

March 19, 2019

Clarke County Board of Supervisors  
Regular Meeting  
Main Meeting Room

1:00 p.m.

At a regular meeting of the Board of Supervisors of Clarke County, Virginia, held in the Berryville Clarke County Government Center, 101 Chalmers Court, 2<sup>nd</sup> Floor, Berryville, Virginia conducted on Tuesday, March 19, 2019.

#### Board Members

Present: 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

No Evening Session

#### County Staff Present

David L. Ash, Barbara Bosserman, Cathy Kuehner, Brian Lichty, Melanie Radford, Brandon Stidham, Alison Teetor, Lora B. Walburn

#### Constitutional / State Offices / Other Agencies

Travis Sumption, Tom Judge

#### Press

Mickey Powell – The Winchester Star

#### Others Present

Ed Carter, Jeff Hinson, Pete Maynard, Deb Pelletier, Lee Sheaffer

#### 1) Call to Order

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

#### 2) Adoption of Agenda

Add to Personnel re-appointment of Alain Borel to the Board of Zoning Appeals

Add to April 8, BoS Personnel Committee consideration of appointment of Pete Maynard to the Planning Commission replacing Clifford Nelson, who is retiring in April. Chairman Weiss deferred the matter to the next regularly scheduled Personnel Committee meeting, April, 8, 2019.

**Supervisor Byrd 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

At the request of Chairman Weiss, Chief Deputy Travis Sumption informed the Board that he was assisting State Police in an active investigating into the recent homicide in Clarke. He opined that it appeared to be a targeted act and the public should not be in danger.

3) Citizens Comment Period

Deb Pelletier, 829 Castlerock Lane: Addressed the Board regarding her concerns about a neighbor’s target shooting. She read from a prepared statement that she provided for inclusion in the public record.

Lee Sheaffer, 943 Castlerock Lane: Addressed the Board regarding his concerns about a neighbor’s target shooting. He provided documents for inclusion in the public record.

4) Virginia Department of Transportation [VDOT]

Ed Carter, Residency Administrator, provided the following update:

Maintenance:

- The majority of February was spent mobilizing and responding to weather events, and repairing potholes on primary and secondary routes. Route 601 was particularly hard hit during an earlier ice storm.
- VDOT was able to do some light grading on a few non-hard surfaced routes and cleaned up debris from ice storm.
- VDOT is continuing with brush cutting and grading/stone application on our non-hard surfaced roads;

- VDOT will be shoulder repairs on the primaries and continuing with pothole repairs.

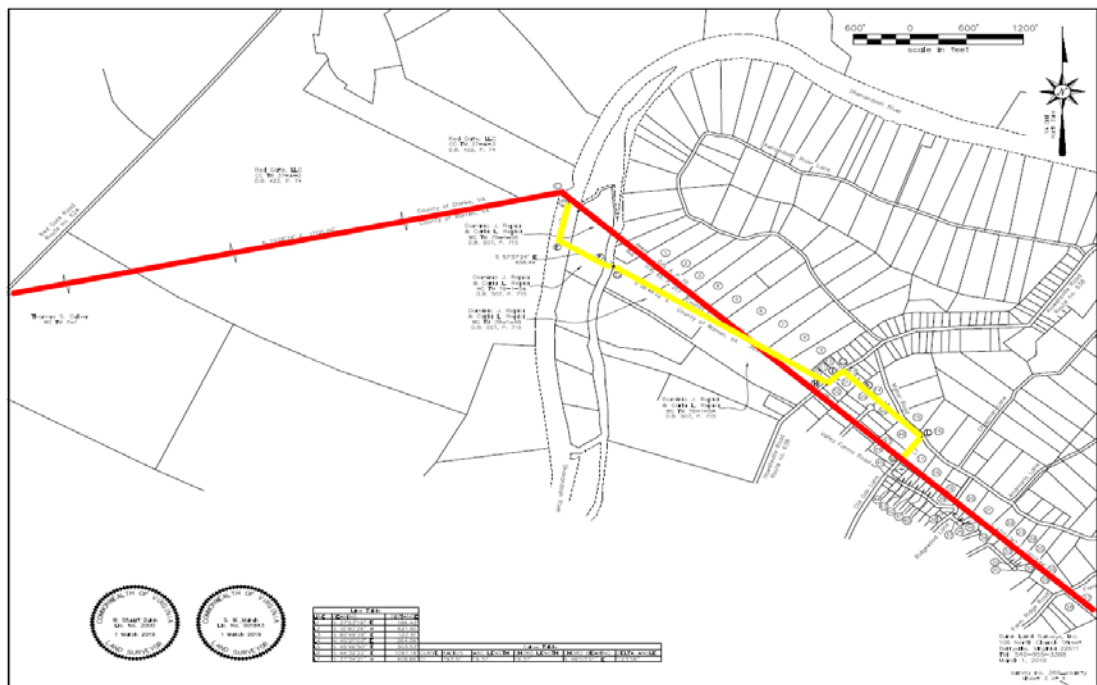
Board Issues:

