

November 19, 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, 2<sup>nd</sup> Floor, Berryville, Virginia conducted on Tuesday, November 19, 2019.

#### Board Members

Present Afternoon 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 Session: None

#### County Staff Present

Tom Judge, Cathy Kuehner, Brian Lichty, Brandon Stidham, Brianna Taylor, Alison Teetor

#### Constitutional / State Offices / Other Agencies

Barbara Bosserman, Ed Carter, Corey Hayton, Tony Roper

#### Press

Mickey Powell – The Winchester Star

#### Others Present

Doug Lawrence, Chuck Bishop, Robert Mitchell, Jeff Hinson, Robina Rich Bouffault, Michelle Worthing, Devon and Paul Waldo, John U. Miller, Frazer Watkins

#### 1) Call to Order

Chairman Weiss called the afternoon session to order at 1:00 pm.

2) Adoption of Agenda

- ✓ Add Closed Session Pursuant to 2.2-3711 A1

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 1:01 pm, Supervisor Byrd 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

County Attorney, Robert Mitchell, joined the Board in Closed Session.

At 1:28 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

Following Closed Session, Supervisor Daniel moved to adopt the following resolution:

Whereas, the County and Len Capelli entered into an Economic Development Services Contract dated October 1, 2018; and

Whereas, Section 12 of the Contract provides that the Contract may be terminated by either party by written notice ninety days in advance of the desired date of termination; and

Whereas, the Board desires to terminate the Contract and to hereby provide notice of the termination.

Now, Therefore, the Board gives Len Capelli ninety days' notice of termination of the Economic Development Services Contract, and hereby directs the County Administrator to provide such notice to Len Capelli in writing, such termination to be effective ninety days of the date of such written notice.

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 Mr. Capelli for his services and wished him well in future endeavors.

4) Consent Agenda

Resolution of Appreciation for John U. Miller, Jr. 2019-11R

**RESOLUTION OF APPRECIATION  
JOHN U. MILLER JR.**

**WHEREAS**, in 1939 John U. Miller Sr. bought 26 acres along the Shenandoah River where he grew watermelons, and eventually bought 300 more acres; and

**WHEREAS**, in 1942 John and his wife Rose hosted the first Watermelon Festival, which immediately became an annual event with picnics, games, music, and fiddling contests; and

**WHEREAS**, early festival performers such as the Carter Family and Ralph Stanley attracted larger crowds every year, and by the 1950s the Miller Fruit Stand opened on Va. 7; and

**WHEREAS**, John Miller Sr. collaborated with a music promoter to present "Bluegrass Day" at Watermelon Park on Aug. 10, 1960, an event considered by music historians to be the first-ever, all-day concert dedicated to American roots music; and

**WHEREAS**, "Bluegrass Day" evolved over the years into bigger and longer festivals with huge crowds and nationally known performers such as Bill Monroe, the Osborne Brothers, Ernest Tubb, Lester Flatt, Earl Scruggs, Del McCoury, Johnny Cash, Dolly Parton, George Jones, and Merle Haggard; and

**WHEREAS**, John U. Miller Jr. began selling watermelons from a wagon at age 6 and later made Watermelon Park and its music festivals his life's work; and

**WHEREAS**, John, his son Johnny, grandsons Buck and Jason, great-granddaughter Cori, and other family members have preserved Watermelon Park, known worldwide for its significant role in the history of Americana, bluegrass, and country music;

**NOW, THEREFORE BE IT RESOLVED**, the Clarke County Board of Supervisors does hereby issue this resolution of appreciation to John U. Miller Jr. as his Watermelon Park celebrates almost eight decades as a Clarke County landmark.

IN WITNESS THEREOF, I have set my hand and caused the seal of the County of Clarke, Virginia, to be affixed this resolution on the 19th day of November 2019.

Attest:

David Weiss, Chair  
2019-11R

Abstract of Votes 2019

**ABSTRACT of VOTES**

Cast in CLARKE COUNTY, VIRGINIA  
at the 2019 November General Election held on November 05, 2019 for,

**Member Senate of Virginia**

District: 027

<i>NAMES OF CANDIDATES ON THE BALLOT</i>	<i>TOTAL VOTES RECEIVED (IN FIGURES)</i>
Jill H. Vogel - Republican	3207
Ronnie J. Ross III - Democratic	2128
Total Write-In votes [From Write-Ins Certifications] [Valid Write-Ins + Invalid Write_ins = Total Write In Votes]	3
Total Number of Overvotes for Office	1

We, the undersigned Electoral Board, upon examination of the official records deposited with the Clerk of the Circuit Court of the election held on November 05, 2019, do hereby certify that the above is a true and correct Abstract of Votes cast at said election for the Member Senate of Virginia.

Cast in CLARKE COUNTY, VIRGINIA  
at the 2019 November General Election held on November 05, 2019 for,

**Member House of Delegates**

District: 010

<i>NAMES OF CANDIDATES ON THE BALLOT</i>	<i>TOTAL VOTES RECEIVED (IN FIGURES)</i>
J. Randall "Randy" Minchew - Republican	1033
Wendy W. Gooditis - Democratic	740
Total Write-In votes [From Write-Ins Certifications] [Valid Write-Ins + Invalid Write_ins = Total Write In Votes]	0
Total Number of Overvotes for Office	0

We, the undersigned Electoral Board, upon examination of the official records deposited with the Clerk of the Circuit Court of the election held on November 05, 2019, do hereby certify that the above is a true and correct Abstract of Votes cast at said election for the Member House of Delegates.

Cast in CLARKE COUNTY, VIRGINIA  
at the 2019 November General Election held on November 05, 2019 for,

**Member House of Delegates**

District: 033

NAMES OF CANDIDATES ON THE BALLOT	TOTAL VOTES RECEIVED (IN FIGURES)
Dave A. LaRock - Republican	2082
Mavis B. Taintor - Democratic	1483
Total Write-In votes [From Write-Ins Certifications] [Valid Write-Ins + Invalid Write_ins = Total Write In Votes]	3
Total Number of Overvotes for Office	0

We, the undersigned Electoral Board, upon examination of the official records deposited with the Clerk of the Circuit Court of the election held on November 05, 2019, do hereby certify that the above is a true and correct Abstract of Votes cast at said election for the Member House of Delegates.

Cast in CLARKE COUNTY, VIRGINIA  
at the 2019 November General Election held on November 05, 2019 for,

**Commonwealth's Attorney**

NAMES OF CANDIDATES ON THE BALLOT	TOTAL VOTES RECEIVED (IN FIGURES)
Anno M. Williams	4582
Total Write-In votes [From Write-Ins Certifications] [Valid Write-Ins + Invalid Write_ins = Total Write In Votes]	40
Total Number of Overvotes for Office	0

We, the undersigned Electoral Board, upon examination of the official records deposited with the Clerk of the Circuit Court of the election held on November 05, 2019, do hereby certify that the above is a true and correct Abstract of Votes at the said election and do, therefore, determine and declare that the following person(s) has received the greatest number of votes cast for the Commonwealth's Attorney.

**Anne M. Williams**

Cast in CLARKE COUNTY, VIRGINIA  
at the 2019 November General Election held on November 05, 2019 for,

**Sheriff**

NAMES OF CANDIDATES ON THE BALLOT	TOTAL VOTES RECEIVED (IN FIGURES)
Anthony W. "Tony" Roper	4780
Total Write-In votes [From Write-Ins Certifications] [Valid Write-Ins + Invalid Write_ins = Total Write In Votes]	44
Total Number of Overvotes for Office	0

We, the undersigned Electoral Board, upon examination of the official records deposited with the Clerk of the Circuit Court of the election held on November 05, 2019, do hereby certify that the above is a true and correct Abstract of Votes at the said election and do, therefore, determine and declare that the following person(s) has received the greatest number of votes cast for the Sheriff.

**Anthony W. "Tony" Roper**

Cast in CLARKE COUNTY, VIRGINIA  
at the 2019 November General Election held on November 05, 2019 for,

**Commissioner of Revenue**

NAMES OF CANDIDATES ON THE BALLOT	TOTAL VOTES RECEIVED (IN FIGURES)
Donna Mathews Peake	4051
Total Write-In votes [From Write-Ins Certifications] [Valid Write-Ins + Invalid Write_ins = Total Write In Votes]	27
Total Number of Overvotes for Office	0

We, the undersigned Electoral Board, upon examination of the official records deposited with the Clerk of the Circuit Court of the election held on November 05, 2019, do hereby certify that the above is a true and correct Abstract of Votes at the said election and do, therefore, determine and declare that the following person(s) has received the greatest number of votes cast for the Commissioner of Revenue.

