

May 15, 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, 2nd Floor, Berryville, Virginia conducted on Tuesday, May 15, 2018.

Board Members

Present Afternoon/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 Afternoon/Evening Session: None

County Staff Present

David L. Ash, Cathy Kuehner, Brian Lichty, Brandon Stidham, Lora B. Walburn

Constitutional / State Offices / Other Agencies

Travis Sumption, Tony Roper, Tom Judge

Press

None

Others Present

Rob Goldsmith; Virginia and William Elliot; Joyce Hayton, Jason Miller, David Power; Jeff Hinson, Rappahannock Electric Cooperative

1) Call to Order

Chairman Weiss called the afternoon session to order at 1:02 p.m.

2) Adoption of Agenda

Supervisor Daniel moved to adopt the agenda as presented. The motion carried by the following vote:

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

Chairman Weiss noted the series of recent accidents with fatalities in the County and remarked that the Board sent prayers of support to the families as well as the first responders. He further sent the Board's appreciation and regard to the first responders.

3) Citizens Comment Period

No persons addressed the Board.

4) People Inc. Presentation of 2017 Annual Report

Robert Goldsmith, CEO People Inc., appeared before the Board to provide the 2017 Annual Report. Highlights include:

- Clean FY2017 audit.
- Approximately \$15 MM in revenue and expenses.
- Colleen Hillerson is the Clarke's representative on the People Inc. Board.
- The Supervisors are encouraged to share ideas with Mrs. Hillerson or Mr. Goldsmith.
- Provide Community Action Service to Clarke.
- People Inc. staff currently working on a business loan with a Clarke resident.
 - o Business loans are available to persons that do not qualify for a bank loan.
 - o The loan process includes external review by a committee that includes bankers.
 - o Loan repayment rate is 93%.
- Senior Services:
 - o More than half of the 19 apartment complexes built by People Inc. are for seniors.
 - People Inc. is very interested in trying to develop senior housing of this type in Clarke.

- People Inc. typically constructs facilities with 40 units.
- Such projects take several years to complete.
- Such a project would require a site for multi-family, seniors.
- Conduct financial counseling for seniors.
- Mr. Goldsmith will reach out to Shenandoah Area Agency on Aging [SAAA].
- People Inc. picked up the retired senior volunteer program dropped by SAAA.

Chairman Weiss thanked Mr. Goldsmith for the annual update and for the work done by People Inc.

5) Historic Resources Plan Set Public Hearing

Betsy Arnett, Chair Clarke County Historic Preservation Commission, appeared before the Board to present the Historic Resources Plan, a component of the Comprehensive Plan.

- Commission is currently working on an architectural history book and is applying for additional funding to continue the work.
- Prior to demolition of historic structures review and recommendation by a structural engineer indicating the building is not structurally sound is required.
- Planning to update registries of some National Registry properties.
- Seeking funding to turn driving tour maps into a podcast.
- Removed during the review process language that related to state and federal programs. The plan now references those sources.

Chairman Weiss, on behalf of the Supervisors, thanked Ms. Arnett for the Commission’s time and effort in review of the Historic Resources Plan.

Supervisor Daniel moved to set the matter for public hearing at 6:30 pm, Tuesday, June 19, 2018. The motion carried by the following vote:

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

6) Approval of Minutes

Supervisor Catlett: Page 82 of Packet, Book 23, Page 321, Village of Millwood – strike had recent clean up.

Supervisor Byrd moved to approve the minutes for April 17, 2018, as corrected. The motion carried by the following vote:

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

7) Consent Agenda

A. Bittner Boundary Line Adjustment and RSP Enterprises Grant Application for Easement Purchase

MEMORANDUM

TO: Board of Supervisors, David Ash

FROM: Conservation Easement Authority, Alison Teetor

DATE: May 4, 2018

SUBJECT: Items for consent agenda

- a. Bittner Boundary Line Adjustment*
- b. RSP Enterprises grant application for easement purchase*

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

a. Bittner Boundary Line Adjustment

The Bittner property is located at 185 Blue Bird Lane in Calmes Neck. The Tax Map# is 31-1-91 the other property is Tax Map# 31-1-84 located at 222 Barred Owl Lane (see attached Plat). The Bittner property is in conservation easement and therefore requires approval by both the Easement Authority and County Board of Supervisors. The applicant is requesting approval so as to adjust .2 acres from each property so there is no net change in acreage for either property. The small area is being adjusted to provide the neighbor with parking area and Ms. Bittner with additional river access.

b. RSP Enterprises – easement purchase grant funds

Betsy Pritchard, co-owner RSP Enterprises (Smithfield Farm) has applied to the easement authority for approval of an easement purchase using grant funds. The property is located 568 Smithfield Lane off of Wickliffe Road adjacent to the West Virginia line. The property is identified by Tax Map# 10-A-6. It consists of 214 acres with 5 DUR's and 3 existing dwellings. There is an additional 1.5 acres with 1 DUR that will likely be merged in prior to easement recordation. The primary use is for grazing and hay production. The applicant proposes to retire all of the 6 remaining DURs.

The property meets all of the 4 criteria. The property resource score is 125.69. The applicant would retire all of the 6 remaining DURs. It is next to an existing easement, property that the Pritchard's own and placed in easement in 2009, and it is more than 40 acres. Points were given for retiring 6 DURs, having a perennial stream, a house listed individually on the National Historic Register. Having frontage on a scenic byway, and being owned by the same family for more than 200 years.