- Route 7 Safety Audit: The field work/ride with portion of the Rt. 7 safety audit was completed on March 7. Traffic Engineering is analyzing the data and developing the report.
- Appalachian Trail Head Route 605: Currently working with the sister agencies to develop a plan.
- Tree Removal North Hill Lane: Currently waiting on contractor to complete.

Supervisor Comments:

- Supervisor Catlett:
  - o Route 255 striping: Per VDOT, painting activities are weather dependent.
- Vice Chair McKay:
  - o Millwood Village: Thanked VDOT for repairs that improved drainage.
- Chairman Weiss:
  - o Route 723 Status: Road closed for bridge reconstruction upgrading from one to two lanes.

5) Warren / Clarke County Boundary Line Adjustment Update by David Ash



David Ash advised that he had recently received the boundary line survey. Highlights of review include:

- Plat of convenience developed in the 1960's that included a section of Clarke as well as a part of the Shenandoah Farms Development in Warren.
- Voter issues that came up between the delegate districts prompted the proposed adjustment.
- Clarke and Warren worked together on survey.
- Proposing that the line be redirected to follow the "yellow line." In essence, this would relocate the Clarke boundary line so that residents live in the county they think they live in instead of the county they actually live in.
- All would be subject to an agreement between Warren and Clarke and public hearings.
- Warren has asked to meet Thursday, March 21, with Clarke's County Administrator and a representative of the Board of Supervisors.
- There are other areas not in dispute under consideration for boundary line adjustment to change to coincide with property lines so that full properties are located within a given county.

By consensus, the Supervisors selected Supervisor McKay, White Post Supervisor, to accompany the County Administrator to the 1:30 pm, March 21 meeting in Warren County.

Vice Chair McKay opined that it was important not to disrupt children from the schools they have been attending. He further opined that the proposed adjustment puts people what they thought they were.

Supervisor Daniel remarked that the more accurate the survey equipment gets the more of these types of actions will come up.

In response to Supervisor Byrd, David Ash stated that the public had not commented on the proposed boundary line adjustment not actually knowing where the line was until the survey was received.

In response to Supervisor Catlett, David Ash informed the Supervisors that Stuart Dunn of Dunn Land Surveys Inc. conducted the survey.

Chairman Weiss asked where Shenandoah Farms Volunteer Fire Company was in relation to the proposed boundary line adjustment.

David Ash responded that the fire hall was located in Clarke and was not included in the disputed area. He speculated that Warren would probably ask for this area.

Chairman Weiss clarified that the fire hall was in Clarke but has been deeded to and owned by Warren noting that Warren had a desire to have its boundary line encompass the deeded property.

Vice Chair McKay noted that part of the maintenance facility was in Clarke.

