

January 21, 2020

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, January 21, 2020.

#### Board Members

Present Afternoon Session: Doug Lawrence – 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

David Ash, Chris Boies, Ryan Fincham, Tom Judge, Cathy Kuehner, Jamie Royston, Gordon Russell, Brandon Stidham, Brianna Taylor, Alison Teetor, Lora Walburn

#### Constitutional / State Offices / Other Agencies

Barbara Bosserman, Ed Carter, Corey Hayton, Matt Smith, Tony Roper, Ben Packett, Robinson Farmer Cox.

#### Press

Mickey Powell – The Winchester Star

#### Others Present

Robina Rich Bouffault, Barbara Byrd, Bob Childress, Brandon Davis, Jeff Hinson, Doug Stanley, Michelle Worthing.

1) Call to Order

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

2) Adoption of Agenda

- ✓ Add Item 15 B. Closed Session Pursuant to §2.2-3711 A8, Consultation with legal counsel employed or retained by a public body regarding specific legal matters requiring the provision of legal advice by such counsel.

**Supervisor Daniel moved to adopt the agenda as modified. The motion carried by the following vote:**

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

3) Citizens Comment Period

No persons appeared to address the Board.

Vice Chair Bev McKay entered the meeting at 1:04 pm.

4) VDOT

Ed Carter, Residency Administrator, presented the supervisors the monthly update.

Maintenance:

- Completed shoulder repairs on Rt. 7 from Frederick County line to Rt. 653 Kimble Rd.
- Continue shoulder repairs on Rt. 7 and Rt. 340.
- Started brush trimming on Rt. 729, Trapp Hill Rd.
- Completed boom axe trimming on Routes 622 and 644.

- VDOT will continue with brush trimming and boom axing on various routes this month.
- Conducted grading operations on various non-hard surfaced roads and will continue this month as the weather allows.
- Cleaned up storm debris and repaired potholes on various routes.
- VDOT will continue to address potholes as they arise.
- Mobilized and responded to weather events.

Board Issues:

- Appalachian Trail - Rt.605 Morgan Mill Rd. -
  - Has been graded and stone added three times in the past six months.
  - The roadway is difficult to maintain because of grade, geometrics, right of way restrictions and funding.
  - Any permanent fix would require major reconstruction and a project.
  - The current average annual traffic count is 30 vehicles per day.
  - The County does have some countywide funds that could be used for pipe replacements, which will improve but not eliminate the issue.
  - Supervisor Catlett thanked VDOT for working with all the different authorities to get the parking lot for the Appalachian Trail.
- Rt. 9 Hillsboro Project - The Town and contractor has published a proposed schedule. The following is a list of mitigations planned for Clarke County.
  - Signal modifications and communications upgrades at Rt. 7 and Rt. 340 interchange. Two signals will be upgraded with left turn FYA and high visibility backplates. High-speed communications equipment will be installed in cabinets.
  - Widening the Rt. 7 west bound off ramp to Rt. 340 north bound. The extra pavement should allow traffic to continue to use ramp when signal queues back up during the PM peak hour.
  - Signal modification at Rt. 7 East Business and Rt. 7 High speed communications equipment will be installed in cabinet to allow better signal coordination between this signal and the signals at the Rt. 340 interchange.
  - Advanced dynamic flashers at Rt. 7 and Rt. 601. Flashers will be installed on EB and WB Rt. 7 to provide advanced warning to vehicles as they approach the intersection.

- Additional signage will be installed on Route 340 and Route 7 restricting usage of secondary cut through roads.
  - Portable camera will be installed to monitor traffic conditions.
  - Increased law enforcement by the Clarke County sheriff's office and VSP.
  - Restricting turns onto Rt. 612 during morning and evening rush hour.
  - VMS boards on Rt. 7 for speed and incident management warnings.
  - Electronic speed monitors east and west on Rt. 7
  - Increased incident response by Area Headquarters.
  - Enhanced wrecker staging on mountain during weather events - this will have a lesser requirement.
  - Working with NOVA in Loudoun County to extend the wrecker service down over the mountain for a short distance to aid in clearing lanes.
  - NOVA operations staff have offered its Incident Management Coordinator. NOVA will allow him to respond into Clarke County on Route 7 to help with incident management.
- Speed Study Rt. 612 - New lower speed limit signs have been posted
  - Speed Study Rt. 609 - Waiting on report from Traffic Engineering
  - Speed Study Rt. 632, Crums Church Rd. - Reviewed in field with Traffic Engineering. Formal speed study not warranted as current 50MPH would not change.

Vice Chairman McKay:

- Long Branch two signs – one each on eastbound and westbound Rt. 50:
  - One sign has been stolen.
  - VDOT has indicated that it must order two signs at approximately \$8,500.
  - Ed Carter stated that Virginia Logos, not VDOT, handle that type of signage.
  - Ed Carter will send contact information to Vice Chair McKay.

Supervisor Lawrence:

- Secondary road resurfacing – County has one road, Janesville Rd., scheduled for rural rustic.
- Robot Mower –

- VDOT has one in the residency located in Front Royal, but used all over the area to do slopes.
- Mower has one highly skilled operator, so it moves on a schedule to area headquarters as requested.
- The cost is about \$85,000, so VDOT only has one in its residency.
- Mower can tip over, but it has been fine on 65% slope.
- Mower can handle thick under growth previously was removed by hand.
- Pothole on Westwood Road: Supervisor Lawrence was told of a pothole, but he could not find it when he drove the road.