**Donna Mathews Peake**

Cast in CLARKE COUNTY, VIRGINIA  
at the 2019 November General Election held on November 05, 2019 for,

**Treasurer**

NAMES OF CANDIDATES ON THE BALLOT	TOTAL VOTES RECEIVED (IN FIGURES)
Sharon E. Keeler	4057
Total Write-In votes [From Write-Ins Certifications] [Valid Write-Ins + Invalid Write_ins = Total Write In Votes]	33
Total Number of Overvotes for Office	1

We, the undersigned Electoral Board, upon examination of the official records deposited with the Clerk of the Circuit Court of the election held on November 05, 2019, do hereby certify that the above is a true and correct Abstract of Votes at the said election and do, therefore, determine and declare that the following person(s) has received the greatest number of votes cast for the Treasurer.

**Sharon E. Keeler**

Cast in CLARKE COUNTY, VIRGINIA  
at the 2019 November General Election held on November 05, 2019 for,

**Member Board of Supervisors**

District: BERRYVILLE DISTRICT

NAMES OF CANDIDATES ON THE BALLOT	TOTAL VOTES RECEIVED (IN FIGURES)
Mary Costello Daniel	756
Total Write-In votes [From Write-Ins Certifications] [Valid Write-Ins + Invalid Write_ins = Total Write In Votes]	16
Total Number of Overvotes for Office	0

We, the undersigned Electoral Board, upon examination of the official records deposited with the Clerk of the Circuit Court of the election held on November 05, 2019, do hereby certify that the above is a true and correct Abstract of Votes at the said election and do, therefore, determine and declare that the following person(s) has received the greatest number of votes cast for the Member Board of Supervisors.

**Mary Costello Daniel**

Cast in CLARKE COUNTY, VIRGINIA  
at the 2019 November General Election held on November 05, 2019 for,

**Member Board of Supervisors**

District: BUCKMARSH DISTRICT

NAMES OF CANDIDATES ON THE BALLOT	TOTAL VOTES RECEIVED (IN FIGURES)
David S. Weiss	812
Total Write-In votes [From Write-Ins Certifications] [Valid Write-Ins + Invalid Write_ins = Total Write In Votes]	13
Total Number of Overvotes for Office	0

We, the undersigned Electoral Board, upon examination of the official records deposited with the Clerk of the Circuit Court of the election held on November 05, 2019, do hereby certify that the above is a true and correct Abstract of Votes at the said election and do, therefore, determine and declare that the following person(s) has received the greatest number of votes cast for the Member Board of Supervisors.

**David S. Weiss**

Cast in CLARKE COUNTY, VIRGINIA  
at the 2019 November General Election held on November 05, 2019 for,

**Member Board of Supervisors**

District: MILLWOOD DISTRICT

NAMES OF CANDIDATES ON THE BALLOT	TOTAL VOTES RECEIVED (IN FIGURES)
Terri Trimble Catlett	963
Total Write-In votes [From Write-Ins Certifications] [Valid Write-Ins + Invalid Write_ins = Total Write In Votes]	9
Total Number of Overvotes for Office	0

We, the undersigned Electoral Board, upon examination of the official records deposited with the Clerk of the Circuit Court of the election held on November 05, 2019, do hereby certify that the above is a true and correct Abstract of Votes at the said election and do, therefore, determine and declare that the following person(s) has received the greatest number of votes cast for the Member Board of Supervisors.

**Terri Trimble Catlett**

Cast in CLARKE COUNTY, VIRGINIA  
at the 2019 November General Election held on November 05, 2019 for,

**Member Board of Supervisors**

District: RUSSELL DISTRICT

NAMES OF CANDIDATES ON THE BALLOT	TOTAL VOTES RECEIVED (IN FIGURES)
Douglas M. Lawrence	582
William A. "Bill" Houck, Jr.	566
Total Write-In votes [From Write-Ins Certifications] [Valid Write-Ins + Invalid Write_ins = Total Write In Votes]	4
Total Number of Overvotes for Office	0

We, the undersigned Electoral Board, upon examination of the official records deposited with the Clerk of the Circuit Court of the election held on November 05, 2019, do hereby certify that the above is a true and correct Abstract of Votes at the said election and do, therefore, determine and declare that the following person(s) has received the greatest number of votes cast for the Member Board of Supervisors.

**Douglas M. Lawrence**



Cast in CLARKE COUNTY, VIRGINIA  
at the 2019 November General Election held on November 05, 2019 for,

**Member Board of Supervisors**

District: WHITE POST DISTRICT

NAMES OF CANDIDATES ON THE BALLOT	TOTAL VOTES RECEIVED (IN FIGURES)
Dev B. McKay, Jr.	930
Total Write-In votes [From Write-Ins Certifications] [Valid Write-Ins + Invalid Write_ins = Total Write In Votes]	14
Total Number of Overvotes for Office	0

We, the undersigned Electoral Board, upon examination of the official records deposited with the Clerk of the Circuit Court of the election held on November 05, 2019, do hereby certify that the above is a true and correct Abstract of Votes at the said election and do, therefore, determine and declare that the following person(s) has received the greatest number of votes cast for the Member Board of Supervisors.

**Dev B. McKay, Jr.**

Cast in CLARKE COUNTY, VIRGINIA  
at the 2019 November General Election held on November 05, 2019 for,

**Member School Board**

District: BERRYVILLE DISTRICT

NAMES OF CANDIDATES ON THE BALLOT	TOTAL VOTES RECEIVED (IN FIGURES)
Katherine F. Kerr-Hobert	768
Total Write-In votes [From Write-Ins Certifications] [Valid Write-Ins + Invalid Write_ins = Total Write In Votes]	15
Total Number of Overvotes for Office	0

We, the undersigned Electoral Board, upon examination of the official records deposited with the Clerk of the Circuit Court of the election held on November 05, 2019, do hereby certify that the above is a true and correct Abstract of Votes at the said election and do, therefore, determine and declare that the following person(s) has received the greatest number of votes cast for the Member School Board.

**Katherine F. Kerr-Hobert**

Cast in CLARKE COUNTY, VIRGINIA  
at the 2019 November General Election held on November 05, 2019 for,

**Member School Board**

District: BUCKMARSH DISTRICT

NAMES OF CANDIDATES ON THE BALLOT	TOTAL VOTES RECEIVED (IN FIGURES)
Monica H. Singh-Smith	795
Total Write-In votes [From Write-Ins Certifications] [Valid Write-Ins + Invalid Write_ins = Total Write In Votes]	9
Total Number of Overvotes for Office	0

We, the undersigned Electoral Board, upon examination of the official records deposited with the Clerk of the Circuit Court of the election held on November 05, 2019, do hereby certify that the above is a true and correct Abstract of Votes at the said election and do, therefore, determine and declare that the following person(s) has received the greatest number of votes cast for the Member School Board.

**Monica H. Singh-Smith**

Cast in CLARKE COUNTY, VIRGINIA  
at the 2019 November General Election held on November 05, 2019 for.

**Member School Board**

District: MILLWOOD DISTRICT

NAMES OF CANDIDATES ON THE BALLOT	TOTAL VOTES RECEIVED (IN FIGURES)
Jonathan M. Turkel	919
Total Write-In votes [From Write-Ins Certifications] [Valid Write-Ins + Invalid Write_ins = Total Write In Votes]	9
Total Number of Overvotes for Office	0

We, the undersigned Electoral Board, upon examination of the official records deposited with the Clerk of the Circuit Court of the election held on November 05, 2019, do hereby certify that the above is a true and correct Abstract of Votes at the said election and do, therefore, determine and declare that the following person(s) has received the greatest number of votes cast for the Member School Board.

