

December 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, December 18, 2018.

Board Members

Present Afternoon/ No 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/No Evening Session: None

County Staff Present

David L. Ash, Cathy Kuehner, Brian Lichty, Brianna R. Taylor, Alison Teetor, Lora B. Walburn

Constitutional / State Offices / Other Agencies

Tony Roper, Tom Judge

Press

Mickey Powell – The Winchester Star

Others Present

Claudia LeFevre; Ricard, Gennaro, Jeff Hinson

1) Call to Order

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

2) Adoption of Agenda

- Miscellaneous:
 - Add Town of Berryville and Clarke County Memorandum of Understanding Transportation Study – Southeast Collector
 - Add Notice 2019 Conflict of Interest Filing
 - Supervisor Byrd requested the addition of potentially four unnamed items.
- Add Closed Session for §2.2-3711-A3, Discussion or consideration of the acquisition of real property for a public purpose, or of the disposition of publicly held real property, where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the public body.

Vice Chair McKay moved to adopt the agenda as amended. The motion carried by the following vote:

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

3) Citizens Comment Period

Richard Gennaro, Ebenezer Road: Asked the Supervisors to take a serious look at the one and a half car length deceleration lane on the westbound side of Route 7. His family uses this cross over requiring a u-turn to get back to Ebenezer Road. Mr. Gennaro stated that over the years he has spoken with Supervisors Catlett and Staelin about his concerns. He opined that this section is perilous particularly with the increased volume of commuter traffic. He further stated that several years ago VDOT extended deceleration lanes throughout the County. Mr. Gennaro opined that extending the lane up the mountain would be costly and suggested that VDOT move the turn around a couple hundred feet further west.

Supervisor Byrd added that there were two such areas in her district one just west of Triple J and the second cross over going into the honey factory.

Mr. Gennaro encouraged members of the Board to visit the area between 4 to 6 pm.

Chairman Weiss remarked that the Board was sympathetic and aware of many issues on Route 7 and the Board would continue to discuss these issues with VDOT.

Mr. Gennaro also spoke to internet availability. He said he was encouraged that the state and local government was discussing bringing quality internet to rural sections of the state. He asked the Supervisors to continue to support these efforts with state legislators.

4) Virginia Department of Transportation [VDOT]

Ed Carter, Residency Administrator, provided the following update:

Maintenance:

- The majority of the month has been dedicated to cleaning up debris and trees from storm related events.
- VDOT has repaired wash outs and regraded various secondary non-hard surfaced roads.
- VDOT has mobilized for two snow events, on significant and one minor.
- VDOT has completed approximately 33% of fall mowing and estimate two more weeks for completion.
- Contractors continue with brush cutting on secondary's and will carry into the next month along with state forces.
- VDOT plans to grade additional non-hard surfaced roads as well as shoulder work on primaries.

Board Issues:

- Speeding concerns: VDOT has taken readings on Triple J after Sheriff's enhanced enforcement. While speeding is still occurring, there was a drop in overall traffic exceeding 5 MPH above the posted speed limit of 10%.
- Morgan Mill no parking: The stake holders are currently exploring options to provide parking off of VDOT right-of-way.
- Safety Concerns – Routes 7 and 612:
 - Will not meet warrants for a signal.
 - Signals are becoming increasingly difficult to place on high-speed, high-volume primary roads due to the increased potential for rear-end crashes.
 - Crash history:
 - 10 crashes with 5 injuries in the past 5 years.
 - 70% were in the westbound lane
 - 50% were angle crashes – vehicles either turning into Route 612 from the eastbound side or trying to come out of Route 612 to the east bound side.
 - No fatalities in the past five years.
 - Major Issues:
 - Volume of traffic on Route 7.

- Vehicles entering and exiting the corner market that block site distance in the west bound side.
- Restructuring geometrics of the intersection would fix the problem; however, it would entail major construction taking down hillsides and vertical curves, which would require significant funding.
- Chairman Weiss asked VDOT to continue to look at ways to address concerns including making Route 612 less attractive to commuters.
- Chairman Weiss stated that he would support VDOT if it chose to close a portion of the store front access off Route 7. Ed Carter stated that VDOT could look at this option.
- To fund, the County must submit a smart scale project application. VDOT's planning group would meet with the County's Planning Director to assist in preparing the application. Mr. Carter advised that the County would be competing for funds statewide.
- Supervisor Byrd suggested closing Route 612 and using Blue Ridge Estates entrance. Mr. Carter advised that this option would present right-of-way issues, as well as bringing the road up to VDOT standards.
- Chairman Weiss informed VDOT that there was another accident on Route 7 this morning.
- VDOT extended deceleration lanes some years back in order to close an area with a substantial number of crashes. There may be future initiatives to work on crossovers. Mr. Carter will ask the traffic group to review.
- Route 7 Safety Audit:
 - Mr. Carter stated that VDOT might be able to conduct a safety audit on Route 7, at no cost to the County, and bring back recommendations to the Board.
 - Supervisor Catlett asked what a safety audit would entail.
 - VDOT will review data to determine where the most accidents, what types of accidents, etc. It will look at road access points, cross overs, intersections, etc. It will look at the potential need for new guardrail, rumble strips, wider shoulders, etc.
 - Vice Chair McKay asked if the audit would look at impacts on other roads of traffic pattern shifts that might result from major changes on Route 7. Mr. Carter stated that the audit would only study Route 7 and look at how to make that road as safe as possible.
- Supervisor Byrd suggested lowering the speed limit on Route 7 from 55 MPH to 50 MPH. Ed Carter put forward that VDOT's goal is to move traffic across its roads as fast and as safe as possible; and, when a speed limit on a road is set, it is set for what the road is designed to accommodate if drivers observe the speed limit. He put forth that Route 7 is designed for 60 MPH with a set limit of 55 MPH. However, people don't drive 55 on the road. He stated that the problem on Route 7 is being experienced all across the state. He noted that the major concern on I81 is speed

enforcement. Mr. Carter further commented that the public must determine what it is willing to pay to have enough law enforcement present to enforce the speed limit. He opined that VDOT cannot control the driver – it can only try to make its roads as safe as possible.

