

June 18, 2019

Clarke County Board of Supervisors
Regular Meeting
Main Meeting Room

1:00 pm

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, June 18, 2019.

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, Barbara Bosserman, Cathy Kuehner, Brian Lichty, Brandon Stidham, Brianna Taylor

Constitutional / State Offices / Other Agencies

Ed Carter, Wayne Tapscott, Travis Sumption

Press

Mickey Powell – The Winchester Star

Others Present

Robina Rich Bouffault, Keith Dalton, Jeff Hinson, Stefan Donner, William Houck, Michelle Worthing

1) Call to Order

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

2) Adoption of Agenda

- Item 8 C Include Request to Set Public Hearing on an Ordinance
- Closed Session at approximately 2:30 pm

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

No persons appeared to address the Board.

4) VDOT

Ed Carter, Residency Administrator, introduced Wayne Tapscott, Berryville Area Headquarters Superintendent, replacing Doug Baker, who recently retired.

Maintenance:

- VDOT conducted patching operations on routes 601, 633, 635, 636, 639, 652 and 655. This completes patching schedule for this year's resurfacing schedule and VDOT will begin patching on routes 606 and 632 for the 2020 schedule in July.
- VDOT started mowing on secondary routes and will complete first cycle in July.
- VDOT conducted grading operations on various non-hard surfaced routes and will continue in July as well as working on shoulder repairs for various routes.
- VDOT is doing pothole patching on both primary and secondary and will continue this month. Completed drainage work on Rt. 679.

Board Issues:

- VDOT will begin Lockes Mill Rural Rustic this month with tree trimming.
- Rt. 7 Safety Audit - Still awaiting Traffic Engineering report.
- Appalachian Trail Head Rt. 605 - VDOT plans to install entrance way in July to proposed parking area providing we receive final approval from park service.

- Appalachian Trail Head/Pedestrian Safety Rt. 7 - VDOT is installing pedestrian warning and caution signs east and west on Rt. 7. VDOT encourages the County to consider a Smart Scale application for multi-use path along east bound Rt. 7 from the parking area at 601 to Rt. 679. VDOT has verified that it does meet the criteria for application; however, we do not know how it will score.
 - District Planner will work with the County's designee on the application.
 - If approved, would not happen for six to eight years.
- VDOT has been working with the Sheriff's office to address speeding concerns on the east end of Rt. 612, Shepherds Mill Road.

Supervisor Byrd:

- Triple J Road Mowing: VDOT mows 18 feet, or two swipes, per side.
- Humane Foundation Animal Shelter Signs:
 - Humane Foundation wants to erect signs for the Animal Shelter.
 - Sign is being designed.
 - Virginia Logos handles signs of this type. Ed Carter will provide name and contact number.
 - Virginia Logos directs requests back to VDOT.
 - VDOT will have the Humane Foundation complete application.
- Major Road Paving: To receive federal funds, VDOT must maintain primary roads to a certain rating.

Supervisor Catlett:

- Route 601 Repaving Schedule: Ed carter will follow up.

5) VATI [Virginia Telecommunications Initiative] Grant, White Post Area Broadband Project, ComCast and Department of Housing and Community Development Agreement and Contract

David Ash provided a brief history of the VATI grant and the request before the Board to approve agreements from Department of Housing and Community Development and Comcast. Highlights of overview and discussion include:

- This represents Clarke's first foray into this area.
- Approval is time sensitive with signed agreement required by June 30, 2019.
- Clarke is asking to be fiscal agent.

- Six to eight months ago, Comcast came to the Board of Supervisors Work Session having identified the White Post area as a potential candidate for this grant.
- Attorney Bob Mitchell reviewed agreements and assures all the language protecting the County is contained in the documents.
- Supervisor Daniel stated that her only concern was that Comcast, the contractor, would be evaluating the data speed. David Ash assured that the Commonwealth provides a scale.

Vice Chair McKay moved to approve the agreements 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 thanked Comcast and the Commonwealth for working with the County to expand broadband access.

CONTRACT#: VATI# 2019CC-001
GRANTEE: **Clarke County**

AGREEMENT

This AGREEMENT, entered into as of the June 18, 2019 by and between the Virginia Department of Housing and Community Development hereinafter referred to as "DHCD" and the Clarke County, hereinafter referred to as "GRANTEE."