**Jonathan M. Turkel**

Cast in CLARKE COUNTY, VIRGINIA  
at the 2019 November General Election held on November 05, 2019 for,

**Member School Board**

District: RUSSELL DISTRICT

NAMES OF CANDIDATES ON THE BALLOT	TOTAL VOTES RECEIVED (IN FIGURES)
Zara L. Ryan	950
Total Write-In votes [From Write-Ins Certifications] [Valid Write-Ins + Invalid Write_ins = Total Write In Votes]	8
Total Number of Overvotes for Office	0

We, the undersigned Electoral Board, upon examination of the official records deposited with the Clerk of the Circuit Court of the election held on November 05, 2019, do hereby certify that the above is a true and correct Abstract of Votes at the said election and do, therefore, determine and declare that the following person(s) has received the greatest number of votes cast for the Member School Board.

**Zara L. Ryan**

Cast in CLARKE COUNTY, VIRGINIA  
at the 2019 November General Election held on November 05, 2019 for,

**Member School Board**

District: WHITE POST DISTRICT

NAMES OF CANDIDATES ON THE BALLOT	TOTAL VOTES RECEIVED (IN FIGURES)
Charles H. "Chip" Schutte	943
Total Write-In votes [From Write-Ins Certifications] [Valid Write-Ins + Invalid Write_ins = Total Write In Votes]	8
Total Number of Overvotes for Office	0

We, the undersigned Electoral Board, upon examination of the official records deposited with the Clerk of the Circuit Court of the election held on November 05, 2019, do hereby certify that the above is a true and correct Abstract of Votes at the said election and do, therefore, determine and declare that the following person(s) has received the greatest number of votes cast for the Member School Board.

**Charles H. "Chip" Schutte**

Cast in CLARKE COUNTY, VIRGINIA  
at the 2019 November General Election held on November 05, 2019 for,

**Soil and Water Conservation Director Lord Fairfax District**

NAMES OF CANDIDATES ON THE BALLOT	TOTAL VOTES RECEIVED (IN FIGURES)
Justin Mackay-Smith	3321
Wayne E. Webb	3100
Total Write-In votes [From Write-Ins Certifications] [Valid Write-Ins + Invalid Write_ins = Total Write In Votes]	53
Total Number of Overvotes for Office	0

We, the undersigned Electoral Board, upon examination of the official records deposited with the Clerk of the Circuit Court of the election held on November 05, 2019, do hereby certify that the above is a true and correct Abstract of Votes at the said election and do, therefore, determine and declare that the following person(s) has received the greatest number of votes cast for the Soil and Water Conservation Director Lord Fairfax District.

1. Justin Mackay-Smith

2. Wayne E. Webb

Cast in the Town of BOYCE in CLARKE COUNTY, VIRGINIA  
at the 2019 November General Election held on November 05, 2019 for.

**Mayor**

District: BOYCE

NAMES OF CANDIDATES ON THE BALLOT	TOTAL VOTES RECEIVED (IN FIGURES)
Richard D. Kibler	114
Steve F. Holt	80
Franklin S. Roberts	50
Total Write-In votes [From Write-Ins Certifications] [Valid Write-Ins + Invalid Write_ins = Total Write In Votes]	0
Total Number of Overvotes for Office	0

We, the undersigned Electoral Board, upon examination of the official records deposited with the Clerk of the Circuit Court of the election held on November 05, 2019, do hereby certify that the above is a true and correct Abstract of Votes at the said election and do, therefore, determine and declare that the following person(s) has received the greatest number of votes cast for the Mayor .

Richard D. Kibler

Cast in the Town of BOYCE in CLARKE COUNTY, VIRGINIA  
at the 2019 November General Election held on November 05, 2019 for,

**Member Town Council**

District: BOYCE

NAMES OF CANDIDATES ON THE BALLOT	TOTAL VOTES RECEIVED (IN FIGURES)
Zack B. Hudson	202
Floyd O. Hudson	71
Total Write-In votes [From Write-Ins Certifications] [Valid Write-Ins + Invalid Write_Ins = Total Write In Votes]	23
Total Number of Overvotes for Office	0

We, the undersigned Electoral Board, upon examination of the official records deposited with the Clerk of the Circuit Court of the election held on November 05, 2019, do hereby certify that the above is a true and correct Abstract of Votes at the said election and do, therefore, determine and declare that the following person(s) has received the greatest number of votes cast for the Member Town Council.

1. Zack B. Hudson
2. Floyd O. Hudson



\* VIRGINIA \*  
**DEPARTMENT of ELECTIONS**

**WRITE-INS CERTIFICATION**  
VA. CODE § 24.2-675

Complete this form **ONLY** if (i) the total number of write-ins is **10%** or more of the total number of votes cast for the office (for a cross-jurisdictional office, the total number across all jurisdictions), **OR** (ii) a write-in candidate was elected to the office.

Clarke County <small>Locality</small>	11/05/19 <small>Election Date (MM/DD/YY)</small>	General <small>Election Type(s)</small>
Member Town Council <small>Office</small>	Town of Boyce <small>District (if applicable)</small>	Page 1 of 2

**WRITE-INS – SUMMARY**

	Total Votes Received (In Figures)
1. Invalid Write-Ins .....	12
<small>Enter Total Invalid</small>	
2. Valid Write-Ins .....	82
<small>Enter Total Valid</small>	
3. Total Write-Ins .....	94
<small>["Total Write-Ins" must match the "Total Write-In Votes" line on the Abstract for this office.]</small>	<small>Add Lines 1 and 2</small>

**VALID WRITE-INS – DETAIL**

List **valid** write-ins in alphabetical order below and on continuation pages, as needed. All **valid** write-ins when added together must equal total entered on line 2 above.

	Total Valid Votes Received (In Figures)
Burbank, Trisha L .....	1
Davidson, Danny K. Jr .....	2
Holden, Rose .....	1

Continued on pages 2 through \_\_\_\_\_



★ VIRGINIA ★  
DEPARTMENT of ELECTIONS

WRITE-INS CERTIFICAT  
CONTINUATION  
VA. CODE § 24.2-675

Clarke County <small>Locality</small>	11/05/19 <small>Election Date (MM/DD/YY)</small>	<b>General</b> <small>Election Type(s)</small>
Member Town Council <small>Office</small>	Town of Boyce <small>District (if applicable)</small>	Page <u>2</u> of <u>   </u>

**VALID WRITE-INS – DETAIL** (continued)

Continue to list **valid** write-ins in alphabetical order below and on additional continuation pages, as needed. All **valid** write-ins when added together must equal total entered on line 2 of page 1.

**Total Valid Votes  
Received  
(In Figures)**

Hudson, Floyd	71
Jenkins, Ben	1
Knight, Daniel B.	1
McKay, Jay Kent	1
O’Keefe, Sean	1
Reid, Thurman D.	1
Rosenberry, Jeff	1
Woerl, Joel	1

Conservation Easement Authority Requests the Board of Supervisors Approve the Easement Donation of the Rolling Ridge Foundation

MEMORANDUM

TO: Board of Supervisors  
 FROM: Alison Teetor  
 DATE: November 4, 2019  
 SUBJECT: Application for easement donation – Rolling Ridge Foundation

The Rolling Ridge Foundation has applied to the easement authority for approval of an easement donation. The property is located on the north end of the Cool Spring Battlefield on the Shenandoah River. The property is identified by Tax Map# 17-A-2A. It consists of 22.97 acres with 2 DURs. The applicant proposes to retire the remaining DURs.

The parcel is zoned FOC and is not currently in use value taxation, but is eligible, in accord with the Commissioner of Revenue's requirements, then a donation may be considered if it meets at three of the four following criteria:

- 1) the parcel's Property Resource Score is at least 35;
- 2) at least one dwelling unit right is extinguished by the conservation easement;
- 3) it is adjacent to another easement;
- 4) the parcel offers protection of a locally significant natural or historic feature, as determined by the Easement Authority.

The property meets 3 of the 4 criteria. The property resource score is 58.9. The applicant is retiring 2 DURs. It next to an existing easement (Cool Spring) and it is less than 40 acres. Points were given for retiring 2 DURs, having frontage on the Shenandoah River, being adjacent to an existing easement, having a perennial stream, and steep slopes. The easement authority gave preliminary approval at its September meeting and will give final approval on November 21<sup>st</sup>.

Recommendation

Approve the easement donation of the Rolling Ridge Foundation.

