

October 16, 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, October 16, 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, Len Capelli, Ryan Fincham, Cathy Kuehner, Brian Lichty, Brandon Stidham, Brianna R. Taylor, Lora B. Walburn

Constitutional / State Offices / Other Agencies

Tom Judge, Donna Peake, Brian Rosenberry, Travis Sumption

Press

Mickey Powell – The Winchester Star

Others Present

Robert Mitchell, Jay Arnold, Keith Dalton, Robina Rich Bouffault, Frank Lee, Gwen Malone, Ed Carter, Scott Alexander, Jeff Hinson, Jacob White, Dianna Kincannon, Annie Chisholm, William Waite

1) Call to Order

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

2) Adoption of Agenda

Afternoon Session:

- Add Closed Sessions:
 - §2.2-3711-A7 Consultation with Legal Counsel
 - §2.2-3711-A1 Personnel / Specific Employee and §2.2-3711-A29 Economic Development Service Contract
- Add Miscellaneous: Clarke County Fire and Rescue Association Response

Evening Session:

- Add Consent Agenda: Resolution 2018-13R Resolution In Recognition of Josephine Improvement Association Inc.
- Add Presentation Department of Environmental Quality Tree Planting for Nutrient Credit Program by Melanie Davenport, Director Water Permitting Division

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

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

3) Citizens Comment Period

Jay Arnold, Clarke County Fire and Rescue Association Representative: Provided the following letter with his comments on behalf of the Association:

CLARKE COUNTY FIRE & RESCUE ASSOCIATION
P O BOX 758
BERRYVILLE, VIRGINIA 22611

October 15, 2018

Clarke County Board of Supervisors
Mr. David Weiss, Chairman
Mr. Bev Mckay, Vice-Chairman
Ms. Barbara J. Byrd, Supervisor
Ms. Terri T. Catlett, Supervisor
Ms. Mary L.C. Daniel, Supervisor

Dear Chairman Weiss,

The Clarke County Fire & Rescue Association received a letter from Boyce Volunteer Company at the September 24 Association meeting, after being submitted to the Clarke County Fire & Rescue Commission. While we are disappointed that Boyce chose to leave the Association, we respect their decision. It should be noted that the Boyce Volunteer Fire Company previously resigned from the Fire & Rescue Association but rejoined a year later.

Next year will mark the 40-year anniversary of the Clarke County Fire & Rescue Association. The Association has worked with the Clarke County Board of Supervisors to enhance the fire & rescue services that are provided to the citizens of Clarke County. All these years the supervisors have entrusted the Association with various funding and grants and the distribution to the member companies. The Supervisors have always recognized the Association as the voice of the volunteers. There have been times in years past that one company would go before the supervisors for some type of purchase, project or action and the supervisors would always have them go back to the Association to

return to the supervisors with a unified voice. We think that it is more important now than ever. One of the concerns when the Fire & Rescue Commission was established, was that the Association would continue to function. There are many things that the Association should be responsible for and make decisions which affect the operation of the companies, that the commission is not involved with.

Since receiving Boyce's letter, we have not had the opportunity to meet and discuss in detail what effect this will have. The intention is to continue the Association currently. After 40 proven years, this is not the time to throw the Association out. As personnel, members and staff change there still is a core group of volunteers that wish to continue serving the County and its citizens.

We have already witnessed very much discussion at the Fire & Rescue Commission about the Association at the September 13 and October 11 meetings. Some actions have already been taken by the Commission, and at the same time discussions about whether this Commission has any jurisdiction over the Association. Several things that have taken place concern us:

1. After a very confusing budget process last year, a new procedure was adopted for this year, however it was abruptly changed at the September meeting after the Boyce resignation. Now another process was established. This was clearly done to accommodate Boyce without any regard or discussion from the other two companies and how it would affect them.
2. Mr. Van Armacost, (Enders Fire Co), previous chair of the Commission, did not have a vote. At the September meeting it was changed to allow Mr. Matt Hoff (Boyce Fire Co), to now have a vote. This now allows Boyce to have two votes on any matter before the Commission.
3. The Commission voted to have the \$4 for Life funds and Fire Programs funds be divided between Boyce and the Association for the other two companies. For the past 40 years the Supervisors have sent all this funding to the Association for distribution. We are concerned with the rapid pace that these actions have taken place since Boyce has resigned from the Association. Previously there were delays in getting things approved. The Commission appears to be quick to act when there was no urgency. Director Lichty advised that the companies would like to have the money, however the funds have already been delayed since the County received them. If the current process was followed the funds could have went to the Association for disbursement.

The Commission never consulted with, nor asked for any input regarding Boyce or the future intentions of the Association. The Association is an agenda item each month and has been recognized in many aspects of the Commission. The mission statement of Clarke County Fire & EMS includes a desire for...a "unified career and volunteer service department" ... The action taken by the commission and any discussions to dismantle the Association by the Commission or the Board of Supervisors would further erode the volunteer system in the county.

Boyce has not provided nor expressed any concerns to the Association in any meeting or in writing, or through their three elected Delegates or Alternates. We ask that the Fire & Rescue Commission and the Board of Supervisors encourage Boyce to reconsider their decision and to work with the Association members to resolve any concerns they may have. The Association is available to sit down in a small group setting to listen and help resolve any differences. There will always be opinions and personalities, but we are all adults and have the same goal of serving the citizens.

Further, we ask that no additional actions be taken by the Commission, the County Finance Committee, or the Board of Supervisors, and that the Association be given the opportunity to discuss this matter. Please remember even with the Boyce resignation the Association hasn't changed and there are still two other companies. There shouldn't be any immediate action that needs to take place.

In reviewing the Board of Supervisors minutes on page 60, we are not sure who authored the statements that were recorded, but we would like to note some discrepancies.

- "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."

Sometimes the communications we get is not always accurate. Director Lichty has refused to contact the Association directly, instead stating that he only speaks to the company Chiefs.

- "In the past, individual companies took budget request to the Association; then, the Association would bring the budgets to the Commission's Budget Committee. Now, the Director will meet with the individual company's and present the budgets directly to the Commission's Budget Committee"

We are concerned that Director Lichty cannot accurately convey the company's budget to the committee. We also have concerns about the draft budget Director Lichty has proposed, and some of the items, without any discussion with the companies that it affects.

- "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"

Any vote that is taken requires a quorum as outlined in the bylaws, each company has three votes, at no time any vote was taken without a quorum.

- "Since the formation of the Commission, the Association appears to be duplicative" ***This was discussed when the Commission was first formed. The Association handles matters that the Commission doesn't address and is not necessary for them to do that.***

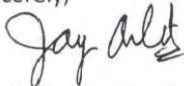
- "Vice Chair McKay noted that the companies had different cultures with Boyce favoring raising its own funds to reduce the tax burden and the other companies preferring to seek tax funding from the County."

We take exception to Mr. McKay's Statement, as all the Companies have provided a huge savings over the years in taxes to all the citizens of the county and continue to seek funding from grants and other outside sources to decrease the burden on tax payers for much needed equipment. The volunteers work very hard at every fundraiser to support the companies.

The Commission has had much discussion involving the Association, but the Commission members or Board of Supervisors have not made any effort to discuss this with the Association, except for Supervisor Barbara Byrd and Supervisor Mary Daniel attending the September 24 meeting of the Association. Soon we will provide you with a history of the Association and the accomplishments we have made to benefit the County and its citizens.

We have been working with the Supervisors for 40 years and know first-hand that the Supervisors do not take any immediate actions without proper information and discussion, and we hope that is true on this matter also.

Sincerely,



Clarke County Fire & Rescue Association
Jay Arnold, Vice-President

I think everybody got copies of the letters yesterday. I wanted to make sure you got them in advance because I've been there; and, if I hand them out now, you are not going to take twenty minutes to read it. Experience does that, I guess.

Thanks for allowing me to speak representing the Fire and Rescue Association. I've been vice president for several years and president in the past, as well as secretary, treasurer, and that type of thing. I am representing the Association. You know about Boyce [Volunteer Fire and Rescue Company] leaving the Association, you saw our letter on the concerns we had; and, there will be other concerns too, I'm sure.

Next year marks 40 years, as you saw, that the Association has been representing the County companies to the Board of Supervisors. We would ask, as the Fire and Rescue Association, that the Board of Supervisors would encourage Boyce to come back to the Association – to reconsider that. We will be reaching out to them also and see if we can sit down and see what the differences are, see what's going on. That is what this organization has always done is sit down and work things out. We've had things previously, perhaps. We used to have four companies and we are at three companies. If one of them wasn't happy, we never shoved anything down anybody's throat. It just doesn't work that way if someone is uncomfortable. We really took any actions that were that drastic, that had to be done right that moment. We've always postponed, tabled things to the next month to get everything in order and make sure everyone is good with it. So, that is the way we've always operated.