Potential grant opportunities include ALE (formally FRPP) federal, and the Virginia Land Conservation Fund (state). This is an excellent candidate for grant funds as it has nearly 100% prime soils, is listed on the National Historic Register and has numerous contributing structures in the Long Marsh Rural Historic District.

Recommendation

Approve the above items and authorize the Chair and County administrator to sign necessary documents.

B. 2018-01P Proclamation in Appreciation of William and Virginia Elliott

**PROCLAMATION IN APPRECIATION OF
William and Virginia Elliott
May 2018**

WHEREAS, William "Bill" and Virginia "Ginny" Elliott owned and operated Black Penny Antiques and Lighting for 42 years, contributing to the economic stability and overall beauty of the Clarke community;

WHEREAS, Bill and Ginny Elliott built a reputation for offering quality antiques, custom-built lamps and excellent repair services that attracted loyal customers from both near and far;

WHEREAS, the Elliotts lived in an historic Millwood home next to their unique shop and made significant improvements to the mid-1800s home and the circa 1830s

shop that was originally a dairy barn as well as an early 1800s log cabin on the property;

WHEREAS, *the Elliotts decided to retire and close Black Penny Antiques and Lighting in April 2018 so they might travel and spend time with family and friends;*

NOW, THEREFORE BE IT RESOLVED, *the Clarke County Board of Supervisors does hereby issue this proclamation in appreciation of Bill and Ginny Elliott, respected residents of Clarke County and beloved shopkeepers whose Black Penny Antiques and Lighting was a destination for thousands of people for more than four decades.*

IN WITNESS THEREOF, *I have set my hand and caused the seal of the County of Clarke, Virginia, to be affixed this proclamation on the 15th day of May, 2018.*

Attest:

David Weiss, Chair 2018-1P

Supervisor Byrd 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	- Absent
David S. Weiss	- Aye

Following adoption, Mr. and Mrs. Elliott joined the Supervisors at the front for presentation.

8) Board of Supervisors Personnel Item

A. Expiration of Term for appointments expiring through May 2018

05/07/2018 Summary: The Personnel Committee made no recommendations for appointment at the time of the meeting but requested staff to confirm the following:

- Check vacancy and eligibility to serve on the Lord Fairfax Emergency Medical Service Council.
- Check appointment of Steve Wisecarver to determine if a vacancy exists.

05/15/2018 Action: David Ash provided the following update:

- Lord Fairfax Emergency Medical Service Council no longer requires Board appointment to its Council.
- Parks and Recreation Advisory Board Town of Boyce Representative Member Steve Wisecarver: The Supervisors will proceed as guided by Boyce Town Council.

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

05/07/2018 Summary: David Ash advised that he forwarded to the county attorney updated information on exempt / non-exempt status.

05/15/2018 Action: David Ash advised the Board that James Klenkar, County attorney for personnel matters, recommends extending its action taken at its April 17 meeting for as long as takes to review the matter.

Excerpt from April 17, 2018, Regular Meeting:

- *This is an ongoing conversation specific to certain employees that are currently listed as exempt.*
- *Sheriff requests authorizing the change in class until such a time as the issue is resolved by the attorneys and counsel of the Sheriff's Association.*
- *FLSA status is already a complex issue made more so by recent court cases specific to first-responders.*
- *Requesting a short-term action that would allow the County to pay overtime until resolved.*
- *Job descriptions approved by external contractor establish the positions as exempt; however, attorneys are suggesting that the positions are non-exempt.*
- *Review is ongoing and positions may be reclassified.*

Supervisor Daniel moved to approve making the exception until such a time as the matter was resolved.

Supervisor Daniel moved to approve keeping the exception in place until such a change in ordinance or evidence to cause reconsideration. The motion carried by the following vote:

Barbara J. Byrd	- Aye
Terri T. Catlett	- Aye

Mary L.C. Daniel - Aye
Beverly B. McKay - Absent
David S. Weiss - Aye

9) Board of Supervisors Work Session Items

At 10:00 am, Chairman Weiss called the May 7, 2018, Board of Supervisors Work Session to order.

A. 2018 Ambulance Billing Changes – BOS Update #1 by Brian Lichty

05/07/2018 Summary: Brian Lichty, Director Fire, Emergency Medical Services, and Emergency Operations joined the Board to provide update on ambulance billing changes. Highlights of review and discussion include:

- Flat fee for treated not transported [TNT] set at \$150. Currently, Blue Cross / Blue Shield allows \$360.
- Medicare and Medicaid cover transport but do not cover treated not transported.
- The County will allow hardship waivers, full or partial, set on national standards.
- Credit card options:
 - o Billing company: Waiting for response outlining fees.
 - o Treasurer:
 - Prefer to keep in house.
 - Treasurer approves as long as the cost is not borne by her department.
 - Convenience fee for credit card payments is a flat rate; however, the Treasurer is working to set up as a percentage.
 - One-time, set-up fee of \$250.

Following review and discussion, the Board expressed support for:

- Balance billing.
- Credit card option through the Treasurer's Office.

David Ash distributed and reviewed Clarke County Fiscal Policy, Revenue Policies.

