion and review include:

- Seeking to procure squirrel-proof trash cans.
- Intend to place these trash cans in problem areas and repurpose the existing trash cans in areas with fewer squirrel problems.

**Vice Chair McKay moved to approve *"Be it resolved that \$14,431 be transferred from the General Government Capital Projects fund Recreation Center account to a new account for the purchase of Trash cans at the Park."* 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. Bills and Claims

03-12-2018 Summary: The Finance Committee recommends approval of the February 2018 Invoice History Report

03-20-2018 Action: **Supervisor Catlett moved to accept the February 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

C. Standing Reports

FYI: Reconciliation of Appropriation, General Fund Balance, Capital Projects, YTD Budget Report

11) Joint Administrative Services Board

Tom Judge provided update. Highlights include:

- Taxation Implementation:
  - o There are issues with the conversion.
  - o Will met for training on Thursday, March 22, at 9 am to 5 pm in the 1<sup>st</sup> Floor Conference Room.
  - o This will be the tenth pass at the data conversion.
  - o Will review to ensure data is being correctly converted.
  - o Will meet again on Friday, March 23, to discuss whether everyone feels confident in going live on April 9.
  - o Friday meeting will include the Commissioner of the Revenue, Treasurer, Clarke County Director of Information Technology and Information Systems.
  - o Will discuss recommended action at the Joint Administrative Services Board meeting on Monday, March 26.

- Purchasing Policy: Will discuss proposed changes at the March 26 meeting.

Chairman Weiss added that when the County does go live with the taxation module there may be glitches and other things that may be difficult. He asked citizens to be patient with the Offices of the Treasurer and the Commissioner of the Revenue.

Supervisor Byrd asked for an update on the budget.

Tom Judge responded that there were some issues that will have to be resolved before the final adoption of the budget. He assured that he had not seen any changes since the Board of Supervisors last saw the budget on March 12. He reminded that there were still issues with taxes on the solar farm, potential Health Department savings, re-estimate of sales tax, and General Assembly budget. Mr. Judge informed the Board that the Governor and the House of Representatives were very close in budget; however, the County would lose \$130,000 in the Senate bill. He opined that the County could be adopting its budget before the State budget is adopted.

## 12) Government Projects Update

David Ash provided the monthly project update.

- 36 East Main:
  - Porch:
    - Funds approved earlier in the meeting.
    - Will work with the Maintenance Director to complete in the FY2018 budget.
  - Boiler Replacement:
    - Discussed with the Maintenance Director.
    - Looking at changing from fuel oil to gas, which may cost more initial; but, overall, should result in lower utility bills.
- Kohn Park:
  - Selected a vendor through the Regional Commission.
  - Attempting to getting paperwork lined up.
  - Vendor study will provide a boundary survey, location of any structures or features, and topography.
- Park Pavilion:
  - Awaiting submission of engineer-approved fasteners. From the information provided to the Building Official, the fasteners that were specified were determined to be obsolete and no longer manufactured.
  - The slab has not been poured.
  - The area has been graded out.

- Footers have been poured.
- Because this was a past vendor with a good history, there was no bid bond or performance bond required. The Joint Administrative Services Board will be reviewing changes in procurement policy to avoid being in this position in future. Vendor was paid for the materials but never returned to complete the erection.
- Park Trail:
  - Is complete.
  - Trail took more stone than originally estimated.
  - Thus far, received only positive comments on the trail.
- Solar Farm:
  - Received a preliminary inquiry from an entrepreneur expressing interest in leasing the County property next to the substation for a solar farm.
  - Area of interest is at the west side of the Park where the soccer fields are located.

### 13) Miscellaneous Items

#### Local Burn Ban

David Ash informed the Board that on March 15 he imposed a burning ban at the request of Brian Lichty, Director of Fire, Emergency Medical Services, and Emergency Operations, and two of the volunteer Fire Chiefs, which he rescinded earlier today due to the current weather conditions with freezing rain, ice, sleet, and snow forecast for today and tomorrow.

Mr. Ash reminded that even though the local ban was lifted State law still applies to burning in the County.