Supervisor Catlett:

- Rt. 7 at Rt. 601 when will VDOT begin:
  - Dynamic flashers are scheduled to be completed the end of February.
  - Other light modifications on Rt. 340 and Rt. 7, and the increased communications between signalization, are scheduled to be complete the end of February.
  - VDOT has all the clearances now to widen the westbound off ramp onto Rt. 340 from Rt. 7 as soon as weather permits – sometime around April 1.
  - Hillsboro will start construction on its roundabouts, under flagging operations without traffic restrictions, in March. Anticipate this to be four to five months placing actual lane closures toward Labor Day.
    - Chris Boies
      - Lane closures cannot occur during commute time.
      - The westbound lane will close, but the eastbound lane stays open during commute time.
      - Estimating three total closures for periods not to exceed two weeks.
        - + One in the latter part of October, first of November.
        - + One in the latter part of November through mid-December.
        - + One in April 2021.
        - + All predicated on certain things happening and subject to change.

Supervisor Daniel:

- All roads in her district are great.

Chairman Weiss:

- Rt. 605 Morgan’s Mill Road –
  - Road has been graded.
  - Stone added three times in the past six months. VDOT tries to add stone twice a year.
  - VDOT may add again due to the geometrics and steepness it is extremely difficult to keep up.
  - Mr. Tapscott is laying out a plan for drainage.
  - Without objection from the Supervisors the today, VDOT will proceed, which will improve but not eliminate the issues.
  - By consensus, all agreed for VDOT to go ahead with Morgan is Mill Road and use the available funding.
- Potholes on off ramp of Rt. 340 and Rt. 7 - Per Ed Carter, unless temperatures are 35 and rising, asphalt cannot be applied. VDOT is working its way down and hopes to widen to two lanes.

5) Approval of Minutes

**Supervisor Catlett moved to accept the minutes for December 17, 2019, as presented. The motion carried by the following vote:**

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

6) Consent Agenda

Letter of Support for the Clarke County Historic Preservation Commission Grant Proposal for American Battlefield Protection Program Planning

January 21, 2020

Sarah Glass  
Acting Manager, American Battlefield Protection Program  
National Park Service  
1849 C Street NW  
Mail Stop 7228  
Washington, D.C. 20240

Re: Grant Proposal for American Battlefield Protection Program Planning Grants

Dear Ms. Glass,

On behalf of the Clarke County Board of Supervisors, I strongly support the proposed "Battle of Berryville Research & Documentation" grant application proposed by the Clarke County Historic Preservation Commission.

Today, the boundaries of the Berryville Battlefield, as delineated by the American Battlefield Protection Program, include over 7,000 acres within the Battlefield Study Area and approximately 6,200 acres of the landscape still intact. The proposed grant will provide funding to conduct research of the history of the Battle of Berryville and confirm the accuracy of current battlefield boundaries and areas of integrity.

This application supports the County's Comprehensive Plan by protecting and preserving the County's historic resources, including its built features and its open-space and agricultural landscapes for the benefit of citizens of the County. It also does this to promote heritage tourism and related activities, which support the County's economic development. Promoting the preservation of these resources includes identifying them and making their history more accessible. I appreciate your time in considering this application.

Sincerely,



David Weiss, Chair  
Clarke County Board of Supervisors

Fire & EMS Commission John H. Enders Recommendation: Appoint Keith Veler to the Fire & EMS Commission, as the John H. Enders VFRC Rep, assumes the position previously held by Doug Lawrence, to serve a one-year term expiring August 31, 2020.

**Enders Fire Commission Representative**

Fri, Dec 27, 2019 05:26 PM

County Administrator and Board of Supervisors,

Since Doug Lawrence was elected to the Board of Supervisors, Keith Veler was elected by the membership of the John H. Enders Fire Company at our regular Company meeting on December 19th to succeed Doug as our Fire and Rescue Commission Representative.

Keith has been a volunteer firefighter for over 25 years and has been active in development of Junior Firefighter Programs at both Leesburg Volunteer Fire Company and Citizens Volunteer Fire Company before finding a home at John H. Enders. He is currently employed in the IT Industry as an Account Consultant with Compuware, and an active Volunteer at John H. Enders.

We certainly hope that the Board of Supervisors will support the John H. Enders Fire Company's recommendation of Mr. Keith Veler, and appoint him to serve on the Fire and Rescue Commission.

Should you have any comments or require additional information please feel free to reply to this email or call me at 540-974-8265.

Harold L. Rohde  
President,  
John H. Enders Fire Company.

Resolution of Recognition and Appreciation of David L. Ash 2020-01R

### Resolution of Recognition and Appreciation of David L. Ash

**WHEREAS**, David L. Ash assumed the duties and responsibilities of County Administrator and Clerk to the Clarke County Board of Supervisors on March 19, 1991, serving in that capacity, as the second County Administrator in Clarke's history, until December 2, 2019;

**WHEREAS**, during his tenure, he also served on the BCCGC Joint Building Committee, Berryville-Clarke County Joint Committee for Economic Development and Tourism, Clarke County Communications Committee, Coalition on the Effects of Illegal Immigration, Events Ordinance Review Committee, Housing Rehabilitation Board, Joint Administrative Services Board, Joint Budget Review Committee, Joint Information Technology Oversight Committee, Northwestern Regional Jail Authority, NSVRC Planning District Commission, Regional Airport Authority, Regional Water Committee, Shenandoah Valley Chief Local Elected Officials Consortium, and VACORP Board;



**WHEREAS**, he also acted as the Director of Emergency Management from 1991 until the creation of the Fire, Emergency Medical Services, and Emergency Management Department on October 21, 2014; and, in order to best serve the interests of the citizens of Clarke County, he maintained his certifications as an Emergency Medical Technician and responded to emergency medical service calls as needed;