David Ash explained that there was the fire hall and the social hall. Also, adjacent to the social hall is the clubhouse of the Property Owners of Shenandoah Farms; and, while no specific request had been made, there might be a request to transfer to Warren now that the boundary line is known.

Chairman Weiss asked if the Voter Registrar, Barbara Bosserman, had anything to add.

Barbara Bosserman stated that due to the way the line is drawn Warren County voters had to be brought into Clarke County for the last election. She stated that it does affect congressional district lines and house lines and her office was compelled by the Office of Elections to correct internally for voting purposes only.

Chairman Weiss asked if the proposed adjustment would align with what her office had already done.

Barbara Bosserman stated that if the line were adjusted as the yellow indicates those voters would go back to Warren County where they used to vote. She noted that a few on Howellsville Road and Mountain Laurel Lane were pulled into Clarke County.

Supervisor Daniel asked about the voter registration deadline for the November elections.

Barbara Bosserman responded that adjusting boundary lines was a "little gray" with boundary lines frozen as of February because of the 2020 census and 2021 redistricting. She put forth that it would be up to the County Attorney to let them know if they could actually adjust the boundary lines now.

6) Approval of Minutes

Page: VDOT Catlett Ebenezer Road Route 604: Change from "On VDOT's paved list." to "Ebenezer Road: Road shows buckling in places"

**Supervisor Catlett moved to accept the minutes for February 19, 2019, and March 4, 2019, as corrected. The motion carried by the following vote:**

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

David S. Weiss - Aye

7) Board of Supervisors Personnel Item

A. Expiration of Term for appointments expiring through April 2019

2019-03-11 Summary: The Personnel Committee made the following recommendations:

- Appoint Lee Sheaffer to the Economic Development Advisory Committee to a term expiring December 31, 2022. Mr. Sheaffer replaces Dr. Eric Myer, member since January 2003.
- Recommend to Clarke County Circuit Court re-appointment of Clay Brumback to the Board of Zoning Appeals to serve a full five-year term expiring February 15, 2024.

The Committee asked staff to provide contact information for Diane Shipe, Our Health.

2019-03-19 Action: David Ash summarized the Committee's recommendation.

Vice Chair McKay advised that he had confirmed with Alain Borel his continued willingness to serve on the Clarke County Board of Zoning Appeals and asked to add recommendation to reappoint Mr. Borel to Clarke County Circuit Court.

**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

8) Board of Supervisors Work Session Items

Board of Supervisors Work Session Agenda  
 Berryville/Clarke County Government Center, 2nd Floor  
 101 Chalmers Court, Berryville, Virginia 22611  
 March 11, 2019, 10:00 AM, Meeting Room AB  
 Present: Barbara Byrd, Terri Catlett, Mary Daniel, Bev McKay, David Weiss

Chairman Weiss allowed Andre Pelletier, Castle Rock Lane, Berryville, *who indicated that Supervisor Byrd invited him to voice his concerns at the Work Session*, to address the Board regarding his concerns about a neighbor's target shooting.

Chairman Weiss directed staff to research the matter and provide information to the Supervisors to be reviewed at a work session if deemed appropriate.

2019-03-19 Action: David Ash told the Board that he had asked the County Attorney to review and opine. He notified the Board that it had limited authority in these matters.

A. Review and Discuss Communications Plan and Implementation Status with Sheriff Roper

2019-03-11 Summary: Review and Discuss Communications Plan and Implementation Status with Sheriff Roper

2019-03-19 Action: David Ash summarized Board review. No action taken.

B. Code of Clarke County Chapter 175 Vehicles and Traffic add Article IV Solicitation activities on public highways, roadways, and medians prohibited. CC-2019-01 Initial Review

2019-03-11 Summary: The Supervisors discussed and made recommendation to set public hearing at the next regular meeting.

