

October 15, 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, October 15, 2019.

Board Members

Present Afternoon / Evening Session: Barbara J. Byrd – Russell District; Mary L.C. Daniel – Berryville District; David S. Weiss – Buckmarsh / Blue Ridge District; Terri T. Catlett - Millwood / Pine Grove District; Bev B. McKay – White Post District

Absent Afternoon / Evening Session: None

County Staff Present

David L. Ash, Tom Judge, Cathy Kuehner, Brian Lichty, Brandon Stidham

Constitutional / State Offices / Other Agencies

Tony Roper; Ed Carter, Sandy Myer

Press

Mickey Powell – The Winchester Star

Others Present

Chris Boies, Bill Houck, Doug Lawrence

1) Call to Order

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

2) Adoption of Agenda

- ✓ Consent Agenda: Carry forward to November regular meeting.
- ✓ Miscellaneous: Add Supervisor Byrd comments on Social Services.

Supervisor 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

3) Closed Session

At 1:03 pm, **Supervisor Daniel 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 1:10 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 Byrd moved to reconvene in open session. The motion carried as follows:**

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

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

CERTIFICATION OF CLOSED SESSION

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

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

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

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

Supervisor Daniel moved to accept the contract between Clarke County and Chris Boies 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

Employment Agreement – Christopher M. Boies

THIS EMPLOYMENT AGREEMENT (the "Agreement") is effective this 15 day of October, 2019, by and between CLARKE COUNTY, VIRGINIA, hereinafter "Employer" and Chris Boies hereinafter "Employee."

RECITALS

The parties recite and declare:

1. Employer is in need of the services of a person possessing the skills and ability required to be the County Administrator; and
2. Employee, through education and experience, possesses the requisite skills to perform these duties; and

3. Employer desires, therefore, to engage the services of Employee as County Administrator under the direction of the Employer, pursuant to the authority vested in Employer by Section 15.2-1540 of *Code of Virginia* (1950), as amended.
4. The parties acknowledge that Employee is a member of the International City/County Management Association and/or a substantially similar organization or its successor ("ICMA"), and the Employee is subject to the ICMA Code of Ethics, but the provisions of that Code are in no way incorporated into this Agreement.

For the reasons set forth above and in consideration of the mutual covenants and promises of the parties, Employer and Employee agree as follows:

SECTION ONE
Employment

Employer employs Employee as the County Administrator of Clarke County, and Employee accepts and agrees to this employment.

SECTION TWO
Governing Law

1. This Agreement and the employment of Employee shall be subject to all applicable provisions of the *Code of Virginia* (1950), as amended, the Code of the County of Clarke, policies adopted from time to time by Employer (including the provisions of the Clarke County Personnel Manual) relating to sick leave, retirement and life insurance contributions, holidays, other fringe benefits, and other matters not specifically addressed in this Agreement.
2. Employer and Employee hereby consent to the jurisdiction of the courts of Clarke County in the Commonwealth of Virginia and of the United States District Court for the Western District of Virginia, Harrisonburg Division, (to the extent such court has subject matter jurisdiction) in connection with any action, suit, or other proceeding in connection with, arising out of, or relating to this Agreement, and agree not to assert in any such action, suit, or proceeding lack of personal jurisdiction, that the action, suit, or proceeding is brought in an inconvenient forum, or that venue of the action, suit, or proceeding is improper.
3. Employer AND Employee EACH HEREBY KNOWINGLY, VOLUNTARILY, AND INTENTIONALLY WAIVE ANY AND ALL RIGHTS THAT THEY MAY HAVE TO A TRIAL BY JURY WITH RESPECT TO ANY LITIGATION BASED HEREON, OR ARISING OUT OF, UNDER, OR IN CONNECTION WITH THIS AGREEMENT, ANY COURSE OF CONDUCT, COURSE OF DEALING, STATEMENTS (ORAL OR WRITTEN), OR ACTIONS OF Employer OR Employee. THIS PROVISION IS A MATERIAL INDUCEMENT FOR Employer AND Employee TO ENTER INTO THIS AGREEMENT.

SECTION THREE

Duties

Employee is hereby delegated the following powers and duties:

1. The statutory powers and duties as set forth in Sections 15.2-1541 and powers and duties set forth in any other sections of the *Code of Virginia* (1950), as amended.
2. Act as Personnel Administrator responsible for the supervision, development, management and discharge of employees and the administration of County Personnel policies.
3. Exercise powers and fulfill all duties delegated or imposed (i) by the Clarke County Code or (ii) a duly adopted motion, resolution, or ordinance of the Clarke County Board of Supervisors.
4. Develop and recommend personnel and other policies and revisions to the Board of Supervisors for its approval.
5. Act as signatory, together with the Treasurer, to countersign all warrants and/or checks for the County of Clarke.
6. Employee shall perform all duties under this Agreement professionally and ethically and to the best of his abilities and skills. Employee shall avoid involvement in any activity which, directly or indirectly, may adversely affect or interfere with the goodwill or operations of Employer.

SECTION FOUR

Place of Employment

The duties and functions required of Employee under this Agreement shall be rendered at such place or places as Employer shall in good faith require or as the interests and needs of the Employer shall require.

SECTION FIVE

Terms of Employment

- A. This Agreement is for a term of three years, provided, however, that nothing in this Agreement shall prevent, limit, or otherwise interfere with the right of the Employer to terminate the services of Employee at any time, subject to the provisions set forth in Section 5D of this Agreement.
- B. Nothing in this Agreement shall prevent, limit, or otherwise interfere with the right of Employee to resign at any time, provided Employee gives written notice to the Chairman of

the Board of Supervisors at least ninety days prior to its effective date unless the parties otherwise agree. Employer may at any time during this 90 day notice period earlier terminate Employee upon payment of Employee's regular salary for the remaining notice period.

- C. Employee shall remain in the exclusive employ of the Employer and devote all of the Employee's working time, attention, knowledge and skills solely to the interests of the Employer, and Employer shall be entitled to all of the benefits arising from or incident to all work, services and advice of Employee. The term "Employee's working time" shall not be construed to include Employee's annual and sick leave time off.
- D. In the event Employer terminates Employee at any time during his employment by Employer, Employee's rights to benefits and compensation shall be governed under Section Ten below.
- E. Employee agrees to relocate to Clarke County, Virginia within 3 years of the signing of this Agreement.

SECTION SIX
Salary

Employer shall pay Employee, and Employee shall accept from Employer, an initial annual salary of \$142,000.00 (the "Initial Salary") effective Monday, December 2, 2019, and payable in installments as provided for County employees generally.

Employer agrees to match annually up to three percent of Employees ' salary via contributions to a 457(b) or other eligible deferred compensation program.

SECTION SEVEN
Performance Evaluations

- A. Employer, acting through its Board of Supervisors, shall review Employee's performance after six months' employment, and thereafter annually at a mutually agreeable time.

