

March 17, 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, 2nd Floor, Berryville, Virginia conducted on Tuesday, March 17, 2020.

Board Members

Present Afternoon Session / No Evening Session: Terri T. Catlett - Millwood / Pine Grove District; Mary L.C. Daniel – Berryville District; Doug Lawrence – Russell District; Bev B. McKay – White Post District; David S. Weiss – Buckmarsh / Blue Ridge District

Absent Afternoon Session / No Evening Session: None

County Staff Present

Chris Boies, Barbara Bosserman, Brian Lichty

Constitutional / State Offices / Other Agencies

Keith Dalton, Sheriff Tony Roper

Press

Mickey Powell – The Winchester Star

Others Present

Ralph Ambrosio, Matthew Bass

1) Call to Order

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

2) Adoption of Agenda

- Miscellaneous Item 13: Add a Declaration of a Local Emergency to the Agenda following Item 4 VDOT report. At that time, Emergency Operations Director Brian Lichty will provide an update on the County's response to the Coronavirus.
- Finance Committee Item 10:
 - o Add reset budget and tax rates public hearings from March 31 to April 21 at 6:30 due to a notification requirement.
 - o Add establish a Board of Supervisors meeting seven days after the April 21 public hearing for formal adoption of the budget and tax rates.
- Closed Session Item 16: Add a second item for closed session pursuant to 2.2-3711-A5, Discussion concerning a prospective business or industry where no previous announcement has been made.

Vice Chair McKay moved to adopt the agenda as amended. 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) Citizens Comment Period

No persons addressed the Board.

4) VDOT

Being unable to attend the March meeting, Ed Carter, Residency Administrator, provided the following report via email.

Maintenance:

- Completed brush trimming operations on Route 608 (Parshall Road) and Route 644 (Featherbed Lane).
- Will continue boom axe operation on various routes this month.
- VDOT started patching operations on Route 638 (Howelsville Road) and will continue this month on various routes including using contractors for patching on Route 7.
- Graded various non-hard surface roads and will continue this month.

- Conducted pothole patching on various routes and will continue this month as they are reported.
- Removed storm debris at various locations.

Board Issues:

- Met with law enforcement and emergency services to work out procedure logistics for incident management on Route 7 during the Route 9 project detour.
- VDOT is expecting additional maintenance funds this fiscal year.
- VDOT is scheduled to re-work the ditches and shoulders on Gun Barrel Road.
- The Loudoun County Board of Supervisors meets tonight on truck restrictions for Route 601.

Vice Chair McKay:

- Virginia Logos: Staff was asked to provide Vice Chair McKay with contact information.

Chairman Weiss:

- Clarified that while Mr. Carter was not in attendance, VDOT crews were still out working to take care of the roadways.

5) Special Election for Circuit Court Clerk and Board of Supervisors Berryville District Supervisor Replacements

The Board congratulated Supervisor Mary L.C. Daniel on her judgeship and thanked her for being a strong representative for her constituents in the Berryville district.

The Board thanked Circuit Court Clerk Helen Butts for her many years of service, good will, and pleasant attitude. The Board wished her well in her retirement.

Supervisor Catlett moved to instruct the County Attorney to file the petition and writ on behalf of the Board of Supervisors at the appropriate time for Circuit Court Clerk and Board of Supervisors Berryville District Supervisor. 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) Approval of Minutes

January 21, 2020, Regular Meeting Minutes Book 24 Page 87: Second line change from below to above.

February 18, 2020, Regular Meeting Minutes Book 24

- Page 114: Sheriff’s Office: \$100,513 increase, strike ~~mostly due to the addition of a School Resource Officer.~~
- Page 124: Fire and EMS Commission points 1, 4, and 5 are all for Fire & EMS Commission; Points 2 and 3 place under a separate heading for regional jail.

Vice Chair McKay moved to approve the minutes for:

- January 21, 2020, regular meeting as amended,
- February 18, 2020, regular meeting as amended, and,
- March 2, 2020, Board of Supervisors FY2021 Budget Work Session 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

7) Consent Agenda

2020-04R Concurring Resolution of the Board Of Supervisors of the County of Clarke, Virginia, Regarding a Financing by the Northwestern Community Services Board

**Concurring Resolution of the Board of Supervisors of the County of Clarke, Virginia, Regarding a Financing by the Northwestern Community Services Board
2020-04R**