Clarke County Fiscal Policy Revenue Policies

3. **User Fee Creation.** The County, where possible, will institute user fees and charges for programs and services in the County. Expenditure recovery rates will be established for these programs and services. These rates may be set for full cost recovery, or at some lesser rate, but should be expressed as a percent of total cost to include debt and capital costs as well as operational costs. User Fee revenue shall be used only for related program expenditure.
4. **User Fee Review.** The County will regularly review user fee charges and related expenditures to determine if pre-established recovery goals are being met.

Chairman Weiss clarified that fees collected for emergency medical services were user fees; and, under County Policy, these revenues are used to cover emergency medical services activities. He assured that the County would continue to adhere to established policy and that the Board of Supervisors was committed to using these funds for emergency medical services. Chairman Weiss concluded by stating that the additional fees should minimize taxpayer burden while providing a means for end users to receive service without undue financial burden.

Vice Chair McKay arrived at 1:31 pm.

05/15/2018 Action: David Ash summarized the matter discussed at the Work Session. At the request of Supervisor Catlett, he provided a brief explanation of balance billing – balance of bill is the part the insurance company does not pay. He stated that over time some localities have gone from soft billing to hard billing of the balance. He noted that coverage for treated-not-transported is relatively new for many insurance companies.

Chairman Weiss provided the following update of the May 10 Fire and EMS Commission meeting:

- Discussed balance billing.
- Some volunteers have expressed concern on two points:
 - Fee for service, in general, could negatively influence fund raising.
 - The time required to complete the paperwork to get the information to generate the bill.
 - Brian Lichty is working with volunteers on these points.
- He explained to the Commission that the Board of Supervisors figured balance billing into its FY2019 budget and believed it a reasonable avenue; and, the Supervisors were open to fine-tuning the program with the help of volunteers and Brian Lichty.

Vice Chairman McKay agreed that hard billing probably creates some resentment and may hurt fund raising; however, if insurance companies pay EMS fees, the County should try to collect the revenue. He put forward the idea that in lieu of balance billing sending users a fundraising letter for volunteer companies.

Supervisor Daniel opined that it was ironic that our culture is so opposed to talking about money; and, that opposition intensifies exponentially when people are in an unfortunate or emergency situation. She remarked that while some are uncomfortable asking for insurance cards and identifications, it is something that must be done. She opined that the County was absolutely obligated to provide the services; and, she believed that it was a right, not a privilege or indulgence, for citizens to receive these services. She put forth that citizens need to ensure they are receiving the insurance benefits for which pay. Supervisor Daniel said that services are not free; and, balance billing is the only way for the County to keep its emergency services at the high standard expected for it to operate in – a standard that will continue to increase in the coming year. She opined that balance billing is expected being commonplace to all those using the services. She concluded by stating that she had no moral or fiscal hesitation at going forward with the proposal.

Supervisor Byrd expressed agreement with Supervisor Daniel's comments. She said that she hoped people in the community don't feel that because they are tax payers that all these services are a free, paid for by taxes. She suggested educating constituents on where tax money goes. She stated that balance billing was put into effect to help pay for first-quality service.

Chairman Weiss commented that some constituents do believe that services are free for they believe that their taxes cover all their costs, which they do not.

Supervisor Daniel commented that fee-for-service is a way to keep a little pressure off real estate tax.

Supervisor Byrd reminded of Berryville Town Council's \$15,000 funding cut for emergency medical services.

Supervisor Catlett put forward that health care is expensive and navigating where it goes is difficult. She opined that nothing is free including the "write offs" for, ultimately, someone must pay.

Chairman Weiss expressed his appreciation for the Board's thoughts noting its unity on the matter.

B. Fire & EMS Commission Letter in Support of the Initial Stipend Requests by the Blue Ridge and John H. Enders Volunteer Fire Departments

05/07/2018 Summary: Highlights of Board discussion include:

- Letter from Clarke County Fire and Rescue Association dated February 7, 2018, sent from the Board of Supervisors to the Fire and EMS Commission for review and recommendation.
- The Fire and EMS Commission did not agree with the stipends requested in the February 7 letter and made other recommendations that were included in the FY2019 Budget to include:
 - o Two additional Emergency Medical Technician positions (\$112K). Change from five to seven full-time positions.
 - o Volunteer Incentive Program = \$15K
 - o Additional \$15,000 stipend for each of the three companies (\$45K).
- April 13, 2018, Letter from Fire and EMS Commission:
 - o The intent of the Fire and EMS Commission letter is to show support for the volunteer system.
 - o The Fire and EMS Commission is aware that it is too late to fund the Clarke County Fire and Rescue Association request of February 2018 in the FY2019 budget.
 - o Matt Hoff, Fire and EMS Commission Chair and member of Boyce Volunteer Fire and Rescue Company, abstained from the vote to approve sending the letter of support.
- Boyce Volunteer Fire and Rescue Company, while it does need funds, did not support the Clarke County Fire and Rescue Association request to double individual stipends.
- Neither the Supervisors nor the Commission dictate to the individual volunteer companies how to use stipends provided by the County using taxpayer dollars.
- Fire and EMS Commission, in conjunction with Brian Lichty, are reviewing service areas, staffing options, equipment needs, and upcoming projects.
- At the request of the Board of Supervisors, Chairman David Weiss, Fire and EMS Commission liaison and Board of Supervisors Finance Committee member, with Supervisor Terry Catlett, Board of Supervisors Finance Committee member, will relay to the Fire and EMS Commission at its next meeting, May 10, 2018, the following:
 - o The Supervisors support the emergency services system.
 - o The Supervisors fully funded the Fire and EMS Commission request presented for the FY2019 budget advertised, public hearing held, and Board-approved April 17, 2018.