SECTION EIGHT
Benefits

- A. Employer agrees to provide Group Medical and Hospitalization insurance as available to County employees and Employer for Employee to the same extent it elects to do so for County employees generally.
- B. Employee shall be eligible for participation in Virginia 's 457(b) and Virginia Retirement System benefits to the extent other County employees are so eligible.

- C. Employee shall accrue annual leave and sick leave under the personnel policies and practices applicable to employees of Clarke County, provided that Employee shall be entitled to two weeks (10 days) annual leave as of December 2, 2019, and shall accrue additional annual leave at the rate of 2 days per month thereafter.
- D. Employee shall be provided a County vehicle for his use in connection with his duties as County Administrator.

SECTION NINE

Dues Membership, Education and Meetings

- A. Employer agrees to budget and to pay for the professional dues and subscriptions of Employee necessary for his continuation and full participation in national, regional, state and local associations and organizations necessary or desirable for his continued professional participation, growth, and advancement for the good of his Employer.
- B. Employer hereby agrees to budget for and to pay the travel and subsistence expenses of Employee for professional and official travel, meetings and occasions adequate to continue the professional development of Employee and to adequately pursue necessary official and other functions for Employer, including but not limited to the annual conference of national, regional, State and local government groups and committees thereof which Employee serves as a member.
- C. Employer agrees to budget and pay for the travel and subsistence expenses of Employee degree courses, institutes, and seminars that are necessary for Employee's professional development and for the good of Employer.
- D. Employer's obligation to pay for any of the items listed in paragraphs A, B and/or C above is contingent upon Employee having received Employer's written approval in advance of each such item.

SECTION TEN

Termination and Severance Pay

- A. In the event Employee is terminated by the Employer, and during such time that Employee is willing and able to perform his duties under this Agreement, and has not secured alternate full time employment, then, in that event, Employer agrees to continue to pay Employee's salary only for up to three months, payable in installments as provided for County employees generally. Employee shall also be compensated in a lump sum, payable within thirty days of termination of employment for all earned vacation, holidays, and other accrued benefits to date, excluding any accrued sick leave, and subject to the accumulation limits of the greater of as set forth in this Agreement or as provided to County employees generally at the time of termination. Employee shall be entitled to all COBRA health insurance benefits as required by law.

- B. In the event the Employee is terminated for cause, then, in that event, Employer shall have no obligation to provide any of the benefits designated in Section Ten, except for accrued vacation and COBRA benefits. "Cause" shall mean (i) the failure of Employee substantially to perform his duties hereunder after a demand for substantial performance is delivered to Employee, which notice identifies the manner in which Employer believes that Employee has not substantially performed his duties, and a reasonable opportunity for Employee to cure such failure or neglect; (ii) Employee continuing to engage in misconduct that is injurious to Employer after a demand from Employer to cease such misconduct; (iii) Employee's conviction of a felony or other crime reasonably considered injurious to Employer or its reputation; (iv) the willful and material breach by Employee of any of his obligations hereunder, and Employee's future to cure such breach after a reasonable opportunity for Employee to cure such breach; or (v) commission by Employee of an act involving moral turpitude, dishonesty, theft, and/or disloyalty to Employer, or unethical business conduct.

SECTION ELEVEN
Indemnification

Employer shall defend, save harmless and indemnify Employee against any loss from tort, professional liability claim, or demand, or other legal action, whether groundless or otherwise arising out of an alleged act or omission occurring in the performance of Employee's duties hereunder, unless the act or omission occurring in the performance of Employee's duties involved willful or wanton conduct. The Employee may request and the Employer shall not unreasonably refuse to provide independent legal representation at Employer's expense for any such claim against Employee. Legal representation, provided by the Employer for Employee, shall extend until a final determination of the legal action, including any appeals brought by either party. Any settlement of any claim must be made with prior approval of the Employer in order for indemnification, as provided in this Section, to be available.

SECTION TWELVE
Bonding

Employer shall bear the full cost of fidelity or other bonds required of the Employee under any law or ordinance.

SECTION THIRTEEN
Modification

A modification or waiver of this Agreement or of any covenant, condition or provision of it, shall not be valid unless in writing and executed by the parties.

SECTION FOURTEEN
Severability

All agreements and covenants in this Agreement are severable, and in the event any of them shall be held to be invalid by any competent court, this Agreement shall be interpreted as if the invalid Agreements or covenants were not contained.

SECTION FIFTEEN
Entire Agreement

This written Agreement embodies the whole agreement between the parties. There are no inducements, promises, terms, conditions, or obligations made or entered into by either Employer or Employee other than those contained in this Agreement.

IN WITNESS THEREOF, the Clarke County Board of Supervisors has caused this Agreement to be signed and executed on its behalf by its Chairman, and the Employee has signed and executed this Agreement, both in duplicate, the day and year first above written.

Chairman Weiss introduced Mr. Boies, who was in the audience. He further explained that over the last few months of Supervisors had been working with Mary Beth Price, recently-retired County Administrator for Shenandoah County, Virginia. The Board received 36 applications and interviewed five candidates with a sixth candidate withdrawing.

Highlights of Chairman Weiss' comments include:

- Chris Boies:
 - Began his career in local government administration as Director of Planning and Zoning for Shenandoah County
 - Served as Town Manager of New Market.
 - Served as Vice President of Finance and Administrative Services at Lord Fairfax Community College.
 - Currently serving as Assistant Vice President of Business Services of Facilities at George Mason University.
 - Undergraduate degrees from Lord Fairfax Community College and James Madison University.
 - Master's degree in Public Administration from James Madison.
 - Doctor of Education in Administrative Leadership from Shenandoah University in 2017.
 - Begins in Clarke December 2, 2019.
- David Ash, current County Administrator, has given the better part of his life to Clarke County serving honorably and with great distinction. Mr. Ash will be retiring at the end of January 2020.

Chris Boies stated that he looked forward to working with the Board and all the citizens here, as well as Mr. Ash.

Chairman Weiss stated that the Board was excited to have Mr. Boies opining that everyone had been waiting for the Board to announce the new county administrator. He invited Mr. Boies to stay for the meeting and invited those present to chat with him following the meeting.

Supervisor Catlett remarked that it had been an interesting process. She opined that the Board had tried really hard and were glad that Mr. Boies accepted the job. She expressed appreciation for all those that applied for the position.

Supervisor Byrd put forth that all the candidates were extremely talented and took considerable discussion. She stated that the Board was very pleased with its selection of Chris Boies, whom she hoped would soon be able to relocate to Clarke.

Vice Chair McKay added that he agreed with everything and welcomed Mr. Boies.

Chairman Weis concluded by stating that it was an exciting day for Clarke. He again thanked Mary Beth Price for her hard work and guidance through the process. He noted that the process was good and included interviews of department heads to seek wants and needs. He ended by stating that the Board looked forward to working with Mr. Boies.

4) Citizens Comment Period

No persons appeared to address the Board.

5) VDOT

Ed Carter, Residency Administrator, joined the supervisors to provide the monthly update.