Resolution of the Clarke County Board of Supervisors Recognizing People Incorporated of Virginia for 55 Years in Service to the Community 2019-12R

Resolution of the Clarke County Board of Supervisors Recognizing People Incorporated of Virginia for 55 Years in Service to the Community  
2019-12R

WHEREAS, People Incorporated of Virginia was founded on August 4, 1964;

WHEREAS, People Incorporated, a private non-profit Community Action Partnership has dedicated fifty-five years to innovative and compassionate service to the citizens and communities of Virginia;

WHEREAS, People Incorporated is the designated Community Action Agency of the Clarke County Board of Supervisors;

WHEREAS, People Incorporated is widely regarded as one of the most innovative and successful Community Action Partnerships in the nation, last year providing human development and community development services to 7,720 individuals and 4,478 families across the Commonwealth;

WHEREAS, People Incorporated's founders recognized that people, no matter their circumstances, have hopes and dreams for themselves, their families, and their communities;

WHEREAS, the Board of Directors and staff of People Incorporated remain true to this core principle and demonstrate excellence in providing opportunities for economically disadvantaged people to reach their goals to enhance their lives, their families and their communities;

WHEREAS, the Clarke County Board of Supervisors cares about all of the citizens of Clarke County, including economically disadvantaged people;

NOW THEREFORE, BE IT RESOLVED that the Clarke County Board of Supervisors hereby commends People Incorporated on the occasion of its 55th anniversary; and,

BE IT FURTHER RESOLVED that a copy of this resolution be prepared for presentation to Robert G. Goldsmith, President and CEO of People Incorporated, as an expression of the recognition and admiration of People Incorporated's tireless work on behalf of the citizens and communities of the Commonwealth of Virginia.

ADOPTED this 19th day of November, 2019, by the Board of Supervisors, County of Clarke, Virginia.

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David S. Weiss, Chair Board of Supervisors  
County of Clarke, Virginia

**Supervisor Byrd moved to adopt 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

Mr. Miller expressed his deep appreciation on behalf of his family, particularly his father for whom he has kept the campground going.

Mr. Goldsmith, CEO People Incorporated, stated that it was an honor to receive this recognition from the Board. He expressed his appreciation for the Supervisors' noting that having such a wonderful partner made everything easier.

5) Citizens Comment Period

No persons appeared to address the Board.

6) VDOT

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

Maintenance:

- Began fence to fence mowing on the primaries.
- Routes 340 and 50 are complete.
- VDOT plans to complete this month, weather permitting.
- Performed pothole patching on primary and secondary routes and will continue this month. Repaired shoulders at various locations.
- This month VDOT will be concentrating on primary routes.
- Conducted grading operations and stone application on non-hard surfaced roads and will continue this month.
- VDOT will begin brush-cutting operations this month.

Rural Rustics:

- Rt. 621, Locks Mill Road: Is completed

Board Issues:

- Appalachian Trail Head Rt. 605: No change
- Rt. 9 Hillsboro Project:
  - All mitigation's for Clarke County have been approved.
  - Project was bid, and low bid is currently being vetted.
- Speed Study Rt. 612:
  - Study is currently underway, and report is due on the 22nd of November.
  - Residents conducted a protest last weekend.
  - Depending on study results, the speed limit might possibly be reduced.
- Johnson Grass 2019: VDOT will be spraying 87.19 shoulder miles on Route 255, Route 340, Route 7 Business, Route 50, and Route 17.

Supervisor McKay:

- Morgan Ford Bridge: VDOT advised that the contractor was making good progress noting that the contractor will receive an incentive if complete by December 1.



Supervisor Byrd:

- Speed Recording Device:
  - Chairman Weiss:
    - BoS Finance will review at its December meeting.
    - BoS Finance will evaluate and bring recommendation to the full Board.
  - Supervisor Byrd opined that there would be purchase and maintenance costs associated with a speed-recording device; however, it will be less costly than keeping law enforcement on the road all hours of the day.
- Old Charles Town Road Low-water Bridge:
  - VDOT stated that electronic sensors were a possibility; however, it is VDOT's intent to install iron gates this fiscal year before July 1, 2020.
  - VDOT will give gate keys to the Sheriff's Office and Fire and Rescue.
  - VDOT will monitor during high-water events and close as appropriate.

Supervisor Catlett:

- Old Winchester Road: Thanked VDOT for bridge completion noting that it opened one day early.
- Millwood: Thanked VDOT for monitoring traffic.
- Route 723 Bridge in Millwood: VDOT advised that bridge maintenance is complete.
- Trail Head Route 605: No change in status. VDOT suggested asking the Park Service for status update. Chairman Weiss suggested contacting Representative Wexton and Senators Kaine and Warner.

Supervisor Daniel:

- Crash Cushion: The scorpion-design is new for crash cushions used to protect workers.
- West Bypass 7 between Enders and Trapp Hill Road: Light not sensing vehicles and not changing as it should.

Chairman Weiss:

- Castleman Road: Severe potholes right before Shepherd's Mill where the road turns from dirt to asphalt.

7) People Inc. Annual Update by Robert Goldsmith, President and CEO

Robert Goldsmith, President and CEO People Inc., appeared before the Board to provide the annual report. Highlights include:

- Distributed People Inc.'s five-year strategic plan.
  - People Inc. Board conducted two week-end long retreats to formulate.
  - Good plan to address needs, increase advocacy, community involvement, etc.
  - Board identified early childhood education and affordable housing as its' two top priorities for advocacy work.
  - Mr. Goldsmith will transition out during this five-year plan, and there is planning within the strategic plan for the CEO transition.
- Annual report is for the period ending June 30, 2018.
  - Numbers are consistent with those referenced in the Supervisors' resolution.
  - Served over 7,700 persons throughout the year.
  - Budget of approximately \$18.5 million.
  - Provided a range of services in Clarke:
    - Budget and financial counseling:
      - Believe that budget counseling is the best thing it does to help individuals control personal finances, develop a budget, and afford to make loan payments.
      - Offer personal loans developed as an alternative to the car title lending industry.
      - Loans are prime plus 5%.
      - Program is for persons unable to borrow from a lending institution.
    - Small business:
      - Provide one-on-one technical assistance to help individuals work through a business plan.
      - Offer loans where a plan is present for what seems like a viable business opportunity.
    - Provide counseling for first-time home buyers:
      - Do not provide long-term financing for home ownership.
      - Provide assistance in completing mortgage application.
      - Virginia just restarted an initiative called the Individual Development Account Program, a matched-savings program limited to persons that want to save for a down payment to become a first-time homebuyer.
      - With this program, People Inc. will be able to match savings.

- Submitted an application to be designated as the Clarke County Head Start Program operator.
  - Organization that previously coordinated went out of business about a year ago.
  - Currently, there is no permanent grantee in Frederick and Clarke Counties or the City of Winchester. The federal government brought in an interim grantee for the last year to manage the program.
  - Federal government issued a request for proposals about two months ago for services in Frederick and Clarke Counties and the City of Winchester.
  - Head Start is a key program that will give People Inc. a group of clients with which it will be in long-term regular contact that is seen as a good way to build up other services.
  - People Inc. has been doing Head Start since 1965.
  - Currently, People Inc. is involved in the Head Start Program in southwest Virginia.
  - People Inc. has discussed Head Start with Clarke's School Superintendent.
  - Discussing initially a home-based model for teachers to go into homes and help parents learn how to work with children.
  - Heartened by support from the local school system.

Supervisor Byrd asked about the types of services provided by People Inc. in Clarke County.

Mr. Goldsmith provided the following:

- Small business development: Provide training and technical assistant to persons who are interested in starting a small business.
- Loan funds for small businesses.
- Personal loans to persons with personal financial needs.
- Budget counseling.
- Housing counseling to persons either at risk of losing their home or working to become a first-time homebuyer.
- Clients are typically referred to People Inc. through other organizations.

Chairman Weiss thanked Mr. Goldsmith for his report and asked him to keep the Board posted on the transition.

8) Set Public Hearing CC-2019-02

Chapter 106, Chapter 120: The Clarke County Board of Supervisors shall consider amending Clarke County Code Chapter 106 Hunting and Firearms so that penalties cannot be interpreted to exceed what is authorized by Virginia Code § 15.2-915.2 and 15.2-1209.1. Further, it shall consider amending Clarke County Code Chapter 120 Noise so that penalties are not more stringent than its enabling statute Virginia Code § 15.2-980.