- While it is too late to consider a request to double stipends for two volunteer companies for the FY2019 budget, the Commission should begin planning for FY2020 now.

05/15/2018 Action: David Ash summarized the matter discussed at the Work Session.

C. Economic Development Strategic Plan Matrix Priorities Discussion

05/07/2018 Summary: David Ash explained that the contract for the Economic Development Director had expired April 15; and, he was seeking Board direction on its top priorities for the position for inclusion in the Request for Proposals. Following discussion, the Board agreed on the following:

- Support existing businesses assisting with expansion efforts and other growth activities.
- Seek to attract new businesses that support current businesses operating in the locality.
- Represent the County with business enterprises, business groups and organizations, real estate professionals, developers, and other stakeholders who are engaged in local, regional, state and national economic development.
- Provide referrals and educational opportunities for existing and potential business owners.

David Ash will work with Mike Legge on RFP development. He will also update the Economic Development Strategic Plan Action Matrix for further review by the Board.

In subsequent discussion, the Board concurred on tasking review and recommendation of the Economic Development Strategic Plan to the Economic Development Advisory Committee and the Industrial Development Authority. Final recommendation from these bodies presented to the Planning Commission for its consideration.

05/15/2018 Action: David Ash summarized the matter discussed at the Work Session. He advised that he had prepared a rough draft, which he would be provided at a later date.

Chairman Weiss suggested that each Supervisor pull out five to ten items they believed important and provide those items to Administrative staff.

D. Director of Public Information Announcement

05/07/2018 Summary: Chairman Weiss introduced Cathy Kuehner as the Director of Public Information, a new position with the County.

05/15/2018 Action: David Ash briefly reviewed the announcement of the hire of Cathy Kuehner. Chairman Weiss added that he was glad to have Ms. Kuehner on board and noted that she was already working on many things.

E. NexGen Broadband Letter of Support

05/07/2018 Summary: Supervisor Daniel, member of the Broadband Implementation Committee, reviewed the request by NexGen Broadband for a letter of support. Highlights include:

- NexGen is a private company planning an expansion from Ashburn, Virginia to Ohio.
- Applying for a USDA grant intended to aid rural services.
- Seeking to provide residential broadband service from spine on Route 7.
- Not requesting funding.
- Support letter endorses localities need for services not the company.

Brandon Stidham suggested that the letter of support be contingent upon NexGen providing David Ash a copy of the grant application. Further, the letter of support makes it clear that the County is not providing financial support.

Vice Chair McKay moved to approve a letter of support for NexGen provided a copy of the grant application is provided to the County Administrator and further, making it clear that the Board of Supervisor is not committing to any funding. 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

05/07/2015 Summary: At 11:50 am, Chairman Weiss adjourned the Work Session.

05/15/2018 Action: David Ash informed the Board that the letter of support was mailed last Friday.

10) Board of Supervisors Finance Committee Items

A. Kohn Property Improvement Estimate

05/07/2018 Summary: There is \$15,000 budgeted in FY 19 for this work. The Finance Committee recommended that the County Administrator exclude central heating/air and therefore proceed with expenditure of \$3,750.

05/15/2018 Action: Tom Judge summarized Finance Committee discussion of the scope of work on the Kohn property.

B. Primary School Surplus Transfer

05/07/2018 Summary: The Clarke County School Board has announced a surplus of \$186,160 in the Primary School Renovation project. The Committee discussed potential uses for these funds but deferred action until the close of the current fiscal year

05/15/2018 Action: Tom Judge summarized the Finance Committee recommendation. Mr. Judge advised that he would be deactivating the account.

Chairman Weiss thanked the School Board and the School Superintendent noting that they kept their word. He also reminded that former Millwood / Pine Grove Superintendent John Staelin was the architect of the deal; and, an excess of \$186,000 remained after meeting the School needs for new or remodeled facilities. He opined that this was a great example of good faith effort with each other and the working relationship with the School Board.

Supervisor Byrd commented that it took a long time but the County did it and under budget.

Supervisor Daniel stated that she very much appreciated what the prior Board did.

C. FY2019 Appropriation Resolution

05/07/2018 Summary: Dates contained in appropriation resolutions relating to the Public Safety, Food Service, and Joint Government Center funds have been corrected in the records to reference fiscal year 2019 instead of 2018.

05/15/2018 Action: Tom Judge briefly reviewed the correction of the record. Review of budget matters include:

- Senate met today and has decided to meet again a week from today.
- Senate budget resolution still uncertain. May pass a continuing appropriation for July.
- County receives \$1.2MM per month from the State, an amount that exceeds the Rainy Day Fund.
- May want to slow down expenditures of state funds should the delay extend beyond July 1.

D. 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

E. Standing Reports

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

Mr. Judge stated that the Joint Administrative Services Board did not meet in April and the May meeting cancelled.

