

September 18, 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, September 18, 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, Brianna R. Taylor, Lora B. Walburn

Constitutional / State Offices / Other Agencies

Barbara Bosserman, Brian Rosenberry, Tom Judge

Press

Mickey Powell – The Winchester Star; Bria Lloyd – WDVM, Nexstar Broadcasting, Inc.

Others Present

Ed Carter, Scott Alexander, George Archibald, Wendy Clatterbuck, Jeff Hinson; David Borger, Vincent Day, Frank Lee, Mary Ivie, Pete Maynard

1) Call to Order

Chairman Weiss called the afternoon session to order at 1:04 p.m.

2) Adoption of Agenda

Supervisor Catlett 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	-	Aye
David S. Weiss	-	Aye

3) Citizens Comment Period

George Archibald, 27 West Main Street: Presented Chairman Weiss with a binder containing 158-pages of material compiled by Mr. Archibald. He made the following statement upon presentation:

GEORGE ARCHIBALD
27 WEST MAIN STREET
BERRYVILLE, VIRGINIA 22611-1380

TELEPHONE (540) 303-1477
EMAIL: <archibaldgeorge65@gmail.com>

September 18, 2018

Statement before Clarke County Board of Supervisors Regular Meeting

Chairman Weiss and Members of our County Governing Body,

Board of Supervisors has a positive, comforting ring to it. You are, by law, the chief governing oversight and appropriations body of Clarke County and our community.

I come before you with request to take up this important responsibility with respect to the unfolding story at the Clarke County School Board, for which you are the statutory appropriating body and general overseer.

At your Board of Supervisors recent Personnel Committee meeting last Monday, September 10, I sought recognition and was invited by Chairman Weiss for cordial conversation and my request for this opportunity to bring you up to date on the public record before Clarke County Circuit Judge Alexander Iden, about which it is appropriate for you to be informed by me as Petitioner.

Today I present for your convenient review this packet with covering letter, including complete copy of the Amended Petition for Declaratory Judgment and Injunctive Relief, with Exhibits; filed Demurrer filed by defendant Clarke County School Board's present attorney in Fairfax, Virginia, retained under the Board's liability insurance policy issued by VACOR of Roanoke; and my own most recent filed pleading with published newspaper accounts which Judge Iden will have before him on September 26 for his own determination of further action.

This is for your oversight, which goes to the very heart of the genius that is Clarke County's governmental structure, with Joint Administrative Services under Director Tom Judge, who also as Deputy Clerk of the School Board ties you together with the Public School Division and governing Clarke County School Board itself whose appropriated \$26.95-million total 2018-19 operating, capital, and debt budgets comprise the largest share of total annual county expenditures.

Wendy Clatterbuck, 1982 Pyletown Road and member of the Millwood Community Association: Provided the following update from the most-recent meeting:

- Sheriff Roper, with Lee Coffelt, attended and gave presentations.
- Concerns for VDOT:
 - 40 MPH speed limit.
 - Placement of white line at stop on Route 255 and Route 50.
 - Main concern is speeding.
 - Add rumble strips.
 - Increased fine area in Village.

Vice McKay commented that the Clarke County Sheriff's Office uses speed trailers and often places law enforcement officers in the area.

4) Virginia Department of Transportation [VDOT]

Ed Carter, Residency Administrator, introduced Scott Alexander, Assistant Residency Administrator. Mr. Carter provided the following update:

Maintenance:

- August, like most of the summer, was spent repairing flood damage from the inordinate amount of rain we have received.
- VDOT was able to perform some shoulder repairs on Route 50 and trim some trees for school bus on various secondary routes.
- VDOT completed mowing on the primary routes and began mowing on the secondaries.
- VDOT will continue mowing the secondary routes and plant mix repair on various routes.
- VDOT will be catching up on our grading operations on non-hard surfaced routes, weather permitting.
- VDOT will also be holding dry runs with equipment for winter preparations.

Projects:

- Rural Rustic:
 - VDOT is behind on its rural rustic road because of the weather.
 - VDOT is hoping to begin drainage and brush cutting by end of the year.

- Millwood Community Association Concerns:
 - Speed Recorder: VDOT has a new speed recorder that is blackened and less conspicuous to motorists, which will, hopefully, result in more nearly accurate readings.
 - Double-fine Areas: Mr. Carter will research the recently passed laws.
 - Rumble Strips:
 - Mr. Carter will direct traffic to study the area.
 - Typically placed on high volume primary or secondary roads along shoulders to alert drivers to drift.
 - Present difficulties for snow removal.
 - Localities are required to maintain.
 - Mr. Carter will provide a list of options for review.