We are going to reach out to them. As you know, the Association's done many things and continue to do many things to improve fire and rescue. The Association is the voice of the volunteers and we think that is very important. We've been handling that for some time and you have entrusted with monies and grants. We've raised money to do county projects. We've always worked toward the same goal and we want to continue to do that and assist were we can.

We would ask that the Association would continue, to recognize the Association, and, as you typically do, you will think things out. We hope you will continue to do that – to think things out well before any drastic decisions are made about monies and those types of things. We are always available to sit down and talk with you. As I said, you already have the letter that goes over some of the concerns that we've noted recently. We would like to continue on and we appreciate your support. We are willing to work with the [Fire and EMS] Commission and Director Lichty, whatever we need to do; and, I am sure there are many other questions out there for as you write one thing it generates other questions and concerns to which you may need answers. We are willing to sit down and answer those questions also. That is all I have as far as the Association. I thank you for allowing me to speak.

Supervisor Byrd ask about the number of volunteers working in the three fire companies.

Director Lichty responded that there were one hundred and sixty [160] volunteers.

With VDOT in attendance, Jay Arnold stated that there was a bad accident the other night at Trapp Road and Route 7. He put forth that other hot points included Triple J Road and Route 7, Audley Farm, Trapp Road, Route 7, Route 50, Waterloo intersection, and Route

340. He asked that VDOT install LED streetlights at intersections like those installed in neighboring Frederick County. Since there are no lights at many of the intersections, he opined that these streetlights would be very helpful and would improve safety, visibility, and protect first responders and motorists.

Chairman Weiss expressed support for consideration of LED streetlights. Further, he remarked that he would defer comment on the other matter until the Board had opportunity to discuss. He expressed the Board's appreciation for the Association's efforts and Mr. Arnold's comments and hand-delivery of the letter to individual members of the Board of Supervisors. Chairman Weiss stated that the Supervisors has supported the Association. He said that he wished that the differences between the Association and Boyce could be mended.

Dianna Kincannon, Barns of Rose Hill Board Chair: Appeared before the Board of Supervisors to provide an update on activities. Highlights include:

- Thanked the Board of Supervisors for its support and belief in the value of the Barns to be a center for the arts, education, and community.
- The Board's support is viewed as an investment in the community.
- The Barns wants to be a channel through which people are reached in a very vital, important way.
- Endowment Update:
 - Second year of the five-year challenge grant from Mrs. Casey's foundation closed August 31.
 - The Barns was able to earn the full \$100,000 match from the Casey Foundation.
 - The Board's donation helped meet the goal and every dollar donated was doubled.
 - Entering the third year of the campaign and hoping to keep up the energy.
- Virginia Commission for the Arts:
 - Has an annual operating grant program and organizations throughout the Commonwealth receive funding through this agency.
 - It has a vigorous review panel process and organizations are rated on artistic excellence, effective management, and public benefit.
 - This year, for the first time, the Barns was given a Priority 1 funding rank. Priority 1 is the top ranking fully meeting the criteria, demonstrating a compelling need, and considered critical to the life of the community.
 - The goal is to apply annually from this point forward.
- Rappahannock Electric Cooperative [REC] Power of Change Grant Program:
 - Electric customers can participate in the program by rounding up their electric bill.

- The funds are accumulated by REC and returned to the communities that they serve.
- The Barns won a \$2,000 grant from the Power of Change Grant Program funds.
- The Barns is a community partner of the Virginia Museum of Fine Arts; and, through that, the Museum's touring art mobile will come to Berryville March 13 through 16.
- REC's funds will be used to develop arts programs inside the Barns during the event.
- The Barns continue to seek funding from many sources.
- Due to a lack of staffing, Executive Director, Marketing Director, Development Director, everything is being done by volunteers through the Board of Directors.

Chairman Weiss expressed the Board's appreciation for the update and the efforts of the Board of Directors of the Barns of Rose Hill.

4) Virginia Department of Transportation [VDOT]

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

Maintenance:

- Most of the past month has been consumed with the repair and clean up of roads and debris from the severe rains and flooding we have experienced.
- VDOT has regraded numerous roads and applied stone throughout the county.
- VDOT will continue this effort this month and address lingering drainage issues.
- VDOT completed "Dry Run" (winter equipment preparation) and were able to do some secondary mowing.
- VDOT will complete our secondary mowing and begin our fall primary mowing this month. We will also start our fall brush cutting on secondaries.
- VDOT experienced a significant slide that forced us to close Rt. 622 until it is repaired. Our contractor is working on it now and expected to complete repairs this week. Mr. Carter advised that road should be ready to reopen October 16.

Board Issues:

- Speed issues Millwood: Speed samples have been completed and sent to Sheriff. VDOT will be moving the recorder to Triple J Rd.

Weekly Report - Statistics Summary Report

Location: Bishop Meade Highway
Address: 750 Bishop Meade Highway, , Virginia, USA
Speed Limit: 25 mph

Report Period: 10/01/2018 to 10/28/2018
Total Vehicle Count: 14081

Hour	Total Vehicles	Average Vehicles	Total Violations	% Violations	Min. Speed (mph)	Max. Speed (mph)	Avg. Speed (mph)	85% Speed (mph)	Count By Speed Range	
									Speed (mph)	Count
00:00-01:00	89	22	64	72 %	18	45	28	32	1 - 5	152
01:00-02:00	44	11	36	82 %	20	39	30	34	6 - 10	93
02:00-03:00	39	10	28	72 %	15	45	29	34	11 - 15	145
03:00-04:00	42	11	35	83 %	21	36	29	32	16 - 20	475
04:00-05:00	70	18	49	70 %	6	40	29	36	21 - 25	2578
05:00-06:00	208	52	168	81 %	12	44	30	36	26 - 30	5485
06:00-07:00	496	124	390	79 %	4	44	29	34	31 - 35	3770
07:00-08:00	798	200	609	76 %	9	46	29	34	36 - 40	1243
08:00-09:00	868	217	583	67 %	3	45	28	34	41 - 45	129
09:00-10:00	719	180	488	68 %	3	45	28	34	46 - 50	10
10:00-11:00	808	202	580	72 %	3	49	28	34	51 - 55	1
11:00-12:00	837	209	623	74 %	3	48	28	34	Total	14081
12:00-13:00	874	219	612	70 %	3	43	28	34		
13:00-14:00	875	219	647	74 %	3	43	28	34		
14:00-15:00	973	243	737	76 %	3	43	29	35		
15:00-16:00	1137	284	895	79 %	3	50	29	35		
16:00-17:00	1242	311	961	77 %	3	52	29	35		
17:00-18:00	1370	343	1110	81 %	3	46	29	34		
18:00-19:00	960	240	796	83 %	3	47	30	35		
19:00-20:00	600	150	436	73 %	3	45	28	34		
20:00-21:00	424	106	309	73 %	4	42	28	34		
21:00-22:00	283	71	230	81 %	3	43	29	34		
22:00-23:00	182	46	146	80 %	18	43	29	34		
23:00-24:00	143	36	106	74 %	3	43	28	32		
Summary	14081	3524	10638	76 %	3	52	29	34		

* H - highest value in the column, **bolded H** is highest H value in report

** "n/a" - means the sign did not collect any data at the time stipulated in the report. "n/a" values are NOT included in calculations.

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- Speed samples forwarded to the Sheriff.
- The speed limit is currently 25 MPH.
- Sampling taken at different times of days of the week covering a full 24-hour period.
- Sampling included more than 14,000 vehicles.
- From the study, the average speed in one direction was 31 MPH in a 25-MPH zone. In the other direction, the average speed was 29 MPH in a 25-MPH zone.
- With the information gleaned from the speed trailer, traffic engineers would likely recommend raising the speed limit.
- Supervisor Catlett remarks:
 - Thanked VDOT for gathering the data and providing the tools to make informed decisions.
 - The data indicates that most people are not speeding.
 - In conversation with the Sheriff, the speed monitor results do not suggest he should change Deputies priorities.

- Supervisor Byrd remarks:
 - Millwood this is a commercial and residential area and it would not be good to raise the speed limit.
 - Mosby Boulevard is a residential and school area with an enhanced fine for speeding.
- Road condition Morgan Mill Route 605: VDOT has regraded this road on multiple occasions in the last couple of months. The logging operation at the top of the mountain has been the major contributor to its condition with the weight of the trucks and the soft ground. The logging company posted a bond for repairs needed after their operation was complete. It appears they have completed operations and now we are in contact with them about the needed repairs.