Maintenance:

- Completed patching on Route 632, Crums Church Road.
- Continued patching for 2020 resurfacing schedule. This process will continue until the weather prohibits.
- Performed pothole patching on various other routes and graded various non-hard surfaced roads. We will continue with both functions this month.
- Conducted shoulder repairs on various primary and secondary routes and will continue this month. Begin fence to fence mowing on the primaries.

Rural Rustics:

- Rt. 621, Locks Mill Road: Completed pipe replacements and ditching. We plan to complete stone placement and surface treatment this month. The surface treatment will be weather dependent. It may have to wait until spring depending on the temperature.

Board Issues:

- Route 7 Safety Audit - We are working with Traffic Engineering to prioritize recommendations and identify funding sources.
- Appalachian Trail Head Route 605: Still on hold
- Route 9 Hillsboro Project: Mitigations for Route 340 and Route 7 have been approved. CTB will be voting on funding source on Thursday 10/17/19.
 - Chairman Weiss spoke with Hillsboro's public relations officer.
 - October 8 meeting in Hillsboro:
 - Supervisors Byrd and Catlett attended, as well as Ed Carter and other VDOT staff.
 - Meeting was good.
 - Citizens in that area have issues far and above, and separate from Clarke's issues.
 - Invited Hillsboro's Mayor to come to Clarke for a meeting on October 29 or October 30.
 - Route 9 Detour Mitigation Meeting:
 - By consensus, the Supervisors agreed to meet on Tuesday, October 29, at 6:30 pm to review Route 9 Detour Mitigation. Chairman Weiss will contact Hillsboro about the meeting.
 - Chairman Weiss provided the following comments:
 - He does not believe this will be an informational meeting to discuss whether the project was useful or not and whether it would or would not happen.
 - Asking all to focus on is how Clarke gets the appropriate mitigations for the traffic.
 - Citizens will speak as they wish, and the Board is glad to hear them.
 - Supervisor Catlett suggested that it would be good for people to know what to expect and when.
 - Ed Carter responded that it can be done, but it will not be ready by October 29.
 - Supervisor Byrd reminded that only half of the day would be covered with Clarke getting all the traffic in the afternoon.

- Ed Carter responded that eastbound traffic will have access until after rush hour, and westbound will be closed all the time.
- Planned mitigations on Route 7 will be of benefit after the Route 9 project is done, particularly the dynamic lights on Route 605.
- There will be some good to come out of the project with, no doubt, some inconvenience during the project.
- Obviously, there will be more traffic, but increased law enforcement is part of the project-funding package.
 - ▲ Supervisor Byrd asked if this was the fund referenced by Hillsboro Mayor Vance at the October 8 meeting.
 - ▲ Ed Carter responded that this would not be a cost to Clarke County.
- Ed Carter opined that Hillsboro appeared to have a “real selling job” to its own people. Further, constituent complaints that he heard seem to apply to conditions that exist either before, during, or after the project.
- Ed Carter reminded that up until July 2019, Hillsboro’s intent was to perform the project with a flagging operation without complete road closure. In July, when the bids came back too high, it had to seek an alternate method.
- Mitigation Steps by Ed Carter:
 - Starting with Route 340 and Route 7:
 - ▲ Because of the peak hour anticipated traffic, the lights and communication signaling remotely for the lights will be changed and installed.
 - ▲ Permissive lefts will be put in place.
 - ▲ Westbound traffic in the afternoon, VDOT will trench widen the westbound off ramp, and make it a two-lane off ramp.
 - ▲ Timings will be able to be controlled remotely so that if traffic is backed up green time can be extended to help with the traffic flow.
 - ▲ Remote monitoring from the Traffic Operations Center in Staunton.
 - ▲ Business 7:
 - › Still discussing overlapping turns on Route 7 Business East on to Route 7 at the light.
 - › Proposing two right-turn lanes where currently there is only one right-turn lane.
 - › If decide to do, it will be minimal cost absorbed by VDOT.
 - › Will allow a free flowing right and a straight right.
 - Route 601:
 - ▲ Changing yellow lights out and replacing with dynamic flashers.

- ▲ When traffic is entering or at the intersection, the light will flash instead of being on all the time.
- ▲ Planning to place law enforcement [“blue lights”] at intersection during peak hours.
- Law Enforcement:
 - ▲ Met with Virginia State Police and Clarke County Sheriff’s Office.
 - ▲ VSP and CCSO provided estimated hourly cost.
 - ▲ Over \$21,000 allotted to pay for additional law enforcement during peak times. This includes a two-week concentrated effort before and right after project start; then, periodically every week after that until the project is complete.
- Route 612:
 - ▲ Coming south on Route 340, will restrict left turns during peak morning rush hours.
 - ▲ Coming west on Route 7 in the afternoon, will restrict right turns during peak hours.
 - ▲ Will erect “local traffic only” signs.
 - ▲ Will take traffic counts before project starts. After the project starts, will monitor to ensure that the traffic count does not get any higher than it is now.
 - ▲ Anticipate a drop in traffic.
 - ▲ Will be inconvenient for residents in that area during peak hours.
 - ▲ Hope that mitigation will cut the amount of existing cut-through traffic.
 - ▲ Supervisor Byrd asked about the possibility of commuters opting to use as a cut over to Wycliffe Road. Ed Carter responded that it was possible.
 - ▲ One suggestion was to make everything a right turn out of Route 612 onto Route 7; however, all that does is move the problem up to another crossover.
- Peak hours are still to be determined – when the majority of the traffic is on the road.
- VDOT believes it is a fluid plan that can be adjusted.

Supervisor McKay:

- Mowing Operations: VDOT explained butterfly restrictions. A lot of weeds and vegetation in medians and along roadways are deemed to be nesting places. This is an agreement reached with a group of citizens specifically interested in the Monarch butterfly and the

honeybee whereby VDOT promised not to mow the medians only mowing 18 feet from the edge of pavement. Restriction is lifted either after the first heavy frost or after October 28.

- Flashing light in Boyce: It is becoming increasingly difficult to get through the light, which may be due to Route 723 bridge repair. Further, there is a dip in the road coming west in Boyce to go east; and, vehicles, particularly, buses, have to slow to come through the flashing light.

Ed Carter responded that the swale is to address drainage issues. He noted that VDOT has reviewed this intersection many times over the years; however, the last time VDOT studied it did not meet signal warrants having met only one out of eight warrants. He opined that the only way to improve the intersection is to add a traffic signal and install turn lanes making it a project in excess of a million dollars.