11) Government Projects Update

David Ash provided the monthly project update.

- Convenience Center: Rain has caused delays.
- Old Courthouse / 104 North Church Street

- Maintenance Director unable to get assistant or direction on renovation or remodel of HVAC in the old courthouse.
- County Administrator recommended contacting Comfort Design.
- Kohn Park – Ebenezer Road:
 - Expecting return of survey, contour lines, and improvement placement.
 - Discussed improvements on the residence and structure on property. The Maintenance Director will do in-house utilizing a loose schedule with a goal of having it ready for use late summer to early fall.
 - Installed gates to keep people off property until park is ready for use and being maintained.
 - Considering installing a no trespassing sign.
 - Maintenance requested a pest inspection of the structure.
 - Engineer advised that the overflow pipe broke off near the bottom causing the pond to drain itself. Repair will wait until the Board determines what to do with and how to maintain the pond.
 - Master plan is a work in progress.
 - No activity planned at this point. Will mow specific areas and effect repairs to the residential structure.
- Former School Administration Building / House:
 - Roof Replacement:
 - Need to replace.
 - Seeking quotes.
 - Funds are available in the current budget for roofing.
 - Need to remodel.
 - Need to develop conditional agreement.
 - No specific use in mind.
 - Only requested use for building is additional storage for court clerks and the Commonwealth Attorney.
 - Pursue acquisition for County use with the School Board.
- Park Pavilion:
 - Recommend made to give records to the county attorney.
 - Subcontractor hired by the vendor to incorrectly installed the foundation.
 - Recommend the County apply pressure on the vendor to correct.
- Social Media Policy:

- Cathy Kuehner began May 7.
- County does have one in draft, but nothing brought yet for the Board to adopt.
- Ms. Kuehner is crafting a policy.
- Appalachian Trail Parking Lot: Finished. Cathy Kuehner covered completion for the County; and, The Winchester Star and the Appalachian Trail hiking blog picked up her press article.
- Josephine Street Museum Roof:
 - Alison Teetor completed paperwork for federal grants.
 - Alison Teetor working with Mike Legge on procurement of roofing contract.
 - Seeking additional funding sources.
 - May need additional appropriation.

12) Miscellaneous Items

No items identified.

13) Summary of Required Action

<u>Item</u>	<u>Description</u>	<u>Responsibility</u>
1.	Draft public hearing notice and coordinate with Planning.	Lora B. Walburn
2.	Process approved minutes.	Lora B. Walburn
3.	Process approved 2018-01P	Lora B. Walburn
4.	Create a reduced scope of work for Economic Development Director scope of work for procurement document.	David Ash
5.	Ask CCSA to provide update at July Work Session with Imboden and Mike Legge or Mary Meredith.	Lora B. Walburn
6.	Execute VDOT's Construction Budget FY2019.	David Ash
7.	Draft and process VDOT's Secondary Six-Year Plan resolution 2018-06R.	Lora B. Walburn

14) Board Member Committee Status Reports

Supervisor Barbara J. Byrd

Thanked Terri Catlett for covering her assignments including the Northwestern Regional Adult Jail Authority, Northwest Regional Adult Drug Treatment Court Advisory Committee, Northwestern Regional Juvenile Detention Center Commission, Board of Social Services, and Conservation Easement Authority.

- Berryville Town Council:
 - Mayor very generous in her congratulations to the newly-elected Council members.
 - Dr. Dan Garrett informed Council that the \$18MM, 120-unit, senior housing facility is moving forward. Organization gave \$150,000 to John H. Enders Volunteer Fire and Rescue services to offset additional costs.
 - Keith Dalton will work on creating a simple, easy-to-read explanation of water and sewer charges.
 - Approved east end of Route 7 from Berryville to Battletown Estates improvements.
 - Sidewalk on one side of the road.
 - Buried utilities.
 - Will apply for grants.
 - Discussed electric charging parking meters.

David Weiss left the meeting at 2:28 pm. Returned 2:30 pm.

Supervisor Terri T. Catlett

- Conservation Easement Authority:
 - Discussed potential easement request for Rosemont Manor – a Town of Berryville easement.
 - Fairfield was not placed in easement.
- Northwest Regional Adult Drug Treatment Court Advisory Committee:
 - Discussed whether persons in the program should be in relationships, which under current rules is not allowed.
 - Fourteen persons in the working group will be attending training in Texas.
 - Graduation scheduled for May 22.
- Northwestern Regional Adult Jail Authority:
 - Approved budget.
 - Discussed staffing issues, particularly nursing staff.
 - Budget did not include funding for assistant jail superintendent.

- Northwestern Regional Juvenile Detention Center Commission:
 - Currently house 14 residents – none from Clarke.
 - Discussed compensation study.
 - Discussed camera system update.
- Board of Social Services:
 - Discussed hire of new director.
 - Met with Linda Gibson with the northern regional office to discuss job posting, interview process, funds, etc.
- Clarke County School Board:
 - Attended April 23 meeting.
 - Recognized Amanda Booker, Loudoun Mutual Insurance.
 - Discussed technology initiative.
 - Nineteen students recognized by LFCC for dual enrollment, including those in HVAC training.
 - Did not attend Work session last night.