- o Mr. Carter stated that VDOT would look at Ebenezer Road independently.
- o In response to Mr. Carter’s statement about the high number of private driveways off Route 7, Supervisor Daniel asked about access lanes to accommodate private driveways. Mr. Carter explained that these are usually considered in urban industrial areas and are expensive to do along Route 7.

Supervisor Comments:

- Supervisor McKay:
 - o Howesville Road: Supervisor McKay will check to see if speed limit sign is erected and contact VDOT.

- 5) Set Date, Time, and Location - 2019 Organizational Meeting. Staff Recommendation: January 7, 2019, 10 am, Meeting Room AB, BCCGC, 101 Chalmers Court, 2nd Floor, Berryville, Virginia

By consensus set the 2019 Organizational Meeting for Monday, January 7, 2019, at 10 am, in Meeting Room AB, Berryville Clarke County Government Center.

- 6) Pasture Palooza Music and Arts Festival. Action: Staff recommends setting for public hearing Tuesday, January 15, 2019, at 6:30 pm or as soon thereafter as the matter may be heard.

David Ash summarized the permit application and staff recommendation.

Supervisor Byrd commented that Trevor Creany, prior event director, is taking over events at Watermelon Park; and, his brother, Sam Creany, will be taking over event management for Pasture Palooza. She put forth that the Ruritans were very impressed with the Creany brothers. Supervisor Byrd opined that constituents should be given an opportunity to speak.

Supervisor Byrd moved to set public hearing for Tuesday, January 15, 2019, at 6:30 pm or as soon thereafter as the matter may be heard. The motion carried by the following vote:

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

7) Approval of Minutes

Supervisor Catlett moved to approve the minutes for November 20, 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

8) Consent Agenda

A. Resolution in Recognition of the Clarke County 4-H Program 2018-16R

RESOLUTION IN RECOGNITION
OF THE CLARKE COUNTY 4-H PROGRAM
December 2018

WHEREAS, the tomato canning clubs for girls and corn growing clubs for boys that existed in Clarke County in the early 1900s evolved into the Cooperative Extension System's new, nationalized 4-H program by the mid-1920s; and

WHEREAS, the name represents four essential aspects of human development — head, heart, hands, and health — and the 4-H goal is to develop citizenship, leadership, responsibility, and life skills; and

WHEREAS, for almost a century, countless thousands of Clarke County youth have gained invaluable skills by participating in 4-H programs focused on animal husbandry, agricultural crops, science, technology, engineering, math, finance, leadership, and community service; and

WHEREAS, over the years these youth have routinely represented the Clarke County 4-H program at state-level competitions; and

WHEREAS, in the 2017-18 year alone, 226 youngsters ages 5 to 19 were enrolled in eight active 4-H clubs, a significant increase over the previous year; and

WHEREAS, 4-H reached more than 500 Clarke County youngsters in 2017-18 through club enrollment and in-school programs; and

WHEREAS, 75 adult volunteers and 26 youth volunteers collectively gave 1,180 hours of their time to lead 4-H clubs and programs in 2017-18;

NOW, THEREFORE BE IT RESOLVED, the Clarke County Board of Supervisors does hereby issue this resolution in recognition of the Virginia Cooperative Extension Clarke County 4-H program for instilling in our youth the values we hold dear.

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 18th day of December 2018.

Attest: David Weiss, Chair 2018-16R

Supervisor Daniel 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

Chairman Weiss read the resolution and presented to Claudia Lefevre, Cooperative Extension Agent.

9) Board of Supervisors Personnel Item

A. Expiration of Term for appointments expiring through February 2019

Note: CPMT: Team recommends reappointment and both Dr. Colin Greene and Denise Acker are willing to serve another term.

FAPT: Team recommends reappointment and both Martia Myers-DePina and Gay Allen are willing to serve another term.

2018-12-10 Summary: The Personnel Committee recommended reappointment of:

- Thomas Cammack, Barns of Rose Hill Board of Directors, to a term expiring December 31, 2021
- Colin Greene, Community Policy and Management Team, to a term expiring December 31, 2021
- Denise Acker, Community Policy and Management Team, to a term expiring December 31, 2021

- Walker Thomas, Conservation Easement Authority, to a term expiring December 31, 2021
- Peter Engel, Conservation Easement Authority, to a term expiring December 31, 2021
- Martia Myers-DePina, Family Assessment and Planning Team, to a term expiring December 31, 2021
- Gay Allen, Family Assessment and Planning Team, to a term expiring December 31, 2021

2018-12-18 Action: David Ash summarized the Committee's recommendation.

Vice Chair McKay moved to approve the Personnel Committee recommendations. 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. Facility Closure Issues:

- Compensation
- Notice
- Outside Agencies

2018-12-10 Summary: The Committee discussed various issues with the facility closure policy and agreed that the current closure policy was acceptable. The Board agreed that the County Administrator should notify other agencies following Clarke's policies that each should take into consideration travel conditions to their specific facility.