Supervisor Comments:

- Supervisor Byrd:
 - Speeding Crums Church and Triple J Roads: Two constituents have complained about excess speeds on these roads. Requested cooperation of the Sheriff's Office and placement of a speed recorder.

Ed Carter suggested using the speed recorder first in the Village of Millwood, then to Triple J Road, and on to Crums Church Road. He cautioned that this process would stretch over a period of at least several weeks.
- Supervisor Catlett
 - Morgan's Mill Road: Road is washed out and ditches are very deep.
- Chairman Weiss:
 - Trees: Ed Carter will ask Scott Nye to contact David Weiss.
 - Site issues at Route 608 and Route 7 facing east: Johnson grass is tall in the island.
 - Doodles Store Route 612 & Route 7: Several factors creating site issues.
 - Route 608: Significant ditch issues going in area that connects with Lockes Mill Road.
 - Boom Road: Johnson grass is thick.

5) Approval of Minutes

Vice Chair McKay moved to approve the minutes for August 29, 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

6) Consent Agenda

- A. Amend Residency Requirement for the Planning Director to Include Adjacent Counties

- B. 2018 Hazard Mitigation Plan Synopsis & Adoption

MEMORANDUM

To: David Ash, County Administrator

From: Brian Lichty, Director Fire, EMS and Emergency Management

Date: August 28th, 2018

RE: 2018 Hazard Mitigation Plan Synopsis & Adoption

The Northern Shenandoah Valley Regional Hazard Mitigation Plan has been prepared by the Northern Shenandoah Valley Regional Commission (NSVRC) in coordination with a regional steering committee, state agencies, and public input. This plan was adopted in 2012 and has undergone the required 5-year review. This plan serves to identify strategies to facilitate locality readiness and enhance response and resilience in the face of hazards to protect life and property. The plan includes:

- Identification of various natural hazards that affect the region;
- Ranking hazards identified in terms of threat;
- Assessment of potential losses to infrastructure, population, and operations from hazards;
- Identification of goals and actions to mitigate hazards for each jurisdiction;
- Updated listing of strategies to guide future hazard mitigation efforts and an
- Outline of a mechanism to monitor the plan in the future planning period.

The main areas of focus for Clarke County are focused in chapters 3 – Regional Setting, Chapter 5 – Capability Assessment, and Chapter 7 – Plan Maintenance.

In Chapter 3 of the plan there are several elements about the region to include:

- Population Density and Housing Unit Density (Clarke County Population Density – 79.8, Housing Unit Density-36)
- Location of Northern Shenandoah Valley Region in relation to Washington DC Watersheds, Wetlands, Elevation and Mountain Peak maps
- Climate Statistics
- 2010 Population Density mapping & Future Population Density
- Intercensal Population estimates to include age profiles
- Medium Household Incomes
- County top 5 Employers
- Number of housing units, to include density, occupancy and average value
- List of Critical Facilities (Schools, Police, Fire, Medical)
- List of Religious Institutions
- Major Road Identification to include Interstates, Highways and Railroads
- Transportation hubs, to include Airports, Busses, Trains
- Electrical & Gas Services Territories
- Water and Sewer system capabilities

In Chapter 5 of the plan a review and inventory from each jurisdiction's relevant ordinances, comprehensive plans, capital improvement programs, and other programs and policies to identify strengths and weakness that might preclude the implementation of this plan. Clarke County does have a Comprehensive plan, an EOP, CIP and Municipal Code.

In Chapter 7 of the plan the referenced FEMA guidance is identified and the requirements within for proper adoption. Furthermore, there is a plan to for future revisions and updates. This plan meets and exceeds Federal Hazard Mitigation planning. A full draft of the plan can be found at; <http://www.nsvregion.org/hazardmitigation.html>

It is my recommendation that the Clarke County Board of Supervisors adopts this plan. This plan will allow our agency to stay in compliance with current Federal and State laws and does not require a financial obligation.

BY ADOPTING THIS PLAN THERE IS NO COMMITMENT TO ANY ACTIONS,
FINANCIAL OR PROCEDURAL. THE ADOPTION OF THIS PLAN ASSISTS IN
IDENTIFYING HAZARDS FOR THE MITIGATION, PREPARDNESS, RESPONSE AND
RECOVERY OF EMERGENCY MANAGEMENT IN THE COUNTY.

- C. Endorse Lord Fairfax Emergency Medical Services Council for re-designation as a regional EMS Council serving the citizens of the Northern Shenandoah Valley within the Commonwealth of Virginia.