David Ash left the meeting at 1:35 pm returning at 1:39 pm

Supervisor Byrd:

- Triple J Road [Route 632] and Senseny Road [Route 657]: In 20 years on the Board, she counts placement of chevrons on Route 632 and Route 657 as one of the successes. Master Trooper Jerry Bosserman suggested the chevrons. The next two were on Crums Church Road [Route 632] and Old Charlestown Road [Route 761]. After these, chevrons flourished in Clarke. Two problem areas with VDOT:
 - Crums Church Road improved so well that it is impossible for speeding not to occur. She asked for police presence.
 - Triple J Road has a residential section with a speed limit of 35 MPH.
 - Requested information on purchase of a moveable radar speed display sign / trailer.
 - Ed Carter confirmed that purchase of a speed sign qualifies for safety money. He also provided examples of projects that qualify for safety funds.
 - Signs count the number of cars by hour and register the highest and lowest speeds during the hour, and tabulate how many cars were doing what speed in five-mile increments.
 - Annual fee for reading.
 - Estimated cost for a portable, post-mounted sign is approximately \$3,600. VDOT can give a permit that will allow relocation on any post it has in place.
 - Mobile display on wheels is closer to \$20,000.
 - Maintenance of a county-owned sign is the responsibility of the locality.
 - Sheriff Roper expresses support opining that gathering data is always an improvement; however, it is important to explore the actual cost including purchase price, maintenance, and recurring fees.

- Sheriff Roper added that assigning a deputy sheriff is expensive; and, while he suspects that this would be a cost savings, there is cost associated with these technologies.
- Chairman Weiss requested Finance Committee review and asked VDOT for unit cost, fees, insurance, cost estimate of maintenance, etc.
- David Ash stated that he had already received cost estimates from Ed Carter.
- Requested information on establishing an additional fine area.
 - Only applies to areas 35 MPH or less.
 - Traffic Engineering would conduct speed counts to confirm that a speed problem exists.
 - Requires consensus of the neighborhood. Suggest district supervisor meet with constituents.
 - Requires a resolution of the Board.

Supervisor Catlett:

- Millwood Community Meeting: Confirmed for Ed Carter that the meeting was still scheduled and that she would attend.

6) Approval of Minutes

Supervisor Byrd moved to accept the minutes for September 17, 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

Moved to the November 17, 2019, Regular Meeting Agenda.

8) Board of Supervisors Personnel Committee Items

A. Expiration of term for appointments expiring through December 2019.

2019-10-07 Summary: The Personnel Committee recommends the following:

- Reappoint Colleen Hillerson to serve on the People Inc. of Virginia Board for an additional three-year term expiring July 31, 2022.
- Appoint Frank Moore to the Community Policy and Management Team to serve the remainder of the term of Ellen Bauserman, expiring December 31, 2019, and to a full 3-year term expiring December 31, 2022.
- Reappoint Matt Hoff to the Fire and EMS Commission to serve a 1-year term expiring August 31, 2020, as recommended for its representative by the Boyce Volunteer Fire and Rescue Company.
- Appoint Michael "Toby" Austin to the Family Assessment and Planning Team to serve the remainder of the term of Gay Allen expiring December 31, 2021.
- Reappoint Brian Ferrell to the Industrial Development Authority of the Clarke County, Virginia to an additional four-year term expiring October 30, 2023.
- Reappoint William Wolfe to the Industrial Development Authority of the Clarke County, Virginia to a first full four-year term expiring October 30, 2023.
- Appoint Randy Buckley to a citizen-at-large position on the Fire and EMS Commission to a first four-year term expiring August 31, 2023.

2019-10-17 Action: David Ash reviewed the Personnel Committee recommendations.

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 |

Chairman Weiss asked staff to draft a letter of appreciation for service on the Fire and EMS Commission for Bryan Conrad.

B. Public Safety Holiday Pay

2019-10-07 Summary: *Note: Item on the Finance Committee agenda and added to the Personnel Committee agenda at the time of the meeting.* Sheriff Tony Roper and Director of Fire, EMS, and Emergency Management Brian Lichty joined the Personnel Committee to review current policy and proposed changes. Following a brief review, Chairman Weiss instructed staff to draft options for the Personnel and Finance Committee to review at the November committee meetings.

2019-10-17 Action: David Ash advised that Brianna Taylor had worked up language that all hoped would be ready for the November work session.

9) Board of Supervisors Work Session Items

A. Zoning and Subdivision Ordinance Update Project Joint Workshops by Brandon Stidham

2019-10-07 Summary: Brandon Stidham joined the Board to provide update. Highlights include:

- Distributed binders, binders include:
 - Location chart for policy and technical issues
 - Conversion chart, located at the back of the binder, to find where old version translates into new version
 - Memorandum reminding of upcoming workshops:
 - October 17, 2019 at 6:30 pm
 - General overview zoning, sub division, definitions, guidance manual
 - November 1, 2019, after Planning Commission meeting approximately 9:30 to 10 am
 - Focus on zoning ordinance uses, regulations, and definitions
 - November 14, 2019, 6:30 pm
 - Review processes; first session to review subdivision ordinance.
 - December 6, after Planning Commission meeting approximately 9:30 to 10 am
 - Review key policy and technical issues.
- Ordinance is in draft; targeting handout at second workshop.
- Joint workshop purpose the Board of Supervisors and Planning Commission:
 - Work together to learn ordinance changes, and how the proposed changes differ from the current version.
 - Provide comments, questions and feedback.
 - Following joint workshops, all comments from the public bodies will be compiled and the final draft developed.
 - Final draft to the Planning Commission in January 2020 to schedule public hearing.
- Update is a cleanup and rewrite with topical changes.

- Did not change setbacks, lot sizes, sliding scale zoning, etc.
- List of proposed changes found in policy and technical issues.
- Bob Mitchell will review the proposed changes.

Chairman Weiss stated that Brandon Stidham had set up an organized method for review; and, if a Supervisor had strong opinions, they should voice those opinions early on in the process.

2019-10-17 Action: David Ash reminded the Board that each had received the documents prepared by Brandon Stidham for review.

B. Route 7 Safety Assessment Review

2019-10-07 Summary: Ed Carter, with David Morris, joined the Board for review. Highlights include:

- Advanced detection: related to signals, sensing vehicles on higher speed roads providing more information to the signal in the dilemma zone affecting timing of caution [yellow] and stop [red].
- Cameras on signals: Do not record. Weather and orientation can affect detection. Camera is limited on distance.
- Angle crash: Defined as a T-bone type crash, generally associate with persons that fail to yield right of way or running a stop sign or signal.
- 62 MPH chosen for most intersections: VDOT uses speed limit plus 7 MPH.
- Route 612 Shepherds Mill Road Sag Vertical Curve:
 - Geometrically the road sags goes down.
 - Road flatter to the west. Looking east, there is a dip in the road called a sag curve, which may have to be leveled out.
- First part of review lays out road characteristics: traffic counts, cross section, and width of lanes, shoulders, and median.
- Route 7 is typical of a road developed over time.
- Route 7 is a heavily travelled road and is a connector between Frederick County, Virginia, and northern Virginia.
- Traffic count estimates:
 - Primaries and interstates are counted for short periods, a couple days from which an estimate is created typically from the middle of a week.
 - Time of year affects count.