WITNESSETH

WHEREAS, the Commonwealth of Virginia has been authorized to distribute and administer the Virginia Telecommunication Initiative (VATI), and

WHEREAS, DHCD has represented to Clarke County that this VATI award is consistent with the Virginia Public Procurement Act, and

WHEREAS, GRANTEE provided a description of the Co-applicant and Co-applicant selection process in its VATI application, and

WHEREAS DCHD, pursuant to a competitive process, has identified GRANTEE and its Co-applicant as a grant recipient through VATI, and

WHEREAS, DHCD has been authorized to distribute and administer VATI funds according to the program guidelines and criteria, and

WHEREAS, the Project as described in the VATI application submitted by the GRANTEE has achieved a sufficiently high ranking through a competitive application selection system to qualify for VATI funding based on the program guidelines and criteria,

Now THEREFORE, the above-mentioned parties hereto do mutually agree as follows:

1. DHCD agrees to award the GRANTEE a Virginia Telecommunication Initiative grant in the amount of \$209,513 following the 2019 Virginia Telecommunications Initiative Program Guidelines and Criteria.
2. DHCD shall indemnify, defend and hold harmless the GRANTEE and its Co-applicant, its officers, employees, and agents from and against any liability or claims resulting from the Virginia Public Procurement Act. that result from the GRANTEE's and Co-Applicant's participation in VATI, including, but not limited to, reasonable attorneys' fees and costs, provided that GRANTEE shall give DHCD timely written notice of its obligation to indemnify and defend Grantee and Co-applicant within a reasonable time of receipt of a claim or action pursuant to this Section. If DHCD determines that it is necessary for it to employ separate counsel, the costs for such separate counsel shall be the responsibility of DHCD.
3. DHCD agrees to provide the GRANTEE with technical assistance in setting up and carrying out the administration of this project.
4. The GRANTEE will commence and carry out in partnership with Comcast ("Co-applicant"), a broadband construction project designed to provide access to broadband services to the White Post Area.
5. The GRANTEE must review all remittances/invoices from Comcast and verify that pre-construction, and construction work has been completed, or equipment has been ordered and received prior to distributing VATI funds.
6. DHCD will conduct a Final Compliance Review. The GRANTEE will make all records available upon request by DHCD.
7. Information provided by GRANTEE or Co-applicant to DHCD, including monthly and final reports, that (i) would reveal trade secrets, financial information of GRANTEE or Co-applicant that is not a public body, including balance sheets and financial statements, that are not generally available to the public through regulatory disclosure or otherwise, or research-related information produced or collected by the GRANTEE or Co-applicant in the conduct of or as a result of study or research on medical, rehabilitative, scientific, technical, technological, or scholarly issues, when such information has not been publicly released, published, copyrighted, or patented, or (ii) be harmful to the competitive position of the applicant shall be afforded the appropriate protections of DHCD's FOIA policy.
8. The GRANTEE shall retain financial records, supporting documents, statistical records,

and all other records pertinent to the VATI award for a period of no less than **five years** from the date of submission of the final expenditure report. When applicable, all contractors or GRANTEE shall comply with the Virginia Public Procurement Act § 2.2-4300 et seq. of the Code of Virginia, which requires that all original bids together with all documents pertaining to the award of a contract shall be retained in accordance with a retention period of at least five years.

9. The GRANTEE shall complete the Grant Activities as described in the CONTRACT DOCUMENTS on or before twelve (12) months of the effective date of this agreement. If the ACTIVITIES are not completed by that date all Grant funding and this AGREEMENT may be terminated and the GRANTEE shall return all unexpended funds, unless an amendment to the CONTRACT DOCUMENT provides otherwise.

PROJECT TITLE: White Post Area Broadband

GRANT ACTIVITIES:

- 1) Construction of approximately 5 miles of hybrid fiber coaxial network.
- 2) Provide broadband services to 97 Serviceable Units, as defined in the 2019 VATI Program Guidelines and Criteria.

OUTCOMES: Serviceable Units will gain access to broadband service over the VATI program speed requirement of 10Mbps down / 3Mbps up, including the variety of service tiers generally provided by the Co-applicant throughout its footprint.