Whereas, the Northwestern Community Services Board (the “NWCSB”) was created pursuant to Chapter 5, Title 37.2 of the Code of Virginia (1950), as amended, by resolutions of the Board of Supervisors of the City Council of the City of Winchester, Virginia (the “City”) and Frederick County, Clarke County, Shenandoah County, Page County, and Warren County, Virginia (collectively, the “Counties”); and

Whereas, the NWCSB has represented to the County of Clarke that it desires to borrow up to Four Million Dollars (\$4,000,000) with a bridge loan with BB&T (Trust) to and then a

permanent loan with the United States Department of Agriculture (USDA) fund, in part, the acquisition, construction, renovation, improvement and equipping of certain property located in Frederick County, Virginia, to be used, for an Outpatient Behavioral Health program and the payment of the financing costs therefore; and

Whereas, Virginia Code Section 37.2-504(11) requires the authorization of the City Council of the City and the Board of Supervisors of the respective Counties before the NWCSB may borrow money.

Now, Therefore, be it Resolved by the Board of Supervisors of Clarke County Virginia, as follows:

1. The County hereby endorses the financing plans of the NWCSB, including a bridge loan with BB&T (Trust) to and then a permanent loan with the United States Department of Agriculture (USDA)
2. To the extent required by law, if at all, the County hereby endorses and further approves any necessary or appropriate actions of the NWCSB to effect such financing.

This Resolution shall be effective immediately.

Adopted this 17th day of March, 2020

Attest:

David S. Weiss, Chair
Board of Supervisors

2020-01P Northern Shenandoah Valley disABILITY Awareness Week 2020 Proclamation

***NORTHERN SHENANDOAH VALLEY disABILITY AWARENESS WEEK 2020
2020-01P***

WHEREAS, the United States Congress enacted the Americans with Disabilities Act in 1990, prohibiting discrimination against people with disabilities in employment, public accommodations, transportation and telecommunications; and

WHEREAS, the Commonwealth of Virginia enacted the Virginians with Disabilities Act in 1985 to assure equal opportunity to persons with disabilities in the Commonwealth, and it is the policy of this Commonwealth to encourage and enable persons with disabilities to participate fully and equally in the social and economic life of the Commonwealth and to engage in remunerative employment; and

WHEREAS, people with disabilities often overcome common misunderstandings about their circumstances and make valuable contributions to their families and communities; and

WHEREAS, disability is a natural part of the human experience, and individuals with disabilities deserve the same rights as their peers to live independently, enjoy self-determination, make choices, contribute to society and participate fully in the American experience; and

WHEREAS, the community plays a central role in enhancing the lives of people with disabilities, and people with disabilities benefit from having a network of supportive friends and family, accommodating employers and community leaders who are aware of these needs and abilities; and

WHEREAS, millions of people in the United States have disabilities and we all must make a conscious effort to discover their functional abilities and to remove the barriers met in their effort to acquire independence; and

WHEREAS, it is the goal of Access Independence, Inc. to involve the community in all aspects of disAbility Awareness Week and establish an atmosphere that supports awareness and education of on-going initiatives to enhance public understanding of, and appreciation for, abilities possessed by those of us who experience life with disabilities.

*NOW, THEREFORE the Clarke County Board of Supervisors do hereby proclaim APRIL 20 through 26, 2020 as **NORTHERN SHENANDOAH VALLEY disABILITY AWARENESS WEEK 2020**, and we call this observance to the attention of all of those people who live in Clarke to work together to raise awareness and understanding of the abilities of people with disabilities.*

Adopted by unanimous vote on March 17, 2020, by a vote of all members present.

Attest:

David Weiss, Chair

Abstract of Votes March 2020 Democratic Presidential Primary Election

ABSTRACT of VOTES

Cast in CLARKE COUNTY, VIRGINIA
at the 2020 March Democratic Presidential Primary Election held on March 03, 2020 for,
President

NAMES OF CANDIDATES ON THE BALLOT	TOTAL VOTES RECEIVED (IN FIGURES)
Joseph R. Biden	1209
Bernie Sanders	526
Michael R. Bloomberg	275
Elizabeth Warren	249
Pete Buttigieg	31
Tulsi Gabbard	28
Amy Klobuchar	19
Andrew Yang	6
Tom Steyer	5
Cory Booker	1
Deval Patrick	1
Marianne Williamson	1
Michael Bennet	1
Julián Castro	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 March 03, 2020, do hereby certify that the above is a true and correct Abstract of Votes cast at said election for the President.