- Traffic counts use two tubes allowing it to divide into different classes of vehicles by how close the axles.
- Video cameras are used to analyze left and right turns.
- Study is based on estimates.
- Believe that primaries are reviewed annually, count for Route 7 taken in 2018; secondarys are on a cycle.
- Speed:
 - Study verifies that most of the traffic exceeds the posted speed limit.
 - Speed monitoring is conducted in several ways. When a study is enacted, a pole-mounted devise is used to measure speed.
 - These devises can be erected as needed.
 - Speeds monitored at Pine Grove Road, Route 679, for a sample of difference in traffic coming down the mountain and traffic going up.
 - Speed can be a factor in many different types of crashes.
- Crash rate comparison:
 - Fixed object off road: defined as a crash running off the road onto the shoulder, hitting an embankment, guard rail, etc.
 - If a vehicle leaves the road but does not hit anything, it is a non-collision.
 - Every incident has one category.
 - If a vehicle swerves to miss a deer and hits the guardrail, it is counted as fixed object off road crash. If a vehicle hits the deer only, it is a deer hit crash.
 - Crash type is subject to interpretation by responding public safety personnel.
 - Route 7 is a principal arterial road and looked all similar roads in the state were used for comparison.
 - Crash rate is per 80 crashes per million miles traveled.
 - Due to higher traffic volume, interstates are statistically safer.
 - Last three years used for accident comparison. Route 7 is no worse or no better than anywhere else is in the state.
 - Three signalized intersections showed up with many crashes.
 - Predominate crash type for signals will be rear end, following too close, or going too fast.
- Intersections:
 - Technical engineering looks at intersection in district and rank according to potential safety improvement: look at traffic volume, configuration of lanes, signalization, stop signs, etc. The number of crashes are calculated; then, if

- the crashes are more than expected, an intersection is deemed to have the potential for improvement.
- Reviewed all state route intersections.
 - Route 7 and Russell Road, Route 660:
 - Ranked 67 of 100
 - 2016-2018 had 8 crashes
 - Engineering would expect fewer than that because there should be less traffic.
 - Engineering looks for a pattern in correctable crashes.
 - Route 7 and Shepherds Mill Road, Route 612:
 - Has a sight distance problem.
 - Flattening out the road would be the most expensive options.
 - Could try signage or flashers.
 - Every improvement has an associated benefit.
 - VDOT can work in smaller ticket items first to try to help.
 - Options or possible counter measures are included in the report.
 - Next steps:
 - SMART Scale application for more expensive projects. VDOT would need to meet with County Planning start planning to determine where Clarke might score.
 - Internally, VDOT can do some things that are inexpensive, such as signage.
 - Could utilize highway safety improvement, federal, funds. VDOT does have some funds that have been used to improve shoulders and install rumble strips. More safety improvements are planned for 2023.
 - Monitor and add, if applicable, signage on Route 7 and Route 50 for hikers using the Appalachian Trail.
 - Suggested fix for Ebenezer Road, Route 604, is on Page 28 Item 3 of the report.
 - Ed Carter will put together rough estimates for improvements and present a list to the Supervisors.
 - Slowing traffic down will be difficult; and, while law enforcement presence will have an impact, it is not the answer.
 - Intersections of particular focus:
 - Triple J Road, Route 632, and Crums Church Road, Route 632

- Shepherds Mill Road, Route 612
- Closing statements:
 - David Morris is pleased with the report.
 - Chairman Weiss noted that the report provided a lot of options.
 - Ed Carter said that VDOT would proceed with low-hanging fruit.
 - Supervisor Byrd asked Ed Carter to provide her information on speed notification devices, such as dynamic flashers.
 - Supervisor Catlett stated that she enjoyed reading the report opining that it was good to have all the information.
 - Ed Carter advised that VDOT would need a month to compile estimates.
 - Supervisor Daniel asked about signage for crossovers with no deceleration lane for turns or crossovers with no turn lane improvements. Mr. Morris responded that from a practical point VDOT would probably have to close crossovers. Further research on crossovers would be necessary.

11:14 am, Chairman Weiss thanked VDOT for its work and presentation. He requested an update on the proposed Route 9 detour project at the Supervisors' October 15 regular meeting.

Ed Carter confirmed for Vice Chair McKay that the Town of Hillsboro has agreed to make payment for additional police presence necessitated by the proposed detour.

Chairman Weiss informed Ed Carter that he, along with Supervisors Byrd, Catlett, and McKay would be attending the Route 9 informational meeting on Tuesday, October 8, at 6 pm, at the Old Stone School in Hillsboro.

2019-10-15 Action: David Ash briefly summarized reminding that VDOT's Ed Carter provided an update earlier in the meeting.

C. 2020 Legislative Priorities Review

2019-10-07 Summary: Following review, the Board revised the 2020 Legislative Priorities as follows:

- No. 1 add: Transient Occupancy Tax
 - Supporting information provided by the Economic Development Advisory Committee will suffice.
- No. 2 [move from 9]: Land Conversion for Nutrient Credit Program
 - Farm Bureau has taken a position that is reflective of Clarke's on this issue.

- Request supporting data from Alison Teetor prior to October 17.
- No. 3 [move from 2]: Broadband
- No. 4 [move from 5]: Education
- List issues in order of priority.
- Remaining items on the list, bullet only.
- Remove Camp 7 Parcel.

2019-10-15 Action: David Ash reminded that the 2020 Legislative Priorities Meeting and Luncheon were set for Thursday, October 17.

Following brief review, **Supervisor Catlett moved to adopt the FY2020 Legislative Priorities 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

2020 Legislative Priorities Top Priorities for 2020

1. **Transient Occupancy Tax Increase** Pursuant to Code of Virginia Title 58.1. Taxation, Chapter 38. Miscellaneous Taxes, Article 6. Transient Occupancy Tax § 58.1-3819. Transient occupancy tax, Clarke requests it be added to the list of counties that are currently authorized to impose the transient occupancy tax at a maximum rate of five [5] percent.

Revenues from the portion of tax in excess of two percent are required to be used solely for tourism or marketing of tourism. Under current law, any county may impose a transient occupancy tax at a maximum rate of two [2] percent upon the adoption of an ordinance, on hotels, motels, boarding houses, travel campgrounds, and other facilities offering guest rooms. Clarke adopted two [2] percent on April 16, 1996.

Clarke understands that the revenues for the portion of the tax over two [2] percent must be designated and spent solely for tourism, marketing of tourism, or initiatives that attract travelers to the locality and generate tourism revenues in the locality.

2. **Issue: Land** Clarke prefers that credits be available only from within the HUC

Conversion for
Nutrient Credit
Program

unit that credits are needed and not from adjacent HUC units.

Clarke believes that additional research is necessary to determine the unintended consequence of permanent removal of agricultural production on areas identified as important farmland soils by the Natural Resource Conservation Service (NRCS).

The Department of Environmental Quality adopted a post-construction water quality and quantity program requiring everything built after July 1, 2014, be nutrient neutral. Nutrient / phosphorous credits can be purchased and point sources and municipal systems can “true up” on an annual basis and buy term credits. However, to make the “math work” on new development, only permanent credits can be purchased, which cannot be renewed year after year. Rules require that the credits must be purchased within the eight-digit hydrologic unit or an adjacent eight-digit hydrologic unit hub. Clarke is adjacent to five out of seven of the Potomac River hubs; so, developments in those areas can buy nutrient credits in Clarke. The program specifically seeks agricultural property to remove from production and, typically, trees are planted and maintained in perpetuity.