**WHEREAS**, during his tenure, he oversaw numerous building projects including the Berryville-Clarke County Government Center, Animal Shelter on Ramsburg Lane, the Quarry Road Convenience Center, and the expansion of the Clarke County Recreation Center to include the new Parks and Recreation Administrative Offices and the Clarke County Senior Center. He also coordinated renovation projects at 34, 36, 311 East Main Street; 301 Josephine Street; 100 North Buckmarsh Street; 100, 104, 106 North Church Street; and 524 Westwood Road. He also instituted the employee service awards, the digitization of records in County Administration, and the digitization and in-house publication of the Code of Clarke County; and,

**NOW, THEREFORE, BE IT RESOLVED** by the Clarke County Board of Supervisors that **DAVID L. ASH** be recognized and congratulated for his service and that his dedication to the Board of Supervisors, Clarke's employees, and all citizens of Clarke County be hereby memorialized as a token of the respect and high esteem in which he is held.

**APPROVED AND ORDERED ENTERED** in the official records by the unanimous vote of the members of the Clarke County Board of Supervisors assembled on the 21<sup>st</sup> day of January, 2020.

ATTEST 2020-02R

  
David S. Weiss, Chair

**Supervisor Daniel moved to adopt the items on the Consent Agenda. The motion carried by the following vote:**

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

David Ash, former County Administrator, joined the Supervisors to receive his resolution of recognition and appreciation.

Chairman Weiss stated that David Ash was a remarkable individual, the work that he did and the dedication that he gave to this county will be hard to surpass, if it ever is. He always came to work with a smile regardless of the issues, regardless of what was going on in the rest of his life. He was always pleasant, helpful, courteous, and worked hard to make the Supervisors look good and to help the county. He concluded that it was a pleasure and an honor to work with him over the past five years as Chair.

Members of the Board and staff presented Mr. Ash with various gifts.

Doug Stanley, County Administrator - Warren County, Virginia, thanked the Supervisors for allowing him to join the them in celebrating David Ash's service to the citizens of Clarke County. He noted that not only was David Ash the dean of managers and administrators in the Northern Shenandoah Valley he was number two in the state, second only to the Nottoway County Administrator in office for the past 45 years. Mr. Stanley, Regional Coordinator for the Virginia Local Government Management Association [VLGMA], brought greetings from Mr. Ash's peers across the region, some of whom joined the meeting today. He stated that they wished to congratulate David Ash on a job well done.

Mr. Stanley opined that as public officials they were judged on their performance, primarily we leave the community better than we found it; and, sometimes, it is what we do, or, in David Ash's case, what he didn't do, leaving Clarke County, for the most part, exactly as the citizen's wanted. He remarked that David Ash personally worked to build on and strengthen regional relationships between Clarke and surrounding jurisdictions that will pay many dividends down the road; and, most importantly, he understood the symbolic relationship they all shared for which he should be extremely. He noted that he would miss David Ash as a colleague and a friend, a truly genuine person that cares deeply about Clarke, its success, and the success of the surrounding localities. He stated that on behalf of Warren County, he wished him the best of luck and happiness in future endeavors. Then, in conclusion, he thanked David Ash, from and on behalf of his peers, for his contributions to the profession, his service to the citizens of Clarke, and presented him with a rocking chair in which he could rock away the years remembering all the things he did not have time to complete as a local government manager.

7) Review of FY2019 Financial Report by Ben Packett, Robinson Farmer Cox Associates



ROBINSON, FARMER, COX ASSOCIATES, PLLC

*Certified Public Accountants*

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Communication with Those Charged with Governance

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To the Honorable Members of  
the Board of Supervisors  
County of Clarke, Virginia

We have audited the financial statements of the governmental activities, the discretely presented component units, each major fund, and the aggregate remaining fund information of the County of Clarke, Virginia for the year ended June 30, 2019. Professional standards require that we provide you with information about our responsibilities under generally accepted auditing standards, *Government Auditing Standards*, and the Uniform Guidance, as well as certain information related to the planned scope and timing of our audit. We have communicated such information in our letter to you dated May 14, 2019. Professional standards also require that we communicate to you the following information related to our audit.

Significant Audit Matters

*Qualitative Aspects of Accounting Practices*

Management is responsible for the selection and use of appropriate accounting policies. The significant accounting policies used by the County of Clarke, Virginia are described in Note 1 to the financial statements. As described in Note 20 to the financial statements, the County of Clarke, Virginia changed accounting policies by adopting Statement of Governmental Accounting Standards (GASB Statement) No. 88 *Certain Disclosures Related to Debt, Including Direct Borrowings and Direct Placements* and by early implementing GASB No. 89, *Accounting for Interest Cost Incurred Before the End of a Construction Period*. We noted no transactions entered into by the entity during the year for which there is a lack of authoritative guidance or consensus. All significant transactions have been recognized in the financial statements in the proper period.

Accounting estimates are an integral part of the financial statements prepared by management and are based on management's knowledge and experience about past and current events and assumptions about future events. Certain accounting estimates are particularly sensitive because of their significance to the financial statements and because of the possibility that future events affecting them may differ significantly from those expected. The most sensitive estimate(s) affecting the County of Clarke, Virginia's financial statements were:

Management's estimate of the depreciable lives of capital assets is based on historical experience and industry standards. We evaluated the key factors and assumptions used to develop the estimate of depreciable lives of capital assets in determining that it is reasonable in relation to the financial statements taken as a whole.