REPORTING: Monthly and final progress reports to include:

- 1) Construction Status
- 2) Expenditures to date
- 3) Number of passings
- 4) Status of marketing efforts to potential customers

TERMS and CONDITIONS

1. A total of \$119,463 in matching funds is committed to this project by the GRANTEE or Co-Applicant, Comcast. To be eligible, matching funds must be used to support eligible expenses as outlined in the approved budget.
2. DHCD agrees to make payment to the GRANTEE upon receipt of a remittance with supporting documentation. Submissions of remittance may be made allowing approximately thirty (30) days to receive funds.
3. GRANTEE agrees to provide the following reports to DHCD:
 - a. Monthly progress reports must be submitted to DHCD no later than the 15th of each

- month. The reports must document VATI and Non-VATI funds obligated and expended to date and the actions taken on key deliverables, including but not limited to construction status and numbers of passings of Serviceable Units.
- b. Final project progress report. This report must document the total VATI and Non-VATI funds expended and the actions taken on key deliverables.
4. Grantee shall make all project documents available for a final compliance review.
 5. The Grantee must use the Centralized Application and Management System (CAMS) to provide all documentation including but not limited to:
 - a. After the AGREEMENT has been executed, the GRANTEE must submit the project budget into CAMS.
 - b. All correspondence, including contract amendment documents, must be uploaded into "Reports and Communication" in CAMS as *correspondence* documents.
 - c. All DOCUMENTS required by this contract must be uploaded into "Reports and Communication" in CAMS as *contract* documents.
 - d. All remittance requests must be submitted through "Remittance" in CAMS. If documents are submitted in "Reports and Communication" at the same time as a remittance request, the explanation text box at the bottom of the Remittances screen must note this fact.
 6. To expedite receipt of payment, it is recommended that Grantees contact the Virginia Department of Accounts (DOA) to arrange for electronic transfer of VATI funds. The forms to establish electronic payment with DOA are available at www.doa.virginia.gov. At the home page, click on the Electronic Data Interchange (EDI) link button on the right. Scroll down to the Trading Partner Agreement and Enrollment form for Localities and Grantees. Print the form, fill it out and submit it. Instructions on completing the form are on the third page of the document.
 7. The GRANTEE shall submit one of the following financial documents for the GRANTEE's fiscal year identified below: Financial Statement**, Reviewed Financial Statement prepared by an Independent Certified Public Accountant (CPA), Audited Financial Statement prepared by an Independent CPA or an audit required by the Code of Federal Regulations (CFR), (2 CFR 200 Subpart F), audited by an Independent CPA. Please see the table below to determine which document your organization is required to submit. The threshold requirements outlined below are the *minimal* standards required by DHCD. We strongly encourage all organizations receiving funds from DHCD to undertake the highest level of financial management review to ensure practices and procedures are fully examined and evaluated.

Threshold Requirement	Document
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Threshold Requirement	Document
Total annual expenditures \leq \$100,000 (Regardless of source)	Financial Statement prepared by organizations**
Total annual expenditure between \$100,001 and \$300,000 (Regardless of source)	Reviewed Financial Statement prepared by an Independent Certified Public Accountant (CPA)
Total annual expenditures $>$ \$300,000 (Regardless of source)	Audited Financial Statement prepared by an Independent CPA
Federal expenditures \geq \$750,000	2 CFR 200 Subpart F--Audited by an Independent CPA

**Does not require preparation by a CPA

Entities shall file the required financial document in the Centralized Application and Management System (CAMS) within nine (9) months after the end of their fiscal year or 30 (thirty) days after it has been accepted (Reviewed Financial Statement, Audited Financial Statement, and Single Audit Act only) -whichever comes first.

The full DHCD Audit Policy, including an explanation of the specific document requirements, can be found online at: http://www.dhcd.virginia.gov/images/DHCD/DHCD_Audit_Policy.pdf

- GRANTEE agrees to recognize DHCD's support for Clarke County's efforts to expand broadband in all project related communication with the media and its marketing publications. The following statement is suggested:

"This program/project was funded/supported in collaboration with the Commonwealth of Virginia's Telecommunication Initiative."

In witness whereof, the parties hereto have executed or caused to be executed by their duly authorized official this AGREEMENT in duplicate, each copy of which will be deemed an original.