3. Issue: Broadband

Clarke urges the Commonwealth and Federal Government to assist communities in their efforts to deploy universal, affordable access to broadband for all areas, particularly in under-served and rural areas.

Clarke opposes mandates that limit or restrict local use authority for the siting of telecommunications infrastructure or result in a negative fiscal impact to county budgets.

Clarke supports economic development policies and programs that bolster local and regional development efforts by maintaining state funding and granting additional funding and authority to promote local and regional initiatives.

4. Issue: Education

Clarke supports full funding of Virginia’s Standards of Quality as recommended by the Board of Education. The Commonwealth should fund its share of the true cost of K-12 public education without reducing other parts of the budget affecting local government or shifting costs from the Commonwealth to localities.

In addition to meeting its obligations to fund fully instructional staff, Clarke County believes the Commonwealth should meet its obligation to fund fully the support side of K-12. Full restoration

should be make of the cuts made in since 2009 in areas related to support staff funding including the elimination of the funding cap on support positions, reinstatement of the Cost of Competing funds for support staff, etc.

Other Issues of Importance

▲ Issue: Availability / Quantity and Quality of Water Resources

Availability / Quantity: Clarke supports proactive state action in reviewing and establishing regulations and programs to ensure that localities water sources are protected and that water quantity, as well as quality be protected.

Clarke supports the Commonwealth allowing localities to regulate quantity.

Clarke believes that protecting water availability for residents and local businesses should be a priority by ensuring that future large water users are required to demonstrate through scientific research and water availability studies adequate water supply for the proposed use.

Quality: Clarke supports cost effective measures aimed at reducing loadings of pollutants in state waters from both point and non-point sources but urges the Commonwealth to consider the impacts of such measures will have on both local governments and agriculture.

Clarke believes reliable forms of financial and technical assistance will be required to help localities and agriculture meet the Commonwealth's goals with regard to water quality and quantity.

▲ Issue: Composite Index

Appeal Process: Clarke supports legislation that would establish an appeals process for local governments to challenge computation of the Local Composite Index.

Use Value:

Education: Clarke supports legislation to adjust the calculation of the Local Composite Index for public school funding by directing the Department of Education to adjust its funding calculations for the local ability to pay by using the use-value assessment of real property, instead of the true value, in localities that have adopted use value taxation.

Other Programs: In application of the index to fund all other programs, Clarke supports legislation to adjust the calculation of the local Composite Index to base its Real Estate value calculations on use-value instead of true value in localities that have adopted use-value taxation.

▲ Issue: Ethics Rules

Clarke welcomes a review of the Commonwealth's Ethics Rules but believes that the rules that affect local jurisdictions and their Boards, Commissions, Authorities and Committees are strong enough today. Clarke cautions that any increase to the ethics rules affecting localities could prove detrimental to getting people to serve in local government positions.

On the State level, Clarke supports the idea of recording the votes of individual members of the General Assembly at all subcommittee meetings.

▲ Issue: Funding for State Mandated Positions and Jails

Clarke urges the Commonwealth to meet its full funding obligations for Constitutional Officers and their state mandated positions.

In addition, Clarke requests that the state budget be amended to fund local and regional jails based on actual costs as determined by the Annual Jail Cost Report, published by the Compensation Board.

▲ Issue: Land Conservation

Clarke County supports the Purchase of Development Rights program, the Tax Credit program for the donation of easements, the transferability of tax credits.

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

Clarke calls upon the Commonwealth to restructure state income, sales and use taxes to address anachronistic tax policies.

Tax reform is required to help buttress the Commonwealth's General Fund that finances most core government functions and must be stabilized to meet current and foreseeable core service demands. Failure to address this need has resulted in the unfair gradual shifting of costs and the outright reduction in aid to localities to balance the state budget. With each passing year Clarke County has been required to raise real estate taxes in order to incrementally subsidize a variety of traditionally state funded (or state shared) costs (Compensation Board, Registrar, Cooperative Extension, Line of Duty, Social Services, and the court system for example with Medicaid costs under consideration).

This cost shifting places a tremendous burden on a regressive real estate tax system. Cost shifting must stop and the tax system must

be reformed to reduce the burden on the real estate tax. Action must be taken to restore "Aid to Localities".

Clarke opposes permanent tax exemptions; and, if the Commonwealth gives specific tax exemptions for local tax, a sunset clause be included in the agreement.

At a minimum tax reform should meet the following criteria:

- Reduction of local dependence on the real estate tax.
- Address fairness in taxing structures and "level the playing field" to eliminate unequal treatment; for example, ensuring the collection of sales tax from internet sales thereby promoting uniformity and fairness in the tax treatment of businesses selling goods in the Commonwealth.
- Offset any change that reduces or eliminates an existing local funding source by a new or expanded source. Clarke County opposes repeal of the machinery and tools tax or the BPOL tax unless such offset is guaranteed.
- Ensure equal taxing authority to towns, cities and counties. Clarke County's support for equal taxing authority is broad and includes requesting and supporting action by the General Assembly for partial measures such as authorizing the imposition of meals tax and cigarette and tobacco tax without need for referendum.
- Protection of the commonwealth's general fund and preservation for core government functions such as public education, health and human services, public safety, natural resources and environmental services. Transportation maintenance and improvements should be paid by user fees.

Chairman Weiss asked staff to coordinate with Alison Teetor information on the nutrient banking for dissemination at the luncheon.

- D. 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.

2019-10-07 Summary: At 11:33: am, **Supervisor Catlett moved that the Clarke County Board of Supervisors enter Closed Session pursuant to 2.2-3711 A3. 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 approximately 12:05 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

No action was taken following Closed Session.

2019-10-15 Action: No updated given.

10) Finance Board of Supervisors Finance Committee Items for September 9, 2019

1. FY 20 Supplemental Appropriations.

a. *PHI Cares Donation:*

2019-10-07 Summary: See attached [*in minutes, see below*] memo from the Director of Fire/EMS/EM. The Committee recommends the following action: "*Be it resolved that FY 20 budgeted expenditure and appropriation to Fire/EMS/EM be increased \$500, and that a donation from PHI Cares be recognized in the same amount, all for the purpose of providing Air Medical Transport insurance to certain members of volunteer fire companies.*"



County of Clarke, Virginia
Department of Fire, EMS and Emergency Management
Director Brian Lichy



MEMORANDUM

To: Tom Judge, Director JAS
From: Brian Lichy, Director Fire, EMS and Emergency Management
Cc: David Ash, County Administrator
Date: September 18, 2019
RE: Donation Funds Allocation

On September 16th, 2019 we received a donation of \$500 where the donor asked these funds be used specifically for the PHI Cares program (Clarke County). These funds were deposited into the County's General Fund (GIFTS) account via the Treasures office on September 17th, 2019.