2018-12-18 Action: David Ash summarized the items reviewed by the Personnel Committee.

Supervisor Byrd added that there might be a need to expand personnel at the Department of Social Services.

C. 2019 Holiday Schedule: Consider granting 8 additional hours holiday for Friday, July 5

2018-12-10 Summary: The Committee deferred review to the December 18 regular meeting.

2018-12-18 Action: By consensus, the Board opted not to grant an additional eight hours preferring to wait for further action from the Office of the Governor.

D. Closed Session Pursuant to §2.2-3711-A1 Specific Employees or appointees of the Board - Individual Compensation and Leave Balance Review

2018-12-10 Summary: At 9:55 am, **Supervisor McKay moved to convene into Closed Session pursuant to §2.2-3711-A1. The motion carried as follows:**

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

At 10:04 am, the members of the Board of Supervisors Personnel 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 McKay moved to reconvene in open session. The motion carried as follows:**

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

Supervisor 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, Personnel Committee 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 Personnel Committee 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, Personnel Committee 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:

Beverly B. McKay - Aye

David S. Weiss – Aye

No action was taken following Closed Session.

2018-12-18 Action: Information only.

10) Board of Supervisors Work Session Items

A. Legislative Priorities Review with State Legislators

Attendance: 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; Delegate Gooditis, Delegate LaRock, Senator Vogel's District Director Conan Cochran, Jay Arnold, Berryville Recorder, Diane Harrison, Berryville Town Council Ward 2 Member, Pat Dickinson, Berryville Mayor; Monica Singh-Smith, School Board Chair, Chuck Bishop, School Superintendent; Sharon Keeler, Treasurer; Tony Roper, Sheriff; Mickey Powell, The Winchester Star; David Ash, Tom Judge, Cathy Kuehner, Melanie Radford, Brandon Stidham

Delegate Gooditis update:

- Eileen Filler-Corn elected as 2019 House of Delegates Minority Leader
- Issues to be addressed this session include earned income tax credits, environment including solar power and water protection, education, transportation.
- Interstate 81:
 - Funds requested to provide more tow trucks and additional rest stops for large trucks.
 - Area focus on Exits 315, 316, 317.
 - With myriad competing priorities, urge affected localities to develop a plan to aid in securing funding.
 - Berryville Mayor Pat Dickinson:
 - Asked legislators consider unintended consequence of I81 upgrades and user fees opining that anything that makes I81 less attractive to use will increase traffic through Berryville on its primaries including Route 7 and Route 340.
 - Expansion of the inland port will increase traffic in Berryville.

- Tractor trailers through Berryville shake homes and air brakes disrupt the peace both negatively affect quality of life.

Delegate LaRock update:

- Previously drafted legislation to allow local jurisdictions to impose a tax on commercial and industrial properties to help fund I81 projects.
- Funds would be spent in the locality and used to help buy down project
- Is not supportive of raising sales or gas tax.
- Would entertain implementation of user fees on interstates for project funding.

Senator Vogel update by Canon Cochran, District Director:

- Senator Vogel was unable to attend due to unforeseen circumstances.
- Views are consistent with those previously expressed by the delegates.
- In agreement with I81 concerns.

Chairman Weiss: Priorities listed in alphabetic order, which does not reflect order of importance. Highlights of review include:

Issue: Camp 7 Parcel

- Senator Vogel instrumental in securing 66 acres of the Camp 7 site and the County is appreciative.
- The parcel is currently split between Clarke and the Department of Military Affairs [DMA].
- DMA intends to use its portion to store vehicles.
- Clarke views as a prime site for economic development.
- While there has been some interest in developing the site for a regional drug rehabilitation facility, the final decision is up to the Northwestern Community Services Board that has expressed concerns regarding the sites remote location from courts and services. Ongoing discussions with public and private sector about potential development of the site for this or other related purposes.
- Delegate LaRock suggested that Clarke develop a plan that would convey in quantitative terms the potential economic benefits.
- Request representatives to advocate securing the whole parcel for Clarke for economic development.

Issue: Broadband

- Essential for agriculture, economic development, emergency services, and education.

- Superintendent Bishop advised that according to a survey conducted by CCPS 187 homes, representing 315 students, are without internet access. CCPS makes hot spots available but the service is unreliable.
- Clarke supports localities right to regulate.
- Clarke is developing methodology to aide in advancing services throughout the county.
- Delegate LaRock stated that he continues to work with cooperatives and providers to remove barriers.
- Request representatives to explore improved fees, reasonable connection costs to existing poles, and incentives with sunset clauses as necessary.

Issue: Land Conversion for Nutrient Credit Program

- Clarke has 774 acres in this program.
- Program requires land establishes credit banks to offset pollution, HUC [Hydrologic Unit Code or watershed boundaries], land remain forestal in perpetuity, forever removing it from agriculture.
- Program conflicts with Clarke's comprehensive plan emphasizing preservation of agricultural land.
- Alison Teetor, Natural Resources Planner, asked to provide legislators with program information.
- Request representatives to:
 - o Further study the program and unintended consequences.
 - o Remove "adjacent" from legislation; currently, a credit bank in Clarke County can service five out the seven Potomac 8-digit HUCs.