Supervisor Comments:

- Supervisor Byrd:
 - Speeding / Truck Restrictions Crums Church and Triple J Roads:
 - Speed Trailer: Next area is Triple J Road followed by Crums Church Road.
 - VDOT conducted an actual count in June recording 16 tractor trailers in a 24-hour period during one week, a nominal amount of actual tractor trailer traffic.
 - VDOT does not find that there is a truck problem on the road.
 - The Supervisors must pass a resolution requesting a study from VDOT. Cost of the study is approximately \$5,000 to \$6,000 and paid for by the locality.
 - If trucks are restricted on these roads, they most likely come through the Town of Berryville creating traffic issues in that area.
 - Supervisor Daniel commented that she would like to know if the same tractor trailer appears more than once in the study.
 - Brush Clearing Route 7 and Kimble Road by the 7-11 turning north on Kimble: Overgrown brush creating sight issues.
 - Discarded Tires Allen Road and Senseny Road:
 - Tires may be on VDOT right of way.
 - If tires are on private property, it is the owner's responsibility to dispose.
 - Chief Deputy Travis Sumption, in response to Supervisor Byrd's query, indicated that he had not seen any reports.
- Supervisor Daniel:
 - Josephine Street: Thanks to VDOT for quick responses on questions.

- LED Streetlights:
 - Supports request for LED streetlights.
 - VDOT does not bear the sole cost. VDOT does have safety grants but the electric bill is recurring annual expense.
 - If the Board wants that type of lighting, it can go in under safety projects.
 - Someone / the locality must pay the annual electric bill.
 - Chairman Weiss asked VDOT to bring information to the Board.
- Supervisor Weiss:
 - Mowing: Compliments from constituents in several neighborhoods. Mr. Carter advised that after October, after milkweed has died, VDOT is allowed to mow fence to fence.
 - Trees: Still waiting on a phone call from tree man.

5) VACo 2018 Voting Credentials.

Supervisor Daniel moved to assign Supervisor Barbara J. Byrd as Clarke County's voting delegate to the 2018 VACo Conference and Supervisor Terri T. Catlett as the alternate. 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) Legislative Priorities 2019

Chairman Weiss reminded that the meeting with legislators was schedule for Monday, December 10, at 10 am, during the Board of Supervisors Work Session. Highlights of the Board's initial review include:

- Add footnote that priorities are listed in alphabetic order.
- Broadband: Add economic development funding language from VACo priorities.
- Aqua/Water: Move up the list.
- Add Camp 7 Parcel to priorities.
- Add Composite Index to priorities using language from VACo priorities.
- State Tax Reform, Cost and Revenue Shifting, and State Year-end Surplus Funds: Add mention of consideration of shifting Medicaid cost to localities.

7) Economic Development Services Contract

The Supervisors entered closed session at 3:39 pm to discuss the contract. The Board held action until the evening session.

Vice Chair McKay moved to authorize the County Administrator to execute the contract on behalf of the County subject to correction of typographical errors. The motion carried by the following vote:

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

***Economic Development
Services Contract***

THIS CONTRACT is made as of October 1, 2018 between the County of Clarke, Virginia, hereinafter referred to as "County" and Len Capelli, party of the second part (hereinafter "Contractor") and in consideration of the benefits to be accrued to the parties hereunder, said parties hereto agree as follows:

SECTION 1 – WITNESSETH THAT:

WHEREAS, the County requires professional economic development and tourism services for various County of Clarke projects.

NOW THEREFORE, in consideration of the mutual covenants contained herein, the parties hereto agree as follows:

SECTION 1-TERM

The first term of the contract will be from October 1, 2018 through June 30, 2020. The County and the Contractor may extend the contract for one additional one-year term, if both parties are agreeable to the extension(s).

SECTION 2 – WORK

Contractor agrees that all activities shall be in furtherance of, but not limited to, the Scope of Work identified in the County's Request for Proposal #18-0821. The Contractor agrees that work under this contract will be determined by the County Administrator.

SECTION 3- LIMITATIONS ON WORK

The number of hours worked by the Contractor, under this contract with the County, is likely to vary and is dependent upon the duties that are determined to be needed by the County Administrator. Unless otherwise authorized in writing, the Contractor shall organize and execute all work to fall within the contract maximum of no more than one hundred hour per month. Any request for additional pay must be in writing and approved prior to beginning the additional work.

SECTION 4- COMPENSATION

For performance of the work described herein, the Contractor shall be compensated by the County at the rate of thirty-nine dollars (\$39.00) per hour, not to exceed one hundred hours per month for any month. The billable hours shall be for productive hours specific to work for the County.

In addition, the Contractor will be reimbursed for actual expenses incurred in direct connection with the work in accordance with the rates and limits established for County employees. Business entertainment, memberships in professional organizations, and mileage in connection with this work are reimbursable, up to the limits budgeted. The Board of Supervisors may consider budget amendments upon compelling information presented.

The Contractor may request reimbursement from the County for any membership fees, registration fees, and/or lodging expenses incurred during County-directed trips; however, the County asks that the Contractor provide the County with an estimate of the anticipated expenses before scheduling any trip(s).

Mileage Reimbursement: The Contractor can request reimbursement for any mileage exceeding 60 total miles in a given day for any County-directed activity. Note that once the contractor's trip is over 60 total miles, the

Contractor may request mileage reimbursement for the total miles of the trip. The reimbursement rate for mileage will be the standard rate set by the IRS (in effect at the time of the trip). The Contractor may not ask for any mileage reimbursement for traveling to events, meetings, or other related work in Clarke County.

Time Reimbursement for Travel: The Contractor can request reimbursement for time travelled for any County-directed trip outside of Clarke County. The Contractor may not ask for any time reimbursement for traveling to events, meetings, or other related work in Clarke County.

SECTION 5- ADMINISTRATIVE SUPPORT

The County shall provide office space, telephone, access to copiers, office equipment, clerical and administrative support as needed and as determined by the County Administrator. The County shall cover the cost of clerical and administrative support either through assignment of existing personnel or by employing such additional personnel as is required. Additional services or goods shall be approved in advance by the County Administrator and shall be obtained in accordance with the County's procurement policy.

SECTION 6- MANNER OF PAYMENT

Contractor shall submit statements itemizing hours spent in performance of work on a monthly basis to the County Administrator. Approved payment shall be made to the Contractor within 45 days of receipt of statement.

SECTION 7- CONTRACTOR STATUS

The parties hereto intend that the relation between them created by this Agreement is that of employer-independent contractor. Contractor is not an employee of the County of Clarke nor of the Board and is not entitled to the benefits provided by the County to its employees, including but not limited to worker's compensation, unemployment insurance, group health insurance, V.S.R.S. or F.I.C.A. contributions. Contractor will be solely and entirely responsible for his/her actions during the performance of this Agreement.

SECTION 8- OWNERSHIP RIGHTS

Clarke County shall retain ownership rights to any materials or work produced by Contractor pursuant to this Agreement and may use said material or work products as the County may see fit. This shall not affect Contractor's right also to use said material or work products as he/she may wish. The Contractor may not convey, sell, or assign rights to said material without the approval of the County.

SECTION 9- RIGHT OF INSPECTION

The work contemplated herein must meet the approval of the County's designated agent and shall be subject to such agent's general right of inspection to secure the satisfactory completion thereof. Contractor agrees to comply with all federal, state and local laws, rules and regulations applicable to Contractor and to operations covered by this Agreement or accruing out of the performance of such operations.

SECTION 10- INDEMNIFICATION

The Contractor shall indemnify the County against all liability and loss in connection with, and shall assume full responsibility for, payment of all federal, state, and local taxes or contributions imposed or required under social security and income tax laws.

SECTION 11- ASSIGNMENT

The Contractor shall not assign This Agreement without the express written consent of the Clarke County Board of Supervisors.

SECTION 12- TERMINATION

The Parties may terminate this Agreement at any time by providing written notice to the other party ninety days in advance of the desired date of termination.

8) Approval of Minutes

Supervisor Daniel moved to approve the minutes for September 18, 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

9) Consent Agenda

A. Resolution Adopting a Natural Hazards Mitigation Plan for Clarke County, Virginia 2018-12R

**Resolution Adopting a Natural Hazards Mitigation Plan for
Clarke County, Virginia
2018-12R**

WHEREAS, the Disaster Mitigation Act of 2000, as amended, requires that local governments develop and adopt natural hazard mitigation plans in order to receive certain federal assistance, and,

WHEREAS, a Hazard Mitigation Plan Update Steering Committee comprised of representatives from Clarke County, Frederick County, Clarke County, Shenandoah County, Warren County, the City of Winchester, was convened in order to study the Northern Shenandoah Valley's risks from and vulnerabilities to natural hazards, and to make recommendations on mitigating the effects of such hazards on the Northern Shenandoah Valley; and,

WHEREAS, a steering committee comprised of experienced emergency management and hazard response professionals worked with the Commission staff to develop a comprehensive natural hazard mitigation plan for the Northern Shenandoah Valley; and,

WHEREAS, the efforts of the steering committee members and the Northern Shenandoah Valley Regional Commission, in consultation with members of the public, private and non-profit sectors, have resulted in the development of a Hazard Mitigation Plan for the Northern Shenandoah Valley including Clarke County.