September 18, 2018

Lord Fairfax EMS Council, Inc.
180 Prosperity Drive, Suite 1
Winchester, VA 22602

Attention: Tracey McLaurin, Executive Director

This letter is in reference to the Lord Fairfax EMS Council's upcoming application for re-designation as a regional EMS Council serving the citizens of the Northern Shenandoah Valley within the Commonwealth of Virginia.

As the Clarke County Administrator within the Council's region of six jurisdictions, I support the Council's application for designation. The Council has been providing services to EMS providers and agencies within the region since 1976 and provides fundamental and comprehensive programs related to emergency medical services through training, continuing education classes, recertification classes, regional planning, and logistical support allowing the local agencies to have a "voice" at the state level concerning issues affecting emergency medical services within our county.

I endorse the Lord Fairfax EMS Council in their pursuit of this process as they continue their pursuit to further EMS services provided to the residents of our community.

Regards,
David L. Ash, County Administrator

Supervisor Catlett moved to adopt the Consent Agenda as presented. The motion carried by the following vote:

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

7) Board of Supervisors Personnel Item

A. Expiration of Term for appointments expiring through August 2018

2018-09-10 Summary: The Personnel Committee recommends appointment:

- Doug Kruhm, Broadband Implementation Committee, to the remaining open-end appointment of Scott Krieder

- Betsy Pritchard, Shenandoah Area Agency on Aging, Inc. Board, to a four-year term expiring September 30, 2022, replacing Robina Rich Bouffault, having served the two-term limit, is ineligible for reappointment.

2018-09-18 Action: David Ash reviewed the Personnel Committee's recommendation. He informed the Supervisors that he had received Boyce Volunteer Fire Company's notice dated August 8, 2018, that its membership voted to reappoint George "Matt" Hoff to represent the organization on the Fire and EMS Commission.

Vice Chair McKay moved to approve the Personnel Committee's recommendations and to accept the recommendation of Boyce Volunteer Fire Company and reappoint Matt Hoff to a term ending August 31, 2019. The motion carried by the following vote:

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

Chairman Weiss instructed staff to communicate to volunteer companies Code of Clarke County Chapter 17 requirement for letters of recommendation from the individual volunteer companies for its representative on the Fire and EMS Commission.

B. Clarke County Personnel Policy Re Health Insurance Eligibility for Retirees

The following was inadvertently omitted in the July 1, 2017, Revision 16, total rewrite of PD-121101-05 Personnel Policies:

PD-121101-05 Revision 15 Health Insurance Eligibility Retirement:

A regular full-time employee that has served Clarke County for a minimum of 10 years, and who is eligible to draw retirement payments from the Virginia Retirement System, may be a part of the health insurance retiree group, if the employee elects to join this group within thirty-one days subsequent to the termination date.

The premium for the retiree group membership shall be borne by the member and;

If membership is discontinued, there is no eligibility for reinstatement.

Dependents covered on the termination date can continue to be covered, but;

Dependents cannot be added subsequent to the termination date.

2018-09-10 Summary: Research on this matter continues and information will be presented first to the Joint Administrative Services Board for its review and recommendation to the respective public bodies.

2018-09-18 Action: David Ash stated that the information is being collected by the Finance Director and will be presented to the Joint Administrative Services Board for review and recommendation to the Board of Supervisors.

C. Personnel Policies:

- Circuit Court Clerk's Office
- Commonwealth's Attorney's Office

2018-09-10 Summary: Initial review of the personnel policies from the Circuit Clerk and Commonwealth Attorney by the Supervisors found that the policies appeared to be comparable, but not identical. The Board directed the County Administrator to have the policies reviewed by the County Attorney.

2018-09-18 Action: David Ash advised that questions raised by the Committee were addressed with the County's attorney. Further, he made the affected offices aware of necessary changes. The Commonwealth Attorney is currently rewriting its policies to comply with federal labor standards. The County attorney will review once rewritten.

D. Other Matters Raised:

2018-09-10 Summary: The Sheriff, in accordance with Section 3.1.2 Clarke County Personnel Policies, requested the Board expedite the update of the current pay and classification plan that was first prepared in 2014.

2018-09-18 Action: David Ash summarized the Sheriff's request. The Personnel Committee recommends that it be considered during the FY2019 budget cycle.

Chairman Weiss opined that a combined effort between the Schools and General Government would be helpful. He further noted that pay plans are always a work in progress.

Supervisor Catlett contributed that methodology and how to address issues such as, raises, compression also required review in conjunction with the pay and classification plan update.