Given under our hands this 6TH day of MARCH, 2020



Donald de Haven, Chairman

[Signature], Vice Chairman

Carol S. Hester, Secretary

Carol S. Hester, Secretary

Supervisor Catlett moved to adopt the Consent Agenda 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

8) Board of Supervisors Personnel Committee Items

A. Expiration of Term for appointments expiring through May 2020.

2020-03-09 Summary: The Personnel Committee reviewed potential appointments.

2020-03-17 Action: Chris Boies stated that the Personnel Committee reviewed potential appointments, but no action was taken.

B. Request for Alternates to CPMT and FAPT

2020-03-09 Summary: Following review of the request from Community Policy and Management Team [CPMT] and Family Assessment and Planning Team [FAPT] to add alternates, the Personnel Committee recommends adding the following:

FAPT: Alternates For 26th Judicial District Alternates: Samantha Walker, Ashleigh Marsten, Christina Lovasz

CPMT: Alternate for 26th Judicial District – Kista Opoku-achampong; Alternate for Virginia Department of Health – Leea Shirley; Alternate for Department of Social Services – Michael Austin

2020-03-17 Action: Chris Boies advised that the Personnel Committee reviewed and recommended adding alternates to serve on FAPT and CPMT. He informed the Board that the addition of alternates was at the request of the groups to address issues with obtaining a quorum.

Vice Chair McKay moved to accept the recommendation of the Personnel Committee. 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

Chairman Weiss thanked the team members for serving.

C. Discussion of Citizen's Academy

2020-03-09 Summary: Chris Boies provided an outline of the proposed educational program. Following review, the Personnel Committee recommends approval of the Citizen's Academy program.

2020-03-17 Action: Chris Boies provided the following:

- The Personnel Committee was provided a draft of the proposed educational program.
- This group would meet as a cohort following an academic year beginning in August or September.
- This group would work through the different facets of county and town government to learn about operations, funding, organizational partnerships, etc.
- The topics, in general, are government 101 with a public works day, education, law enforcement, judicial, recreation, human services, public safety, finance, budget, community development, preservation, ending with a graduation in June.
- This program would emulate programs throughout the country used to educate citizens on how county government works, engage citizens on how government operates, and create a group of individuals from which the governing body could select for appointment to the many committees and commissions.

Supervisor Catlett expressed her support of the proposed program noting that she had attended a similar program conducted in the City of Winchester.

Supervisor Daniel added that Winchester's program appeared to be successful; and, from it, it had gotten some good volunteers, with better understanding of expectations and operations, to serve on its appointed bodies.

Chairman Weiss remarked that he had participated in the elected officials' panel in Winchester's program for the past five or six years and found it to be interesting. He noted that Chris Boies, early in his tenure as County Administrator, had suggested implementing such a program and had followed through.

Chris Boies, responding to Chairman Weiss' query on timeline, stated that he would like to finalize the program in the next couple of months, followed by marketing and registration, and begin the curriculum in September.

Supervisor Daniel moved to approve the recommendation of the Personnel Committee for the Citizen's Academy. 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) Board of Supervisors Work Session Items

Board of Supervisors Work Session Agenda
Berryville/Clarke County Government Center, 2nd Floor
101 Chalmers Court, Berryville, Virginia 22611

March 9, 2020, 10:00 AM, Main Meeting Room

Board Members Present: Terri T. Catlett, Mary L.C. Daniel, Doug M. Lawrence, Beverly B. McKay, David S. Weiss

Officers / Staff Present: Brenda Bennett, Chuck Bishop, Chris Boies, Brittany Heine, Tom Judge, Cathy Kuehner, Brian Lichty, Travis Sumption, Lora B. Walburn

Others Present: Robina Rich Bouffault, John Staelin

Press Present: Mickey Powell – The Winchester Star

Item No. Description

03-09-2020 Summary: At 10:00 am, Chairman Weiss called the meeting to order.

Chairman Weiss announced that Cathy Kuehner, Public Information Officer, had just handed out to the Supervisors copies of an article from the Clarke Courier from 1936 commemorating the 100th anniversary of Clarke County's formation – 184 years ago today.

A. FY2021 Budget Continued Discussion

Note: At the March 9 Work Session the Board is asked to set a final number to advertise in the FY 2021 budget. There are two Finance Committee meetings the week of March 1 that are subsequent to the packet deadline at which the budget will be further discussed. Tom Judge, Director Joint Administrative Services, will seek to distribute the relevant documents directly on Friday or at the meeting next Monday, March 9.