NOW THEREFORE, BE IT RESOLVED by the Board of Supervisors of the County of Clarke Virginia that the Hazard Mitigation Plan dated 2018 is hereby approved and adopted for Clarke County. A copy of the plan is on file in County Administration.

Adopted this 16th day of October, 2018.

David S. Weiss, Chair

B. Conservation Easement Authority: Applications for Donation – Shockey, Williams

MEMORANDUM

TO: Board of Supervisors, Dave Ash

FROM: Alison Teetor

DATE: October 5, 2018

SUBJECT: Applications for Donation – Shockey, Williams

The Conservation Easement Authority has given preliminary approval for the following easement donations (maps attached). The Authority requests the Board of Supervisors to authorize the Chairman of the Board of Supervisors to execute deeds, easements, and other documents necessary to the transactions.

Don & Mary Shockey

The Shockeys have submitted applications to donate easements for 3 properties. They have requested significant no build zones adjacent to the scenic byways as shown on the attached [*in packet*] maps.

1) Walnut Hall Farm, Tax Map# 22-A-5A.

The property is located on the east side of Summerville Road (Route 652) approximately 8/10 mile north of the intersection with Pyletown Road (Route 620) at 1189 Walnut Hall Lane. The parcel consists of 271 acres, has 5 existing houses and 7 remaining DURs. The applicant would like to retire 5 of the 7 remaining DURs, and has requested permission to subdivide into 3 parcels with no parcel less than 50 acres.

The property is being and has been used historically as a horse farm. It primarily open pasture with scattered woodland. In reviewing the parcel all four of the criteria have been met, the Property Resource Score is 112.71, the applicant is retiring 5 DUR's, the parcel is within the Chapel Rural Historic District and includes several contributing structures, has frontage on two scenic byways, Summerville Road and Annfield Road, is within the groundwater recharge area, is next to an existing easement, the other portion of Walnut Hall, and is larger than 40 acres.

2) Callander Farm, Tax Map# 13-A-29.

The property is located on the north side of Annfield Road (Route 633) on the corner of Annfield Road and Janeville Rd. (Route 652) at 2224 Annfield Road. The parcel consists of 198 acres, has 2 existing houses and 4 remaining DURs. The applicant would like to retire 2 of the remaining DUR's.

The property is primarily open pasture with scattered woodland. In reviewing the parcel all four of the criteria have been met, the Property Resource Score is 94.8, the applicant is retiring 2 of the 4 remaining DURs, the parcel is within the Chapel Rural Historic District and includes several contributing structures, has frontage on a scenic byway, Annfield Road, is within the groundwater recharge area, is next to an existing easement, and is larger than 40 acres.

3) Tax Map# 22-A-2

The property is located on the south side of Annfield Road (Route 633) approximately 3/10 mile east of the intersection with Janeville Road (Route 652) at 1819 Annfield Road. The parcel consists of 29 acres, has 1 existing house and 1 remaining DUR. The applicant wishes to retire the remaining DUR.

In reviewing the parcel three of the four of the criteria have been met. The Property Resource Score is 56.06, the one remaining DUR is being extinguished, and it is next to an existing easement. It is less than 40 acres.

The property is primarily open pasture. It is within the groundwater recharge area. The parcel fronts on Annfield Road a State scenic byway and it is within the groundwater recharge area.

Cabell Williams

Mr. Williams has submitted applications for an easement donation for 2 parcels.

The properties are vacant but are currently accessed through at 960 Bishop Meade Road (Apple Hill). The parcels are adjacent to Carter Hall and were recently purchased by Mr. Williams from Project Hope. The properties area as follows:

Tax Map#	acres	DURs	ext. dwl.	Property Res. Score	land use	#criteria
30-A-16A	22	2	0	60	yes	3
30-A-30	83	4	0	64	yes	4

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

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

All the properties meet the criteria for donation. As shown on the attached map Spout Run extends along or within both properties, TM# 30-A-30 is adjacent to Millwood Rd. that is a scenic byway, both are adjacent to existing easements. The applicant would like to retire 1 DUR on TM# 30-A-16A, leaving 1 remaining DUR and retire 3 of the 4 DURs on TM# 30-A-30.

Recommendation

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

Supervisor Byrd 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 |

10) Board of Supervisors Personnel Item

A. Expiration of Term for appointments expiring through December 2018

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

- Appoint Doug Lawrence to the Fire and EMS Commission at the recommendation of J. H. Enders Volunteer Fire and Rescue Company replacing Van Armacost. The appointment expires August 31, 2019.
- Reappoint Jacob White to the Fire and EMS Commission at the recommendation of Blue Ridge Volunteer Fire and Rescue Company to a term expiring August 31, 2019.

- The Personnel Committee acknowledged the need to appoint members to the Industrial Development Authority prior to the end of October 2018.
- The Personnel Committee asked staff to adjust the appointments database to cease prompting the appointment of the Town of Boyce representative to the Parks and Recreation Advisory Board.
- The Personnel Committee will seek recommendation from the Shenandoah Valley Workforce Development Agency.

2018-10-16 Action: **Supervisor Byrd moved to approve the Personnel Committee's recommendations and to accept the recommendations of Blue Ridge and J.H. Enders Volunteer Fire Companies. 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 stated that he had spoken with David Juday and English Koontz and both agreed to continue to serve on the Board of Directors Industrial Development Authority of the Clarke County Virginia.

Supervisor Daniel moved to reappoint David Juday and English Koontz to serve on the Industrial Development Authority for an additional four-year term expiring October 30, 2022. The motion carried by the following vote:

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

Chairman Weiss expressed the Board's appreciation to those that agreed to serve.

B. Commonwealth Attorney Anne Williams Staffing

2018-10-09 Summary: At the request of the Commonwealth Attorney, the Personnel Committee recommended accepting the Springsted recommendation to change the title from Legal Assistant/Administrative Assistant to Office Coordinator / Legal Assistant with no change in pay grade.

2018-10-16 Action: David Ash briefly covered the Commonwealth Attorney's request, which included the potential future need of funding for part-time salaries to cover increased workload for an upcoming trial.

11) Board of Supervisors Work Session Items

A. Clarke County Public Schools Career and Technical Education Update by Superintendent Chuck Bishop

2018-10-09 Summary: Superintendent Chuck Bishop was unable to attend due to his required presence in the Circuit Court.

2018-10-16 Action: No action taken.

B. Fire and EMS Update by Director of Fire, EMS, and Emergency Management Brian Lichty

2018-10-09 Summary: Brian Lichty provided an update to the Board on the operations of the Fire and Emergency Medical Services Department. Included in the update:

- Budget numbers for the fee-for-service program.
- Explanation of the staffing requirements.
- Heads-up on budget requests from volunteer fire companies.

2018-10-16 Action: No action taken.

Distributed at October 9, 2018, Meeting:

Go Virginia Region 8 Board Enhanced Capacity Building Funds for the Shenandoah Valley Talent Solution Strategy Grant Application

2018-10-09 Summary: David Ash distributed the request received Friday, October 5, 2018, 018. The Supervisors took no action.

2018-10-16 Action: David Ash informed the Supervisors that there was a last-minute presentation for participation in a regionally sponsored economic development program. A request was made to fund, somewhat equally, a feasibility plan for developing an educational program to better suit the needs of the regions employers in terms of the employees they were trying to hire, identifying skill sets, and whether they could be developed; however, it lacked sufficient information to make a

recommendation. This request was provided via email and asked for a formal letter of funding commitment by 1 pm the same day. The requestor was advised that this was not possible and was asked to provide additional detail.

Chairman Weiss asked staff to convey to the requestor that Clarke generally calculates funding on a per capita basis as opposed to a flat fee.

Legislative Priorities

2018-10-09 Summary: David Ash distributed the 2018 Clarke County Board of Supervisors Legislative Priorities in advance of its scheduled review at the November 8 Work Session. The Supervisors instructed staff to research:

- Legislative Priorities of the Virginia Association of Counties
- Department of Environmental Quality Tree Program.

2018-10-16 Action: See Item 6.

12) Board of Supervisors Finance Committee Items

A. Supplemental Appropriation

a) *School Resource Officer.*

2018-10-09 Summary: The Finance Committee recommends: *"Be it resolved that FY 19 budgeted expenditure and appropriation to the Sheriff's budget be increased \$69,509, and Commonwealth revenue be increased \$31,327, and that the designation for Government Savings be decreased \$38,272, all for the purpose of providing an additional School Resource Officer to the Clarke County Public Schools."*

2018-10-16 Action: Tom Judge indicated that the Resource Officer would be located at the middle school noting that Sheriff Roper had testified that, even if the state discontinued funding, he could make good use of the position.

Chief Deputy Travis Sumption contributed that technology and cyber bullying presented major child safety issues. He added that a resource office enhances studies and guides students in ways to handle issues.

Supervisor Daniel stated that the County should accept the state's funding and see if the additional position makes a difference.