8) Board of Supervisors Work Session Items

Closed Session Pursuant to §2.2-3711-A6 Discussion of the investment of public funds where competition or bargaining is involved: Review Proposals for Economic Development Consultant

2018-09-10 Summary: At 10:00 am, Supervisor Byrd moved that the Clarke County Board of Supervisors enter Closed Session pursuant to 2.2-3711 A6 Discussion of the investment of public funds where competition or bargaining is involved: Review Proposals for Economic Development Consultant. The motion carried by the following vote:

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

At 10:55 am, Supervisor Daniel left the meeting.

The members of the Board of Supervisors being assembled within the designated meeting place, with open doors and in the presence of members of the public and/or the media desiring to attend, Supervisor Byrd moved to reconvene in open session. The motion carried as follows:

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

Supervisor Byrd further moved to execute the following Certification of Closed Session:

CERTIFICATION OF CLOSED SESSION

WHEREAS, the Board of Supervisors of the County of Clarke, Virginia, has convened a closed meeting on the date pursuant to an affirmative recorded vote and in accordance with the provisions of the Virginia Freedom of Information Act; and

WHEREAS, Section 2.2-3700 of the Code of Virginia requires a certification by the Board of Supervisors of the County of Clarke, Virginia that such closed meeting was conducted in conformity with Virginia law.

NOW, THEREFORE BE IT RESOLVED, that the Board of Supervisors of the County of Clarke, Virginia, hereby certifies that, to the best of each members knowledge,

(i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which the certification resolution applies, and (ii) only such public business matters as were identified in the motion convening the closed meeting were heard, discussed or considered by the Board of Supervisors of the County of Clarke, Virginia. The motion was approved by the following roll-call vote:

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

Following return to open session, the Board, acting as the Committee, continued the Closed Session until Tuesday, September 18, 2018, at 10:30 am in the Second Floor County Wing Conference Room, Berryville Clarke County Government Center, 101 Chalmers Court, Suite B, Berryville, Virginia.

2018-09-18 Action: At 10:30 am, Supervisor Catlett moved that the Clarke County Board of Supervisors enter Closed Session pursuant to 2.2-3711 A6 Discussion of the investment of public funds where competition or bargaining is involved: Review Proposals for Economic Development Consultant. The motion carried by the following vote:

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

At 11:05 am, Supervisor Daniel joined the meeting.

The members of the Board of Supervisors being assembled within the designated meeting place, with open doors and in the presence of members of the public and/or the media desiring to attend, Vice Chair McKay moved to reconvene in open session. The motion carried as follows:

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

Vice Chair McKay further moved to execute the following Certification of Closed Session:

CERTIFICATION OF CLOSED SESSION

WHEREAS, the Board of Supervisors of the County of Clarke, Virginia, has convened a closed meeting on the date pursuant to an affirmative recorded vote and in accordance with the provisions of the Virginia Freedom of Information Act; and

WHEREAS, Section 2.2-3700 of the Code of Virginia requires a certification by the Board of Supervisors of the County of Clarke, Virginia that such closed meeting was conducted in conformity with Virginia law.

NOW, THEREFORE BE IT RESOLVED, that the Board of Supervisors of the County of Clarke, Virginia, hereby certifies that, to the best of each members knowledge, (i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which the certification resolution applies, and (ii) only such public business matters as were identified in the motion convening the closed meeting were heard, discussed or considered by the Board of Supervisors of the County of Clarke, Virginia. The motion was approved by the following roll-call vote:

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

Following Closed Session, Chairman Weiss directed staff to negotiate a proposal and bring back to the Board of Supervisors for final action.

9) Board of Supervisors Finance Committee Items

A. Supplemental Appropriations.

1. *History through Architecture Book match.*

2018-09-10 Summary: The Finance Committee recommends the following: *"Be it resolved that Historic Preservation Commission budgeted expenditure and appropriation be increased \$17,000, that revenue from the Commonwealth be increased \$11,500, that revenue from donations be increased \$4,500, that a contribution from the General Fund be made in the amount of \$1,000, and that the designation for Government Savings be reduced by \$1,000, all for the purpose of implementing Phase 2 of the History through Architecture Book project."*

2018-09-18 Action: Supervisor Catlett moved that the Board of Supervisors adopt the resolution approving the appropriation. The motion carried by the following vote:

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

2. *LEOS for Fire and EMS.*

2018-09-10 Summary: The Fire and EMS Director proposes adding the LEOS benefit for full-time hazardous duty staff. Addition of this accelerated retirement benefit would move any Hybrid YRS employees to YRS Plan 2, and would increase the overall YRS rate for Government employees. Sheriff hazardous duty employees currently have this benefit at the 1.7% level. The Finance Committee recommends that an actuarial study be performed at the 1.7% level from funds currently budgeted in the Fire and EMS Department at a cost of \$1,250.

2018-09-18 Action: Tom Judge summarized the proposal and the Finance Committee's recommendation.