Management's estimate of the allowance for uncollectible property tax revenue is based on historical experience and standard methods of computing the allowance. We evaluated the key factors and assumptions used to develop the estimate of allowance for uncollectible property tax revenue in determining that it is reasonable in relation to the financial statements taken as a whole.

The financial statement disclosures are neutral, consistent, and clear.

- Communication with Those Charged with Governance -

*Difficulties Encountered in Performing the Audit*

We encountered no significant difficulties in dealing with management in performing and completing our audit.

*Corrected and Uncorrected Misstatements*

Professional standards require us to accumulate all known and likely misstatements identified during the audit, other than those that are clearly trivial, and communicate them to the appropriate level of management. Management has corrected all such misstatements. In addition, none of the misstatements detected as a result of audit procedures and corrected by management were material, either individually or in the aggregate, to each opinion unit's financial statements taken as a whole.

*Disagreements with Management*

For purposes of this letter, a disagreement with management is a financial accounting, reporting, or auditing matter, whether or not resolved to our satisfaction, that could be significant to the financial statements or the auditors' report. We are pleased to report that no such disagreements arose during the course of our audit.

*Management Representations*

We have requested certain representations from management that are included in the management representation letter dated December 20, 2019.

*Management Consultations with Other Independent Accountants*

In some cases, management may decide to consult with other accountants about auditing and accounting matters, similar to obtaining a "second opinion" on certain situations. If a consultation involves application of an accounting principle to the entity's financial statements or a determination of the type of auditors' opinion that may be expressed on those statements, our professional standards require the consulting accountant to check with us to determine that the consultant has all the relevant facts. To our knowledge, there were no such consultations with other accountants.

*Other Audit Findings or Issues*

We generally discuss a variety of matters, including the application of accounting principles and auditing standards, with management each year prior to retention as the entity's auditors. However, these discussions occurred in the normal course of our professional relationship and our responses were not a condition to our retention.

Other Matters

We applied certain limited procedures to management's discussion and analysis and the schedules related to pension and OPEB funding, which are required supplementary information (RSI) that supplements the basic financial statements. Our procedures consisted of inquiries of management regarding the methods of preparing the information and comparing the information for consistency with management's responses to our inquiries, the basic financial statements, and other knowledge we obtained during our audit of the basic financial statements. We did not audit the RSI and do not express an opinion or provide any assurance on the RSI. Our responsibility with respect to the budgetary comparison information, which also supplements the basic financial statements, is to evaluate the presentation of the schedules in relation to the financial statements as a whole and to report on whether it is fairly stated, in all material respects, in relation to the financial statements as a whole.

Other Matters: (Continued)

We were engaged to report on combining and individual fund financial statements and schedules, supporting schedules, and the schedule of expenditures of federal awards, which accompany the financial statements but are not RSI. With respect to this supplementary information, we made certain inquiries of management and evaluated the form, content, and methods of preparing the information to determine that the information complies with accounting principles generally accepted in the United States of America, the method of preparing it has not changed from the prior period, and the information is appropriate and complete in relation to our audit of the financial statements. We compared and reconciled the supplementary information to the underlying accounting records used to prepare the financial statements or to the financial statements themselves.

We were not engaged to report on the other statistical information, which accompany the financial statements but are not RSI. Such information has not been subjected to the auditing procedures applied in the audit of the basic financial statements, and accordingly, we do not express an opinion or provide any assurance on it.

Restriction on Use

This information is intended solely for the use of the Board of Supervisors and management of the County of Clarke, Virginia and is not intended to be, and should not be, used by anyone other than these specified parties.

*Robinson, Farmer, Cox Associates*  
Charlottesville, Virginia  
December 20, 2019

Tom Judge introduced Ben Packett, Robinson Farmer Cox Associates [RFC], substituting for Matthew McLearn.

Ben Packett provided the following review of the FY2019 audit. Highlights include:

- RFC conducted two weeks of fieldwork, the final week conducted October 21.
- Field audit team consisted of five auditors assessing and examining internal controls, performing detailed audit tests, and compliance audit tests.
- Required standards communicated in a letter to the Supervisors. *[See letter above]*
- RFC encountered no difficulties.
- Management corrected any misstatements, and any misstatements found were routine adjusting audit entries.
- No disagreements.
- Two significant new accounting principles adopted this year.
- The County conducted no consultation with other auditors.
- No significant audit findings affecting RFC's opinion.
- Independent Auditors' Report:

- Conducted in accordance with the specifications of the Auditor of Public Accounts, a legislative branch of the Virginia State General Assembly.
- Issued an unmodified opinion, an opinion without modification otherwise known as a clean opinion.
- Management’s Discussion and Analysis: Provides a narrative overview of financial statements and analysis of the financial report authored by the Joint Administrative Services staff. This report provides a precise analysis directly from perspective of management.
- Statement of Net Position:
  - Two items in this exhibit are not found in most of the exhibits throughout the reports including capital or fixed assets that are depreciated over the life of the asset.
  - Other items included in the exhibits are long-term debt, such as bonds, and more items added more recently such as pension and other employee benefits.
  - Net position at end of year: \$26,793,431
- Balance Sheet
  - Fund statements do not include long-term assets and liabilities.
  - Total fund balance reported: \$11,368,73
  - General fund balance fund: \$10,905,501; approximately \$8.8 MM is comprised of cash.
  - Other government funds, consisting of debt service funds, capital projects funds, CFA funds, conservation easement, etc., have a combined balance: \$463,234
  - Approximately 95% of the fund balance is recorded as assigned or unassigned and available for spending at the Board’s discretion.
- Statement of Revenues, Expenditures, and Changes in Fund Balances
  - General fund balance decreased: \$711,013, largely contributable to expenditures related to capital projects.
  - Other funds decreased: \$30,384
  - A common measure to make from this statement for the strength of local governments equity is a comparison of the general fund balance to the general fund expenditures.
  - Fund balance is 36% of general fund budgeted expenditures, which also includes transfers out to other funds. This 36% is an increase from the

FY2018 amount of 34%. The industry benchmark is generally between 15% to 25% - Clarke is well above those figures.