I am requesting these funds be used as part of the EMS Miscellaneous Account 10000260-5800. These funds will be allocated to support PHI Cares program. This program provides Air Medical Transport insurance for first responders using the PHI Air Medical Transports. The cost for these memberships have been set as \$30 a year for individual plans and \$35 a year for household plans. Individuals will be responsible for annual membership renewals.

I thank you for your consideration and should you have any further questions please feel free to contact me. Additional documentation referencing deposit is available if needed.

2019-10-15 Action: Tom Judge reviewed the request.

Supervisor Byrd moved to approve the request, “Be it resolved that FY 20 budgeted expenditure and appropriation to Fire/EMS/EM be increased \$500, and that a donation from PHI Cares be recognized in the same amount, all for the purpose of providing Air Medical Transport insurance to certain members of volunteer fire companies.” The motion carried by the following vote:

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

b. SAFER Grant Appropriation:

2019-10-07 Summary: This grant was accepted in September. A portion of the expenditure was included in the original FY2020 budget, so the revenue is greater than the expenditure in the following resolution. Spreadsheet attached. The Committee recommends the following: "Be it resolved that FY2020 budgeted expenditure and appropriation to Fire/EMS/EM be increased \$67,259, and that revenue from the federal government be recognized by \$126,111, all for the purpose of hiring 5 Emergency Medical Technicians."

2019-10-15 Action: Tom Judge briefly reviewed the grant appropriation.

Brian Lichty provided a brief update on the process.

Chairman Weiss opined that while the volunteer system was good it could not provide adequate response without paid staff. He noted that the recently added paid staff at Blue Ridge Volunteer Fire and Rescue was aiding that station to respond to calls on time.

Vice Chair McKay moved to approve "Be it resolved that FY2020 budgeted expenditure and appropriation to Fire/EMS/EM be increased \$67,259, and that revenue from the federal government be recognized by \$126,111, all for the purpose of hiring five [5] Emergency Medical Technicians." The motion carried by the following vote:

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

2. Public Safety Holiday Pay Financial Impact.

2019-10-07 Summary: Discussion of this issue was deferred.

2019-10-15 Action: No action taken.

3. Bills and Claims.

2019-10-07 Summary: The Finance Committee recommends acceptance.

2019-10-15 Action: Following review, **Supervisor Catlett moved to accept the September 2019 Invoice History Report. 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

4. Standing Reports. FYI: Reconciliation of Appropriation, Capital Projects, Fund Balance.
Action: Information only.

2019-10-15 Action: Information only.

11) Joint Administrative Services Board Update

Highlights of review include:

- Cyber security:
 - o County and School IT Directors updated the Board on plans to educate end users.
 - o End users are system weakness requiring education.

- Supervisor Catlett reminded that end-users would also include all Board of Supervisors appointees.
- David Ash added that County IT hoped to have .gov email addresses for all appointees by January 1, 2020.
- A training program is being developed.
- Human Resources [HR]
 - Not as organized or done as well as could be in both the general government and schools.
 - No consensus at this time about the creation of an HR department.
- Next meeting October 28

12) Government Projects Update

David Ash provided the monthly project update.

- Courthouse HVAC: Exchanged information and questions with engineering firm.
- Boundary Line Warren County:
 - Project has slowed down greatly.
 - Assistant County Administrator has asked Clarke to contact the surveyor.
 - Hope to complete by spring 2020.
 - Chairman Weiss instructed the County Administrator to press Warren County for completion by the first of 2020 and to advise Warren that Clarke believes the process should be completed in 2019.
 - David Ash responded that he would relay the Chair's request; however, completion depended on how much time Warren had to allot for this project.

13) Miscellaneous Items

Social Services Comments by Supervisor Byrd

Supervisor Byrd provided the following comments regarding Social Services:

- Last month, she read the Social Services Board request for consideration of relocation to the disused D.G. Cooley Elementary School campus.
- Conducting a safety audit of the 311 East Main Street facility.

Chairman Weiss provided the following comments:

- He needs to speak with Gerald Dodson, Social Services Board Chair, about the request.
- The School Board owns the D.G. Cooley property.
- The Social Services Board may speak with the School Board if it deems necessary.
- If the School Board deems the property surplus, the property will come back to the Supervisors; and, it will be up to the Board of Supervisors to decide its disposition.
- The Supervisors agree that Social Services has a space issue.
- The Supervisors agree that the Virginia Department of Health has space issues at its 100 North Buckmarsh Street facility.
- His personal opinion is that it would be a mistake for the School Board to declare as surplus the upper Cooley campus, because Clarke will grow again and will need a place for students to go.

Vice Chair McKay provided the following comments:

- Shares Chairman Weiss' opinion.
- Conducted walk-throughs with the Director of Social Services at two different buildings neither of which suited.
- Does not understand why, in this day and age, everyone has to be in the same building.
- Social Services building is in need of repair.

Supervisor Byrd responded as follows:

- Everything is growing, and the Social Services building is falling apart.
- The Cooley building belongs to Clarke's taxpayers and is currently under the auspices of the School Board.
- It is her understanding that there is plenty of room for growth at Boyce Elementary and Cooley lower campus.

Chairman Weiss responded that he did not disagree with both Supervisor Byrd's statements; however, his point is that it is not this Board's decision.

Supervisor Byrd concurred.

Chairman Weiss continued that it was the School Boards' decision; and, under Virginia law, being taxpayer owned or not, the School Board is responsible and in charge of those buildings. Until the School Board declares it does not want them, it is not in the Supervisors' purview. The Supervisors can talk to the School Board, and the Board has and will continue to do so. He opined that the public needs to understand that it is not the

Supervisors' responsibility or decision at this time to put Social Services in a building that is not declared surplus.

Supervisor Byrd put forth that it was a shame to mothball something when it could be used for a legitimate use.

Chairman Weiss stated that he would speak to Gerald Dodson, Board of Social Services Chair. He further apologized for not having done so earlier.

14) Summary of Required Action

<u>Item</u>	<u>Description</u>	<u>Responsibility</u>
1.	Process, archive, and post approved minutes.	Lora B. Walburn
2.	Process employment agreement.	Brianna R. Taylor
3.	Coordinate scheduling of meeting on October 29, 2019, on Route 9 Detour Mitigation.	David Ash
4.	Finalize 2020 Legislative Priorities and make available for October 17 meeting.	Lora B. Walburn
5.	Request information on nutrient credits from Alison Teetor for 2020 Legislative Priorities meeting.	David Ash
6.	Set review of radar speed display sign / trailer for Finance Committee.	David Ash
7.	Process and forward VACo Voting Credentials.	Lora B. Walburn

15) Board Member Committee Status Reports

Supervisor Barbara J. Byrd

- Board of Social Services Board: Postponed meeting.
- Clarke County Humane Foundation: Working on various things including new addition.
- Community Policy and Management Team: No update given.
- Conservation Easement Authority: Attended annual dinner at the Ohrstrom's home.
- Northwest Regional Adult Drug Treatment Court Advisory Committee: Has not met.
- Northwestern Regional Jail Authority: Meets next week.
- Northwestern Regional Juvenile Detention Center Commission: Meets next week.