Vice Chair McKay asked for clarification of program eligibility of Boyce Volunteer Fire and Rescue paid staff. David Ash advised that the requested expansion of the LEOS program would only impact County employees.

B. Bills and Claims

2018-09-10 Summary: The Finance Committee recommends approval of the August 2018 Invoice History Report

2018-09-18 Action: **Supervisor Catlett moved to accept the August 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, YTD Budget Report

D. Closed Session Pursuant to 2.2-3711-A1 Concerning specific employees or appointees of the Board.

2018-09-10 Session Summary: At 11:20 am, Supervisor Catlett moved that the Clarke County Board of Supervisors Finance Committee enter Closed Session pursuant to §2.2-3711-A1. The motion carried by the following vote:

Terri T. Catlett	-	Aye
David S. Weiss	-	Aye

At 11:55, the members of the Board of Supervisors Finance Committee, being assembled within the designated meeting place, with open doors, and in the presence of members of the public and/or the media desiring to attend, Supervisor Catlett moved to reconvene in open session. The motion carried as follows:

Terri T. Catlett	-	Aye
David S. Weiss	-	Aye

Supervisor Catlett further moved to execute the following Certification of Closed Session:

CERTIFICATION OF CLOSED SESSION

WHEREAS, the Board of Supervisors Finance Committee of the County of Clarke, Virginia, has convened a closed meeting on the date pursuant to an affirmative recorded vote and in accordance with the provisions of the Virginia Freedom of Information Act; and

WHEREAS, Section 2.2-3700 of the Code of Virginia requires a certification by the Board of Supervisors Finance Committee of the County of Clarke, Virginia that such closed meeting was conducted in conformity with Virginia law.

NOW, THEREFORE BE IT RESOLVED, that the Board of Supervisors Finance Committee of the County of Clarke, Virginia, hereby certifies that, to the best of each members knowledge, (i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which the certification resolution applies, and (ii) only such public business matters as were identified in the motion convening the closed meeting were heard, discussed or considered by the Board of Supervisors Finance Committee of the County of Clarke, Virginia. The motion was approved by the following roll-call vote:

Terri T. Catlett - Aye
David S. Weiss - Aye

The Finance Committee took no action following its September 10, 2018, Closed Session.

10) Government Projects Update

David Ash provided the monthly project update.

- Convenience Center:
 - o Asphalt / pavement in place.
 - o Site is starting to assume a visual of the final look of the center.
- Old Courthouse / 104 North Church Street:
 - o Vendor applying multiple mortar joint samples to determine color and type.
 - o HVAC:
 - Have cost estimate for HVAC replacement.
 - HVAC is currently working.
 - Have not engaged a contractor.
 - Develop a timeline to define changeover date to a system that will not damage the building.
- Park Pavilion:
 - o Continued communication but no further work on site.
 - o Vendor acknowledged that the materials stored two years ago are probably not suitable for use.
 - o Vendor advised to contact Mike Legge with a date when it will complete the erection.
- Josephine Street Museum Roof: Staff instructed to seek update.
- Business Park Lot 18:
 - o Squatter is still occupying the property.
 - o Photos taken of the property last week and forwarded to the County Attorney.
 - o The County Attorney will make recommendation to the Industrial Development Authority.

- The Supervisors concurred that its position was to allow the squatter to remain until its crops were harvested, or until the end of November, as long as the squatter never again improperly used the property.
- The squatter still has not agreed that Business Park Lot 18 belongs to the Industrial Development Authority.
- Kohn Property Pond:
 - Repair put in place on the overflow pipe. Repair is holding, working, and pond has refilled to the point that there was a temporary overflow established to keep the water level lower.
 - Fishing:
 - Maintenance would like to place poles / add structures in the pond to support a fishing platform.
 - Intention is to replace the dock and, maybe, run it out a little further.
 - Maintenance does intend to add a dock at a later date once design is established. If a catch and release area is established, railing will be required.
 - Trees blocking the drive are cut down but not yet removed.
 - Property does need to be brush hogged again.
 - Hope to have house on property habitable by October.

11) Miscellaneous Items

ERP Update

Highlights of Chairman Weiss' update on the County's integrated accounting system include:

- Clarke's Treasurer and IT Director researched other software options since Tyler Technologies Munis software is not tailored for tax implementation.
- Research indicated that while Munis is not designed for taxation there were no other comparable software programs in Tyler's price range.
- Other the next four to six months, IT, and the Offices of the Commissioner of the Revenue and the Treasurer, will be working toward trying to implement Tyler Technologies' tax system.
- IT, in conjunction with Tyler Technologies, must create work arounds and Tyler Technologies must customize.
- He expressed appreciation to the Treasurer and Commissioner of the Revenue for deciding to move forward with implementation

- It is understood that the transition will be difficult.
- Citizens need to understand that it will be difficult: there will be longer lines, things will take longer, billings may be incorrect, etc.
- It is difficult to get data converted for myriad reasons.