- Known Disclosures:
  - Report includes information on the County’s long-term obligations. No figures changed as a result of adopting GASB Statement 88.
  - No restatements were required as a result of adopting GASB Statement 89. Any interest cost incurred during construction were capitalized as project cost. This change results in these project costs being expensed.
- Government-Wide Expenses by Function Report provides statistical information providing trend information of key data.
- Internal Controls opinion: No significant deficiencies or material weaknesses.
- Independent Auditor’s Report on Compliance for Each Major Program and on Internal Control Over Compliance Required by the Uniform Guidance:
  - No instances.
  - One state compliance finding in the Department of Social Services related to computer access forms, which they had trouble locating due to staff turnover. Finding with recommendation and action plan is on page 172 of the audit report.
- Key points in summary:
  - General fund balance is 36% of general fund expenditures, which is good compared to industry standards.
  - General obligation debt represents 0.9% of taxable property. While counties are not limited to debt obligation, towns and cities are subject to statutory limitations of 10%; therefor, 0.9% is well below that limit.
  - General government exceed all budget levels.
  - Actual revenues exceeded estimates.
  - Expenditures were less than budgeted amounts.
  - Overall opinion that there were no modifications and everything was clean.

Chairman Weiss opened the floor for questions from the Supervisors.

Vice Chair McKay asked if the audit was in depth enough to find out if the county has irregularities in some department.

Mr. Packett responded that typically the testing performed by RFC is over controls and an opinion on the financial statements, as a whole, and internal controls that

have been put into place. RFC opinions that the controls are either in place and being followed; but, the audit is not necessarily designed to spot specific instances of any sort of non-compliance. Generally, it will not point out every aspect that could be wrong.

Vice Chair McKay asked if the internal controls were satisfactory and at such a level that they will find things that are wrong.

Mr. Packett responded that, for the most part, internal controls seem to be strong.

Vice Chair McKay asked about references to Halifax County in the audit report.

Mr. Packett responded that he would speak with RFC's production department to correct the mistake.

Supervisor Catlett opined that Mr. Packett gave a quick overview of a lot of work.

Chairman Weiss thanked Mr. Packett and Mr. Judge for all their work and asked that they convey to staff the Board's appreciation.

## 8) Board of Supervisors Work Session Items

### A. Organizational Items:

2020-01-06-Summary:

Board Members Present: Terri Catlett, Mary Daniel, Doug Lawrence, Beverly McKay, David Weiss

Officers / Staff Present: Chris Boies, Barbara Bosserman, Tom Judge, Cathy Kuehner, Brian Lichty, Tony Roper, Brianna R. Taylor

Others Present: Robina Rich Bouffault, Sharon Caldwell, Tom Caldwell, Adam Crider, Jay Corbalis, Alton Echols, Sara Hartsell, Matt Hoff, Darlene Lacey, Peter Lacey, Pete Maynard, Carolyn Roberts, Michelle Worthington, and other citizens.

Press Present: Mickey Powell – The Winchester Star

At 10:02 am, Chris Boies, County Administrator and Clerk to the Board of Supervisors, called the meeting to order.

*Elect Chair*

Mr. Boies called for nominations for Chair.

**Supervisor Catlett nominated and moved to elect Supervisor Weiss to serve as the 2020 Chair.**

**Supervisor Daniel moved to close the nominations.**

**The motion to close the nominations carried as follows:**

**Terri T. Catlett – Aye**  
**Mary L.C. Daniel – Aye**  
**Doug Lawrence - Aye**  
**Beverly B. McKay – Aye**  
**David S. Weiss - Aye**

**The motion to nominate and elect Supervisor Weiss to serve as the 2020 Chair carried as follows:**

**Terri T. Catlett – Aye**  
**Mary L.C. Daniel – Aye**  
**Doug Lawrence - Aye**  
**Beverly B. McKay – Aye**  
**David S. Weiss - Aye**

Mr. Boies turned the meeting over to the 2020 Chair David Weiss.

*Elect Vice Chair*

Chairman Weiss called for nominations for the 2020 Vice Chair.

**Supervisor Catlett nominated and moved to elect Supervisor McKay to serve as the 2020 Vice Chair.**

**Supervisor Daniel moved to close the nominations.**

**The motion to close the nominations carried as follows:**

**Terri T. Catlett – Aye**  
**Mary L.C. Daniel – Aye**  
**Doug Lawrence - Aye**  
**Beverly B. McKay – Aye**  
**David S. Weiss - Aye**

**The motion to nominate and elect Supervisor McKay to serve as the 2020 Vice Chair carried as follows:**

**Terri T. Catlett – Aye**  
**Mary L.C. Daniel – Aye**  
**Doug Lawrence - Aye**  
**Beverly B. McKay – Aye**  
**David S. Weiss - Aye**

Chair Weiss welcomed Supervisor Lawrence to the Board of Supervisors.

Thanked the citizens of Clarke for re-electing this Board, running unopposed is not taken lightly. That tells the Board that you are mostly satisfied with the way this county is run, so we are grateful for your endorsement and we will continue to work for you, with you, and look forward to doing that. Encouraged all to come to more meetings.

The Board then discussed and took action on the Work Session Item a) Second Amendment Resolution, see discussion and action below that item.