Supervisor Mary L.C. Daniel

- Broadband Implementation Committee:
 - NexGen letter sent.
 - Roundtable scheduled with companies that provide broadband services in the County for June 20.
 - Brandon Stidham added that he has received one confirmation and one maybe.
- Josephine Community School Museum:
 - No meeting this month.
 - Several have commented about roof - pleased with Alison Teetor, Maral Kalbian, and the County, who are moving this project forward.
 - April 20 participated in Clarke Triangle Field Trip, a school program for fourth-graders.
- Legislative Liaison and High Growth Coalition: Nothing to report.
- Library Advisory Council: Did not meet.
- Planning Commission:
 - Made a few minor changes to the Historic Resources Plan.

- Ordinance update committee working very hard.
- Alison Teetor, Natural Resources Planner, provided a draft of the water resources plan scheduled for public hearing by the Planning Commission in July.
- Approved two minor subdivisions.
- Sheriff Office: Cancelled the meeting scheduled for Friday.

Vice Chair Bev B. McKay

- BCCGC Joint Building Committee:
 - Last meeting of Allen Kitselman, original member, who, after 18 years, did not seek re-election.
 - Allen Kitselman has been an asset to the Committee. He hopes that Council will replace with someone in that vein.
 - Moving Library boxes to hill by apartments to improve safety during inclement weather and improve traffic flow.
- Economic Development Advisory Committee: Meets tomorrow.
- Northern Shenandoah Valley Regional Commission:
 - Missed meeting.
 - Brandon Stidhman did attend. He reported that the spring dinner is scheduled for Thursday, May 17, at Lord Fairfax Community College Curran Center.
- Sanitary Authority:
 - Met this morning.
 - Imboden purchased a company that will be writing a software program to manage small systems.
 - Clarke County and the Town of Middleburg shall beta test the program at no charge.
 - Software program will allow Imboden to watch plants in real time.
 - Tele-genics on water towers working well.
 - Still reviewing potential well sites:
 - Ask CCSA to provide update at July Work Session with Imboden and Mike Legge or Mary Meredith.

Chairman David S. Weiss

- Fire & EMS Commission:
 - Provided information from the Supervisors to the Commission with Terri Catlett.

- The Supervisors support the current budget.
- The Supervisors want to fund the system as a whole.
- Active meeting with a lot of conversation about fees and the incentive program.
- Brian Lichty presented, and the Commission voted on, an option for the incentive program.
- Industrial Development Authority:
 - Authority meets quarterly.
 - Bill Waite, Treasurer, Mark Cochran, Chair, Brian Ferrell, Vice Chair.
 - Finance Subcommittee Meeting:
 - Refined the financial package.
 - Redirected some funds into investments.
 - All bond fees received and current.
 - Continue to seek ways to stimulate development in the county.
 - Finalized the Waterloo Area Water and Sewer Fee Subsidy Program.

Announcements

- Memorial Day service at Rose Hill Park, May 27, 2 pm
 - Chairman Weiss unable to attend and seeking an alternate.
 - Supervisor Byrd usually attends this event.
- Future Farmers of America in High School Cafeteria, May 17, Social Hour 5 pm, Dinner 6 pm
- Lloyd Williams Day Parade, July 14
 - RSVP by May 18.
 - Event scheduled in conjunction with WWI and WWII Committee
 - Supervisor Byrd, Board of Supervisors liaison to WWI and WWII Committee will be celebrating the anniversary of the end of WWI in France.

Chairman Weiss recessed the meeting at 3:04 p.m.

Chairman Weiss reconvened the meeting at 6:35 p.m.

15) Citizens Comment Period

No citizens appeared to address the Board.

16) VDOT Update

Item not reviewed.

17) PH 18-05 Secondary Six-Year Plan for 2018/2019 - 2023/2024 in Clarke County, and on the Secondary System Construction Budget for Fiscal Year 2018

Jeff Boyer, VDOT Environmental Specialist, appeared before the Board to conduct the joint public hearing. He distributed an updated SSYP FY2019 through FY2024 and Construction Program FY2019. Review of the projects and funding allocations for the next six years include:

- Major Projects:
 - Two major projects both on the Clarke / Frederick County Line
 - Old Charlestown Road [Route 761] – bridge replacement
 - Old Winchester Road [Route 723] – bridge replacement
- Estimated Allocations
 - Commonwealth Transportation Board: \$198,047
 - After FY2020, funds will go to District Grant Unpaved Funds.
 - Clarke will compete with 11 counties for these funds after FY2020.
 - TeleFee: \$197,928
 - Fees from telephones, internet use.
- New Hard Surface Projects
 - Lockes Mill Road [Route 621] EHS 2.09 Miles East Route 608 to 1.09 Miles East Route 608.
 - First priority due to customer complaints, dust complaints, and most maintenance issues in that area.
 - Estimated start date 2020.
 - Will end this phase past Watermelon Park entrance to cover the commercial phase.