Supervisor Catlett noted that deputies are in regular contact with high school students.

Chairman Weiss informed the Board that since the state presented the grant outside the budget cycle the Finance Committee discussed timing and cost; and, while the County appreciates grant funds, it would like the state to follow localities' budget cycle.

Supervisor Catlett moved to approve "Be it resolved that FY 19 budgeted expenditure and appropriation to the Sheriff's budget be increased \$69,509, and Commonwealth revenue be increased \$31,327, and that the designation for Government Savings be decreased \$38,272, all for the purpose of providing an additional School Resource Officer to the Clarke County Public Schools." The motion carried by the following vote:

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

b) Grant from Blandy Farm to Clarke County Public Schools.

2018-10-09 Summary: Action: Subsequent to the Finance Committee meeting, the Superintendent requested the following action, as previously approved by the School Board: *"Be it resolved that FY 19 budgeted expenditure and appropriation to the School Operating Fund be increased \$53,013, and that revenue from Blandy Farm be recognized in the same amount, all for the purpose of carrying out an education program concerning the preservation of the Chesapeake Bay."*

2018-10-16 Action: Tom Judge reviewed the proposed transfers.

Supervisor Byrd moved to approve, "Be it resolved that FY 19 budgeted expenditure and appropriation to the School Operating Fund be increased \$53,013, and that revenue from Blandy Farm be recognized in the same amount, all for the purpose of carrying out an education program concerning the preservation of the Chesapeake Bay." The motion carried by the following vote:

Barbara J. Byrd	- Aye
Terri T. Catlett	- Aye
Mary L.C. Daniel	- Aye

Beverly B. McKay - Aye
David S. Weiss - Aye

B. Transfers:

Tom Judge reviewed the proposed transfers.

- a) Public Information: *"Be it resolved that \$52,765 be transferred from the Contingency for Engineering and Architecture to the Public information Accounts".*
- b) Sheriffs Office: *"Be it resolved that \$38,896 be transferred from the Convenience Center operations account to Sheriff's Office salary and benefits for the purpose of correcting a budgeting error."*
- c) Parks Admin Health Insurance: *"Be it resolved that \$7,790 be transferred from Personnel Contingency to Parks Admin to account for an addition to health insurance."*
- d) Planning Admin Health Insurance: *"Be it resolved that \$7,793 be transferred From Personnel Contingency to Planning Admin to account for an addition to health insurance."*

2018-10-16 Action: **Supervisor Catlett moved to approve transfers a) through d). 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

FY 19 Budget Transfers

FROM	TO	AMOUNT	
Personnel Contingency	Maintenance		Maintenance Technician
Eng and Arch. Contingency	Public Information	52,765	
Convenience Center	Sheriff's Office Sal and Ben	38,896	
Personnel Contingency	Parks Admin Health Ins	7,790	
Personnel Contingency	Planning Admin Health Ins	7,793	

C. FY 18 Year End Transfers.

2018-10-09 Summary: "Be it resolved that budgeted expenditure be transferred per the attached [below] statement for the purpose of covering overdrawn FY2018 accounts from underdrawn FY2018 accounts".

ACCOUNT DESCRIPTION	REVISED BUDGET	YTD EXPENDED	AVAILABLE	XFER	NOTES
11010 Board of Supervisors	57,265.00	52,914.91	4,350.09		
12110 County Administrator	371,960.00	371,608.05	351.95		
12120 Public Information Servi	-	7,927.13	(7,927.13)	7,928.00	New position in May
12210 Legal Services	35,000.00	20,595.78	14,404.22	(10,844.00)	
12310 Commissioner of Revenue	205,595.00	227,620.36	(22,025.36)	22,026.00	Leave payout; staff overlap
12320 Assessor	3,500.00	4,500.00	(1,000.00)	1,000.00	CAMRA price increase
12410 Treasurer	283,804.00	292,793.49	(8,989.49)	8,990.00	Unbudgeted health; remission of DMV Stop fees
12510 Data Processing/IT	296,879.00	286,948.17	9,930.83		
13100 Electoral Board and Offi	44,003.00	33,590.36	10,412.64	(147.00)	
13200 Registrar	78,482.00	78,628.92	(146.92)	147.00	
21100 Circuit Court	12,680.00	13,620.65	(940.65)	941.00	Copier
21200 General District Court	4,420.00	3,773.74	646.26		
21300 Magistrate	100.00	-	100.00		
21510 Blue Ridge Legal Service	1,500.00	1,500.00	-		
21600 Juvenile & Domestic Rela	3,500.00	2,523.65	976.35		
21700 Clerk of the Circuit Cou	254,374.00	267,044.46	(12,670.46)	12,671.00	PT Salaries
21910 Victim and Witness Assis	72,385.00	67,484.99	4,900.01		
21940 Regional Court Services	6,179.00	6,179.10	(0.10)	1.00	
22100 Commonwealth's Attorney	365,239.00	360,875.35	4,363.65		
31200 Sheriff	2,341,250.00	2,362,877.88	(27,160.86)	27,161.00	Primarily Communications OT
31210 Criminal Justice Trainin	20,000.00	18,720.00	1,280.00		
31220 Drug Task Force	12,500.00	10,498.67	2,001.33		
31400 Communications	-	-	-		
32200 Volunteer Fire Companies	154,593.00	155,777.95	(1,184.95)	1,185.00	Liability Insurance
32201 Blue Ridge Volunteer Fir	51,200.00	51,177.20	22.80		
32202 Boyce Volunteer Fire Co	51,600.00	51,569.60	30.40		
32203 Enders Volunteer Fire Co	77,800.00	77,746.80	53.20		
32310 Fire and Rescue Services	804,646.00	850,074.65	(45,428.65)	45,429.00	OT
32320 Lord Fairfax Emergency M	6,282.00	6,282.00	-		
32400 Forestry Services	2,712.00	2,711.52	0.48		
33210 Regional Jail	551,259.00	551,262.00	(3.00)	3.00	
33220 Juvenile Detention Cente	16,254.00	16,093.00	161.00		
33300 Probation Office	800.00	48.00	752.00		
34100 Building Inspections	211,515.00	192,149.21	19,365.79	(13,481.00)	
35100 Animal Control	118,496.00	109,811.45	8,684.55		
35300 Med Examiner & Indigent	500.00	1,040.00	(540.00)	540.00	
42400 Refuse Disposal	162,000.00	141,202.43	20,797.57		
42410 Solid Waste Convenience	50,000.00	-	50,000.00	(50,000.00)	
42600 Litter Control	5,310.00	5,297.95	12.05		
42700 Sanitation	240,750.00	235,781.39	4,968.61		
43200 General Property Mainten	857,854.00	730,414.24	128,342.64	(58,146.00)	
51100 Local Health Department	221,909.00	221,909.00	-		
51200 Our Health	6,500.00	6,500.00	-		
52400 N Shen Valley Subst Abus	15,000.00	15,000.00	-		
52500 Northwestern Community S	90,000.00	90,000.00	-		
52800 Concern Hotline	750.00	750.00	-		
52900 NW Works	1,000.00	1,000.00	-		
53230 Shenandoah Area Agency o	40,000.00	40,000.00	-		
53240 Loudoun Transit Service	19,302.00	19,302.00	-		
53250 FISH of Clarke County	1,000.00	1,000.00	-		
53600 Access Independence	1,000.00	1,000.00	-		
53700 The Laurel Ctr (Women's	2,500.00	2,500.00	-		
53710 Tax Relief for the Elder	212,501.00	173,815.00	38,686.00		
69100 Lord Fairfax Community C	15,788.00	15,788.00	-		
71100 Parks Administration	440,606.00	420,431.42	20,174.58		
71310 Recreation Center	109,130.00	100,547.86	8,582.14		
71320 Swimming Pool	84,214.00	58,572.81	25,641.19		
71350 Programs	241,427.00	190,202.18	48,524.32		
71360 Concession Stand	15,330.00	13,541.35	1,788.65		

72240 Barns of Rose Hill	5,000.00	5,000.00	-	
72700 VA Commission for the Ar	9,000.00	9,000.00	-	
73200 Handley Regional Library	223,757.00	223,757.00	-	
81110 Planning Administration	406,936.00	420,416.78	(13,480.78)	13,481.00 Allocation with Building Inspections
81120 Planning Commission	14,388.00	10,421.78	3,966.22	
81130 Berryville Dev Authority	2,300.00	150.00	2,150.00	
81140 Regional Airport Authori	2,500.00	2,500.00	-	
81310 Housing Services	2,500.00	2,500.00	-	
81400 Board of Zoning Appeals	3,519.00	6,434.20	(2,915.20)	2,916.00 Legal expenses
81510 Office of Economic Devel	61,575.00	47,103.83	14,471.17	(14,000.00)
81530 Small Business Dev Cente	1,500.00	1,500.00	-	
81540 Blandy Experimental Farm	3,000.00	3,000.00	-	
81550 Berryville Main Street	2,500.00	2,500.00	-	
81800 Historic Preservation Co	7,900.00	7,633.31	266.69	
81910 Northern Shen Valley Reg	10,273.00	10,273.00	-	
82210 Water Quality Management	30,000.00	30,000.00	-	
82220 Friends of the Shenandoa	3,000.00	3,000.00	-	
82230 Board of Septic Appeals	1,565.00	811.40	753.60	
82400 LF Soil & Water Cons Dis	5,000.00	5,000.00	-	
82600 Bio-solids Application	6,990.00	1,230.52	5,759.48	
83100 Cooperative Extension Pr	43,712.00	39,996.05	3,715.95	
83400 4-H Center	2,300.00	2,300.00	-	
91600 Contingency Reserves	35,609.00	-	35,609.00	(35,609.00)
Social Services			(37,733.00)	37,733.00 Leave payouts
School Debt Service			(75.00)	75.00
NET				

2018-10-16 Action: Tom Judge informed the Supervisors that Robinson Farmer Cox conducted part of its audit the first week of October. In response to Supervisor Byrd's suggestion to rename from litter to recycling control, Tom Judge responded that this long-standing state grant is earmarked for litter control.