#### Burning Ban Enacted

To: Director E911 Pam Hess  
Sheriff Tony Roper  
Chief Deputy Sheriff Travis Sumption

PC: Brian Lichty

Date: March 15, 2018

At the request of the Director of Fire, EMS, and Emergency Management Brian Lichty, I am exercising the authority delegated to me by the Board of Supervisors pursuant to Chapter 93, Article I, Section 93.3 to impose a prohibition on outdoor burning within the County of Clarke, to include without limitation, training fires, campfires, warming fires, brush piles, household trash,



stumps, fields, or any other material capable of spreading fire. The sole exception to this ban is the use of grills or stoves designed and used for preparing food and which contain fuel and fire within a metal or masonry container.

This ban shall be effective immediately, and shall continue in effect until such time as conditions warrant the repeal of the ban by either the County Administrator or the Board of Supervisors.

Violation of the ban authorized by Chapter 93, Article I, Section 93.3 of the County Code shall be considered a Class I misdemeanor and penalties imposed for violation of this ordinance shall be in addition to those imposed for violation of other state or local ordinances.

Individuals who have conducted outdoor burning activities within the last two weeks are asked to check the burn locations to verify that the fires are completely out. Extremely low humidity and predicted high winds greatly increase the potential of a rekindle of previous fires.

Individuals having questions regarding this matter should contact the County Administrator at (540) 955-5113.

David L. Ash

#### Burning Ban Rescinded

To: Director E911 Pam Hess,  
Sheriff Tony Roper  
Chief Deputy Sheriff Travis Sumption

CC: Brian Lichty

From: David L. Ash, County Administrator

Date: March 20, 2018

As a result of the recent rainfall and the more moderate weather forecast for the immediate future, I am exercising the authority delegated to me by the Board of Supervisors pursuant to Chapter 93, Article I, Section 93.3 to rescind at 4 pm, Tuesday, March 20, 2018, the local prohibition on outdoor burning within the County of Clarke, imposed on March 15, 2018.

Please take note that this action does not rescind the limitations on outdoor burning imposed by Chapter 10.1-1142 of the Code of Virginia, as amended, which restricts burning to the hours between 4:00 p.m. and 12:00 midnight and imposes other restrictions on the nature and location of permissible fires. Neither does it prohibit the imposition or continuation of burning bans or regulations by agencies or organizations otherwise authorized or empowered to impose such regulations or bans.

Individuals are encouraged to use good judgment and discretion before lighting any outdoor fire and to take proper precautions to insure that the fire is controlled during the hours burning is permitted. Any fire so ignited should not be left unattended until it is completely extinguished.

Individuals having questions regarding this matter should contact the Director of Fire, Emergency Services, and Emergency Operations at (540) 955-5113.

Evening Session

Due to inclement weather, Chairman Weiss polled the Supervisors on whether the evening session should be held. By consensus, the Supervisors agreed to conduct the evening session at the set time and location.

14) Summary of Required Action

<u>Item</u>	<u>Description</u>	<u>Responsibility</u>
1.	Process approved minutes.	Lora B. Walburn
2.	Process Lord Fairfax Health Department Locality Agreement.	Lora B. Walburn
3.	Compile notice of appointment and update database.	Lora B. Walburn
4.	Execute notice of appointment.	David Weiss
5.	Notify VDOT to look at the culvert for possible repair or removal at the cross over on Route 340 just south of the 340 Depot.	David Ash
6.	Request an update from VDOT on Raven Rock Road speed issues.	David Ash
7.	Request from VDOT date of repair for Millwood Bridge on Route 723.	David Ash
8.	Fix typographical errors on proposed 1862 Millwood Road Property resolution 2018-02R.	Lora B. Walburn
9.	Work with Robert Mitchell on preparing and providing notice to the property owner.	David Ash
10.	Update County Code CC 2018-02.	Lora B. Walburn

15) Board Member Committee Status Reports

Supervisor Barbara J. Byrd

- Berryville Town Council:
  - o Passed craft beverage manufacturing.
  - o Two motions brought forward:

- New business should be directed to / first handled by staff before it is handled by individual members of Council. Item passed.
- Better use of Town staff time. Item will come back to Council for review and action.
- Humane Foundation: Depending on weather, it may meet tomorrow.
- Northwestern Regional Juvenile Detention Center Commission: Will meet next month.
- School Safety Comments:
  - Five years ago, a group reviewing school safety met over an undetermined length of time at Johnson Williams Middle School.
  - The group included police officers from Fairfax, local safety persons, Sheriff, State Police, and School Administration.
  - The group included concerned constituents with expertise in this field.