*Set Meeting Date, Time and Location*

- January Date correction from January 13, 2020 to January 6, 2020.
- Move the Monday, April 13 work session to Tuesday, April 14.
- Correct day from Monday to Tuesday for both September 8 and October 13.

**Supervisor Daniel moved to adopt the 2020 Board of Supervisors Meeting Schedule as amended. The motion carried as follows:**

**Terri T. Catlett – Aye**  
**Mary L.C. Daniel – Aye**  
**Doug Lawrence - Aye**  
**Beverly B. McKay – Aye**  
**David S. Weiss - Aye**

*Adopt Rules of Procedure*

Following review, **Supervisor Daniel moved to adopt changes to Section 4.4 – Citizens Comment Period as amended:**

- Delete “and only issues that are not scheduled for future Public Hearings may be addressed”
- Change five minutes to three-minute limit

- Add, “Unless granted additional time by the Chair”.

**The motion carried as follows:**

**Terri T. Catlett – Aye**  
**Mary L.C. Daniel – Aye**  
**Doug Lawrence - Aye**  
**Beverly B. McKay – Aye**  
**David S. Weiss - Aye**

*2019 Chair Appointments Review*

The Board deferred action to the January 21, 2020, Regular Meeting.

Annual Distribution: Information Only

Code of Virginia Title 2.2. Administration of Government Chapter 37. Virginia Freedom of Information Act

Code of Virginia Title 42.1. Libraries Chapter 7. Virginia Public Records Act

B. Work Session Items:

2020-01-06 Summary:

*Second Amendment Resolution*

Chair Weiss invited Sheriff Roper to speak.

Sheriff Roper stated that as an elected Sheriff of a rural community in the Commonwealth of Virginia, I take the position that the Clarke County Sheriff’s Office, while we would love to be in every place all of the time, to protect you, and the rest of the citizenry, the reality is that, that cannot happen. Opined that he wanted citizens to be educated in how they can take care of themselves and the best ways to defend themselves, in the event that they have to do so. If that includes owning and handling a firearm, then I am one hundred percent in favor of that proposition. As the elected Sheriff of Clarke County, our office benefits from armed citizenry helping us in the apprehension of citizens that need to be apprehended. Fan of citizens taking care of themselves, Clarke County has a long history of doing that and I suggest that we continue. We are a Nation and a Commonwealth of laws and there are processes involved in all of the things that are ongoing now, in the general assembly and court systems. For hundreds of years these processes have worked well and I believe that they will continue to

work well. Appreciate the Board of Supervisors for taking the time to address this.

For the record, Chair Weiss asked Sheriff Roper, if that in his position he will enforce laws that are passed by the General Assembly.

Sheriff Roper opined absolutely, stating that he takes his Oath of Office very seriously, adding that he will enforce the rules of the land.

Mr. Boies read the resolution.

**Vice Chair McKay moved to adopt the Second Amendment Resolution as presented. The motion carried as follows:**

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

Supervisor Daniel read the following:

*01/06/2020*

*After weeks of contemplation, I voted in favor of the Resolution proposed today. This Resolution reaffirms my oaths, as a Supervisor and as a lawyer licensed in Virginia, to support the laws and Constitutions of the United States and the Commonwealth. It does so without creating a conflicting pledge, as so many people urged us to do. In my opinion, an elected official's "pledge" to always or never do some specific thing in the future an unethical dereliction of duty, putting some specific issue or action above the interests of the people I serve in an unknown future. I don't think anyone considers this Resolution to be perfect, but it is an excellent iteration of our common ground and our commitment to represent our local constituents to the legislators going into session this month.*

*So, in light of this, I had to ask myself, "Why did this process cause me so much angst"? What is it that bothers me so much about this issue as it manifested in Clarke County over the past six weeks?*

It is not any opposition to firearms. I grew up with them, I own them, I've used them. I don't just believe in responsible, law-abiding citizens' right to have guns for hunting and self-defense. I sincerely support responsible, law-abiding citizens' right to have any number of weapons for no reason at all, just because they feel like it.

It is certainly not because I think the proposed legislation is great. It's not. I am confident that the General Assembly's oft-maligned "committee system" will address the issues that cause us all concern. Primarily, these bills will die at the committee level, and those few that may pass out of committee will be significantly amended, as we learned from Schoolhouse Rock in the 1970s. I've watched this happen in every General Assembly session this century. This session will be no different.

So, what made me lose sleep? It is the intentional manipulation of Virginians by forces with other interests, dividing our community and undermining our system of government for their own gain. It hit too close to home for me this time. As Mary Martin pointed out on December 17, we have seen lots of fear being generated so other people can make a quick buck. While good people try to make up their own minds, most lack the time or resources to do unbiased self-education first. As a result, *we are vulnerable*. Our electorate is being intentionally divided at the direction of outside influences. This is not good for our community and it is not good for America. We are willingly turning on each other based on churned up emotion, without any empathy or attempt to understand those who may disagree. I heard my community members conflating violent resistance with "civil disobedience", as if they were moral equivalents, when they patently are not. The ultimate effect of this division undermines the very system of government we have sworn to uphold, and that everyone here purports to support. We are a nation of laws, laws made by our duly-elected legislatures and enforced by dedicated public servants. "Our government draws its strength from long-established institutions [such as] the courts, body of common law, the Constitution... In a highly-evolved democracy such as ours, their authority is sacrosanct." Our system of checks and balances, of free elections, of majority rules with minority protections, of Constitutional review being the province solely of the judiciary: Overthrow those, and we lose all systemic protections from our enemies, both foreign and domestic.