Supervisor Catlett moved "Be it resolved that budgeted expenditure be transferred per the attached [above] statement for the purpose of covering overdrawn FY2018 accounts from underdrawn FY2018 accounts". 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

D. FY 18 to FY 19 Capital Carryover.

2018-10-09 Summary: "Be it resolved that budgeted expenditure and revenue of the School Capital and Government Capital budgets be carried forward from FY2018 to FY2019 as stated in the documents attached [below]."

Clarke County Capital Projects Fund 301
FY18 Year End
10/8/2018

ACCOUNT DESCRIPTION	ORIGINAL APPROP	TRANFRS/A DJ	REVISED BUDGET	YTD EXPENDED	Proposed Adjustments	AVAILABLE BUDGET
94110 HVAC System Replacement	10,000	18,500	28,500	14,391		14,109
94120 Roofing	10,000	111,039	121,039	0		121,039
94130 Painting and Flooring	10,000	7,094	17,094	17,094		0
94140 Landscaping	10,000	15,375	25,375	0		25,375
94150 Asphalt, Sidewalk, Path	10,000	10,586	20,586	17,450		3,136
94180 Courthouse Complex Repai	0	66,373	66,373	0		66,373
94320 Auto Replacement	30,000	4,545	34,545	28,448		6,097
94326 Fire/EMS Vehicle	110,000	5,264	115,264	99,421		0
94328 RSAF-EMS Intubation Equi	0	27,241	27,241	25,433		0
94331 Sheriff's Vehicles	50,000	1,150	51,150	49,465		1,685
94409 Citizen's Convenience Ce	97,400	731,375	828,775	95,864		732,911
94506 Greenway Court Preservat	0	2,254	2,254	2,253		0
94601 Technology Improvements	40,000	101,087	141,087	61,748		79,339
94602 Systems Integration	0	141,574	141,574	131,956		9,618
94603 Mobile Radio System	376,746	44,829	421,575	7,530		414,045
94607 E-Ticket Software	0	7,800	7,800	0		0
94608 PSAP Call Handling Equip	92,792	0	92,792	86,810		0
94609 RSAF Card Set Replacemen	15,000	0	15,000	0		0
94702 Swimming Pool	0	53,378	53,378	0		53,378
94703 Park Fencing	40,000	31,036	71,036	0		71,036
94706 Park Sitework and Parkin	30,000	35,500	65,500	61,399		4,101
94707 Recreation Center Additi	15,651	-14,431	1,220	0		1,220
94708 Park-Kohn Prpty Developm	0	20,000	20,000	20,000		0
94709 New Park Shelter	0	61,964	61,964	4,000		57,964
94710 Park Trash Cans	0	14,431	14,431	13,930		501
EXPENSES	947,589	1,497,964	2,445,553	737,190	0	1,661,929 ✓
<u>Revenue</u>						
94310 Sheriff's Equipment	0	-653	-653	-848		
94326 Fire/EMS Vehicle	-40,000	21,232	-18,768	0		0
94328 RSAF-EMS Intubation Equi	0	-27,241	-27,241	-10,715		-13,595
94608 PSAP Call Handling Equip	-92,792	0	-92,792	-86,810		0
94609 RSAF Card Set Replacemen	-15,000	0	-15,000	0		0
Transfer from General Fund	0	-2,188,664	-2,188,664	-638,818		-1,648,333
REVENUE	-147,792	-2,195,326	-2,343,118	-737,190	0	-1,661,929
Revenue Total	-147,792	-2,195,326	-2,343,118	-737,190	0	-1,661,929
Expense Total	947,589	1,497,964	2,445,553	737,190	0	1,661,929
Grand Total	799,797	-697,362	102,435	0	0	0

Clarke County Schools Capital Projects
FY18 year end
10/8/2018

FUNCTION	ACCOUNT DESCRIPTION	ORIGINAL APPROP	TRANFRS/ ADJSMTS	REVISED BUDGET	YTD ACTUAL	Proposed Adjustments	AVAILABLE BUDGET
61100	61100 Classroom Instruction	0	19,327	19,327		0.00	19,327
61110	61110 School Furniture Replace	25,000	19,871	44,871	41,181		3,690
61130	61130 Uniform Repl & Band Inst	20,000	69,942	89,942	6,527	-6,002	77,413
61140	61140 Athletics Equipment & Un	0	20,000	20,000	26,002	6,002	0
63500	63500 School Bus Purchases	162,000	64,000	226,000	224,472	-1,528	0
63700	63700 Other Veh & Equip Purcha	18,000	37,267	55,267	60,160	4,893	0
65100	65100 School Food Services	0	27,618	27,618	11,657	-11,778	4,183
66223	66223 Fencing	0	45,720	45,720	41,377		4,343
66233	66233 School Signage	0	17,871	17,871	8,627	-3,365	5,879
66250	66250 Fields and Playgrounds	0	13,360	13,360	1,888		11,472
66253	66253 Asphalt/Sidewalk/Track/C	0	80,847	80,847	54,287		26,560
66612	66612 Painting	100,000	79,929	179,929	10,965		168,964
66616	66616 Heating, Ventilation & A	50,000	235,591	285,591	98,072		187,519
66625	66625 Cooley Lower Campus Renov	0	23,634	23,634	0		23,634
66629	66629 Berryville Primary Renov	0	1,766,773	1,766,773	1,592,786	-173,987	0 Let \$173,987 go back to general fund
66636	66636 Roof Replacements	147,000	240,062	387,062	37,307		349,755
66644	66644 Flooring	20,000	27,060	47,060	19,799	-4,717	22,544
66645	66645 Security Improvements	0	363,165	363,165	105,817		257,348
66646	66646 Boyce School Repairs	0	50,000	50,000	0		50,000
66648	66648 Johnson Wms Middle Sch R	0	70,000	70,000	74,717	4,717	0
68100	68100 Technology Classroom Ins	0	67,998	67,998	63,044		4,954
68200	68200 Technology Inst Support	146,000	286,533	432,533	2,037		430,496
68300	68300 Technology Administratio	0	31,166	31,166	31,165		1
68301	68301 ERP System	0	79,119	79,119	31,761		47,358
68700	68700 Tech Fd Svc & Other Non-	0	0	0	0	11,778	0
115 68100	68100 Tech Bond	154,000	231,340	385,340	357,791		22,549
	Expenses	842,000	3,968,193	4,810,193	2,913,217	-173,987	1,717,989
115 68800	68800 Tech Bond Revenue	-154,000	-226,340	-380,340	-357,791		-22,549
00000	Transfer from General Fund	0	-4,429,853	-4,429,853	-2,555,426		-1,695,440
	Revenue	-154,000	-4,656,193	-4,810,193	-2,913,217		-1,717,989
	Revenue Total	-154,000	-4,656,193	-4,810,193	-2,913,217		-1,717,989
	Expense Total	842,000	3,968,193	4,810,193	2,913,217		1,717,989
	Grand Total	688,000	-688,000	0	0.00		0

2018-10-16 Action: Highlights of review include:

- Per Tom Judge, at the end of the fiscal year in Virginia, all appropriations lapse; but, Clarke has funds intended for multi-year capital projects. So, in some cases, fixed amounts put towards the capital projects or accumulating funds pending the actual project. In some cases, the projects are mid process.
- When the Supervisors adopt the appropriations resolution, the intention is to carry forward these multi-year appropriations. Examples:
 - o Citizen Convenience Center
 - o Mobile radio systems
- The auditors prefer the Board review the carry over and take specific action to approve these project funds.
- The Finance Committee recommends carrying forward \$1.6M in expenses and \$13,000 revenue with transfer from the general fund of one million six forty eight.
- The Schools shifted money to cover certain projects.