Supervisor Terri T. Catlett

- Clarke County Historic Preservation Commission: Meets on Wednesday.
- Clarke County School Board:
  - School Safety:
    - Will meet quarterly with the law enforcement.
    - Randy Trenary, Director of Operations Clarke County Public Schools, will make a presentation at an upcoming work session.
    - Clarke County students participated in the one-month anniversary memorial for students of the recent shooting tragedy in Florida.
  - School Board now conducts monthly work sessions. At last work session:
    - Discussed strategic plan.
    - Discussed Department of Education's new policy defining school requirements.
  - During citizen comment, two out-of-county teachers with children enrolled in Clarke County schools cited concerns about the high cost of tuition and asked the School Board to look at the tuition fees for teachers' children as a way of addressing teacher retention.
- Parks and Recreation: Did not meet.

Supervisor Mary L.C. Daniel

- Planning Commission:

- Passed a resolution for Jon Turkel, former Planning Commissioner and current Clarke County School Board member elected in November 2017 to fill the unexpired term of Dennis Graham, Millwood / Pine Grove Districts.
- Subdivision has again been deferred.
- Approved a two lot subdivision.
- Approved Certificate of Appropriateness for Waterloo McDonalds Restaurant renovation.
- Planning Administration 2017 Annual Report included in the March 20, 2018, Board packet.
- Broadband Implementation Committee:
  - No date set for the next meeting.
  - Working on round table discussions.
- Library Advisory Council:
  - Did not meet.
  - Friends of the Handley Library will conduct a used book sale at Bowman Library March 20 through March 24.
- Josephine Community School Museum:
  - Received African Civil Rights grant from the National Park Services to repair the museum roof.
  - Alison Teetor, Maral Kalbian, and the Museum Board worked together to secure the grant.
  - Museum must wait for approval before it can start repair.
  - Chairman Weiss asked David Ash to coordinate repair efforts.

Vice Chair Bev B. McKay

- BCCGC Joint Building Committee:
  - David Ash is 2018 Chair.
  - Electric vehicle charging facilities:
    - Can receive a free charging station; however, the Town and County must pay for the electricity.
    - While credit / debit card stations are available, a courtesy station is under discussion.
    - Grant comes from Tesla and it will give the equipment if the customer agrees not to charge for usage.

- Discussed potential locations.
- Charge times vary but could take several hours.
- Could be an economic development tool.
- No recommendation by JBC - item still under discussion.
- Northern Shenandoah Valley Regional Commission: Did not meet.
- Sanitary Authority:
  - Continued discussion of well location to back up the spring.
  - Have received some position responses from land owners.
  - Missed Water Sampling:
    - Due to a software malfunction, the company responsible for water sampling missed the December / January quarterly sample and, subsequently, did not send in a report to the Virginia Department of Health.
    - To avoid problems in future, the company has updated its software.
    - Water sampling for trihalomethane and haloacetic acid.
    - Company must send a letter to all clients.
    - Water quality was good before and after the missed test.
    - Virginia Health Department report states, “No violations of the Commonwealth of Virginia Waterworks regulations were noted except not having the samples.”

Chairman David S. Weiss

- Fire & EMS Commission: Due to lack of a quorum, Commission did not meet.

Chairman Weiss recessed the meeting at 2:16 p.m.

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

16) Citizens Comment Period

No citizens appeared to address the Board.

17) PH 18-02: CC-2018-02 Chapter 165 Taxation Article III Vehicle License Tax

David Ash reviewed the proposed amendment.

At 6:35 pm, Chairman Weiss opened the public comment portion of the public hearing. Being no one present desiring to speak, Chairman Weiss closed the public hearing.

**Vice Chair McKay moved to approve the amendment as presented. 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

Article III Vehicle License Tax<sup>1</sup>

[Adopted 1-19-1988 as Secs. 8-31through 8-37 of the 1987 Code]

§ 165-18. Violations and penalties.  
Amended 93-01-19;  
93-04-20; 97-05-20

The owner or operator of any motor vehicle, trailer or semitrailer who fails to obtain and display any required local license or who displays upon a motor vehicle, trailer or semitrailer any license of the county after its expiration date shall, upon conviction, be punished by a fine not to exceed that of a Class 4 misdemeanor, provided that a violation of this section may not be discharged by payment of a fine except upon presentation of satisfactory evidence that the required license has been obtained.

Amended 1-19-1993; 4-20-1993; 5-20-1997: Provide for penalties for failure to obtain and display the required local license.