As Shane Boswell pointed out, Americans have duties as well as rights under the Constitution. The majority of people did not even vote in Clarke County this year; The majority isn't even registered to vote. We all know that the Second Amendment is no more or less important than the rest of the Constitution.

So, we each need to ask ourselves: Are we also doing our patriotic duty here? Are the mechanisms we choose to utilize in the process, and the spirit of our debate, buttressing or undermining our democracy? After six weeks of my insisting that we not feed into the schism, and working with the other elected representatives of Clarke County, I am satisfied that this Resolution passes that test.

Supervisor Catlett stated that the Board did listen to the constituents, adding that this is a complicated issue. Opined that part of this is to communicate to our legislators, believe that all issues that go before the legislators should be thoroughly vetted and that all decisions should be based on knowledge and facts, not on emotion or misinformation.

Vice Chair McKay asked that everyone make a commitment to find two to three people before next fall and get them registered to vote and get them to the polls.

Supervisor Lawrence stated to let the resolution speak for his thoughts.

Chair Weiss opined that one of the jobs, as chair, is to build consensus. Adding that he believes that the Board has done that within the community by listening to all, in various ways. When staff was asked to work with the County Attorney in order to create this resolution, he knew the Sheriff's position. One of the other jobs of the Board of Supervisors is to not be in conflict of the Constitutional Officers. We all support the Second Amendment but in the resolution he did not want to see the language that many citizens wanted because in Clarke County we are not divided, we are small, we work together, and the Board would like to keep it that way. Therefore, he did not want to see language that indicated that we would be in direct conflict with our Sheriff's law upholding views. Overall, believe that this has been a very educational process for the Board. Once again encouraged citizens to come to Board meetings.

Chair Weiss expressed that this was not taken lightly, stating that the Board and staff worked very carefully on this, to try to represent all of our County, and send the word to Richmond to work within the bounds of the Constitutions.

#### *FY2021 Budget Calendar*

Supervisor Catlett moved to adopt the FY2021 Budget Calendar as presented. The motion carried as follows:

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

At 10:31 am, the Organizational Meeting and regular work session was adjourned.

Reminders:

2020 Conflict of Interest mailed Monday, December 30, 2019, due in Clarke County Administration by 5 pm, Monday, February 3, 2020.

2020-01-21 Action: Chris Boies summarized the 2020 Organizational Meeting and Work Session. He stated that the only outstanding action for the Board was Chair appointments. Planning also the Well of Septic Appeals.

Chairman Weiss advised members that adjustments could be as needed.

Supervisor Catlett requested more information on the Community Management and Policy Team.

Chairman Weiss informed the Board that County Code required that the Supervisors' Planning Commission member also to be a member of the Board of Septic and Well Appeals.

**Vice Chair McKay moved to accept the 2020 Chair appointments as presented. The motion carried by the following vote:**

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

9) Finance Board of Supervisors Finance Committee Items

1. County Wastewater System Update.

2020-01-06 Summary: Mary Meredith provided an update on the status of the County's Sanitary Sewer System.

2020-01-21 Action: Chairman Weiss encouraged members to review this update. He opined that the Sanitary Authority was doing well and cutting costs. Supervisor Daniel noted that there was a significant difference in the rates charged in the Towns of Berryville and Purcellville and the Clarke County Sanitary Authority. These towns' systems were modified to the most recent standards, which is a large part of the rate.

2. FY 20 Supplemental Appropriation: Morgan's Mill Appalachian Trail Access.

2020-01-06 Summary: The Finance Committee recommends approval of the following:

*"Be it resolved that FY2020 budgeted expenditure and appropriations in the General Government Capital Projects Fund be increased \$15,000, that revenue from the Appalachian Trail Commission be recognized in the amount of \$3,000, that revenue from the Appalachian Trail Commission be recognized in the amount of \$4,000, and that the designation for Community Facilities be reduced in the amount of \$8,000, all for the purpose of constructing vehicle access to the Appalachian Trail at Morgan's Mill.*

2020-01-21 Action: Chairman Weiss put forth that the project would support tourism. Supervisor Catlett commented that she hoped it made the road safer.

**Supervisor Lawrence moved to approve the resolution, "Be it resolved that FY2020 budgeted expenditure and appropriations in the General Government Capital Projects Fund be increased \$15,000, that revenue from the Appalachian Trail Commission be recognized in the amount of \$3,000, that revenue from the Appalachian Trail Commission be recognized in the amount of \$4,000, and that the designation for Community Facilities be reduced in the amount of \$8,000, all for the purpose of constructing vehicle access to the Appalachian Trail at Morgan's Mill." The motion carried by the following vote:**

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

3. Bills and Claims.

2020-01-06 Summary: The Finance Committee recommends acceptance.

2020-01-21 Action: Following review, **Supervisor Catlett moved to accept the December 2019 Invoice History Report. The motion carried by the following vote:**

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

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

2020-01-06 Action: Information only.

10) Joint Administrative Services Board Update

Tom Judge advised that the board did meet, but it took no action.

11) Government Projects Update

Chris Boies provided the monthly project update:

- VATI Grant: Comcast is finalizing and should complete the paperwork within the next month.
- Boundary Line Warren County:
  - o Still working with Warren County on the adjustment.
  - o Still need to verify the accuracy of a boundary line on one property.
  - o Spoke briefly with the County Attorney this morning on the matter.
  - o Getting closer to moving forward.
- Board Minutes: Acknowledgement and special thanks to Brianna R. Taylor for the massive set of minutes completed for the December 17, 2019, meeting; her first meeting as Deputy Clerk.
- Website:
  - o Special thanks to Gordon Russell and Cathy Kuehner for their work on the new website.
  - o Go live February 3.
- VMCA Region III Clerk of the Year: Recognize Lora B. Walburn for being recognized by the Virginia Municipal Clerk's Association Region III as Clerk of the year. He opined that she had performed excellent work for Clarke over many years; and, it was a well deserving award.