Issue: Composite Index

- Request representatives to continue efforts to modernize application of the composite index and land use value versus assessed value.
- Delegate Gooditis suggested formation of a coalition by affected rural jurisdictions.
- Superintendent Bishop advised that a rural school coalition exists and is making contacts.

Issue: State Tax Reform, Cost and Revenue Shifting, and State Year-end Surplus Funds

- Request legislators look at fully funding localities to house state prisoners. Currently, state is reimbursing localities at \$12 per day.

School Superintendent Bishop, CCPS, priorities:

- Teacher shortages.
- Salaries

- Licensure requirements
- Thankful for reduction of SOL testing this year.
- While grateful for safety grant funds for equipment purchases, grant funds are also needed for “bricks and mortar” projects to improve safety.
- Continue support for School Resource Officers and/or School Security Officers.
- Continue support for dual enrollment at community colleges and work to establish uniform tuition fees.
- Seek to find ways to address mental health issues.

In conclusion, Delegate Gooditis asked the Board to consider conducting future review of its legislative priorities in October or November to better align with filing constraints.

Chairman Weiss adjourned the Work Session at 10:32 am.

2018-12-18 Action: David Weiss opined that it went well. Supervisors Catlett and Daniel expressed appreciation for having representatives all three legislators at the meeting.

11) Board of Supervisors Finance Committee Items

A. FY2010 Budget Calendar

2018-12-10 Summary: Draft for consideration prior to the January organizational meeting.

FY 20 BUDGET CALENDAR

. Draft

<i>Date</i>	<i>Time</i>	<i>Location</i>	<i>Event</i>
Wednesday, January 09, 2019	08:30 AM	317 West Main	Finance Committee: School Finance Invitation
Monday, January 21, 2019	09:30 AM	JGC	Staff Revenue Review
Tuesday, January 22, 2019	05:30 PM	JGC	Finance Committee: Revenue Review
Monday, February 11, 2019	10:00 AM	JGC	Budget Worksession: presentation by County Administrator
Monday, February 11, 2019	05:30 PM	JGC	Finance Committee: Agency presentations
Wednesday, February 13, 2019	08:30 AM	317 West Main	Finance Committee: School Finance Invitation
Thursday, February 14, 2019	05:30 PM	JGC	Finance Committee: Agency presentations
Tuesday, February 19, 2019	06:30 PM	JGC	BOS Regular: Direction to County Administrator
Thursday, February 21, 2019	05:30 PM	JGC	Finance Committee
Thursday, February 28, 2019	05:30 PM	JGC	Finance Committee
Monday, March 04, 2019	07:00 PM	JGC	BOS Worksession: SB presentation (Special)
Thursday, March 07, 2019	05:30 PM	JGC	Finance Committee
Monday, March 11, 2019	10:00 AM	JGC	BOS Worksession until Final Number
Thursday, March 14, 2019	05:30 PM	JGC	Finance Committee
Tuesday, March 19, 2019	NA	Winchester Star	Advertise in newspaper (if needed)
Tuesday, March 26, 2019	NA	Winchester Star	Advertise in newspaper.
Tuesday, April 02, 2019	07:30 PM	TBD	Public Hearing (Jointly with School Board)
Tuesday, April 16, 2019	06:30 PM	JGC	BOS Worksession until final numbers; recess, then adopt budget and Appropriations Resolutions.

St Valentine's Day?

2018-12-18 Action: The Supervisors reviewed the proposed budget meeting calendar. Issues raised include:

- Calendar again designed to correspond with regular work sessions.
- Supervisor Byrd has a conflict with the March 4 Work Session.
- John Staelin has a conflict with January 22 Finance Committee Revenue Review. He is available on January 21 or January 24.
- Meeting planned for February 14 could be schedule for an earlier start time.

B. 106 North Church Lease Agreement

2018-12-10 Summary The Finance Committee recommends that renewal of this agreement be postponed to the January meeting.

2018-12-18 Action: Tom Judge summarized.

C. Bank Reconciliation Update

2018-12-10 Summary: Clarke staff and an outside accounting firm continue work to reconcile the June 30, 2018, bank balance with the June 20, 2018, Munis cash balance. Presentation of the Financial Report is postponed until this reconciliation is complete.

2018-12-17 Action: Tom Judge stated that it should be complete by the second week of January. The auditors will take several weeks to complete and should have in time for budget decisions.

D. Conservation Easement: Opequon Cattle Company

2018-12-10 Summary: The Finance Committee recommends as follows:

"Be it resolved that FY 19 budgeted expenditure and appropriations to the Conservation Easement fund be increased \$317,625, that revenue from the Federal government be recognized in the amount of \$211,750, and revenue from the Commonwealth be recognized in the amount of \$52,937, that existing Conservation Easement local funds be utilized in the amount of \$25,000, that Conservation Easement donation funds be utilized in the amount of \$10,000, and that the fund balance designation for Conservation Easement purchases be decreased by \$17,938, all for the purpose of purchasing Conservation Easements on the land of the Opequon Cattle Company. "

2018-12-17 Action: Tom Judge summarized. Chairman Weiss provided additional information regarding existing easements on this property.

Supervisor Byrd moved to adopt the resolution. The motion carried by the following vote:

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

E. Fiscal Analytics 2020 Budget Forecast

2018-12-10 Summary: The Finance Committee reviewed the Fiscal Analytics 2020 Budget Forecast, which was presented at the Virginia Association of Counties annual conference.

2018-12-18 Action: Tom Judge provided summary comments of the forecast.