COMMONWEALTH OF VIRGINIA,
DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT

BY: _____
Jay Grant, Deputy Director

City of Richmond, Commonwealth of Virginia

DATE: _____

I do certify that Jay Grant, personally appeared before me and made oath that he is Deputy Director of the Department of Housing and Community Development and that he is duly authorized to execute the foregoing document.

My commission expires: _____

Given under my hand this _____ day of _____, 2019.

Notary Public

Registration Number

GRANTEE

BY: _____
David L. Ash, County Administrator

DATE: _____

County of Clarke,
Commonwealth of Virginia

I do certify that _____, personally appeared before me and made oath that he is the County Administrator of Clarke County, Virginia and that he is duly authorized to execute the foregoing document.

My commission expires: _____

Given under my hand this _____ day of _____, 2019.

Notary Public

Registration Number

Agreement between Comcast and Clarke County Regarding VATI Funding

By letter dated April 8, 2019, the Virginia Department of Housing and Community Development ("DCHD") offered Clarke County (the "County") a total of \$209,513 in funding under the Virginia Telecommunications Initiative (VATI) program in response to the joint application of the County and Comcast of California/Maryland/Pennsylvania/Virginia/West Virginia, LLC ("Comcast"). Pursuant to the program guidelines and statutory authority, the primary objective of the VATI is to provide financial assistance to supplement construction costs by private sector broadband providers, in partnership with local units of government, to extend service to areas that presently are unserved by any broadband provider.

An Agreement, dated June 18, 2019, between DHCD and the County (the "DHCD Agreement") imposes certain responsibilities on the "Grantee" in accepting the VATI grant. As anticipated in the joint application for funding submitted by Clarke County and Comcast, the parties wish to outline the roles of each party now that the grant has been awarded. Accordingly, the parties now hereby agree as follows:

Comcast shall perform all work described in the DHCD Agreement (which is attached hereto and incorporated herein by reference), the submitted application, project management schedule, and budget. Specifically, Comcast shall complete all Grant Activities described in the DHCD Contract Documents (including but not limited to installation of approximately 5 miles of hybrid fiber coaxial cable and purchase of electronic equipment) on or before June 17, 2020. Comcast shall indemnify, defend, and hold the County harmless for any failure(s) (a) to complete any Grant Activities described in the DHCD Contract Documents on or before June 17, 2020. Upon completion of the project, Comcast will provide the County speed validation data to ensure that the project Outcomes have been met and plant constructed is capable of providing broadband speeds that meet VATI criteria. Comcast may choose to submit either monthly invoices or a single invoice for payment upon completion of the work. No VATI funds shall be distributed unless and until (a) Comcast has submitted all requested documents applicable to the construction project and (b) the County has verified that pre-construction and/or construction work has been completed or equipment has been ordered and received. Upon any change to availability of funding, the County must notify Comcast immediately. Upon any decrease in funding, Comcast may amend or terminate the project at its sole discretion. The County will use best efforts to request the full amount of grant funds prior to June 30, 2019.

Comcast and Clarke County will exercise due diligence and best efforts on community outreach and marketing the availability of service, which is the intent of the program. The parties understand, however, that the actual number of customers who choose to subscribe is beyond the parties' control. The parties also understand that the intent of DHCD is that the parties exercise due diligence and best efforts and that no funds will be returned to the Commonwealth nor retained by Clarke County so long as the parties exercise due diligence and best efforts to reach the program goals.

The County requires a progress update from Comcast every 30 days until project completion. Comcast agrees to assume responsibility for keeping County updated per the project timeline included in the grant. Project timeline of the grant states all activities to be completed by June 17, 2020.

COMCAST OF CALIFORNIA/ MARYLAND/
PENNSYLVANIA/ VIRGINIA/WEST VIRGINIA, LLC

COUNTY OF CLARKE

By: _____
Kevin Broadhurst, Comcast Vice President

[SEAL] By: _____ [SEAL]
David Ash, County Executive

Date: _____

Date: _____

Approved as to Form Only

Clarke County Attorney

6) Approval of Minutes

Vice Chair McKay moved to accept the minutes for May 21, 2019, as presented. The motion carried by the following vote:

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

7) Consent Agenda

2019-06 Resolution of Appreciation for Paul Jones

RESOLUTION IN APPRECIATION OF SERVICE PAUL R. JONES
June 2019

WHEREAS, Paul Randolph Jones was born July 4, 1944, and grew up in Berryville, Virginia, where he attended Johnson- Williams High School before graduating from Allen University and earning a master’s degree at the University of Virginia; and

WHEREAS, Mr. Jones returned to Clarke County in 1968 to teach at Boyce Elementary School, then became principal of Berryville Primary School in 1976, and was named principal of D.G. Cooley Elementary School in 1991; and

WHEREAS, he worked in Clarke County Public Schools central office from 1997 until his retirement in July 2003 and continued to work part-time for the school system until 2006; and

WHEREAS, Mr. Jones also dedicated his life to public service by representing Berryville’s Ward 1 on Town Council from July 1972 to June 1977 and serving on the Clarke County Parks and Recreation Advisory Board from 1997 to 2018 and the Clarke County Industrial Development Authority from 2007 to 2019; and

WHEREAS, he also gave his time to other organizations such as Grafton School, Lord Fairfax Community College, Tri-County O.I.C., and the American Red Cross; and

WHEREAS, Mr. Jones chaired the committee that transformed a circa-1882 schoolhouse in Josephine City into the Josephine Community School Museum & Clarke County African-American Cultural Center that opened in 2003 after which he continued to serve on its board;

NOW, THEREFORE BE IT RESOLVED, the Clarke County Board of Supervisors does hereby issue this posthumous resolution of appreciation to Paul R. Jones, who touched generations of Clarke County residents through his dedication to public education and community service before his death on May 28, 2019.

Attest: David Weiss, Chair, 2019-06

Bills and Claims / Invoice History Report

May 2019 Financial Report

General Fund Expenditure Summary

May 2019 Financial Report

Supervisor Catlett moved to approve the items on the Consent Agenda. The motion carried by the following vote:

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

8) Board of Supervisors Personnel Item

A. Expiration of term for appointments expiring through August 2019

2019-06-10 Summary: Following review, the Personnel Committee recommends [re]appointment:

- Jay Hillerson, Parks and Recreation Advisory Board, to a four-year term expiring December 31, 2022.
- Bill Wolfe, Board of Directors Industrial Development Authority of the Clarke County, Virginia, to the remainder of the unexpired term of the late Paul Jones ending October 30, 2019.

- Laurie Volk, Board of Zoning Appeals, make recommendation to Clarke County Circuit Court for reappointment to serve a five-year term expiring February 15, 2024.
- Director Lichty was asked for verify the interest of those serving the Lord Fairfax Emergency Medical Services Council.

2019-06-18 Action: David Ash summarized the Committee's recommendation.

Supervisor Byrd 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

Supervisor Byrd asked about the status of the Code Enforcer. Brandon Stidham provided the following:

- Code Enforcement Officer works with Ryan Fincham, Senior Planner/Zoning Administrator, as needed.
- The position also works as an inspector in Clarke's Building Department and reports to the Building Official.
- Zoning works on a complaint basis.
- The Zoning Administrator sends complaints to the Code Enforcement Officer for follow up and response within thirty days.
- Recipients have 30 days to respond and can appeal to the Board of Zoning Appeals.
- The Zoning Administrator has found notice of inquiry to be most effective.

Brandon Stidham responded with the following to Supervisor Byrd's questions about Airbnb establishments.

- Bed and Breakfast establishments are classed as home occupations, which fall under Zoning.
- Per the County attorney, the County is not liable for actions for which it is not responsible.

B. 2020 Census: Local Complete Count Committee Review

2019-06-10 Summary: After discussing briefly, the Personnel Committee agreed to await more information. A staff meeting with a U.S. Census Bureau representative is scheduled later in the day.

2019-06-18 Action: David Ash informed the Board that staff met with representatives from the U.S. Census Bureau [USCB]. The USCB is urging localities to engage in encouraging citizens to participate in the census and encouraging formation of a census count committee that would act to support USCB activities. He concluded by stating that staff believes:

- Staff is better positioned to handle notifications.
- Establishment of committee might actually work to hinder activities.
- USCB is still undergoing issue resolution at its level.
- USCB will send information to localities for reproduction and distribution to groups, civic organizations, churches, schools, etc. With limited information generated at the local level, staff proposes coordinating this distribution.