§ 165-19. Persons and vehicles subject to tax; presentation of Virginia vehicle registration cards.

A. All motor vehicles, trailers, semitrailers and other vehicles normally garaged, stored or parked in the county shall be subject to the provisions of this article. When such normal location of a vehicle cannot be determined and the domicile of its owner is in this county, the vehicle shall also be subject to the provisions of this article.

B. Subsection A shall not apply to any vehicle exempted by the Code of Virginia, § 46.2-755. Limitations on imposition of motor vehicle license taxes and fees, or other law.F45F<sup>2</sup>

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<sup>1</sup>Editor's Note: See ~ 46.2-752 of the Code of Virginia, authority for assessment of taxes and license fees. See also Art. XIV, Motor Vehicle License Tax Exemption.

<sup>2</sup> Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

- C. All persons subject to the provisions of this article who have been issued state vehicle licenses shall present their state registration cards to the Commissioner of the Revenue for issuance of a county vehicle license.

§ 165-20. Annual tax imposed; when and to whom tax payable. [Amended 4-20-1993]

There is hereby levied, assessed and charged an annual vehicle license tax on motor vehicles, trailers and semitrailers owned by residents of the county, payable to the Treasurer annually during the period January 1 through February 15, as fixed from time to time by resolution of the Board.

§ 165-21. Proration of tax.  
[Amended 4-20-1993]

With respect to any motor vehicle, trailer or semitrailer first garaged, stored or parked within the county after July 1, the county vehicle license tax shall be 1/2 of the annual tax.

§ 165-22. Specifications for licenses; issuance and attachment to vehicles; procurement by county for issuance to vehicle owners. [Amended 07-07-17]

- A. One permanent vehicle decal or other sticker with a number, the words "Clarke County" inscribed thereon shall be issued for each vehicle licensed and shall be attached to such vehicle in this manner: The permanent decal or other sticker shall be securely attached to such vehicle in such a manner that it will be clearly visible from the rear thereof, except on any vehicle with a windshield, in which case the decal or other sticker shall be placed on the windshield to the right of and adjacent to the state inspection sticker, no higher than three inches from the bottom of the windshield of such vehicle.

- B. The Treasurer shall procure the decals or other stickers and forms for the administration of this article, payment thereof to be appropriated from the general county fund.

§ 165-23. Payment of personal property tax required.

No vehicle shall be licensed by the county unless and until the applicant for such license shall have produced satisfactory evidence that all property taxes have been paid which have been properly assessed or are assessable against the applicant by the county.

§ 165-24. Fee for transfer or reissuance.

A fee shall be charged for the transfer or reissue of any county vehicle license.

§ 165-25. License period of validity.  
[Added 07-07-17]

The license tax year under the terms of this Article shall commence on the first day of January and shall expire on the thirty-first [31] of December of the calendar year. The permanent license shall be valid as long as:

- (1) the vehicle is normally garaged, stored, or parked in the county and owned by the licensee, and
- (2) all license taxes assessed against the vehicle owner pursuant to this article have been paid. Display of an invalid license on a motor vehicle shall be deemed a violation of this Article and subject to the penalties set forth in section 165- 18 above.

Amendments Chapter  
165-Article III

2007-07-17

165-22 Amend and 165-25 The Clarke County Board of Supervisors proposes this ordinance be adopted amending Chapter 165 Article III Vehicle License Tax changing § 165-22. Specifications for licenses; issuance and attachment to vehicles; procurement by county for issuance to vehicle owners to state permanent decal and adding § 165-25. License period of validity setting forth the requirements for validity to become effective January 1, 2008.

Next Regular Meeting Date

The next regular meeting of the Board of Supervisors is set for Tuesday, April 17, 2018, at 1:00 p.m. in the Berryville Clarke County Government Center, Main Meeting Room, 101 Chalmers Court, Berryville, Virginia.

18) Adjournment

At 6:55 pm, being no further business, Chairman Weiss adjourned the meeting.

ATTEST: March 20, 2018

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David S. Weiss, Chair

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David L. Ash, County Administrator

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Afternoon Session recorded by Brianna Taylor, Administrative Assistant County Administration. Evening Session recorded by David Ash, County Administrator – Clerk to the Board of Supervisors. Recordings and notes transcribed by Lora B. Walburn, Deputy Clerk to the Board of Supervisors