F. Bills and Claims

2018-12-10 Summary: The Finance Committee recommends approval of the November 2018 Invoice History Report.

2018-12-18 Action: **Supervisor Catlett moved to accept the November 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

G. Standing Reports

FYI: Reconciliation of Appropriation, Capital Projects

12) Joint Administrative Services Board

Highlights of the update by Tom Judge include:

- Met December 17.
- Discussed 457 plan options.
- Discussed actuarial study for the audit.
- Discussed ways to reduce liability
- Board updated on ERP system implementation.
- Board updated on bank reconciliation for FY2018 audit
- Health Insurance Plan – Retiree Participation:
 - o Currently allow retirees in a specific class to remain in health insurance plan.
 - o Retirees pay the full premium.
 - o Sixteen [16] retirees in the plan.
 - o Statistics from claims experience indicate that aging employees use at a higher rate implying a subsidy; therefore, localities are required to compute and declare on financial statements.

13) Government Projects Update

David Ash provided the monthly project update.

- Park Pavilion:
 - o Contract work complete.
 - o Access pathway still required and will be done in the spring.
 - o Water and electric still required and will be done in the spring.
- Former School Administrative Office Roof:
 - o Continue to get promises.
 - o Company is behind due to rain and giving priority to occupied homes.
- Sheriff: Repointing work complete. Project complete.
- 102 North Church Circuit: Railing work repaired. Project complete.
- 104 North Church Street:
 - o Benches have been ordered.
 - o Proofs back for bench plaques. Upon confirmation of correctness, Mike Legge will release the order.
- 311 East Main:

- Additional cubicles needed and work outsourced to Lance Construction.
- Work is underway and will be coordinated with Brittany Heine, Director Clarke County Department of Social Services.
- Millwood Property – 1862 Millwood Road:
 - Demolition permit is completed.
 - Little of any debris left on site and what remains appears to be biodegradable.
 - No report on removal of the shed on the property.
- Kohn Property:
 - Cabin has been remodeled to a degree; and while not finished; it is useable.
 - If the Board decides to rent, the resident would have to be someone with equipment and tools to plough themselves out in the event of snow.
 - Will decide use over the next 60 days.
- Convenience Center:
 - Steel plating used to protect pavement under compactor bins is not yet installed.
 - County crew on site today.
 - Contractor announced that he was pulled off the County's project for a larger project in Baltimore. Uncertain when he will return.
 - Main gates miss ordered and expected between the month's end and beginning of January.
 - Three applicants for the part-time position of Convenience Center Attendant.
 - Board agreed to open the facility on Saturday, January 12.
 - Grand opening tentatively scheduled for Saturday, January 12, at 10 am.
 - Chairman Weiss requested invitation to the opening event be sent to former members of the now-defunct Litter Committee Wingate Mackay-Smith, Bill Johnston, and Nick Smart.
 - Other issues:
 - Initial hours operation: Saturday 8 am to 6 pm; Sunday 10 am to 3 pm.
 - Will meet with VDOT regarding sign installation.
 - Met with Southern Scrap regarding pulls of compactors and recycling bins.
 - Law enforcement will have key access to the site.
 - Will consider rush hour traffic when determining hours of operation. Will seek citizen input.
- Luncheon at the Senior Center, Wednesday, December 19, at 11:30

14) Miscellaneous Items

Topics for Consideration by Supervisor Byrd

- Tourism Alliance
 - o Supervisor Byrd would like to resurrect the now defunct Tourism Alliance, a non-governmental entity.
 - o Town is interested in participating.
 - o The County provided funds to the Tourism Alliance.
 - o Virginia Tourism Cooperative could be source of funding.
 - o Vice Chair McKay suggested appointing tourism-oriented persons to the Economic Development Advisory Committee.

- Livestock Study
 - o Weldon Cooper could conduct a study.
 - o Grant funding could be sought to cover the cost.
 - o Vice Chair McKay stated that the Farm Bureau has livestock information that could be made available without conducting a survey.

Town of Berryville and Clarke County Memorandum of Understanding Transportation Study – Southeast Collector

David Ash presented a draft from Robert Mitchell, County Attorney. He advised that the Berryville Town Council had yet reviewed the document and asked the Board if it wanted to approve in its current form prior to review and approval by Berryville Town Council. He advised Keith Dalton, Berryville Town Manager, agreed to change the fiscal agent for the study to the Board of Supervisors since the County was the only one providing funding at the beginning of the project.

Following brief discussion, **Supervisor Daniel moved to authorize the Board of Supervisors Chair to sign the memorandum of understanding in substantially the same form in which it is presented today. 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

TOWN OF BERRYVILLE AND CLARKE COUNTY

**MEMORANDUM OF UNDERSTANDING
TRANSPORTATION STUDY-SOUTHEAST COLLECTOR**

This Memorandum of Understanding ("MOU") is by and between the Town Council for the Town of Berryville, Virginia ("Council") and the Board of Supervisors of Clarke County, Virginia ("Board").

