

Approved January 23, 2019

Clarke County Economic Development Advisory Committee
September 19, 2018 Minutes

A meeting of the Economic Development Advisory Committee (EDAC) held in the Berryville/Clarke County Government Center, Berryville, Virginia, on Wednesday, September 19, 2018, at 1:00 PM.

Board: Jim Barb, Christy Dunkle, Christina Kraybill, Bev McKay, John Milleson

Absent: Bryan Conrad, Eric Myer, Elizabeth "Betsy" Pritchard

Staff: Len Capelli, Cathy Kuehner, Brianna Taylor, Lora B. Walburn

Press: Mickey Powell – The Winchester Star

1. Call to Order

At 1:02 pm, Chairman Milleson called the meeting to order.

2. Adoption of Agenda

Christina Kraybill, seconded by Christy Dunkle, moved to adopt the agenda as presented. The motion carried by the following vote:

Jim Barb	-	Aye
Bryan Conrad	-	Absent
Christy Dunkle	-	Aye
Christina Kraybill	-	Aye
Beverly B. McKay	-	Aye
John Milleson	-	Aye
Eric Myer	-	Absent
Elizabeth "Betsy" Pritchard	-	Absent

3. Approval of Minutes

Christy Dunkle, seconded by Christina Kraybill, moved to approve the May 16, 2018, minutes. The motion carried as follows:

Jim Barb	-	Aye
Bryan Conrad	-	Absent

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Christy Dunkle	-	Aye
Christina Kraybill	-	Aye
Beverly B. McKay	-	Aye
John Milleson	-	Aye
Eric Myer	-	Absent
Elizabeth "Betsy" Pritchard	-	Absent

4. New Business

Review Electronic Meetings Policy

- Disallow Participation Via Electronic Means; **or**,
- Allow and Adopt Policy and Process Set Forth in PD-121101-09 Clarke County Board of Supervisors Rules of Procedure Section 1-12 Meetings held through electronic communication means" as set forth in § 2.2-3708.2. Sections §2.2-3708 Code of Virginia. §2.2-3708.1 repealed by Acts 2018

During discussion, Vice Chair Kraybill asked for clarification on physical quorum requirement set forth in § 2.2-3708.2.

Bev McKay, seconded by Jim Barb, moved to allow electronic participation in meeting and to accept electronic meetings procedure in the Board of Supervisors Rules of Procedure subsequent clarification of verification of physical quorum requirement by FOIA Council. The motion carried by the following vote:

Jim Barb	-	Aye
Bryan Conrad	-	Absent
Christy Dunkle	-	Aye
Christina Kraybill	-	Aye
Beverly B. McKay	-	Aye
John Milleson	-	Aye
Eric Myer	-	Absent
Elizabeth "Betsy" Pritchard	-	Absent

Section 1-12. Meetings held through electronic communication means policy and approval process

Policy:

It is the policy of Clarke County Board of Supervisors that its individual members may participate in meetings of the Board of Supervisors by electronic means as permitted by Virginia Code § 2.2-3708.2 This policy shall apply to the entire membership and without regard to the identity of the member requesting remote participation or the matters that will be considered or voted on at the meeting.

Whenever an individual member wishes to participate from a remote location, the law requires a quorum of Board of Supervisors to be physically assembled at the primary or central meeting location, and there must be arrangements for the voice of the remote participant to be heard by all persons at the primary or central meeting location.

When such individual participation is due to an emergency or personal matter, **such participation is limited by law to two meetings of the public body per member each calendar year, whichever is fewer.**

Note: Nothing in this section shall be construed to prohibit the use of interactive audio or video means to expand public participation.

Approval Process:

Automatic Approval with Vote if Challenged.

Individual participation from a remote location shall be approved unless such participation would violate this policy or the provisions of the Virginia Freedom of Information Act.

If a member's participation from a remote location is challenged, then the Board of Supervisors shall vote whether to allow such participation.

If Board of Supervisors votes to disapprove of the member's participation because such participation would violate this policy, such disapproval shall be recorded in the minutes with specificity.

Disability or Medical Condition or Personal Matter Prevents Physical Attendance (Applies to all public bodies):

- 1) Physically assembled quorum is required;
 - 2) Remote member's voice must be heard by all;
 - 3) Member must notify chair of inability to attend due to temporary or permanent disability or other medical condition that prevents physical attendance on or before the day of the meeting;
 - 4) Fact of disability or medical condition must be recorded in the minutes;
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- 5) Remote location must be recorded in the minutes; and,
- 6) Member's remote participation must be in accord with the policy on electronic participation adopted by the public body. While the fact that a disability or medical condition prevents the members' physical attendance must be recorded in the minutes, it is not required to identify the specific disability or medical condition.
- 7) Member participating through electronic communications means under this section may make motions, vote, join in closed meetings, and otherwise participate fully as if he or she was physically present.