Chapter 106 Hunting And Firearms

§ 106-5. Carrying A. It shall be unlawful for any person to carry or have in his loaded firearm on possession while on any part of a public highway within this county highway. **for the purpose of hunting** a loaded rifle or shotgun when such person is not authorized to hunt on the private property on both sides of the highway along which he is standing or walking.

D. The provisions of this section shall not apply to persons carrying loaded firearms in moving vehicles nor to persons acting at the time in defense of persons or property **or for purposes other than hunting.**

§ 106-6. Violations Penalties **The penalty** for violation of the provisions of this chapter and penalties **Article** shall be **a fine of not more than \$100.** ~~as provided in Chapter 1, General Provisions, Article I.~~

Chapter 120 Noise

§ 120-8. Violation Any person who violates any provision of this article and/or creates a noise disturbance, shall be deemed to be guilty of a class 1 misdemeanor. **Any violation of the provision of this article shall be punishable by a fine not to exceed \$250 for the first offense and \$500 for each subsequent offense.** The person operating or controlling a sound source shall be guilty of any violation caused by that source. If the sound source cannot be determined, any owner, tenant or resident physically present on the property where the violation is occurring is rebuttably presumed to be operating or controlling the sound device. ~~Penalties for such violations shall be in compliance with Virginia Code § 15.2-1429~~

State law reference—Va. Code § 15.2-1200**980**

Supervisor Daniel reviewed the proposed change noting that local ordinance can be less stringent than state but not more stringent.

Sheriff Roper stated that he believed this change was appropriate.

Supervisor Byrd asked if the proposed change might aid a local shooting issue. Supervisor Daniel responded that the proposed amended might impact that issue.

Chairman Weiss informed the Board that Judge Tisinger brought the matter to Commonwealth Attorney Anne Williams, who forwarded to Chairman Weiss and County Administrator David Ash, who in turn sent the matter to County Attorney Robert Mitchell for review and recommendation.

**Supervisor Byrd moved to set public hearing at 6:30 pm, Tuesday, December 17, 2019, 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

9) Approval of Minutes

Supervisor Daniel made the following amendments:

Book 23 Page 871 first paragraph

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.

Book 23 Page 905:

Supervisor Daniel:

- Localities are not permitted to ask providers / applicants information on internet speed, coverage, or number of customers serviced.

Delegate LaRock:

- General Assembly is able to deem existing easements to allow internet infrastructure.
- He is working with the utilities industry to determine what they would get in return for the government taking/quasi-condemnation.

**Supervisor Daniel moved to accept the minutes for October 15, 2019, and October 17, 2019, as amended. The motion carried by the following vote:**

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

10) Board of Supervisors Personnel Committee Items

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

2019-11-07 Summary: The Personnel Committee recommends the following:

- Appoint Ben Cochran to the unexpired term of Mark Cochran ending October 30, 2021.

2019-11-19 Action: David Weiss 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

B. Board of Equalization Appointment Review

2019-11-07 Summary: The Personnel Committee reviewed prior appointments and potential current appointments. Review carried forward to December.

2019-11-19 Action: David Weiss briefly summarized advising that the Supervisors would make recommendation to the Circuit Court.

C. Deputy Clerk to the Board of Supervisors Transition / Assumption of Duties and Responsibilities

2019-11-07 Summary: Following review, the Personnel Committee recommends approval.

**Resolution Appointing Clerk and Deputy Clerk to the Clarke County Board of Supervisors  
2019-13R**

**Whereas** effective December 2, 2019, Christopher M. Boies shall assume the duties and responsibilities of the position of County Administrator pursuant to §15.2-407 of the Code of Virginia [1950] as amended, replacing David L. Ash;

**Whereas** effective December 2, 2019, Christopher M. Boies shall assume the duties and responsibilities of the Clerk to the Clarke County Board of Supervisors pursuant to §15.2-1538 and §15.2-1539 of the Code of Virginia [1950] as amended, replacing David L. Ash;

**Whereas** as set forth in §15.2-1502 and §15.2-1503 of the Code of Virginia [1950] as amended, local government officers may employ, when duly authorized by the governing body, deputies to aid them in carrying out their powers and duties. Deputy meaning a person who is appointed to act as a substitute for his principal, in the name of the principal and in his behalf, in matters in which the principal himself may act; such person shall be a public officer;

**Whereas** effective December 2, 2019, Brianna R. Taylor shall assume the duties and responsibilities of the position of Deputy Clerk to the Board of Supervisor replacing Lora B. Walburn; and,

**Now Therefore, Be It Resolved** that the Clarke County Board of Supervisors appoints Christopher M. Boies, Clerk to the Clarke County Board of Supervisors, and Brianna R. Taylor, Deputy Clerk to the Board of Supervisors; and, pursuant to §15.2-1512, it requests the Honorable Helen Butts, Clerk of the Clarke County Circuit Court, to administer the oath of office as set forth in §49-1 of the Code of Virginia [1950] as amended.

**Adopted** this 19th day of November, 2019, by the Board of Supervisors, County of Clarke, Virginia.

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

**2019-11-19 Action: Supervisor Daniel moved to adopt the resolution. The motion carried by the following vote:**

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

David S. Weiss - Aye

D. December 9, 2019, Personnel Committee Meeting

2019-11-07 Summary: Following review, the Personnel Committee set the start time for its December 9 meeting for 9 am to review proposed changes to the PD-121101-05 County of Clarke - Personnel Policy Revision 18.

2019-11-19 Action: Information only.

11) Board of Supervisors Work Session Items

2019-11-07 Summary: Board of Supervisors Work Session Agenda  
Berryville/Clarke County Government Center, 2<sup>nd</sup> Floor  
101 Chalmers Court, Berryville, Virginia 22611

November 7, 2019, 10:00 AM, Meeting Room AB

Present: Barbara J. Byrd; Terri T. Catlett; Mary L.C. Daniel; Bev B. McKay; David S. Weiss

Staff Present: David Ash, Cathy Kuehner, Tom Judge, Brian Lichty, Brianna Taylor

Also Present: Doug Lawrence – Russell District Supervisor Elect, Mike Didawick, Michael Elwell

Press Present: Mickey Powell – The Winchester Star

Call to Order

At 10:04 am, Chairman Weiss called the meeting to order.

Adoption of Agenda

**Supervisor Byrd moved to adopt the agenda moving Item B Reassessment to Item A and moving Item A Northwestern Community Services Board Update to Item B. 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. Reassessment Update by Mike Didawick

2019-11-07 Summary: Mike Didawick, Wampler-Eanes Appraisal Group, Ltd. provided the Supervisors with an update on the 2019 reassessment. He advised that the value was based on the local market.

2020 General Reassessment  
 Clarke County  
 Percentage Change-Taxable Properties

Residential	Median	Median
01-Greenway	13%	16%
02-Chapel	14%	15%
03-Battlefield +	-7%	0%
05-Longmarsh	13%	15%
07-Berryville	19%	20%
08-Boyce	23%	23%
Overall	14%	14%
+ More than 1,200 Vacant lots in Shenandoah Retreat reduced		
Assessment-to-Sales Ratio	98%	98%

Chairman Weiss reminded that it was four years since Clarke's last assessment. He further noted that the current assessment was based on 2019 sales.

County Administrator David Ash explained the Board of Equalization process including appointment.

Supervisor Daniel left the meeting at 10:25 am.

2019-11-19 Action: Meeting with citizens now through December 3. Citizens will be given another period to question assessments with the Board of Equalization.

B. Northwestern Community Services Board Update by Michael F. Elwell, Chief Executive Officer

2019-11-07 Summary: Michael Elwell, Chief Executive Officer Northwestern Community Services, provided an update on services to the Supervisors. Highlights include:

- Counties served: Clarke, Frederick, Page, Shenandoah, Warren
- Clarke County – 3%, \$1.4 million
- Would like to establish a satellite office in Clarke.
- Provides a large array of services.
  - o Mobile crisis program
  - o Drug court
  - o Medication assistance
  - o Intensive outpatient service
  - o System Transformation Excellence and Performance (STEP-VA)

2019-11-19 Action: Supervisor Byrd commented that the presentation was excellent. She noted that 250 people worked with Northwestern Community Services. She opined that a member of the Department of Social Services' Community Policy and Management Team worked for Northwestern Community Services and was very talented and doing a wonderful job.

In conclusion, Chairman Weiss stated that the November 7 Work Session was a good, interesting meeting.