- Janesville Road [Route 652] Route 657 to Route 633
 - Moved up to second priority due to complaints.
 - Moved up to 2021 from 2023/2024.
 - \$68,000 in secondary fees located and added to secondary projects.
- Lockes Mill Road [Route 621] Second Phase 1.09 E Route 608 to Route 612
 - Chilly Hollow tie in to Watermelon Park 2023 to 2024.
 - Will extend the first project
 - To get a good tie in, VDOT will usually go 100 feet past entrance.
- Planning Estimates-Typical Sections

	<u>Cost Per Mile</u>
– Rural Rustic	\$ 305,000
– Avg. 2-Lane Road Reconst.	\$ 809,952
– 2-Lane Road New Location	\$ 2,230,800
– Avg. 4-Lane Road Reconst.	\$ 2,415,128
– Avg. 4-Lane Road New Location	\$ 4,461,600

At 6:48 pm, Chairman Weiss opened the public comment portion of the public hearing.

Joyce Hayton, Janesville Road: Thanked the Board for placing Janesville Road on the list. She stated that she had been waiting a long time for paving noting that she had even spoken to Supervisor Catlett about during her election campaign in 2015. She opined that the road was plagued with potholes and dust. She concluded by stating that she was really in favor of it; and, again, thanked the Board for its consideration.

David Powell, Kinsky Lane: distributed written comments below:

David & Eva Powell 633 Kinsky Lane, Berryville, VA 22611, [540] 955-1566, dpowell@deptecorp.org Tuesday, May 15, 2018, Clarke County Board of Supervisors & Virginia Department of Transportation, 101 Chalmers Court, Suite B, Berryville, VA 22611

REFERENCE: Board of Supervisors & VDPT Public Hearing Notice PH18-05 6:30pm 05-15-2018. The purpose of public hearing **PH 18-05** is to receive public comment on the proposed Secondary Six-Year Plan for 2018/2019 - 2023/2024 in Clarke County, and on the Secondary System Construction Budget for Fiscal Year 2018 and states, **"Any person who wishes to speak on this item is invited to attend the hearing"**.

BACKGROUND: Topic of interest scheduled to be discussed during the hearing is the care and upgrading of Locke's Mill Road between its' intersection with Parshall Road

extending eastward to Watermelon Park recreation grounds. This section of road crosses the address property, 633 Kinsky Lane, of the undersigned. A list of talking points to be discussed during the meeting are attached for your record.

INTRODUCTION: The property at 633 Kinsky Lane was purchased by David and Eva Powell early 2003. During the past 15 years the address has been our primary home of residence. Road dust has become a health and safety issue due to (a)the dirt surface, (b)increased size, number, speed of vehicles, and (c)increase of pedestrians walking between the park and boat landing. The health issue is validated by the diagnosis/treatment of my wife's pulmonary and optometrist i.e. Dr. Wolfe, Winchester Pulmonary and Dr. Twigg, Berryville Optometry. Both believe dust is the major contributor to her health problems. During the past 6 years we have had to visit family members to escape the excessive dust from the road.

ACKNOWLEDGEMENT: We appreciate the support of Mr. Weiss/Clarke County, Mr. Balderson/VDOT, and Mr. Monroe/ VDOT for their efforts during 2017 to reduce the dust situation.

CONCLUSION/RECOMMENDATION: The best approach to address the health and safety issues and reduce increased road maintenance costs is to upgrade the surface of the portion of Locke's Mill Road being examined.

TALKING POINTS

Board of Supervisors & VDOT Public Hearing Notice PH18-0S 6:30 pm 05-15-2018

POINTS ARE FOR 633 KINSKY LANE LOCATION, OTHERS MAY AGREE OR DISAGREE:

Point 1: We must have some relief from the unhealthy, unsafe dust conditions that exist on Locke's Mill Road. **UNHEALTHY:** Excess dust has resulted in pulmanary/lung and optometry medical attention. **UNSAFE:** Near wrecks due to poor visibility of drivers meeting and near misses of pedestrians walking on side of road. We have a deck overlooking the river and we are unable to sit outside.

Point 2: When you hear dusty, what does that mean to you? Does dusty change by the amount of time you are subjected to a dusty situation? What level of dust causes vegetation to die or not grow? Mild dust, bad dust, terrible dust, suffocating dust. If you don't stay there for a day or more, you can't answer the question. You also must stay on the downside of the wind. (Let me show you a filter from my air cooling system during a dusty period.)

Point 3: Increase in Speeding. Is it safer to drive 35-45mph with poor visibility than to drive 45-55mph with good visibility? My observations during the past 10 plus years of near misses, good visibility is paramount, 15-25mph when you can't see the vehicle in front or behind you to say nothing of a person walking, is unsafe.

Point 4: Cost. *To solve the dust on Locke's Mill Road, based on increased calcium chloride/maintenance results of 2017, the effort will have to double or triple depending on weather, rain, etc. The cost of a surface upgrade versus cost of increased treatments of a dirt road must be undertaken by VDOT, but something must be done.*

Jason Miller, Watermelon Park: He told the Board that he had been at Watermelon Park his entire life and had seen many wrecks over those 30 years. He concurred with Mr. Powell on dust, visibility, road conditions, and speed issues. Mr. Miller said that Watermelon Park tries to help with the dust by watering the road recognizing that the family business generates much of the traffic. He stated that he really appreciated that the Board was considering paving this road.

Being no one else desiring to speak, Chairman Weiss closed the public hearing at 6:58 pm.

Supervisor Catlett remarked that she really appreciated everyone taking the time to come in and share and that she appreciated the humor displayed; and, she, also, recognized the serious need to pave these roads for the conditions do seriously affect people's lives.