## 12) Miscellaneous Items

None added to the January 21 meeting.

## 13) Summary of Required Action

<u>Item</u>	<u>Description</u>	<u>Responsibility</u>
1.	Correspond adopted BoS Regular & Work Session date, time, and location to PIO.	Brianna R. Taylor
2.	Process Rules of Procedure Rev. 14	Brianna R. Taylor
3.	Execute Second Amendment Resolution	David Weiss
4.	Process Second Amendment Resolution	Brianna R. Taylor
5.	Correspond adopted FY2021 Budget Calendar meeting date, time, and location to PIO	Brianna R. Taylor
6.	Process, archive, and post approved minutes.	Brianna R. Taylor
7.	Execute letter for Grant Proposal for American Battlefield Protection Program Planning Grants	David Weiss
8.	Process letter for Grant Proposal for American Battlefield Protection Program Planning Grants	Brianna R. Taylor
9.	Execute Resolution 2020-02R.	David Weiss
10.	Process and archive resolution 2020-02R.	Brianna R. Taylor
11.	Execute notice of appointment.	David Weiss
12.	Process appointments and update database.	Brianna R. Taylor
13.	Update 2020 Chair Appointments Database	Brianna R. Taylor

## 14) Board Member Committee Status Reports

Supervisor Terri T. Catlett

- Parks and Recreation Advisory Board: No quorum, but did discuss budget items including a citizen's bequest.

- Humane Foundation: Attended meeting and learned a great deal about its history. Currently, all going well with only one dog in the Shelter and plenty of cats.
- Conservation Easement Authority:
  - Met last week.
  - Recognized former Supervisor Michael Hobert.
  - Elected Randy Buckley Chair; George Ohrstrom Vice Chair; Peter Engle remains Secretary / Treasurer.
- Historic Preservation Committee: No quorum, but discussed plans for the coming year.
- School Board
  - Met in December.
  - The VFW recognized teachers from the elementary, middle, and high schools presenting them with \$500 awards.
- Career and Technical Education Committee: Did not meet. Did speak with High School Principal Dana Waring about a program seeking community partners to give students an opportunity to gain education for employment.
- Village of Millwood: No changes to report.

Supervisor Mary L.C. Daniel

- Planning Commission:
  - George Ohrstrom remains Chair; Randy Buckley remains Vice Chair
  - Work session cancelled due to snow.
  - Humane Foundation has submitted approval for the Animal Shelter addition providing for a separate entrance.
- Legislative Liaison:
  - Provided the Supervisors a spreadsheet of proposed legislation.
  - Second amendment bill died in committee.
- Broadband Implementation Committee: Did not meet.
- Sheriff's Department: Will meet at the end of the month.

- Library: Did not meet.
- Josephine School Museum: Did not meet.
- Coalition of High Growth Communities: No activity.

Supervisor Doug M. Lawrence

- Conservation Easement Authority:
  - Attended meeting with Supervisor Catlett.
  - Supervisor Lawrence asked for a copy of the resolution for former Supervisor Hobert, and suggested having it read for the record.
- Board of Social Services: Meets tomorrow.

Vice Chair Bev B. McKay

- NSVRC: Did not meet.
- Building and Grounds: Still in a holding pattern.
- Town of Berryville: Discussed problems with birds.
- Village of White Post: Encourage Supervisor to look at the old-style gas pumps.
- Town of Boyce: Meeting cancelled. Next meeting is scheduled for February 4.
- Clarke County Sanitary Authority:
  - Met this morning.
  - Due to the recent membrane replacement, meeting all regulations.
  - System is working more evenly, running better, with fewer problems.
  - Imboden doing a very good job.
  - CCSA voted this morning to start replacing old meters. Cost is approximately \$225 each with installation.

Chairman David S. Weiss

- Fire & EMS Commission: Discussed FY2021 budget. Brian Lichty has come up with different ideas and options.
- Industrial Development Authority: Met January 23.

- MOU Committee / Town of Berryville Clarke County Economic Development and Tourism Joint Committee:
  - Staff is asked to schedule a meeting with the Town.
  - Conducted informal discussions with Council, which is still undecided in the direction it should go; however, it is committed to being a paying partner, to some level, as far as economic development.

15) Closed Session

**At 2:21 pm, Supervisor Daniel moved to enter closed session pursuant to:**

- **§2.2-3711-A1 Specific employees or appointees of the Board**
- **§2.2-3711-A8 Consultation with legal counsel employed or retained by a public body regarding specific legal matters requiring the provision of legal advice by such counsel.**

**The motion carried by the following vote:**

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

**At 4:04 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:**

Terri T. Catlett	-	Aye
Mary L.C. Daniel	-	Aye
Doug M. Lawrence	-	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:**

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

#### 16) Adjournment

At 4:05 pm, Chairman Weiss adjourned the meeting.

#### Next Regular Meeting Date

The next regular meeting of the Board of Supervisors is set for Tuesday, February 18, 2020, at 1:00 p.m. in the Berryville Clarke County Government Center, Main Meeting Room, 101 Chalmers Court, Berryville, Virginia.

ATTEST: January 21, 2020

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

\_\_\_\_\_  
Chris Boies, County Administrator

\_\_\_\_\_  
Recorded and transcribed by Brianna R. Taylor and Lora B. Walburn,  
Deputy Clerks to the Board of Supervisors