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

### 1. FY 19 General Fund Transfers

2019-11-07 Summary: "Be it resolved that budgeted expenditure and revenue be transferred per the attached statement for the purpose of covering overdrawn FY 19 accounts from underdrawn FY19 accounts".

2019-11-19 Action: Tom Judge stated that this was a cleanup item for FY2019.

**Supervisor Catlett moved to accept the resolution "Be it resolved that budgeted expenditure and revenue be transferred per the attached statement for the purpose of covering overdrawn FY 19 accounts from underdrawn FY19 accounts". 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

2. FY2019 Supplemental Appropriations

2019-11-07 Summary: a. Conservation Easement Fund. "Be it resolved that budgeted expenditure and appropriations of the Conservation Easement Fund be increased \$7,087, and that local fund balance of that fund of \$7,087 be utilized."

2019-11-19 Action: Chairman Weiss told the Board that the Finance Committee tried to estimate expenses Conservation Easement Authority would encounter during year.

**Supervisor Byrd moved to accept: "Be it resolved that budgeted expenditure and appropriations of the Conservation Easement Fund be increased \$7,087, and that local fund balance of that fund of \$7,087 be utilized." 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. FY2020 Supplemental Appropriations

2019-11-07 Summary: Please see attached the School Operating Carryover request of the Clarke County School Board: *"Be it resolved that a public hearing be set for December 17, at 6: 30 pm, or as soon thereafter as the matter may be heard on the following action: 'Be it resolved that FY 20 School Capital budgeted expenditure and appropriations be increased \$480,884 for various capital needs specified by the School Board.'"*

**School Operating Carryover Request  
FY19 - FY20**

Account Number	Re-allocation Amount from FY19 Fund Balance	Notes
30201110/Furniture	\$50,000	Furniture replacements and additions in each building. Focus on libraries in the division. CCHS, BES and CES all have needs.
30201140/Athletics	\$10,884	Equipment reconditioning costs (safety of student athletes)
30203700/Vehicles	\$25,000	Replacement passenger vehicle (van) for Transportation Department
30206250/Fields and Playgrounds	\$15,000	Partner with PTO at Boyce to replace the playground near the parking area. PTO is planning to raise an additional \$40,000
30206616/HVAC	\$360,000	Order of magnitude cost for the engineering services and equipment cost to replace the chiller at Cooley Elementary.
30206645/Security	\$20,000	Funds to purchase crisis management equipment (To Go Buckets), repair and replace cameras, electronic door hardware
	<b>\$480,884</b>	

Amounts will be adjusted based on final audit

2019-11-19 Action: Tom Judge briefed the Board on the request to set public hearing on School Carry over.

Vice Chair McKay moved to :approve "Be it resolved that a public hearing be set for December 17, at 6: 30 pm, or as soon thereafter as the matter may be heard on the following action: 'Be it resolved that FY 20 School Capital budgeted expenditure and appropriations be increased \$480,884 for various capital needs specified by the School 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

4. FY2019 to FY2020 Capital Carryovers

*"Be it resolved that budgeted expenditure, appropriations, and revenue of the School Capital and Government Capital Project Funds be carried forward from FY 19 to FY 20 as stated by the fund totals in the documents attached" [below]*

Clarke County Capital Projects Fund 301  
FY19 Year End  
10/29/2019

WORK IN PROGRESS  
**FY19 CAPITAL CARRYFORWARD**

ACCOUNT DESCRIPTION	ORIGINAL		REVISED	YTD	Proposed	AVAILABLE BUDGET	Notes
	APPROP	TRANFRS/ADJ	BUDGET	EXPENDED	Adjstmnts		
94110 HVAC System Replacement	0	131,216	131,216	11,936		119,280	
94120 Roofing	0	76,039	76,039	23,305		52,734	
94140 Landscaping	0	10,375	10,375	0		10,375	
94150 Asphalt, Sidewalk, Path	0	3,136	3,136	0		3,136	
94180 Courthouse Complex Repai	0	66,373	66,373	38,692		27,681	\$12,500 spent/encumbered in FY20 so far
94310 Sheriff's Equipment	10,000	0	10,000	10,000		0	
94320 Auto Replacement	30,000	6,475	36,475	36,229		246	
94331 Sheriff's Vehicles	135,000	1,685	136,685	133,200		3,485	
94409 Citizen's Convenience Ce	0	734,006	734,006	730,994		3,012	\$942.50 spent in FY20 so far
94502 Southeastern Coll. Trans	0	42,900	42,900	0		42,900	spending in FY20
94508 Josephine School Museum	0	18,785	18,785	17,933		852	will complete in FY20
94601 Technology Improvements	65,000	79,339	144,339	126,268	4,058	22,129	
94602 Systems Integration	0	13,440	13,440	9,382	-4,058	0	
94603 Mobile Radio System	0	414,045	414,045	102,492		311,554	
94702 Swimming Pool	0	53,378	53,378	0	1,822	55,200	
94703 Park Fencing	10,000	71,036	81,036	2,029		79,007	
94706 Park Sitework and Parkin	20,000	4,101	24,101	24,000	-101	0	
94707 Recreation Center Additi	0	1,220	1,220	0	-1,220	0	
94708 Park-Kohn Prpty Developm	15,000	0	15,000	0		15,000	
94709 New Park Shelter	0	57,964	57,964	37,241		20,723	
94710 Park Trash Cans	0	501	501	0	-501	0	
94802 Reassessment	312,000	-112,000	200,000	90,086		109,915	
94803 Tourism Signs	0	6,698	6,698	6,697		0	complete
<b>Expense Total</b>	<b>597,000</b>	<b>1,680,712</b>	<b>2,277,712</b>	<b>1,400,485</b>		<b>877,227</b>	
<b>Revenue</b>							
94508 Dept Historic Resources-Josephine Roof		-17,785.00	-17,785.00	-17,255		-530	will complete in FY20
94328 RSAF-EMS Intubation Equi		-13,595.00	-13,595.00	-12,716			this project is complete
Gov Capital donations				-885			donation for a bench (not appropriated)
Transfer from General Fund		-2,246,332.00	-2,246,332.00	-1,369,628		-876,697	
	0.00	-2,277,712.00	-2,277,712.00	-1,400,485	0	-877,227	
<b>Revenue Total</b>	<b>0</b>	<b>-2,277,712</b>	<b>-2,277,712</b>	<b>-1,400,485</b>	<b>0</b>	<b>-877,227</b>	
<b>Expense Total</b>	<b>597,000</b>	<b>1,680,712</b>	<b>2,277,712</b>	<b>1,400,485</b>	<b>0</b>	<b>877,227</b>	
<b>Grand Total</b>	<b>597,000</b>	<b>-597,000</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	

**ACCOUNT DESCRIPTION                      AVAILABLE BUDGET                      DESCRIPTION**

**EXPENDITURE**

<p><b>61110 School Furniture Replace</b></p>	<p>10,373</p>	<p>Begin planning for furniture replacement and redesign of libraries at CCHS, BES and CES. An additional appropriation of \$50,000 is requested from the FY19 operating fund balance to address this need.</p>
<p><b>61130 Uniform Repl &amp; Band Inst</b></p>	<p>11,137</p>	<p>Need to replace a sousaphone, french horn, and purchase a new drumline floor cover and equipment for flag corps.</p>
<p><b>65100 School Food Services</b></p>	<p>14,407</p>	<p>Carryover requested to fund repair and replacement of food service equipment as needed. Currently, need to replace a milk cooler at JWMS at approx \$3000. All repairs and replacements are the responsibility of the school division in the contract with Sodexo.</p>
<p><b>66233 School Signage</b></p>	<p>5,387</p>	<p>Carryover requested in the amount of \$2000 for signage with \$3387 being applied to roofing account.</p>
<p><b>66250 Fields and Playgrounds</b></p>	<p>2,707</p>	<p>Working with Boyce PTO to replace the playground equipment adjacent to the main parking area in the back of the building. Also requesting an appropriation of \$15,000 from FY19 operating fund balance to address this need.</p>
<p><b>66253 Asphalt/Sidewalk/Track/C</b></p>	<p>41,016</p>	<p>Currently planning to reconfigure the front entrance to Boyce Elem School. Planned to complete the work during Summer 2019, but engineered plans weren't completed in time to get the project finished prior to the start of the school year. Estimated cost of replacement \$18,000. Need also exists to resurface the tennis courts at JWMS with a quote of between \$50,000-\$145,000 depending on the degree to which courts are repaired.</p>