Examples:

- Temporary hospitalization or confined to home;
- Contagious illness; or
- Any permanent physical disability that prevents travel to the meeting location.

If the procedural requirements are not met, however, then the member may only monitor the meeting (i.e., listen or watch, depending on the technology used) and cannot otherwise participate.

The remote location where the member using electronic communications is does not have to be open to the public under these provisions.

Personal Matter Prevents Attendance:

- 1) Physically assembled quorum is required;
- 2) Remote member's voice must be heard by all;
- 3) Remote member must notify chair of the public body on or before the day of the meeting;
- 4) Nature of the emergency or personal matter must be identified;
- 5) Nature of the personal matter must be recorded in the minutes;

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- 6) Remote location must be recorded in the minutes; and
 - 7) Participation because of a personal matter that prevents attendance is limited to two (2) meetings per calendar year.

If a member's participation is disapproved because it would violate the public body's policy on participation, that fact must be recorded in the minutes with specificity. However, the member may continue to monitor the meeting from the remote location, but may not participate in the proceeding and may not be counted as present at the meeting.

Examples:

- Flat tire on the way to the meeting, call in from cell phone at side of the road;
- Traffic congestion or stoppage;
- Personal, family, or business emergency; or
- Blizzard, flood, or other sudden severe weather conditions that prevent travel to the meeting location.
- Business trip;
- Family trip; or
- Scheduling conflicts.

Monitoring a meeting:

As stated above, if a member of a public body cannot meet the procedural requirements to participate in a meeting by electronic communication means, the member may still monitor the meeting by listening or watching by electronic communication means. However, the member cannot be counted as present and cannot participate.

In such a situation, as a matter of best practices, it is suggested that the chair of the public body make a statement to inform the public and the other members, such as "Please observe that [member name] could not attend today's meeting, but is [listening/watching] the meeting [by speakerphone, videoconference, or whatever electronic communication means is being utilized]. However, [member name] is only monitoring the meeting. [He/she] is not counted as present, and cannot make motions, vote, or otherwise part

State of Emergency Declared by the Governor (Applies to all

public bodies)

Any public body may meet by electronic communication means without a quorum of the public body physically assembled at one location when the Governor has declared a state of emergency in accordance with § 44-146.17, subject to the follow procedures and conditions:

- a. The catastrophic nature of the declared emergency makes it impracticable or unsafe to assemble a quorum in a single location; and
- b. The purpose of the meeting is to address the emergency.

In addition, the public body must:

- a. Give public notice using the best available method given the nature of the emergency, which notice shall be given contemporaneously with the notice provided members of the local public body conducting the meeting;
- b. Make arrangements for public access to such meeting;
- c. Otherwise comply with the provisions of § 2.2-3708.2.
- d. State in the minutes the nature of the emergency, the fact that the meeting was held by electronic communication means, and the type of electronic communication means by which the meeting was held.

5. Old Business

Economic Development Strategic Plan Review and Development of Economic Development Advisory Committee Recommendation to the Clarke County Planning Commission

Highlights of discussion include:

- To be effective, the Plan must be a working document with actions items identified, individual assigned responsibilities, and regular updates.
- Changes to Economic Development Strategic Plan:
 - Page 4 of 10: remove human-scale and replace with realistic development patterns.
 - Page 8 of 9:
 - Airbnb's help fill the gap but do not meet all the needs.

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- Airbnb's are unregulated so no data is available.
 - The Industrial Development Authority is considering funding an update to the earlier plan.
 - Efforts are underway to identify an interested group of investors
 - Mr. Capelli continues to work with the owner of the Battletown Inn.
- Tourism Strategic Plan: Christy Dunkle stated that in 2014 she had drafted a tourism strategic plan that has not been adopted, which is a requirement for some grant funding.

Christina Kraybill, seconded by Christy Dunkle, moved to add a fourth strategy to Goal C, insert promote increased accommodation capacity with an hotel at beginning of section. The motion carried by the following vote:

Jim Barb	-	Aye
Bryan Conrad	-	Absent
Christy Dunkle	-	Aye
Christina Kraybill	-	Aye
Beverly B. McKay	-	Aye
John Milleson	-	Aye
Eric Myer	-	Absent
Elizabeth "Betsy" Pritchard	-	Absent

Christmas Tour

- Tour set for Wednesday, December 19.
- Add Christmas Tour discussion to November 14 meeting.
- Chairman Milleson instructed Len Capelli to begin business selection for the annual tour.

6. Next Meeting

The next meeting is scheduled for Wednesday, November 14 2018.

7. Adjournment

At 1:47 pm, being no further business, Chairman Milleson adjourned the meeting.

Minutes recorded and transcribed by Lora B. Walburn