- The Schools are returning \$173,987 to the general fund; the balance remaining after the conclusion of the Primary School renovations, last of the planned school renovations.

Supervisor Catlett moved to approve "Be it resolved that budgeted expenditure and revenue of the School Capital and Government Capital budgets be carried forward from FY2018 to FY2019 as stated in the documents attached [above]. 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

Tom Judge cautioned that the Finance Committee was displaying some trepidation regarding the FY2019 budget including the addition of the public information position, the Health Department supplement, leave payouts, pay raises, Kohn property, the +/- \$340,000 deficit in the FY2019 budget. While the County may be enjoying the reduction in school debt, decisions can negatively affect budget.

E. Bills and Claims

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

2018-10-16 Action: **Supervisor Catlett moved to accept the September 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

F. Standing Reports

FYI: Reconciliation of Appropriation

13) Government Projects Update

David Ash provided the monthly project update.

- Convenience Center:
 - Contractor still “owns the project” and the County cannot go into the site until the contractor completes the project.
 - Issues for Contractor:
 - Difficulties with high voltage transformers – shipped without necessary parts. Contractor unable to energize and test some of the equipment.
 - Fencing.
 - Landscaping buffer – earthwork and vegetation.
 - Well requires final testing.
 - County will install security cameras after fence is in place.
 - Compactors, compactor containers, and recycling containers are on site.
 - Contractors revised substantial completion date of Oct 18 but will need to be revised again to sometime in November.
 - Reasonably sound open date would be sometime around the first of 2019.
- Court Complex:
 - Some work postponed.
 - 100 Church: Fixed part of railing. Mortar and repairs: local decisions made and materials ordered.
 - 104 Church: Railing has not yet been repaired.
 - Benches: Waiting on wording for plaques.
- Josephine Museum Roof: Alison Teetor recently received federal approval to procedure with the repair.
- Kohn Property:
 - Maintenance staff levels are not sufficient to deal with the multiple, conflicting priorities in maintaining Schools, Parks, and General Government facilities, grounds; and it is unable to dedicate sufficient time to complete this arduous project in a remote area of the County.
 - Pond: Appears to be holding water.
- Millwood Demolition Permit: Six-month permit is still active. Chairman Weiss asked staff to apply all pressure necessary to have the demolition completed more quickly.
- Park Pavilion:
 - Work is mostly complete.
 - Must replace several caps on roof to seal the metal roofing.
 - Scrap material removed.

- Project is nearly weather tight and the contracted portion of project is nearly done.
- County staff must install pathway, run electric and water to the site, and furnish.
- Park Pool:
 - Repairs to hydrostatic valves worked.
 - Broken parts in the filtration still require repair.
 - Funds are available to make repairs.
- Primary School Cottage: Roof repairs contracted but the extremely rainy weather has caused delays.
- Real Estate Tax Sale: Delinquent tax sale on land will be held Friday, November 2, at 2 pm, at the Berryville Clarke County Government Center.
- Reassessment: Started last week. County participated in a regional procurement effort with good vendor pricing and the same vendor as the previous audit.

Vice Chair McKay left the room at 3:00 pm returning at 3:05 pm.

14) Miscellaneous Items

Clarke County Fire and Rescue Association Response to Boyce Volunteer Fire and Rescue Company Withdrawal from Association

Chairman Weiss stated that all Supervisors received copies of the letter delivered by Jay Arnold on Monday, October 15. He restated that Boyce Volunteer Fire and Rescue Company did withdraw from the Clarke County Fire and Rescue Association and the Association has written to the Supervisors indicting its history and issues.

Supervisor Byrd comments:

- County has 160 volunteers.
- The Association has provided 40 years of service and done a good job.
- Urged caution and asked everyone to make communication a priority.
- The Association receives funding from the state and from grant.
 - Chairman Weiss clarified that these were typically pass-through funds.
 - Chairman Weiss added that the Association does not have a fund-raising arm and receives state and federal grants.
 - Tom Judge added that volunteer companies receive local funds. The grants, such as Four-for-Life and fire programs, the Association has assisted in the distribution of these funds to the constituent agencies.

Supervisor Daniel comments:

- Thanked Mr. Arnold for providing the letter.
- Assured that she has not heard anyone from outside the Association suggest dissolution.
- The Association has played a role for forty years and does not see it going away any time soon.

Supervisor Catlett comments:

- Expressed appreciation for receiving the letter.
- Expressed appreciation for all the work done by volunteers.
- With new challenges, it is not always easy to find new ways to work together, which is important.
- Goal is to serve the community.
- Ask all to renew commitment.

Vice Chair McKay comments:

- Will speak to Mr. Arnold about inaccuracies in the letter.
- Association is not a county function and not created by the current Board of Supervisors nor any of its predecessors.

Chairman Weiss comments:

- Supports the Association and believe it is an important organization.
- Comments in the work group did include that an association would no longer be necessary after the formation of a commission.
- Boyce's departure is an inter-departmental issue.
- Supports intention to meet with Boyce and work out issues amongst yourselves.
- The Supervisors would prefer that the organization recreate itself for the County utilizes it as a conduit for funds.
- The letter, from a procedural point of view and since many of the concerns raised in the letter deal with the Commission and its functioning, would have been better served to go directly to the Fire and EMS Commission, a group formed to deal with such issues.
- It is the responsibility go to the commission because it questions the commission and that is why they created commission to handle such affairs.

- One issue raised, voting within the Commission and change from the chair not voting to voting, he personally requested that change for he, as liaison to the Commission, was voting on items that he would have an option to vote on later.

Following discussion, the Board concurred that no action was necessary.

Jay Arnold added that he supplied the Supervisors with the letter to keep them informed and because the Commission is appointed by the Board of Supervisors. Mr. Arnold opined that they, Mr. Hoff, Mr. Conrad, and Mr. Armacost, did not really report on the Association because they, were not at the meetings to know what was going on. He asked for the Board to consider adding updates from the Association or providing copies of its minutes to the Commission.

Mr. Arnold noted that the Commission took action at its last meeting to transfer funds directly to the companies that in past years was dispersed via the Association. He opined that the Association was concerned at how fast the action was taking place by the Commission without any input from the Association.

Jay Arnold also noted that the Association has not met since receiving Boyce’s letter of withdrawal and has not had an opportunity to discuss.

Chairman Weiss explained that Director Lichty requested budget direction from the Commission at its last meeting and its decisions were a good-faith effort, not to exclude anyone, but to keep the process moving and within the established time line.

Jacob White, Fire and EMS Commission member, affirmed that he had voted for the measure.

Chairman Weiss assured that there was no conspiracy. Further, it is not the responsibility of the Board of Supervisors to update the respective fire and rescue companies but that of the designated representative company members serving on the Commission.

15) Summary of Required Action

<u>Item</u>	<u>Description</u>	<u>Responsibility</u>
1.	Process and forward 2018 VACo Voting Credentials.	Lora B. Walburn
2.	Update Legislative Priorities.	David Ash
3.	Process 2018-12R.	Lora B. Walburn
4.	Process and post approved minutes.	Lora B. Walburn
5.	Process letters of appointment, update database.	Lora B. Walburn
6.	Process 2018-13R.	Cathy Kuehner

<u>Item</u>	<u>Description</u>	<u>Responsibility</u>
7.	Process Economic Development Services Contract.	David Ash
8.	Add Department of Environmental Quality Tree Planting for Nutrient Credit Program to 2019 Legislative Priorities.	David Ash

16) Board Member Committee Status Reports

Supervisor Barbara J. Byrd

- Committee Policy Management Team:
 - Shortage of child psychologist in Virginia, which is impacting placement.
 - Reviewing strategic plan.

Supervisor Terri T. Catlett

- Historic Preservation Commission:
 - Discussed potential for a meeting with historic entities to discuss ways then can work together.
 - Demolition by neglect report published and HPC will review further before bringing forward.

Supervisor Mary L.C. Daniel

- Josephine Community School Museum: Ella Nora Phillips Stewart event held October 6 was fabulous.
- Planning Commission: Approved two minor subdivisions in Russell District.

Vice Chair Bev B. McKay

- Sanitary Authority: Attended meeting this morning. Inboden Environmental has found an individual that may be able to assist in groundwater safety improvements.

Chairman David S. Weiss

- Fire & EMS Commission: Subject covered under Miscellaneous.

17) Closed Session Pursuant to §2.2-3711-A7 Consultation with Robert Mitchell, legal counsel, pertaining to actual or probable litigation, where such consultation or briefing in open meeting

would adversely affect the negotiating or litigating posture of the public body; and consultation with legal counsel employed or retained by a public body regarding specific legal matters requiring the provision of legal advice by such counsel.

At 1:40 pm, Supervisor Catlett moved that the Clarke County Board of Supervisors enter Closed Session pursuant to §2.2-3711-A7. 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 1:58 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 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 - Aye
Beverly B. McKay - Aye
David S. Weiss - Aye

No action taken following Closed Session.