The Council and the Board agree that it is in the best interests of the Town of Berryville ("Town") and Clarke County ("County") to obtain a transportation study regarding a collector road, referenced in the 2015 Berryville Area Plan as the "Southeast Collector." The Southeast Collector is proposed to connect East Main Street (Business Rt. 7) with Buckmarsh Street (U.S. Route 340), a substantial portion of the Southwest Collector having been constructed with the extension of Jack Enders Boulevard into the County Business Park

In furtherance thereof, the Council and Board agree as follows:

1. FUNDING

- A. The cost of the study shall not exceed Fifty Thousand Dollars (\$50,000.00).
- B. The cost of the study shall be shared equally by the Town and the County, subject to the following:
 - (1) The County will pay One Hundred Percent (100%) of the costs payable in fiscal year 2019.
 - (2) The Town will pay One Hundred Percent (100%) of the costs payable in fiscal year 2020, until the Town has paid an amount equal to the amount paid by the County in fiscal year 2019; thereafter the Town and the County will share equally in the payment of costs.
 - (3) If upon completion of the study the payments made by the Town and County are not equal, a payment shall be made by the party whose payments have been less to the party whose payments have been more in an amount to equalize the payments made by each.
 - (4) Should the study be terminated prior to its completion by the unilateral action of either party, the party unilaterally terminating the study shall reimburse the other party for costs paid by the other party.
 - (5) In the event that the Town Council does not budget funds for the 2020 fiscal year for the Town's share of the cost of the study, the Town shall reimburse the County for costs paid by the County in fiscal year 2019, and the study shall be terminated.

2. SCOPE

- A. The Town and the County will engage a consultant to perform the transportation study, the scope of which is set forth in the Transportation Study Scope of Services, attached hereto as Attachment A.
- B. The management team shall have the authority to make minor revisions and/or additions in the scope of services.

3. SELECTION OF CONSULTING FIRM

- A. The Town and County agree that the Town Manager, Town Planner, County Administrator, and the County Planning Director ("Management Team") will be responsible for selecting a qualified transportation consulting firm for this project. In order to save on time and cost of procurement, the Management Team will solicit proposals from the Northern Shenandoah Valley Regional Commission's (NSVRC) pool of pre-selected, on-call consulting firms. If qualified proposals are received, the Management Team will select one or more firms to be interviewed. Upon selection of a qualified firm, the Management Team will negotiate a contract within the funding parameters and time frame set forth in the MOU.
- B. If the Management Team is unable to select a qualified consulting firm through the NSVRC's program, the Town and County will issue a joint procurement in the form of a Request for Proposals (RFP). The County's Purchasing Manager will be responsible for issuing the RFP and overseeing the procurement process. The Management Team will be responsible for reviewing the proposals, interviewing qualified firms, and negotiating a contract in accordance with State procurement regulations.
- C. In the event that the Management Team identifies a qualified firm but is unable to negotiate a contract within the funding parameters set forth in this MOU, the Management Team will consult the Town and County governing bodies for further direction. No contract will be approved with a consulting firm until both governing bodies agree to provide supplemental funding for this scenario.

4. MANAGEMENT AND ADMINISTRATION

- A. The County shall act as fiscal agent.
- B. The Town Planner shall serve as Project Manager. The Project Manager shall provide progress reports to the Management Team and consult the Management Team with respect to any issues or questions that arise during the project.

C. The Town staff and the County staff shall equally provide support to the Consultant and a commitment to the study, in addition to the provisions in the Transportation Study Scope of Services.

D. If any disputes arise during the study, such disputes shall be addressed jointly with the Town Manager and County Administrator for resolution. If not resolved by the Town Manager and County Administrator, the dispute shall be forwarded to the governing bodies.

5. PROJECT REPORT

The scope of the work shall include a final presentation by the consulting firm to the Town and County governing bodies in a joint session, and the report, in hard copy and electronic format, will be jointly owned by the County and the Town.

6. CANCELLATION

Either party may cancel this Memorandum of Agreement by providing written notice to the other party prior to final approval of the contract with the selected consulting firm.

TOWN COUNCIL OF THE TOWN OF BERRYVILLE

Date Approved: By: Mayor

BOARD OF SUPERVISORS OF CLARKE COUNTY

Date Approved: By: Chairman

ATTACHMENT A
Berryville/Clarke County
Background
Transportation Study
Scope of Services

Background

The Town of Berryville and Clarke County have long planned the development of a collector road on the southeastern quadrant of the Berryville Area to connect US 340 with East Main Street / VA Route 7. The Clarke County Business Park, which was developed by the County and its IDA in the 1990s and 2000s, was originally designed with plans to establish this connectivity as properties in the quadrant developed. One of the biggest impediments (aside from funding) has been determining how to get Norfolk Southern to authorize a new at-grade rail crossing to complete the connectivity. Over the years, Norfolk Southern has required one or more existing crossings to be closed in order to authorize the creation of a new crossover to serve the southeastern collector road. It is critical to determine Norfolk Southern's requirements for approval of a new or improved at-grade crossover including required closures of or improvements to other existing crossovers.

The Town and County recently began looking at an alternative approach that would involve the creation of a new annexation area in this vicinity that could potentially allow an existing crossover to be used (likely with upgrades) in conjunction with new development. While it may provide a more feasible approach, there are concerns with how a true southeastern collector would function if constructed including potential capacity and safety issues with existing intersections and roads if traffic patterns result in the new collector road acting as a true bypass of downtown Berryville.

The Town and County's joint comprehensive plan for development of designated annexation areas - the Berryville Area Plan - provides guidance for the form and scale of future development in the Study Area. Land use and build-out assumptions for this project will be applied from the Berryville Area Plan.

Summary of Key Issues to Be Evaluated

1. Determine Norfolk Southern's requirements to authorize a new or improved at-grade rail crossing for this project including required closures of existing public or private road crossings along with the scope and cost of building or improving the rail crossing for this project. The consultant should have demonstrated experience working with Norfolk Southern and be capable of providing strategies and recommendations to the governing bodies.
2. Determine the traffic impacts of the proposed project concepts on the existing road network as described below.
3. Determine the traffic impacts of the proposed project concepts on traffic patterns in Downtown Berryville.