2019-03-19 Action: Following review by David Ash, **Supervisor Daniel moved to set public hearing for Tuesday, April 16, 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

C. Review Wordmark Designs

2019-03-11 Summary: The Board selected sap green and cerulean blue frost as the color palette for the County's wordmark. Complementary colors and designs to be further refined by the Public Information Officer.

2019-03-19 Action: David Ash summarized Board review advising that it was hoped that the new website would be operational by July 2019.

D. Safer Grant: Letter of Support Request with Brian Lichty

2019-03-11 Summary: Following review, **Vice Chair McKay moved to approve the letter of support for the Safer Grant. 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

2019-03-19 Action: David Ash summarized. No action taken. The Supervisors briefly discussed hiring subsequent to receipt.

Vice Chair McKay asked how it might be distributed. David Ash advised that it was possible that the county might only get a piece of the requested funding.

E. Veteran of the Year Memorial Request for Commitment by David Ash

2019-03-11 Summary: David Ash updated the Board on the lack of support for an exterior memorial for veteran of the year. The Board authorized the County Administrator to work with the Town Manager to find a suitable indoor location.

2019-03-19 Action: David Ash summarized. No action taken.

F. FY2020 Budget Status by Tom Judge

FY2020 Budget Work Session with Tom Judge

2019-03-11 Summary: Tom Judge briefed the Board on the status of budget preparation. Subsequent to in-depth discussion, **Vice Chair McKay moved to set the budget as adjusted during discussion at the Work Session and to advertise public hearing for FY2020 Budget and public hearing for the CY2019 Tax Rates, no change proposed from FY2019, for 7:00 pm, Tuesday, April 2, 2019, in the Main Meeting Room of the Berryville Clarke County Government. 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

1. Proposed Budget Change
  - a. Added School Board's adopted budget
  - b. Updated real estate estimate
  - c. Added Personnel changes including 3% salary increase and health insurance savings
2. Real Estate Tax Calculations
3. FY2020 Personnel Requests and results of Committee action
4. FY2020 Budget Calendar

2019-03-19 Action: David Ash summarized. No action taken.

9) Board of Supervisors Finance Committee Items

A. Request for Credit Cards.

2019-03-11 Summary: Please find attached an email from the Social Services Director requesting new and additional credit cards to be added to the Government's account with BB&T. Also included is a list of all credit cards currently issued and their limits. The Finance Committee recommends replacing the two Bank of Clarke cards with BB&T cards, but seeking further justification for issuance of additional cards.

2019-03-19 Action: Tom Judge summarized. No action taken.

B. FY 19 Supplemental Appropriations.

2019-03-11 Summary: The Finance Committee recommends the following: *"Be it resolved that budgeted expenditure and appropriation in the office of the Sheriff be increased \$14,400, and revenue from the Commonwealth be recognized in the amount of \$4,000, and that the designation for Government Savings be decreased in the amount of \$10,400, all for the purpose of purchasing protective vests for Sheriff's Deputies."*

2019-03-19 Action: Tom Judge summarized. **Vice Chair McKay moved to approve as presented. The motion carried by the following vote:**

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

C. Correction of Past Bills and Claims reports.

2019-03-11 Summary: Review of past bills and claims reports for this fiscal year revealed two problems:

1. Formatting errors that caused paid amounts for certain invoices to be associated with the incorrect invoice information, and;
2. Invoices that were missed by the monthly reports due to a timing issue.

The first error appears to have been limited to the September and October School Board Vendor Payments reports.

The second error may have occurred with the Government, and to be certain that the record is set straight, it is requested that the attached listing [*included in meeting packet only*] of all invoices issued to date be recommended to the full Board for approval.

2019-03-19 Action: Tom Judge summarized.

Supervisor Byrd asked who paid for the correction.

Tom Judge stated that it was user error in the formatting of the report occurring in the export of information from Munis into Excel. He apologized for the error acknowledging that his office should have caught it.

David Weiss informed the Supervisors that he had asked Tom Judge to look at report format and to make any adjustments that may reduce errors.