New No Parking Signs

Supervisor Catlett asked for required actions, if any, for the Board to erect new no parking signs on Morgan’s Mill Road where the Appalachian Trail crosses.

Chairman Weiss and David Ash responded that VDOT would conduct a study of the area to determine if it justifies no parking and brings its recommendation back to the Supervisors for its review and action.

Joint Meeting with Clarke County Board of Supervisors and Berryville Town Council Re Jack Enders Boulevard

In response to Supervisor Byrd’s query, David Ash informed the Board that he was working with staff to develop a scope for a traffic plan. Further, he had notified Keith Dalton of the Supervisors’ willingness to meet with Council after the scope agreement was developed.

Chairman Weiss added that the meeting might occur in the latter part of October.

12) Summary of Required Action

<u>Item</u>	<u>Description</u>	<u>Responsibility</u>
1.	Process approved minutes.	Lora B. Walburn
2.	Process Lord Fairfax EMS Council letter of support.	Lora B. Walburn
3.	Process letters of appointment, update database.	Lora B. Walburn
4.	Send supplemental letter to Enders and Blue Ridge Volunteer Fire and Rescue Companies asking recommendations for representatives from their stations to serve on the Fire and EMS Commission.	David Ash
5.	Provide formal notice of adoption of the 2018 Hazard Mitigation Plan.	Brian Lichty
6.	Inform Planning Director of Boards decision on residency requirements.	David Ash

<u>Item</u>	<u>Description</u>	<u>Responsibility</u>
7.	Request status Josephine School Museum Roof project.	David Ash
8.	Develop HVAC deadline for HVAC change over at 104 North Church Street.	David Ash
9.	Check on status of brush hogging on Kohn property.	David Ash
10.	Contact legislators to schedule legislative luncheon.	Lora B. Walburn
11.	Update Water Resources Plan as amended.	Alison Teetor
12.	Request update from Director Lichty at a Work Session.	David L. Ash

13) Board Member Committee Status Reports

Supervisor Barbara J. Byrd

- Berryville Town Council: The Winchester Star article today provided excellent detail of the meeting.
- Committee Policy Management Team:
 - Attended meeting September 17.
 - Developing annual status report for the submission to the state.
 - Decided to move forward with County policy for electronic participation in public meetings.

Supervisor Terri T. Catlett

- Clarke County School Board:
 - School Board Work Session September 17:
 - Reviewed the seven persons interested in filling the Russell District vacancy.
 - Reviewed standards of learning, International Baccalaureate, and Advanced Placement results.
 - School Board Meeting August 27:
 - Blandy Experimental Farm helped write a grant with Debbie Biggs for watershed education for \$331,721 over three years. Spoke with Alison Teetor and the Schools about exploration of collaborative educational opportunities.
 - Tom Parker, Russel District School Board member, resigned.
 - Applied for a resource officer grant and should receive notification by mid-September.

- Discussed state-mandated life education curriculum.
- Millwood Community Association:
 - Lee Coffelt and Tony Roper gave presentations.
 - Citizens expressed concerns about traffic.
- HPC: Recently conducted a public hearing and approved Lockes Store expansion including enlarging the kitchen area and adding bathrooms that will be accessible from the exterior of the building. The Planning Commission may review in the near future.

Supervisor Mary L.C. Daniel

- Josephine Community School Museum: Participating in Open Door Tour for the Artisan Trail on November 3.
- Library Advisory Council: Did not meet
- Planning Commission:
 - October 5 public hearing for Robert Claytor site plan amendment.
 - Sanitary Authority discussed water and sewer hook up.
 - Ordinance Committee discussing by-right lattice towers.
- Sheriff Office:
 - Three new employees.
 - Speeding is the number one concern of Clarke County constituents.
 - Plan together for holiday leave balance elimination.
 - Deputy injured following a high-speed chase after a hit and run in a neighboring jurisdiction.
- Legislative Liaison:
 - Legislators requested contact in August or September to establish a date for the legislative meeting.
 - By consensus, the following dates were selected:
 - Thursday, November 15, 12 noon, Camino Real, 16 Crow St, Berryville, VA 22611; or,
 - Monday, December 10, 10 am, Meeting Room C, Berryville Clarke County Government Center, 101 Chalmers Court, Berryville
 - Instructed staff to contact legislators to determine availability.