- Town of Berryville: Missed meeting due to scheduling conflict with Route 7 Detour project.

Supervisor Terri T. Catlett

- Career and Technical Education Committee: Meets at 4:30 pm today.
- Historic Preservation Commission: The public hearing on the Battle of Berryville Overlay District conducted on September 30 was well attended.
- Parks and Recreation Advisory Committee:
 - Per Randy Trenary, the Schools made improvements to the football field including a new scoreboard. Community member helped reducing project costs.
 - Pool:
 - Very busy this season.
 - Great summer and hope it had good revenue.
 - Lisa Cooke does a great job.
 - Finding it harder to find part-time staff.
 - Soccer fields:
 - Being put to good use.
 - Exploring addition of a soccer shelter.
 - Funds are being raised.
 - Will need a site plan and stormwater management with specific size and location.
- School Board:
 - Two principals talked about what they are doing for the school environment.
 - In hopes of increasing community involvement, changed back-to-school night to a party with pizza and face painting.
 - Making teachers more aware of students with problems at home to help them recognize and reach out.
 - Evan Robb spoke about what is going on at Johnson Williams Middle School.
 - Will have student representative on the School Board this year. The chosen student is one of the two young ladies that came to talk about the School's cell phone policy.
 - Dorothy Davis came to ask the School Board to work with Josephine School Museum for their continuing education.
- Village of Millwood:

- Community meeting to discuss village plan set for 1 pm, Saturday, October 19.
- Invited Ed Carter, VDOT, to attend.
- VACo: Voting on 2019 VACo Voting Credentials needs to be added to the Board's evening agenda.

Supervisor Mary L.C. Daniel

- Planning Commission:
 - Attended meeting.
 - Zoning and Subdivision Ordinance Update is a huge project and joint review meetings are scheduled.
 - Monopole referred to the November meeting. Applicant did not get zoning as requested from the zoning board.
 - A motion was advanced for a three-page document basically regarding an economic development strategic plan that came up at the meeting this month that was unanimously voted not to do, which in effect it was to keep that plan as part of the comprehensive plan review.
- Broadband Implementation Committee: Broadband grant acceptance set for public hearing this evening.
- Sheriff's Department: Dealing with Workers Comp issues.
- Library: Did not meet this month. Main branch will close in January and February 2020 for HVAC overhaul.
- Josephine School Museum:
 - Working on parking issues.
 - Alison Teetor conducted walk around with representatives from the apartment complex and the museum.
 - Considering a storage building for acquisitions.
 - Chairman Weiss asked staff to follow up with Alison Teetor and Bob Mitchell for a status update.
- Coalition of High Growth Communities: No activity

Vice Chair Bev B. McKay

- Board of Well and Septic Appeals: No update given.
- Broadband Implementation Committee: Broadband grant set for public hearing this evening.
- Economic Development Advisory Committee: Minutes in packet.
- Joint Building Committee: Meets next month.
- Sanitary Authority: Attended today; leak drained system.
- Town of Boyce: No update given.
- White Post: No update given.
- Northern Shenandoah Valley Regional Commission: No update given.

Chairman David S. Weiss

- Fire & EMS Commission:
 - Reviewing strategic plan.
 - Should bring recommendations to the Supervisors after the first of the year.
- Industrial Development Authority: Meets next week
- Joint Administrative Services Board: Tom Judge provided update earlier in the meeting.
- MOU Committee:
 - Need to arrange a meeting date and time with Town of Berryville members.
 - Town Council would like to add a second person; therefore, the Supervisors should also add an additional member. Will wait until after the election.

At 3:01 pm, Chairman Weiss recessed the meeting.

At 6:34 pm, Chairman Weiss reconvened the meeting.

Adoption of Agenda

Supervisor Daniel moved to add to Miscellaneous for the evening session agenda 2019 VACo Conference Voting Credentials. The motion was approved by the following vote:

Barbara J. Byrd - Aye

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

2019 VACo Conference Voting Credentials

Supervisor Daniel moved to assign Supervisor Terri T. Catlett as Clarke County's as Clarke County's voting delegate to the 2019 VACo Conference and Supervisor Barbara J. Byrd as the alternate. The motion carried by the following vote:

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

VACo 2019 Annual Meeting
Voting Credentials Form

Form may be returned by mail, fax (804-788-0083) or email vrussell@vaco.org

Voting Delegate:
(Supervisor)

Name Terri T. Catlett

Title Supervisor Millwood / Pine Grove Districts

Locality Clarke County, Virginia

Alternate Delegate:
(Supervisor)

Name Barbara J. Byrd

Title Supervisor Russell District

Locality Clarke County, Virginia

Certified by:
(Clerk of the Board)

Name David L. Ash

Title County Administrator

Locality Clarke County, Virginia

VACo 2019 Annual Meeting
Proxy Statement

_____ County authorizes the following person to cast its vote at the 2019 Annual Meeting of the Virginia Association of Counties on November 12, 2019.

_____, a non-elected official of this county.

-OR-

_____ a supervisor from _____ County.

This authorization is:

Uninstructed. The proxy may use his/her discretion to cast _____ County's votes on any issue to come before the annual meeting.

Instructed. The proxy is limited in how he/she may cast _____ County's votes. The issues on which he/she may cast those votes and how he/she should vote are:
(List issues and instructions on the back of this form)

Certified by: Name _____

Title _____

Locality _____

16) Citizens Comment Period

No citizens appeared to address the Board.

17) PH 19-10: Broadband Grant FY2020 Supplemental Appropriation

"Be it resolved that the FY2020 General Government Capital Projects Fund expenditure and appropriations be increased \$209,513, and that revenue from the Commonwealth's Virginia Telecommunications Initiative (VATI) be increased in the same amount, all for the purpose of providing high speed internet to White Post."

Tom Judge provided an overview of the telecommunications initiative providing \$209,513 in grant funding for broadband in White Post. He advised that the state had not yet released the funds.

At 6:36 pm, Vice Chair McKay joined the meeting.

At 6:39 pm, Chairman Weiss opened the floor for Board comments. Receiving no comments, at 6:40 pm, Chairman Weiss opened the public hearing for public comment. Being no persons present desiring to speak, he closed the public comment portion of the public hearing.

Vice Chair McKay moved to accept the broadband grant, *"Be it resolved that the FY2020 General Government Capital Projects Fund expenditure and appropriations be increased \$209,513, and that revenue from the Commonwealth's Virginia Telecommunications Initiative (VATI) be increased in the same amount, all for the purpose of providing high speed internet to White Post."* The motion was approved by the following vote:

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

18) Adjournment

At 6:42 pm, Chairman Weiss adjourned the meeting.

Next Regular Meeting Date

The next regular meeting of the Board of Supervisors is set for Tuesday, November 19, 2019, at 1:00 p.m. in the Berryville Clarke County Government Center, Main Meeting Room, 101 Chalmers Court, Berryville, Virginia.

ATTEST: October 15, 2019

David S. Weiss, Chair

David L. Ash, County
Administrator

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