Closed Session Pursuant to §2.2-3711-A1 S Specific Employees or appointees of the Board

At 3:39 pm, Supervisor Byrd moved that the Clarke County Board of Supervisors enter Closed Session pursuant to §2.2-3711-A1. 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 4:31 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 Catlett moved to reconvene in open session. The motion carried as follows:

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

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

CERTIFICATION OF CLOSED SESSION

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

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

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

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

No action taken following Closed Session.

Chairman Weiss recessed the meeting at 4:38 pm.

Chairman Weiss reconvened the meeting at 6:32 pm

18) Citizens Comment Period

No citizens appeared to address the Board.

18A) Resolution in Recognition of Josephine Improvement Association, Inc.

Supervisor Daniel moved to approve the resolution as presented. The motion was approved 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 read the following into the record:

Resolution in Recognition of the Josephine Improvement Association Inc.
October 2018

WHEREAS, the area on the southeastern side of Berryville — 31 acres with an almost mile-long road — was founded by former slaves after the Civil War and long known as Josephine City; and

WHEREAS, the Josephine Improvement Association began many decades ago as a grassroots organization composed of residents who deeply cared about the wellbeing of their small community; and

WHEREAS, the Josephine Improvement Association, Inc. was officially incorporated in December 1966; and

WHEREAS, the Association worked to ensure their African-American community had streetlights, sidewalks, running water, trash collection, and access to a public sewage system during the decades prior to and after desegregation; and

WHEREAS, the Association persuaded Clarke County to provide water and sewer service through the Clarke County Sanitary Authority in 1969, and the Town of Berryville annexed Josephine City in 1989; and

WHEREAS, original Josephine Improvement Association members — many of whom are no longer living — and current members were honored at a gathering in Berryville in October 2018;

NOW, THEREFORE BE IT RESOLVED, the Clarke County Board of Supervisors does hereby issue this resolution in recognition of the many Clarke County residents past, present, and future who honor the rich history and culture of Josephine City by tirelessly working to preserve and improve their community.

IN WITNESS THEREOF, I have set my hand and caused the seal of the County of Clarke, Virginia, to be affixed this resolution on the 16th day of October 2018.

Attest: David Weiss, Chair 2018-13R

19) Cost of Community Services Report by Terance Rephann, Weldon Cooper

Terance Rephann, Regional Economist with University of Virginia Weldon Cooper Center for Public Service, provided a presentation. Highlights include:

- Presentation included outline, history, methodology, limitations, steps, data collection sources, and ratios.
- For the percentage of land in easement, Clarke is second in the Virginia with Fauquier County in first place. When considering Clarke's size, the percentage is greater.
- Land use categories include: residential, commercial/industrial, agricultural / open space, open space.
- Clarke County Budget Allocations by Land Use:

	Residential	Commercial / Industrial	Agriculture / Open Space
Revenues	\$34,201,565	\$4,863,219	\$2,889,849
Expenditures	\$42,312,657	\$1,137,289	\$1,430,214
Gap Expenditures to Revenues	-\$8,111,092	\$3,725,930	\$1,459,636

- Clarke is comparable to studies performed by the American Farmland Trust, Piedmont Environmental Council, and Weldon Cooper Center.
- Report acknowledged the contributions from Conservation Easement Authority, County Staff, and, particularly, Alison Teetor, Natural Resources Planner.
- Mr. Rephann was unable to find and compare this report to one conducted approximately twenty years ago.

Vice Chair McKay asked questions about grant programs and local funds. Alison Teetor clarified that state grants require matching local funds.

Supervisor Catlett asked about the Fauquier’s composite index. Mr. Rephann advised that this Fauquier’s composite index was not considered in this report.

Chairman Weiss noted that the report proves that residential property cost is higher than other land uses. He opined that land uses were difficult to balance now and would continue to challenge localities.

Supervisor Byrd remarked that the study provided data to enable the Board to support and continue to protect the efforts started by Clarke’s forbearers. She thanked Mr. Rephann for the report and all those who aided in the effort.

Chairman Weiss joined Supervisor Byrd in thanking Mr. Rephann for his efforts and expressed the Board’s appreciation. He opined that the report proved that Clarke’s smart grown strategy was still on the right track.

20) Department of Environmental Quality Tree Planting for Nutrient Credit Program by Melanie Davenport, Director Water Permitting Division

Alison Teetor, Natural Resources Planner, at the request of Board of Supervisor’s Chair David Weiss, organized a presentation by Melanie Davenport, Director of the Water Permitting Division of the Virginia DEQ.

Chairman Weiss explained that he was seeking more information about the nutrient credit programs.

Highlights of Ms. Davenport’s comments and Board discussion include:

- Three nutrient programs in Virginia.
 - Oldest program relates to meeting nutrient reduction in the Chesapeake Bay and allows for trades from point source facility to point source facility or sewage treatment plant to another sewage treatment or industrial plant.
 - At this time, sewage treatment and industrial plants typically trade among themselves.
 - Approximately ten to twelve years ago, DEQ and the Department of Conservation and Recreation started looking at non-point source to point source trading.
- The EPA designated urbanized areas that operate municipal storm water systems as point sources.
 - Municipalities must retrofit and take pollutants out of the water flow.
 - Retrofits are very expensive.
- On July 1, 2014, DEQ adopted post-construction water quality and quantity requirements driven by Chesapeake Bay area studies and protection of local water quality.
 - Everything built after July 1, 2014, must be nutrient neutral.
 - Pre-land-use disturbance is compared to post-land-use disturbance.
 - If disturbing more than one acre, a permit is required from DEQ. Clarke County opted out of this program.
 - Post construction, must meet .41 pounds of phosphorous per acre.
- Nutrient / phosphorous credits can be purchased. These purchases may be driving the nutrient banks currently in Clarke County.
- For point sources and municipal system, they can “true up” on an annual basis and can buy term credits.
- To make the “math work” on new development, only permanent credits can be purchased, which cannot be renewed year after year. There must be something in place to remove these nutrients from the system in order to buy the credit to support new development.
- Rules require that the credits must be purchased within the eight-digit hydrologic unit or an adjacent eight-digit hydrologic unit hub. Clarke is adjacent to five out of seven of the Potomac River hubs; so, development in those areas can buy nutrient credits in Clarke County.
- The most prevalent nutrient banks DEQ has been certifying for the last few years are land conversion banks, which are considered the easiest.
- Agricultural property is sought, taken out of production, and, typically, plant trees. No nutrients are added to grow crops and the trees are absorbing the nutrients.
- Currently four approved nutrient banks in Clarke totally 774.11 acres.
 - Hay to forest: 500.72 acres
 - Crop to forest: 163.04 acres

- Pasture to Forest: 110.35 acres
- Land conversion types applicable to Clarke County:
 - Cropland to Forest
 - Cropland to Hay
 - Cropland to Mixed Open (fallow)
 - Hay to Forest
 - Hay to Mixed Open (fallow)
 - Pasture to Forest
- Placement of land in nutrient easement is permanent through deed restriction.
- The system has different coefficients for converting various types of land, in order to decrease the nitrogen and phosphorus quantities in the soil.
 - Calculations are used to determine nutrient credits, which can then be sold to developers
 - Price per pound of phosphorus in the Potomac basin ranges between \$18,000 - \$23,000.
 - Credit is a one-time only sale and is not renewable.
 - When trees die, the landowner must replace. Ms. Davenport will further research restrictions, if any, on types of trees landowners are allowed to plant.
- DEQ sets requirements and conducts annual monitoring to ensure appropriate land conversion.
- Board comments / questions:
 - Can converted forest land be timbered when the trees are mature?
 - Can converted land be used for hunting, recreation, tourism, trails?
 - Can converted land be used for profit by the landowner?
 - Property placed in this program would be removed from agriculture permanently with no earning potential of any kind.
 - Since it does not preserve agricultural land, the program seems to be in conflict with Clarke's comprehensive plan.
 - If nothing can be done with the property, the current program does not make resell of the property an attractive option.
 - Suggested the Department of Environmental Quality research the unintended consequence of land conversion.
 - Chairman Weiss noted that the local Farm Bureau was becoming increasingly concerned about this program.

- At the Board's December Work Session, the matter will be reviewed with the state legislators.

In conclusion, Chairman Weiss thanked Mrs. Davenport for her presentation, clarification, and, again, asked that the Department of Environmental Quality research the unintended consequences on agriculture.

21) Adjournment

Chairman Weiss adjourned the meeting at 7:36 pm.

Next Regular Meeting Date

The next regular meeting of the Board of Supervisors is set for Tuesday, November 20, 2018, at 1:00 p.m. in the Berryville Clarke County Government Center, Main Meeting Room, 101 Chalmers Court, Berryville, Virginia.

ATTEST: October 16, 2018

David S. Weiss, Chair

David L. Ash, County Administrator

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