<p><b>66612 Painting</b></p>	<p>135,167</p>	<p>Carryover is requested to address painting at Cooley Elementary which will occur over Christmas break. Each summer staff schedules painting as needed in all schools, parking lot lines and curb painting is also completed when needed. \$20,441 will be used to offset expenses that occurred in FY20 which were not able to be completed prior to June 30, 2019.</p>
<p><b>66616 Heating, Ventilation &amp; A</b></p>	<p>71,930</p>	<p>Continue to address HVAC needs in all schools. During FY19, HVAC work cost the division \$250,589. To date in FY20, HVAC repairs have cost the division \$15,960. The FY19 operating carryover request also contains a request for \$360,000 to replace the chiller at Cooley. Order of magnitude replacement of the chiller is \$350,000-\$400,000.</p>
<p><b>66625 Cooley Lower Campus Reno</b></p>	<p>31</p>	<p>Requested that this amount be added to roofing account</p>
<p><b>66627 Cooley Upper Campus Reno</b></p>	<p>8,717</p>	<p>Requested that this amount be added to the roofing account</p>
<p><b>66636 Roof Replacements</b></p>	<p>119,547</p>	<p>During the renovation of the Primary School, it was estimated that the roof had approximately 5 years before replacement would be required. Carryover is requested to begin planning for the replacement and to possibly do so prior to 2021-2022. It is requested that \$8730 be added from 66625 and 66627. Also request that \$3387 be moved from signage to roofing. Estimated roof cost for Primary Building is \$150,000.</p>

<p><b>66645 Security Improvements</b></p>	<p>23,506</p>	<p>Carryover is requested to offset the cost of a unified door access system. Although it was planned for installation prior to June 30, the final work was not completed until after July 1 thus categorizing it as a FY20 expense. An additional appropriation is requested from FY19 operating carryover of \$20,000 to defray cost and to purchase crisis management materials for each classroom.</p>
<p><b>68100 Technology Classroom Ins</b></p>	<p>177,887</p>	<p>Balance in this account is associated with the VDOE's VPSA Technology Bond initiative. Allowable expenses are well defined and must support the SOL testing program. Revenue is provided to school division on a reimbursement basis.</p>
<p><b>68200 Technology Inst Support</b></p>	<p>504,573</p>	<p>\$19,513 is requested to offset an expense which occurred in FY20. Based on our Comprehensive Tech refresh plan, the following expenses will be incurred in FY 20- (1) network refresh at JWMS and the Admin Office (\$250,000), replacement staff computers at CCHS and BES(\$30,000), replacement classroom display panels at across all schools (\$60,000), and the replacement of classroom telephones (\$12,000) which is a county initiative. The remainder of the funds will be used to offset expenses that were initially scheduled to be incurred during FY19, but due to scheduling of vendors did not occur until FY20.</p>
<p><b>EXPENDITURE TOTAL</b></p>	<p>1,126,387</p>	
<p><b>REVENUE</b></p>		
<p><b>68800 State Technology Bond</b></p>	<p>-149,000</p>	
<p><b>LOCAL TAX FUNDING</b></p>	<p>977,387</p>	



2019-11-19 Action: Tom Judge summarized the request.

Supervisor Byrd stated that the School carry over was a lot of money, taxpayer money. She made the following requests:

- Would like to have the \$1,126,387 moved to public hearing next month.
- Would like to see exactly where the money is going, and when it is going to be used.

Tom Judge asked if the explanations provided were insufficient. Supervisor Byrd responded in the affirmative noting that she would like another month for review of the \$1.1 million.

Chairman Weiss noted that the funds had been subject to public hearing at the time of appropriation.

Supervisor Byrd noted that the Board did the same thing last fall giving the Schools the carry over funds.

Chairman Weiss stated that the Board has done the same thing for 25 years.

Vice Chair McKay opined that these funds, appropriated for maintenance types of things, allow the County to fix things that break down, such as replacement of a chiller.

Chairman Weiss asked Supervisor Byrd if she had the same issue with carry over for County projects. Supervisor Byrd responded that she did not.

Supervisor Catlett asked about the County initiative to replace classroom phones, \$12,000.

Superintendent Bishop responded that David Ash or Gordon Russell could better answer the question.

Chairman Weiss added that the County's IT Department determined that a new phone system was needed, which it has been gradually replacing.

Tom Judge contributed that the County had one phone system based in the Government Center, with the handsets being replaced over time so that employees can take advantage of the full functionality of the system.

Supervisor Byrd opined that she was not turning anything down but wanted the matter set for public hearing.

Chairman Weiss reminded that the Board had previously discussed this matter and did seek legal advice.

Supervisor Daniel asked Supervisor Byrd if she wanted the descriptions provided in the November packet to be “broken out.”

Supervisor Byrd put forth that she did not want keep the Schools’ money but rather she wanted the money to have a place. She asked again to delay vote on the matter for one month.

Supervisor Daniel said that she had no constituents expressing concern about the expenditure.

Supervisor Catlett asked if Supervisor Byrd had any questions specific to the narrative before the Board.

Supervisor Byrd stated that she was not prepared to get into particulars noting that timing was one of the issues.

**Supervisor Byrd moved that the Board of Supervisors conduct public hearing on the \$1,126,387 next month.**

Vice Chair McKay commented that he did not understand what the Supervisors were having a public hearing on since some of the items were discussed during the spring budget public hearings and some last fall.

Chairman Weiss interjected that some of the funding had been carried over for years.

Vice Chair McKay opined that the public had been given plenty of time to comment. He further opined that forcing the Schools to use the money or lose the money would lead to waste. He stated that he did not have a problem delaying for more clarity.

Supervisor Daniel commented that she was satisfied with what was provided. She stated that she knew a public hearing was not necessary; and, further, she did not think it appropriate to conduct a public hearing.

Chairman Weiss summarized that it did not appear that the Board had objection to having more detail but were concerned, as stated by Supervisor Daniel, that it was unnecessary to have a public hearing and could be contradictory. He further commented that further conversation should include both the General Government and the Schools opining that he was bothered by holding the Schools to a different standard.

**Supervisor Byrd moved to withdraw her motion for a public hearing.**

Vice Chair McKay expressed his support for more explanation.

Chairman Weiss stated that he had no objection to further discussion.

Supervisor Daniel asked if delaying action for a month would have a negative impact on operations.

Tom Judge deferred to the Superintendent opining that he thought it could be managed.

Superintendent Bishop provided the following:

- Actual number \$977,387.
- Technology bond, reimbursed by the state, is \$149,000.
- Timing of some of the projects last summer did not complete by June 30.
  - \$21,000 greenhouse to support the new Ag program at Johnson Williams is showing up as a negative balance in the current fiscal year because it did not complete until mid-July.
  - Furniture for Boyce and the High School Libraries
  - Painting at Boyce.
  - Ramps and stairs at Johnson Williams.
  - \$23,000 deficient in flooring because project did not complete until mid-July.
- Use summer, spring, and winter break [about 12 weeks] to get things done and these are times when contractors can be busy
- Money expended in FY20 not FY19 because projects not complete by end of fiscal year.
- During the course of a year, Schools have about ten to twelve weeks to get projects done; and, some of those times are when contractors are busy.

Supervisor Byrd asked Superintendent Bishop why the figures were presented as they were in the report. The Superintendent replied that the funds were appropriated for FY2019 but not expended until FY2020 because of the timing and completion of projects.

Chuck Bishop informed the Board that no capital projects were planned over the winter holiday.

Supervisor Catlett asked that Supervisors provide specific questions to Tom Judge and the Schools.

Supervisor Daniel asked Tom Judge if he had a more current version of the "Elected Officials Guide to Finance" – 1981 version. Tom Judge stated that he would check.

By consensus, the Board set the matter for further review, not public hearing, during the evening session of the Board of Supervisors December 17, 2019, Regular Meeting.

5. FY 19 Year-End Fund Balance Designation

2019-11-07 Summary: The Finance Committee reviewed a draft. Audit adjustments are still expected, so these designations will not be presented for action until December.

2019-11-19 Action: Tom Judge briefly summarized. No action taken.