Highlights of discussion include:

- Staff does not know whether USCB will engage in door-to-door canvassing.
- USCB will conduct several levels of outreach including electronic, computer based initiatives and localities could support by setting up a dedicated computer at a local library.
- All information gathered is confidential and cannot be shared with nor used at the local level.
- Clarke has not formed a census count committee to assist with prior census efforts.
- By consensus, the Board agreed to have staff coordinate and support USCB efforts.

C. Chief Elected Officials Consortium Agreement

The SVWDB Chief Elected Officials Consortium Agreement revision is complete and attached [*not included in minutes*] for review. The Shenandoah Valley Workforce Development Board engaged Attorney Matthew Light with BotkinRose PLC to revise the agreement. Attorney Light prepared a memo to local government attorneys explaining the agreement from a local government perspective and developed a flow chart showing how federal Workforce Innovation and Opportunity Act dollars flow to local workforce boards in Virginia.

Our goal is to have the SVWDB Chief Elected Officials Consortium Agreement signed by our 16 member jurisdictions by July 31, 2019. Please note that Attorney Light will be glad to answer questions. His contact information can be found in the Memo to Locality Attorneys.

2019-06-10 Summary: The Personnel Committee requested legal review.

2019-06-18 Action: Highlights of Board review include:

- Per David Ash, Clarke County was a member of the SVWDB prior to his start in 1991.
- Len Capelli is currently representing the County at SVWDB meetings.
- The SVWDB focus is in the southern valley providing educational opportunities.
- Localities are obligated by federal law to participate in consortium.
- Member localities share responsibility in the event of an illegal or fiscal error by the group.
- Member localities do not provide financial support.
- Page County acts as fiscal agent for SVWD.
- Training funds are distributed to community colleges.
- Robert Mitchell, County Attorney, reviewed the agreement; and, subsequent to review and opinion from Matthew W, Light, Attorney – BotkinRose PLC, confirmed that the specific language requires the Board to adopt an ordinance, which requires setting and conducting a public hearing.
- The Board instructed staff to request review at the public hearing by Joan Hollen Data and Communications Specialist, Shenandoah Valley Workforce Development.

Supervisor Catlett moved to set public hearing on the Shenandoah Valley Chief Elected Officials Consortium Agreement for Tuesday, July 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

D. FY2019 Comp Time Accruals

2019-06-10 Summary: The Personnel Committee requested review of final year-end report at its July 8 meeting.

2019-06-18 Action: No action taken at the regular meeting.

E. Overtime Report

2019-06-10 Summary: The Personnel Committee reviewed the report from Emergency Medical Services but took no action nor made recommendation.

2019-06-18 Action: No action taken at the regular meeting.

9) 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

June 10, 2019, 10:00 AM, Meeting Room AB

Present: Barbara J. Byrd; Terri T. Catlett; Beverly B. McKay, David S. Weiss

Participating Remotely Via Telephone: Mary L.C. Daniel, in Virginia Beach, Virginia, attending annual conference hosted by Virginia State Bar

Vice Chair McKay moved to approve remote participation by Supervisor Mary L.C. Daniel via telephone from Virginia Beach, Virginia, attending an annual conference hosted by the Virginia State Bar. The motion carried by the following vote:

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

At 10:15 am, Supervisor Daniel joined the Board of Supervisors via telephone for the June 10, 2019, Work Session.

Chairman Weiss advised the Board that Consultant Mary Beth Price, in conjunction with Brianna R. Taylor, would be advertising the position of County Administrator by Saturday, June 15.

At the request of Chairman Weiss, a closed session pursuant to 2.2-3711-A1 was added to the agenda

Vice Chair McKay 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

A. Vendor Payments Review with Emily Johnson, Accounts Payable Clerk

2019-06-10 Summary: Subsequent to the PowerPoint presentation, Supervisors Daniel and McKay asked for annual presentation on the subject.

2019-06-18 Action: David Ash summarized. No action taken.

B. Policy & Technical Issues Final Report (Zoning and Subdivision Ordinance Update Project) by Brandon Stidham

2019-06-10 Summary: Brandon Stidham, Director Planning and Zoning, briefly reviewed the report, asked the Supervisors to read it over the summer, and noted that joint meetings of the Board of Supervisors and Planning Commission were planned for October and November 2019.