Study Area

The following is a list of concepts for connecting Jack Enders Boulevard to US 340 that will need to be evaluated in this study. The proposed road design of Jack Enders Boulevard including profile, right-of-way widths, and bike/pedestrian features will be provided by the Town.

- Concept A - Extend Jack Enders Boulevard from current terminus west across Norfolk Southern Railroad with new at-grade crossing to connection point near the intersection of South Church Street and US 340.
- Concept B - Extend Jack Enders Boulevard at a point approximately 800 feet northeast of End State Maintenance line south/southeast to a general intersecting point with Smallwood Lane then west to US 340 - through the area identified in the Berryville Area Plan as the "Southern Potential Future Growth Area." This concept would require significant improvements to Smallwood Lane (public road, gravel surface) and to its existing at-grade crossing of the Norfolk Southern Railroad. Under

this Concept B, development of the Southern Potential Future Growth Area should be presumed as described in the Berryville Area Plan.

- Concept C -- Extend Jack Enders Boulevard to US 340 as described in Concept A and extend a new road into the Southern Potential Future Growth Area with no new connection to Smallwood Lane or to US 340. Under this Concept C, development of the Southern Potential Future Growth Area should be presumed as described in the Berryville Area Plan.
- Concept D - Extend a new road into the Southern Potential Future Growth Area with no extension of this new road or Jack Enders Boulevard to US 340. Under this Concept D, development of the Southern Potential Future Growth Area should be presumed as described in the Berryville Area Plan.

The corridors to be examined are the same for both conceptual connections to US 340:

- US 340 from Smallwood Lane north to its intersection with Harry Byrd Hwy (VA Route 7). Key public road intersections to study include at a minimum:
 - o Smallwood Lane
 - o Senseny Road (Rt. 657)
 - o South Church Street
 - o Hermitage Boulevard
 - o Main Street (VA Route 7)
- Intersection of East Main Street and Harry Byrd Hwy to terminus of Jack Enders Boulevard. Key public road intersections to study include at a minimum:
 - o East Main Street and Jack Enders Boulevard, including need for signalization
 - o East Main Street and Norfolk Southern Railroad Crossing
 - o East Main Street and First Street (Rt. 615)
 - o Jack Enders Boulevard and Springs bury Road (Rt. 613)
- South Church Street from its intersection with US 340 to its intersection with East Main Street.

Goals

The goals of the transportation study are as follows:

- Identify the feasibility and cost of each Concept including total costs of developing a new at-grade rail crossing (Concepts A and C) or improving an existing at-grade rail crossing (Concept B).
- Determine any required improvements along the corridor to maintain acceptable levels of service including but not limited to the need for new signalized intersections, turn lanes, crosswalks, and drainage improvements.
- Project how implementation of each Concept will impact traffic patterns along all corridors to be examined. This would help to determine the amount and nature of

current traffic that would use Jack Enders Boulevard as a bypass to avoid downtown Berryville.

Scope of Work

The selected consultant shall be responsible for the following items:

- Model potential traffic patterns and impacts of a new southeastern collector with projected future land use information (including the Berryville Area Plan) and potential routes provided by the Town and County.
- Identify current and future levels of service along affected road segments with and without the presence of a southeastern collector. This analysis should also model and provide recommendations on required improvements, potential phasing of the project and development, and how to avoid interim functionality problems.
- Provide planning level cost estimates for multiple development scenarios and analyze the feasibility of obtaining funding for some or all of the project costs (Smart Scale, industrial access grants, etc.).
- Provide expertise in dealing with Norfolk Southern to gain approval of a rail crossing and negotiate improvements. This includes identifying potential closures of existing crossovers and evaluating traffic impacts of such closures.

Town to Provide:

- 50% of the study cost
- Staffing for joint project oversight with County
- Mapping and information on Town infrastructure along the study corridors

County to Provide:

- 50% of the study cost
- Staffing for joint project oversight with the Town
- Mapping data from the County GIS
- Project map to show the study corridors, key intersections, and development Concepts

15) Summary of Required Action

<u>Item</u>	<u>Description</u>	<u>Responsibility</u>
1.	Update calendar to reflect 2019 Organizational meeting January 7.	Lora B. Walburn
2.	Prepare public hearing notice for Pasture Palooza, post on	Lora B. Walburn

<u>Item</u>	<u>Description</u>	<u>Responsibility</u>
	website, and coordinate advertising with Winchester Star.	
3.	Process and post approved minutes.	Lora B. Walburn
4.	Process Town of Berryville and Clarke County Memorandum of Understanding Transportation Study – Southeast Collector following review and approval.	David Ash
5.	Sign Town of Berryville and Clarke County Memorandum of Understanding Transportation Study – Southeast Collector	David Weiss