6. Use of Budgeted Funds for Volunteer Tuition

2019-11-07 Summary: Please find attached a memo from the Fire/EMS/EM Director regarding the use of budgeted funds to partially compensate a volunteer for tuition expenses. The Committee offered no objection to using currently budgeted training funds for this purpose provided that the County conclude an agreement with the volunteer requiring a term of service.



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



**MEMORANDUM**

To: Tom Judge, JAS Director  
From: Brian Lichty, Director Fire, EMS and Emergency Management  
Cc:  
Date: October 16, 2019  
RE: Finance Committee Agenda Item

At the October meeting of the Fire – EMS Commission a recommendation was made to use funds from the volunteer purchased services line item for a volunteer EMS education request. Attached you will find the original request from the President of John H. Enders VFD and all associated information.

Although the request was for matching funds of \$2,000, the recommendation from the Commission is \$1,000. All information used in evaluating this request is attached to this memo.

I respectfully request this item be added to the November Finance Committee agenda for further action. Should you have any further questions or concerns please feel free to contact me.

2019-11-19 Action: Tom Judge briefly summarized. No action taken.

7. Public Safety Holiday Pay Financial Impact,

2019-11-07 Summary: The Committee convened a closed session to review legal matters related to holiday pay. Pursuant to §2.2-3711-A1 Specific Employees or appointees of the Board.

2019-11-19 Action: Tom Judge briefly summarized. No action taken.

8. Bills and Claims.

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

2019-11-19 Action: Following review, **Supervisor Catlett moved to accept the October 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

9. Standing Reports. FYI: Reconciliation of Appropriation, Expenditure Summary

2019-11-07 Action: Information only.

13) Joint Administrative Services Board Update

Highlights of review include:

- Short update on health insurance statistics
- Presentation from Mike Legge on purchasing.
- Chairman asked that Mike Legge make that presentation at the December Work Session

14) Government Projects Update

Chairman Weiss and Brianna Taylor provided the monthly project update in the absence of the County Administrator.

- Boundary Line Warren County:
  - Contemplating the use of stakes instead of using a concrete monument to mark boundary lines.
  - David Ash has been in contact with Warren County, and they are hoping to complete the process soon.

15) Miscellaneous Items

None added to the November 19 meeting.

16) 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 and archive resolutions 2019-11R, 2019-12R, 2019-13R.	Lora B. Walburn
3.	Process appointments and update database.	Lora B. Walburn
4.	Execute notice of appointment.	David Weiss
5.	Develop public hearing notices for CC-2019-02 and CCPS FY2020 Supplemental Appropriation and process.	Lora B. Walburn
6.	Add discussion of FY2019 to FY2020 Capital Projects Carryover to December 17 evening session agenda.	Lora B. Walburn
7.	Add review of speed recording device to December BoS Finance Committee.	Tom Judge

17) Board Member Committee Status Reports

Supervisor Barbara J. Byrd

- Board of Social Services Board: Is conducting a salary study, which it hopes to complete by the end of November.
- Clarke County Humane Foundation:

- Jenny Wright, Shelter Manager, met with Main Street Architecture to review plans and did make some changes.
- Hope to construct the addition without fundraising.
- May be able to go out to bid next week depending on receipt of work product from Stuart Dunn.
- Community Policy and Management Team: One team members works at NWCS. Two clients will be leaving, which should result in cost reduction.
- Conservation Easement Authority: Will miss Thursday meeting. Terri Catlett, alternate, will try to attend.
- Northwest Regional Adult Drug Treatment Court Advisory Committee:
  - Have 35 clients; 11 graduates; 17 terminations; 2 deceased
  - Dealing with new drug / anti-depressant.
  - Four cases from Clarke.
  - Drug screening done by health facilities at Rutherford Crossing and Jubal Early Drive.
- Northwestern Regional Jail Authority: Good meeting; discussed legal matters in progress.
- Northwestern Regional Juvenile Detention Center Commission:
  - Working very well.
  - Attended her last meeting.
  - Meetings last no more than one hour.
  - Recommends that the Supervisor replacing her also act as liaison to the Jail Authority.
- Town of Berryville:
  - Working on new software.
  - Will be changing street signs.
  - Hope to have information for stormwater improvement in January.
  - Discussed goals.

Supervisor Terri T. Catlett

- Career and Technical Education Committee: Did not meet.
- Historic Preservation Commission: Meets Wednesday.
- Parks and Recreation Advisory Committee: Did not meet.

- School Board:
  - Citizen request to remove requirement for foreign exchange program administrator to live in the county.
  - Dorothy Davis, Josephine School Museum, thanked the Schools for working with the museum.
  - Discussed capital projects.
  - Student member of School Board, Olivia Pitts, one of the students that spoke to the Board about cell phone usage at the high school, attended the meeting.
  - Over the last several School Board meetings, principals have come in to discuss school initiatives.
    - Molly Tinsmen – D.G. Cooley Elementary, spoke about the pros of the kindergarten moving into the building.
    - Dana Waring, Clarke County High School, spoke about team building activities, working on the Five C's of a new graduate, and ways CCHS interacts with the community.
  - New cell phone policy working.
  - Unable to attend Work Session held last night. Agenda items included teacher salaries and comparisons with other localities and the part of the curriculum that deals with families and health.
- Village of Millwood: No recent meetings.

Supervisor Mary L.C. Daniel

- Planning Commission: Monopole application withdrawn.
- Broadband Implementation Committee:
  - Did not meet.
  - Meeting is scheduled, will include a presentation from Visuallink.
  - Attended a presentation on rural broadband at VACo Conference.
    - Some localities are laying dark fiber.
    - There is benefit for having a countywide plan.
    - Some localities lease out dark fiber to local providers.
    - May wish to look at this presentation again.
- Sheriff's Department:



- Administrative meeting at beginning of the month.
- Will be involved with Workers Comp hearings for two local officers.
- Ongoing issues with one of the residential services providers that relies heavily on the Sheriff's Department, which is draining resources.
- On-going personnel shortages.
- Providing court security and bailiffs for two-week murder trial.
- Communications upgrade going really well.
- Library: Did not meet
- Josephine School Museum:
  - Still working to resolve parking issues.
  - Presented "A Spy Tale" on November 7.
  - Will conduct a reading competition February 8.
- Coalition of High Growth Communities: No activity.

Vice Chair Bev B. McKay

- Board of Well and Septic Appeals: Meets in December.
- Broadband Implementation Committee: Supervisor Daniel gave update.
- Economic Development Advisory Committee: Meets tomorrow.
- Joint Building Committee:
  - Everything going well in building.
  - Contract staff is cleaning the building better.
  - Move of drop boxes is going slowly.
- Sanitary Authority:
  - Still looking for alternate well site.
  - Advised that the membranes are functioning as well as when new.
  - Property owner bushogged over a valve in a field resulting in a huge geyser; however, CCSA was able to fix quickly.
- Town of Boyce:
  - Richard Kibler is the new mayor.

- Zachary Hudson and Floyd O. Hudson are new council members.
- White Post: No update provided.
- Northern Shenandoah Valley Regional Commission: Meets next week
- VACo:
  - Attended a Securing the Workplace presentation.
  - Attended solar power presentation.
  - Attended a Nutrient Credit presentation.
    - Some understand Clarke's concerns.
    - Competition to buy credits is severe.
    - VACo is working on policy statement in conjunction with tax policy.

Chairman David S. Weiss

- Fire & EMS Commission:
  - Did not attend
  - Strategic Plan:
    - Work on plan continues.
    - Reviewing plan with chiefs.
    - Hope to implement mid-January.
    - Can bring to BoS after December Commission meeting
    - Strategic Plan will be passed by Commission by end of 2020.
- Industrial Development Authority: Met October 24.
- Joint Administrative Services Board: Update given by Tom Judge.
- MOU Committee: Will schedule meeting after the new County Administrator arrives.

18) Adjournment

At 3:41 pm, Chairman Weiss adjourned the meeting.

Next Regular Meeting Date

The next regular meeting of the Board of Supervisors is set for Tuesday, December 17, 2019, at 1:00 p.m. in the Berryville Clarke County Government Center, Main Meeting Room, 101 Chalmers Court, Berryville, Virginia.

ATTEST: November 19, 2019

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David S. Weiss, Chair

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David L. Ash, County  
Administrator

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