Chairman Weiss asked Tom Judge to join the Board in its discussion.

Highlights of Chairman Weiss' introductory review include:

- The Budget Finance Committee reviewed requests from all groups.
- On March 2, the Supervisors received the Schools' request including a 7% salary increase.
- Following that presentation, the Budget Finance Committee asked staff to provide the number for a 7% increase for all general government employees, full and part time, and all requests.
- Large requests were received from Handley Regional Library, Virginia Department of Health, and some other groups based on percentages that the County has to pay. Therefore, the Budget Finance Committee did not have a great deal of leeway with those numbers.
- Fire and EMS Commission: \$260,000 request in additional funding.
- Sheriff's Office requested a substantial increase for two deputies and four vehicles, as well as material and supplies.
- While there were some budget cuts, overall, it was a tight budget based on needs.
- With the 7% salary increase request from the Schools, the deficit was roughly \$1.35 million before receiving personal property numbers.
 - o Personal property came in at approximately \$299,000 in additional funding.
 - o The 7% salary increase would have resulted in a \$0.05 real estate tax increase to cover the cost, which the Budget Finance Committee felt was too high.
 - o Staff was then asked to create a methodology by which the Supervisors could look at different options.

Highlights of review by Tom Judge include:

- Budget currently shows a deficit of \$711,729.
 - o Budget reflects \$118,596 in leave liability – a designation of fund balance that can be used against the deficit.
 - o Budget reflects \$49,363 set aside for data and communications technology that can be used against the deficit.
 - o The deficit net of those two items leaves a deficit of \$543,770.
 - o Budget presented does not include a salary increase for the general government departments, Joint Administrative Services, or Social Services.

- Budget presented does include the Schools' requested budget, which contains a 7% salary increase.
- Budget presented reflects the revenue-neutral tax rate of \$0.615.
- Budget presented is incomplete at this point.
- The Budget Finance Committee is bringing the budget to the full Board of Supervisors to help resolve the last of the details:
 - The amount of the salary increase.
 - The amount of the real estate tax increase.
 - Depending on the determinations of the above two items, the amount of the deficit.
- Two options presented for consideration.
 - Five [5] % salary increase and a \$0.025 real estate tax increase.
 - This option would result in a \$26,332 deficit.
 - Four and a half [4.5] % salary increase and a \$0.02 real estate tax increase.
 - This option would result in a \$29,558 deficit.
 - Should the Supervisors wish to explore other options, a model to simulate other options was also made available.
- Changes since the last review by the full Board of Supervisors include:
 - Budget changes made during meetings on February 20, February 27, and March 3.
 - The Budget Finance Committee:
 - Being somewhat concerned about the economic status, cut the personal property estimate by \$100,000.
 - Is being very conservative.
 - Is closely monitoring operating budgets.
 - County Administration: Added \$31,256 for part-time position serving the needs of the Commissioner of the Revenue and Treasurer's offices.
 - General District Court: Added \$3,000 salary supplement
 - Juvenile and Domestic Relations Court: Added \$3,000 salary supplement
 - General District, Juvenile and Domestic Relations Courts originally requested \$6,000 each.
 - Sheriff: Requested two positions, only one added

- Sheriff: Travis Sumption found savings in some of his line items reducing the request by \$15,000 for a net increase of \$50,000 since last reviewed by the full Board.
- Fire and EMS:
 - Budget Finance Committee accepted the Fire and EMS Commission's final request adding \$30,000.
 - Budget Finance Committee then reduced certain line items by \$25,000 leaving a net increase of \$5,000.
 - Added LEOS [Law Enforcement Officer's Safety] an early retirement program. The exact amount is subject to completion of a requested study.
 - Added supplements for two existing Emergency Medical Technicians to function as shift supervisors.
 - Created two new programs to cover expenses previously paid by the volunteer companies:
 - Fuel program: \$40,000 request. County to pay for fuel for the three volunteer companies. Reduced to \$35,000.
 - Supply reimbursement: \$40,000 request. County to reimbursement to resupply. Reduced to \$20,000 in anticipation of savings by working through County Purchasing department.
 - Overall, including the SAFER grant, comparing budget to budget, funding is up \$375,000.
 - Chairman Weiss remarks:
 - There is a misconception within some of the volunteer fire and rescue community that because the County applied for a SAFER grant it desires to have a professional system.
 - The County is attempting to augment, not replace, the volunteers.
 - The County applied for the SAFER grant subsequent to receiving letters from both J.H. Enders and Blue Ridge indicating that more help was needed to answer calls.
 - Boyce hires its own staff.
- Regional Jail: Added \$15,000, which is not a final figure.
- Building Inspections: Budgeted \$21,000 for a four-month overlap between the outgoing and incoming Office Manager to allow for training.
- Convenience Center: Reduced by \$23,000. With a year of operation, the County is now better able to budget expense.