Supervisor Byrd contributed that paving of Allen Road took 17 years to complete with completion in 2017. She did add that some constituents on that road did not want paving.

Supervisor Daniel put forward that this was the first public hearing she had sat through where the Supervisors were talking about plans to spend real money and everybody says, "Do it. Can you do it faster? Do it just the way you said you wanted to do it." She commented that this was nice to hear and she really appreciated everyone coming to the public hearing to let the Board know and for paying attention.

Vice Chair McKay added that it was nice to have citizens at the public hearing opining that he found nothing worse than to attend the public hearing with no one but the Board in attendance.

Chairman Weiss summarized that some of the projects had been a long time coming but they were nearing the finish line. He expressed appreciation for VDOT's work and it finding more funding. Chairman Weiss then called for a motion.

Supervisor Byrd moved to accept the Secondary Six-Year Plan for 2018/2019 – 2023/2024 and Construction Budget for Fiscal Year 2018 as presented.

Supervisor Byrd asked if anything could happen to move the projects forward faster.

Mr. Boyer replied that advancing projects could occur with the additional allocation, findings, or appropriations of funds. He reminded that the funds were projected estimates

and not guaranteed. He restated that the Janesville Road project had been advanced. He complimented the Board for picking very viable projects.

Chairman Weiss expressed concerned because of the County's small size for future allocations based on competition.

The motion carried 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

**Secondary Six-Year Plan for 2018/2019 - 2023/2024 in Clarke County and the
Secondary System Construction Budget for Fiscal Year 2019
Resolution 2018-06R**

At a regular meeting of the Board of Supervisors of the County of Clarke, Virginia, held in the Main Meeting Room, Second Floor, at the Berryville / Clarke County Government Center, on Tuesday, May 15, 2018, at 6:30 p.m.

Present: Barbara J. Byrd; Terri T. Catlett; Mary L.C. Daniel, Beverly B. McKay; David S. Weiss; Absent: None

On a motion by Supervisor McKay and carried unanimously:

WHEREAS, Title 33.2 Highways and Other Surface Transportation Systems of the Code of Virginia, 1950 as amended, provides the opportunity for each county to work with the Virginia Department of Transportation in developing a Secondary Six-Year Road Plan;

WHEREAS, this Board has previously agreed to assist in the preparation of this Plan, in accordance with the Virginia Department of Transportation policies and procedures, and participated in a public hearing on the proposed Plan (2018/2019 through 2023/2024), as well as the Secondary System Construction Budget for Fiscal Year 2019 on Tuesday, May 15, 2018, at 6:30 p.m. after being duly advertised so that all citizens of the County had the opportunity to participate in said hearing and to make comments and recommendations concerning the proposed Plan and Construction Budget;

WHEREAS, Jeff Boyer, Environmental Specialist, Virginia Department of Transportation Edinburg Residency, appeared before the Board and recommended approval of the Six-Year Plan for Secondary Roads (2018/2019 through 2023/2024) and the Construction Budget (FY2019) for Clarke County;

NOW, THEREFORE BE IT RESOLVED that since said Plan appears to be in the best interests of the Secondary Road System in Clarke County and of the citizens residing on the Secondary System, said Secondary Six-Year Plan (2018/2019 through 2023/24) and Construction Budget (FY2019) are hereby approved as presented at the public hearing.

ATTEST: May 15, 2018

David L. Ash, Clerk
Clarke County Board of Supervisors

Secondary System
Clarke County
Construction Program
Estimated Allocations

Fund	FY2019	FY2020	FY2021	FY2022	FY2023	FY2024	Total
CTB Formula - Unpaved State	\$100,989	\$97,058	\$0	\$0	\$0	\$0	\$198,047
Secondary Unpaved Roads	\$0	\$0	\$0	\$0	\$0	\$0	\$0
TeleFee	\$32,988	\$32,988	\$32,988	\$32,988	\$32,988	\$32,988	\$197,928
Residue Parcels	\$0	\$0	\$0	\$0	\$0	\$0	\$0
STP Converted from IM	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Federal STP - Bond Match	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Formula STP	\$0	\$0	\$0	\$0	\$0	\$0	\$0
MG Formula	\$0	\$0	\$0	\$0	\$0	\$0	\$0
BR Formula	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Other State Match	\$0	\$0	\$0	\$0	\$0	\$0	\$0
State Funds	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Federal STP	\$0	\$0	\$0	\$0	\$0	\$0	\$0
District Grant - Unpaved	\$0	\$0	\$136,278	\$56,114	\$74,499	\$74,499	\$341,390
Total	\$133,977	\$130,046	\$169,266	\$89,102	\$107,487	\$107,487	\$737,365

Board Approval Date:

Residency Administrator

Date

County Administrator

Date

D. L. Ash *5/15/2018*

Next Regular Meeting Date

The next regular meeting of the Board of Supervisors is set for Tuesday, June 19, 2018, at 1:00 p.m. in the Berryville Clarke County Government Center, Main Meeting Room, 101 Chalmers Court, Berryville, Virginia.

18) Adjournment

At 7:05 pm, being no further business, Chairman Weiss adjourned the meeting.

ATTEST: May 15, 2018

David S. Weiss, Chair

David L. Ash, County Administrator

Recorded and transcribed by Lora B. Walburn, Deputy Clerk to the Board of Supervisors