2019-06-18 Action: Brandon Stidham briefly summarized. No action taken.

At 11:22 am, Supervisor Daniel ended telephonic participation.

C. Closed Session Pursuant to §2.2-3711-A1 Specific employees or appointees.

2019-06-10 Summary: At 11:27 am, **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
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Terri T. Catlett - Aye
Mary L.C. Daniel - Absent
Beverly B. McKay - Aye
David S. Weiss - Aye

At 11:59 am, 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 - Absent
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 - Absent
Beverly B. McKay - Aye
David S. Weiss - Aye

No action was taken following Closed Session.

2019-06-18 Action: Reviewed no action taken

10) Joint Administrative Services Board

Tom Judge was not present to provide an update.

11) Government Projects Update

David Ash provided the monthly project update.

- BCCGC:
 - Elevator repaired.
 - Guttering fixed.
 - While Town employees are actively engaged in landscaping, the Town is exploring the option of hiring this out until staffing levels improve.
- 104 North Church Street Court House:
 - Engineering is under way for the new HVAC system.
 - The new system replaces the multitude of individual systems, as well as eliminating the air handling mounted over the courtroom.
 - Funds are included in the FY2020 budget.
 - Chairman Weiss thanked the judges and staff for allowing equipment in chambers.
- 100 North Church Street: Engineering of additional equip in dispatch center looking at cooling of equipment
- Kohn Property:
 - Pond holding water.
 - Water may rise four to five feet before hitting overflow.
 - No further decision regarding use of the cabin.
- School Board Office
 - Reroofing complete.
 - Building use must be done in association with the Schools
 - Vice Chair McKay noted that he had toured the building several months ago and found it in good condition with no major issues identified.
- Park:

- FY2021 budget will include a funding request to build equipment storage.
- Main building designed for additions on both ends.
- The Humane Foundation donated benches and tables for the dog park.
- Pool: Open for the season and operating without issue.
- Convenience Center:
 - Operating three days per week: Saturday, Sunday, Monday
 - Approximately 150 to 175 users on weekend days; and 50 to 75 on Monday.
 - Recycling:
 - Waste material separated at a source and taken to a waste transfer or landfill.
 - Southern Waste picks up recycled waste and takes to its facility.
 - If the waste material is “clean,” it is sorted, co-mingled with like material, baled, and transported to Baltimore.
 - The market for recyclables is soft and prices have dropped. China, a major recipient of recyclables, and others have stopped taking mass amounts of mixed waste. Currently, there is no overly large market for recyclables; and, with fewer persons to sell to, those that do accept can be very selective.
 - Glass recycling stopped several years past.
 - Currently, plastic and paper are no longer accepted; and, this may expand into metal recyclables.
 - Meeting on Monday, June 24, in Warren County with Northern Shenandoah Valley Regional Commission to review the matter.
 - Landfill staff has the greatest interest in finding alternatives.
 - Clarke is a small part of a big machine and it has no control.
 - Until recyclables have a market, the situation will get tighter and tighter.
 - Individuals are encouraged to use fewer things that require recycle

12) Miscellaneous Items

No items identified.

13) Summary of Required Action

<u>Item</u>	<u>Description</u>	<u>Responsibility</u>
1.	Process VATI grant.	Lora B. Walburn

<u>Item</u>	<u>Description</u>	<u>Responsibility</u>
2.	Enter grant information into CAMS.	Brianna R. Taylor
3.	Contact Joan Hollen Workforce Investment Board to attend the July 16 public hearing.	David L. Ash
4.	Develop public hearing notice.	David L. Ash, Robert Mitchell
5.	Process public hearing notice.	Lora B. Walburn
6.	Process 2019-06R.	Lora B. Walburn & Brianna R. Taylor
7.	Process and post approved minutes.	Lora B. Walburn
8.	Update appointments database, draft notice of appointment, and notify staff representatives.	Lora B. Walburn
9.	Execute letters of appointment.	David S. Weiss
10.	Develop year-end comp time report for Personnel Committee review.	Brianna R. Taylor