**Supervisor Catlett moved to approve 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

D. Bills and Claims

2019-03-11 Summary: The Finance Committee recommends approval of the February 2019 Invoice History Report.

2019-03-19 Action: **Supervisor Catlett moved to accept the February invoice history report as presented. The motion carried by the following vote:**

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

E. Standing Reports

FYI: Reconciliation of Appropriation, Fund Balance, Capital Budget

FY2020 Budget and CY2019 Tax Rate distributed

Tom Judge informed the Supervisors that the advertisement for the budget and tax rate public hearing was sent to the Winchester Star for publication in the Saturday, March 23, 2019, edition.

David Weiss asked for another motion to set public hearing for April 2, 2019, at 7 pm.

**Supervisor Daniel moved to set public hearings on the FY2020 Budget and CY2019 Tax Rate for 7 pm, Tuesday, April 2, 2019. The motion carried by the following vote:**

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

10) Joint Administrative Services Board

Highlights of the update by Tom Judge include:

- Confirmed health insurance rate, which was incorporated in the FY2020 budget.
- Finance Committee included \$2,000 in JAS budget to review health insurance options.

### 11) Government Projects Update

David Ash provided the monthly project update.

- Berryville-Clarke County Government Center: Gutters repaired and held during the last rain. Waiting on further estimate for additional attachments points.
- Kohn Property: Need to schedule visit with Bev McKay.
- Website Project: Gordon Russell and Cathy Kuehner are working on this project, which is under way.
- Benches: Maintenance located today.
- Parks and Recreation: Storage building not funded in the FY2020 Budget. Reviewing possibility of expanding the bus garage.
- 104 Church Street: Funds released for HVAC.
- Traffic Study:
  - o Proposals are back and were reviewed yesterday.
  - o Will arrange interviews with two of four proposers. Interviewers will include Brandon Stidham, Keith Dalton, and Christy Dunkle.
  - o This study is separate from the Route 7 safety audit.

### 12) Miscellaneous Items

No miscellaneous items identified.

### 13) Summary of Required Action

<u>Item</u>	<u>Description</u>	<u>Responsibility</u>
1.	Correct February 19 minutes, process and post approved minutes for February 19 and March 4.	Lora B. Walburn
2.	Attend boundary line meeting in Warren on March 21.	David Ash / Bev McKay
3.	Update appointments database, draft notice of appointment,	Lora B. Walburn

<u>Item</u>	<u>Description</u>	<u>Responsibility</u>
	and notify staff representatives.	
4.	Execute letters of appointment and appreciation.	David S. Weiss
5.	Create public hearing notice for April 16 for Code amendment.	Lora B. Walburn
6.	Strike World War I and World War II Committee from Supervisor Byrd's list of committees.	Lora B. Walburn

#### 14) Board Member Committee Status Reports

##### Supervisor Barbara J. Byrd

- Board of Social Services: No update.
- Clarke County Humane Foundation:
  - Meets tomorrow at her home.
  - Kennel cough diagnosis in Shelter animals.
  - Gwen Tubman recently resigned. She had a strong focus on keeping dogs socialized. She established a volunteer program for dog walking.
- Community Policy and Management Team:
  - Met yesterday.
  - She asked for an update at a work session.
  - Group spends a great deal of money.
- Conservation Easement Authority: Supervisor Catlett attended the meeting while Supervisor Byrd was out of town.
- Northwest Regional Adult Drug Treatment Court Advisory Committee: Attended last month.
- Northwestern Regional Jail Authority: Meets next month
- Northwestern Regional Juvenile Detention Center Commission: No update.
- Town of Berryville:
  - Discussed Robert Reagan Village. Due to a change in interest rates, all apartments will now be income restricted.
  - Main Street Gallery reorganizing under new director.
  - Veteran of the Year Plaque:
    - Reviewed cost of signage.