16) Board Member Committee Status Reports

Supervisor Barbara J. Byrd

- Clarke County Humane Foundation: Have had tremendous response to the donation letter mailed last month. Another locality assisted with the overabundance of cats at the shelter.
- Committee Policy Management Team: Performance audit in progress.
- Conservation Easement Authority: Meeting cancelled.
- Northwest Regional Adult Drug Treatment Court Advisory Committee: Meeting went well.
- Northwestern Regional Jail Authority: No update given.
- Northwestern Regional Juvenile Detention Center Commission: Two Clarke clients in residence. It is preparing its FY2020 budget that will be forwarded to Tom Judge.
- Town of Berryville:
 - o WWI plaque. Mayor wants to install in the Main Meeting Room. Town and County will discuss. By consensus, the Board of Supervisors agreed that the plaque should be kept in the area close to the Veteran’s Memorial outside the Park Entrance. Supervisor McKay will convey the Board’s position to the Joint Building Committee.
 - o While the Mayor has a list of things to do, other members of Council would prefer to consolidate and focus on two or three things.
 - o Town Council is discussing economic development and would like to meet with the County’s Economic Development Director.
- Board of Social Services:
 - o Bonnie Peery, Office Manager, is retiring.
 - o Seeking staff supervisor.
 - o In the new year, Brittany Heine and Gerald Dodson will bring a staff funding request to the Supervisors.

Supervisor Terri T. Catlett

- School Board:
 - At its November meeting, Ann Thompson talked about funding for tests.
 - Dr. Seal awarded educator of the year by the Mosby Heritage Association.
 - High School attended meeting with presented a musical program followed by refreshments.
 - Awards were distributed.
 - Exploring with Shenandoah University a teachers-for-tomorrow, dual-enrollment program.
 - Reviewing calendar and fund balance
- Career and Technical:
 - Met December 6.
 - Plasma Cutter:
 - Presented a sample from the plasma cutter.
 - Group is not certain if this equipment is being used to its full potential but students and staff are enjoying it.
 - Planning fundraising projects using the plasma cutter.
 - Adding agriculture classes at the middle school. Partial year grades 6 and 7; year-long classes for grade 8.
 - Would like to install a greenhouse at the middle school.
- Historic Preservation Commission:
 - Did survey of historical markers.
 - Nathan Stalvey working on oral histories.
 - Have focused on demolition by neglect of properties.
 - Chairman Weiss reminded that funding requests to the Board of Supervisors must be received no later than February.
 - Whether to support or not is a policy decision by the Board.
- Village of Millwood: Continue to have discussion on traffic concerns.

Supervisor Mary L.C. Daniel

- Josephine Community School Museum: Roof work finished; missed last month's meeting.
- Planning Commission:
 - Zoning report update included in packet.

- Site plan for Locke's Store got conditional approval. Supervisor Daniel answered questions put forth by members of the Board.
- Text amendment will be forwarded to Board of Supervisors.
- Winchester Wireless attended meeting and was supportive, complimentary of the proposed ordinance.
- Broadband Implementation Committee
 - Improved informational messages for social media.
- Sheriff's Department:
 - Thanks to all who attended the annual luncheon.
 - Currently, speeding is a top issue.
- Clarke County Library: No major events at meeting this month.
- Coalition for High Growth:
 - Conducting conference calls.
 - Supporting responsible development.
 - She is now receiving regular email communication.

Vice Chair Bev B. McKay

- Sanitary Authority:
 - Continued discussion of secondary well location.
 - System error resulted in condition where there is a potential fine from DEQ.
 - Must replace turbidity meters. Equipment is obsolete but have enough spare parts to keep running for some time.
- Northern Shenandoah Valley Regional Commission: Attended Christmas event held jointly with the Inland Port.

Chairman David S. Weiss

- Fire & EMS Commission:
 - Jay Arnold attended and there was further conversation on the importance of the Clarke County Fire and Rescue Association.
 - Seek to codify between county, companies, and association to determine the agency's place in the hierarchy.
 - The Board of Supervisors supports the Association but doesn't know how the Board could codify an agency that does not include all the volunteer companies in the locality.

- Vice Chair McKay stated that he did not support codification when the Association does not include all companies.
- Supervisor Catlett asked to explore ways to improve communication.
- Chairman Weiss added that Jay Arnold, Clarke County Fire and Rescue Association member, opines that volunteer members feel more comfortable talking to the Association members than the Fire and Emergency Medical Service Commission members. Chairman Weiss asserted that the individual company members should be talking with its member representative on the Commission so they can bring these items back to the Commission on behalf of their company.
- Board agreed to convey to the Commission that it does not support codification of the Association on the basis that it represents only two of the three companies. Further, the Board encourages all parties to continue to work together. The matter can be revisited.
- Budget:
 - Chose budget recommendation to be presented to the BoS Finance Committee.
 - Includes funding three full-time positions.
 - No increase to stipends.
 - Continuation of incentive programs.
 - Physicals for all employees.
 - Purchase of 3 radios at \$20,000 - \$40,000 per year.
 - All companies had input in the budget process through the Commission.
- Industrial Development Authority: Organizational and quarterly meeting in January.

17) Closed Session Pursuant to §2.2-3711-A3 Acquisition / Disposal of Property

At 4:02 pm, Supervisor Byrd moved that the Clarke County Board of Supervisors enter Closed Session pursuant to §2.2-3711-A3, Discussion or consideration of the acquisition of real property for a public purpose, or of the disposition of publicly held real property, where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the public body The motion carried by the following vote:

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

At 4:26 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, 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

No action was taken on items discussed in closed session.

18) Adjournment

Chairman Weiss adjourned the meeting at 4:26 pm.

Next Regular Meeting Date

The next regular meeting of the Board of Supervisors is set for Tuesday, January 15, 2019, at 1:00 p.m. in the Berryville Clarke County Government Center, Main Meeting Room, 101 Chalmers Court, Berryville, Virginia.

ATTEST: December 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