14) Board Member Committee Status Reports

Supervisor Barbara J. Byrd

- Board of Social Services: Meets tomorrow at 9 am - time changed to accommodate new director's commute time.
- Clarke County Humane Foundation: Seeking price quote for shelter addition, as well as directional signs.
- Community Policy and Management Team: Meets next Monday.
- Conservation Easement Authority:
 - Attended an evening program that focused on the nine myths of conservation easement.
 - George Ohrstrom and Wingate Mackay-Smith made the presentation.
 - A regular meeting is set for Thursday, June 20.
- Northwest Regional Adult Drug Treatment Court Advisory Committee: Meets in July.
- Northwestern Regional Jail Authority: No recent meetings
- Northwestern Regional Juvenile Detention Center Commission: In good hands. No local clients in the facility.
- Town of Berryville:

- Discussed flooding in streets.
- Announced accidental death on Sunday, May 26, 2019, of employee Stephen Lilly, Chief Plant Operator for Public Utilities.
- Discussed recent FOIA made by Mayor Dickinson to Town Manager, Keith Dalton.

Supervisor Terri T. Catlett

- Career and Technical Education Committee: Did not meet.
- School Board:
 - Attended May 20 meeting.
 - Middle School students in the gifted program made a presentation.
 - Discussed online course and homeschool policies.
 - FISH representatives are working with school staff on afterschool community program to include activities and tutoring.
- Historic Preservation Commission:
 - Met in May.
 - Held awards luncheon.
 - Maral Kalbian continues to work on her new book.
 - Working on grants.
- Parks and Recreation Advisory Committee: Did not meet.
- Village of Millwood:
 - Community picnic June 23 at 5:30 pm.
 - Exploring ways to help residents get clear title to real property.

Supervisor Mary L.C. Daniel

- Broadband Implementation Committee:
 - REC:
 - Met with REC regarding its long-term plan and ability to expand broadband access in more rural areas in Clarke.
 - Is not opposed to collaborating with another company to expand broadband.
 - Currently, replacing all infrastructure.
- Clarke County Library:
 - New book match program.

- Summer programs underway.
- Josephine Community Museum: Moving along.
- Legislative Liaison / Coalition for High Growth:
 - On June 14, held a one-day seminar and program.
 - Larger communities are trying to decide how to deal with legislation effective January 2020.
 - Grappling with the issue of redeveloping land and land that is not at its highest and best use.
- Planning Commission:
 - Approved two minor subdivisions.
 - Conditionally approved Bob Claytor's Waterloo project.
- Sheriff's Department:
 - As of May 25, Communications is fully staffed and trained.
 - Implemented a program established to aid with persons law enforcement takes to hospital facilities.

Vice Chair Bev B. McKay

- Economic Development Advisory Committee: Did not attend meeting.
- Sanitary Authority:
 - Met today.
 - Recently addressed a couple of leaks - one leak in an unoccupied property was substantial leaking approximately 15,000 gallons per day.
 - Membranes replaced on schedule.
 - Basins must be recoated, which may result in a \$40,000 cost increase.
- Northern Shenandoah Valley Regional Commission: Meets Thursday

Chairman David S. Weiss

- Economic Development MOU Committee: Meets July 1.
- Fire & EMS Commission:
 - Continues to work well.
 - Reported on response on scene time.
 - System update will be presented to the Supervisors in July or August.

- Industrial Development Authority:
 - Special meeting to review Shenandoah University request to modify 2011 educational revenue bonds scheduled for June 13.
 - At its next regular meeting July 25, the IDA will re-evaluate administrative fees to determine is rates are in line with neighboring jurisdictions.
- Joint Administrative Services Board: Nothing reported.
- VACO Region 6: Good Meeting at Inland Port; interesting man from Culpeper on his work on development of work force; well attended and gave feedback to take to legislature; nutrient credit grants

15) Closed Session

At 2:47 pm, Vice Chair McKay moved to enter closed session pursuant to §2.2-3711-A1 Specific employees or appointees of the Board. 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 3:59 pm, The members of the Board of Supervisors being assembled within the designated meeting place, with open doors and in the presence of members of the public and/or the media desiring to attend, Supervisor Daniel moved to reconvene in open session. The motion carried as follows:

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

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

CERTIFICATION OF CLOSED SESSION

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

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

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

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

16) Adjournment

At 3:59 pm, Chairman Weiss adjourned the meeting.

Next Regular Meeting Date

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

ATTEST: June 18 2019

David S. Weiss, Chair

David L. Ash, County Administrator

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