- Town thought could get more with an inside plaque, which would be less expensive to purchase and less to maintain.
- No formal vote taken on the matter.
- Funds set aside to study flooding problem on the northwest side of town.
- Salvation Army 100-year celebration coming up.
- World War I and World War II Committee: Objective met – remove from list of active committees.

#### Supervisor Terri T. Catlett

- Career and Technical Education Committee: Did not meet.
- Clarke County School Board:
  - Appreciation night – schools give presents to the School Board members.
  - Discussed solar panels; need further research.
  - Exploring future uses for Cooley Upper campus following closure this year.
- Conservation Easement Authority: Discussed development of new website.
- Historic Preservation Commission:
  - Was unable to attend.
  - Hosted a round table at Clermont Farm with organizations including Long Branch, Clarke County Historic Association, and other agencies of an historical nature.
- Parks and Recreation Advisory Committee: Did not meet.
- Village of Millwood:
  - Annual meeting schedule for April 22 at Project Hope.
  - Discussed sale of Project Hope property.
  - Picnic scheduled for June 23.
- Virginia Association of Counties: On June 10 at 7 pm, Region 6 meeting at Virginia Inland Port. Possible topics include fire and rescue and economic development.

#### Supervisor Mary L.C. Daniel

- Broadband Implementation Committee: Did not meet.
  - State is to fund broadband up to where the commercial providers will go.
  - Electric Cooperatives will be a bigger part of the puzzle than they may have originally expected.
- Clarke County Library Advisory Council: Did not meet.

- Josephine School Museum:
  - Staff works with Historical Association, state and local library, Genealogical Society, and the Middle Potomac History Research group.
  - Developing web site.
- Legislative Liaison / Coalition for High Growth: Did not meet.
- Planning Commission: Report in material.
- Sheriff's Department: Sheriff gave update earlier in the meeting.

Vice Chair Bev B. McKay

- Economic Development Advisory Committee: Meets tomorrow.
- Joint Building Committee:
  - Veteran of the Year plaque:
    - Discussed placement.
    - Town would like to locate on the second floor on its side that overlooks the Veterans Memorial replacing a streetscape.
    - He would still prefer locating outside at the Memorial.
    - Chairman Weiss stated the Supervisors would acquiesce if the Committee agreed with placement in the facility.
  - Discussed relocation of drop boxes.
  - Agreed to increase the amount of shrubbery. Christy Dunkle is in charge of landscaping.
  - Dints in soffit from rocks. Looking at ground cover that might help to eliminate.
- Northern Shenandoah Valley Regional Commission:
  - Short meeting with light agenda.
  - Matt Peterson, Habitat for Humanity, provided an update on regional projects.
  - Wayne Webb, Lord Fairfax Soil and Water Conservation District, provided an update. It is looking at ways to secure federal grants for chicken manure removal in Shenandoah and Rockingham.
- Sanitary Authority:
  - Constituent provided the CCSA with formal notice from Jessi Tisinger, Virginia Department of Health, stating that a back-up well, while suggested, was not required.
  - Rod DeArment, CCSA Chair, will follow up with up with a formal letter to VDH.
  - Experiencing some pump issues due to wear.

- On June 10, will be replacing sewage plant membranes. Supervisors are invited to watch.

Chairman David S. Weiss

- Fire & EMS Commission:
  - Reviewed budget.
  - Response times have not changed and vary according to station.
- Industrial Development Authority: Did not meet.

15) Closed Session

No closed session conducted.

16) Adjournment

Chairman Weiss adjourned the meeting at 2:27 pm. No evening session scheduled.

Next Regular Meeting Date

The next regular meeting of the Board of Supervisors is set for Tuesday, April 16, 2019, at 1:00 p.m. in the Berryville Clarke County Government Center, Main Meeting Room, 101 Chalmers Court, Berryville, Virginia.

ATTEST: March 19, 2019

\_\_\_\_\_  
David S. Weiss, Chair

\_\_\_\_\_  
David L. Ash, County Administrator

---

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