Vice Chair Bev B. McKay

- BCCGC Joint Building Committee:
 - Jay Arnold appointed to the committee.
 - Securing the elevator after hours may be a very simple fix.
 - Relocation of drop boxes is estimated to cost \$3,800.
 - Discussed general building maintenance.
 - He will speak with Keith Dalton on gap in vegetation at the front entrance.
- Building and Grounds:
 - Facilities Tours:
 - Conducting tours with David Ash.
 - Chet Hobert Park trail.
 - Social Services: 19 employees in the building and overcrowding is a concern.
 - BCCGC basement.
 - Old School Board office.
 - Have not yet toured courthouses
- Broadband Implementation Committee:
 - WISPs have expressed interest in the addition of 80+ foot towers – considered small and inexpensive.
 - Doug Kruhm just appointed to the Committee replacing Scott Krieder.
 - Locality does not seem to fit the standard business model for many of the WISPs.
 - Lattice towers would make it more feasible to expand.
- Sanitary Authority:
 - Still looking for wells.
 - Conducting resistivity in two locations.
 - State has not fixed a deadline for locating an alternate site.
 - Discussed potential for two new hookups.
 - During the heavy rains, have had less than 20,000 gallons of filtration.
- White Post: Historic post knocked down by a vehicle. The replacement post will be electrified and lighted post as approved by VDOT.

Chairman David S. Weiss

– Fire & EMS Commission:

○ Clarke County Fire and Rescue Association:

- At its regular monthly meeting held September 12, 2018, Boyce Volunteer Fire Company voted to withdraw from the Clarke County Fire and Rescue Association effective immediately.

BOYCE VOLUNTEER



FIRE COMPANY

P.O. Box 285
Boyce, VA 22620
540.837.1228

September 13, 2018

To: G. Matthew Hoff
Chairman, Clarke County Fire and Rescue Commission

From: Boyce Volunteer Fire Company, Inc.

The Boyce Volunteer Fire Company, Inc. at their regular monthly meeting, September 12th, 2018, by a vote of 11 to 6 with 7 abstentions, voted to withdraw from the Clarke County Fire and Rescue Association effective immediately. The general membership of the B.V.F.C. at this time feels this is in our best interest. We will continue to serve the citizens of Clarke County and the surrounding areas as the B.V.F.C. has strived to do since our establishment in 1959.

We look forward to working with the Board of Supervisors, Director, County Administrator, and the Fire Commission. We hope that Clarke County Fire and Rescue will continue to progress toward a unified public safety entity in the coming years.

G. Matthew Hoff
G. Matthew Hoff
President

Samuel Buckley
Samuel Buckley
Vice President

Lisa Devers
Lisa Devers
Secretary

William Devers
William Devers
Treasurer

E. Lee Coffelt
E. Lee Coffelt
Chief

Bryan Conrad
Bryan Conrad
Assistant Chief

Rebecca White
Rebecca White
At Large BOD

Barbara Morris
Barbara Morris
At Large BOD

Dale Gardner II
Dale Gardner II
At Large BOD

- The Fire and EMS Commission discussed the withdrawal including Boyce's position that it did not have appropriate representation in the Association.

- Several times after the Fire and EMS Commission has taken action the Association has disagreed with the Commission even though it was consulted in advance.
 - In the past, individual companies took budget requests to the Association; then, the Association would bring the budgets to Commission's Budget Committee. Now, the Director will meet with the individual company and present the budgets directly to the Commission's Budget Committee.
 - The Association's bylaws contain direction on votes that can be taken without a quorum present from each company rendering them unable to take action in some cases.
 - Since the formation of the Commission, the Association appears to be duplicative.
 - While having great respect for the traditions of each company, if the County is to function as a unit, the companies must move to the center. Two of three companies have indicated that the individual way is not meeting citizen needs in response times and getting out equipment, which is why the County created a unified system under a director.
 - Supervisors and others must recognize fire and rescue services can no longer be viewed as three individual companies but as a system that overlaps and can adroitly move as necessary.
 - The FY2019 Budget included an Emergency Medical Technician position at the Blue Ridge station. This position is temporary and subject to monthly evaluation as to effectiveness, efficiency. Currently indicate that the presence of this person has improved Blue Ridge's response time by nearly thirty five percent, as well as increased response times from other County companies.
 - Vice Chair McKay opined that the Association might have outlived its usefulness since creation of the Commission and hire of a fire and emergency services director.
 - Vice Chair McKay also noted that the companies had different cultures with Boyce favoring raising its own funds to reduce the tax burden and the other companies preferring to seek tax funding from the County.
 - Director Lichty maintains that two persons per shift at an individual firehouse is necessary to maintain safety and efficiency.
 - The Commission voted to continue to monitor response times on a month-to-month basis.
 - Chairman Weiss instructed staff to coordinate an update by Director Lichty at an upcoming Work Session.
- Industrial Development Authority: No update provided.

14) Closed Session Pursuant to §2.2-3711-A1 Specific Employee and §2.2-3711-A4 Privacy of Individuals in Personal Matters

At 1:56 pm, Supervisor Daniel moved that the Clarke County Board of Supervisors enter Closed Session pursuant to §2.2-3711-A1 Specific Employee and §2.2-3711-A4 Privacy of Individuals in Personal Matters. The motion carried by the following vote:

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

At 2:45 pm, the members of the Board of Supervisors, being assembled within the designated meeting place, with open doors, and in the presence of members of the public and/or the media desiring to attend, Supervisor Daniel moved to reconvene in open session. The motion carried as follows:

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

Supervisor Daniel further moved to execute the following Certification of Closed Session:

CERTIFICATION OF CLOSED SESSION

WHEREAS, the Board of Supervisors of the County of Clarke, Virginia, has convened a closed meeting on the date pursuant to an affirmative recorded vote and in accordance with the provisions of the Virginia Freedom of Information Act; and

WHEREAS, Section 2.2-3700 of the Code of Virginia requires a certification by the Board of Supervisors of the County of Clarke, Virginia that such closed meeting was conducted in conformity with Virginia law.

NOW, THEREFORE BE IT RESOLVED, that the Board of Supervisors of the County of Clarke, Virginia, hereby certifies that, to the best of each members knowledge, (i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which the certification resolution applies, and (ii) only such public business matters as were identified in the motion convening the closed meeting were heard, discussed or considered by the Board of Supervisors of the County of Clarke, Virginia. The motion was approved by the following roll-call vote:

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

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

No action taken following Closed Session.

At 3:37 pm, **Supervisor McKay** moved to recess the meeting until 6:30 pm. The motion carried by the following vote:

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

Chairman Weiss reconvened the meeting at 6:32 pm

15) Citizens Comment Period

No citizens appeared to address the Board.

Bev McKay joined the meeting at 6:37 pm

16) PH 18-08 Water Resources Plan

Alison Teetor provided the Supervisors with a PowerPoint presentation on the Water Resources Plan. She specifically thanked Brandon Stidham, Director of Planning, and Robina Rich Bouffault, Planning Commissioner, for their assistance in the update.

Ms. Teetor informed the Supervisors that Piedmont Environmental Council provided comment supportive of the plan and additional recommendations to include such as adding stream miles, riparian buffer, and stream fencing. She stated that she did not have specific language but would add distances to the bulleted lists in Chapter 3.

In response to Supervisor Byrd's query, Ms. Teetor stated that plan review took approximately one year.

In response to Supervisor Catlett, Ms. Teetor informed the Supervisors that she had made contact with Clarke County Public Schools and Blandly Experimental Farm. She provided a copy of the draft Water Resources Plan and expressed a desire to work with them on educational efforts for Chesapeake Bay watersheds.

At 6:51 pm, Chairman Weiss opened the public comment portion of the public hearing.

Frank Lee, 205 Swan Avenue: Thanked Alison Teetor for putting the plan together. He opined that the changes were valid and would help move the county forward.

At 6:52 pm, Chairman Weiss closed the public hearing.

Supervisor Daniel commented that she was proud of the Water Resources Plan setting Clarke County. She remarked that the Plan represented good planning by great staff that knew and cared. She then commented that the next step was to determine how best to implement.

Alison Teetor expressed appreciation for the Board's support.

Supervisor Byrd moved to approve the Water Resources Plan as modified adopting the Piedmont Environmental Councils recommendations to add stream miles, riparian buffers, and fencing in watershed areas. The motion carried by the following vote:

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

Chairman Weiss commended Alison Teetor, Natural Resources Planner, Brandon Stidham, and the Planning Commission for their efforts. He stated that it was a good plan that set Clarke County apart.

He concluded by thanking members of the Board and staff for putting in such a long day covering a great deal of material.

17) Adjournment

Chairman Weiss adjourned the meeting at 6:54 pm.

Next Regular Meeting Date

The next regular meeting of the Board of Supervisors is set for Tuesday, October 16, 2018, at 1:00 p.m. in the Berryville Clarke County Government Center, Main Meeting Room, 101 Chalmers Court, Berryville, Virginia.

Approved October 16, 2018

Book 23
Page 456

ATTEST: September 18, 2018

David S. Weiss, Chair

David L. Ash, County Administrator

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