- Maintenance: Reduced \$15,000
- Northwestern Works: Added \$3,500; \$8,500 request reduced to \$5,000; existing budget \$1,500
 - Supervisor Daniel requested clarification. Chairman Weiss explained that the increase was to provide better transportation; however, the Budget Finance Committee has not yet received a response to its request for clarification.
 - Vice Chair McKay asked about the number of Clarke residents served. Tom Judge and Chairman Weiss guessed that the number was between 45 to 47 persons.
- Tax Relief for the Elderly and Disabled: Reduced by \$55,000; adjusted to reflect actual expense. Chairman Weiss assured that standards were not changed and the ability to access tax relief was not cut.
- Barns of Rose Hill: Reduced \$5,250; need to be clear in future what is being requested whether it is an endowment contribution or its part of the Commission for the Arts grant.
- Friends of the Shenandoah: \$15,000 request reduced to its current budgeted amount of \$8,000.
- Lord Fairfax Soil and Water Conservation: \$20,000 request reduced to its current budgeted amount of \$5,000.
- Contingency Non-departmental Legal / Personnel / Professional Services: Reduced \$23,000.
- Delinquent Real Estate Taxes: Reduced \$45,972
- Personal Property Taxes: Initially increased by \$299,000; reduced \$100,000; net increase of \$199,000. This revenue source is very sensitive to economic changes.
- Court Fines and Forfeitures: Added \$25,000 based on the addition of an additional Deputy Sheriff devoted to speed enforcement.
- Humane Foundation: Added \$5,000
- EMS Berryville: Eliminated \$8,250 contribution; Town of Berryville eliminated its contribution for fire and emergency medical services.

Highlights of Board discussion on the two outstanding issues: Salary increase and the real estate tax increase.

- Supervisor Catlett noted that there is a common theme among Clarke's employees tending to wear more hats than in similar positions in other jurisdictions, and the Board must try to compensate for this extra workload.

- Supervisor Daniel remarked that the County has worked hard for years to get competitive on its salaries.
- Vice Chair McKay asked for clarification that the additional Deputy Sheriff was not due to the proposed Hillsboro Route 9 Detour project.
 - o Chairman Weiss responded that the request was not based on Route 9. It was based on the current situation in the County in that it is the number one complaint from constituents.
 - o Chief Deputy Travis Sumption concurred that the addition of a deputy had nothing to do with the Route 9 project.
 - o Chairman Weiss explained that VDOT will be billed for time served, and it will pay from a specific fund set aside to cover increased enforcement costs due to the Route 9 Detour project.
- Five [5] % salary increase and \$0.025 real estate tax increase:
 - o Chairman Weiss stated that he was the Budget Finance Committee member that requested the 5% salary increase option.
 - Clarke general government is having a difficult time competing both on salary level and employee's share of the insurance premiums.
 - The Schools are also experiencing this same challenge.
 - Clarke is no longer competing with Loudoun County. It is competing with Frederick County, the City of Winchester, and other localities in the Valley region.
 - A 5% salary increase should keep Clarke even and possibly gain.
 - The additional half a cent tax increase is warranted with the additional expenses itemized in the proposed budget.
 - The Supervisors have not raised taxes since 2015.
 - Real estate tax increased in 2016 due to a reassessment, but it was an equalized tax rate.
 - Real estate tax was decreased a penny in 2017.
 - The proposed budget is a service-based document.
 - o Supervisor Catlett put forth that upon reflection of the different pieces of the budget she agreed that the 5% salary increase was an acceptable number.
- Chris Boies advised the Board that it needed to set the budget number and the tax rate for advertisement for public hearing on Tuesday, March 31, 2020.
 - o Vice Chair McKay, noting that he was usually reluctant to raise taxes, opined that the County was at the point it had to raise taxes.

- Supervisor Daniel expressed appreciation for the Budget Finance Committee's conservative approach, and its delays to allow economic recovery. She opined that, eventually, Clarke had to address these budget issues.
- Former Supervisor John Staelin and Board of Supervisors Budget Finance Committee member commented that the economy was uncertain, but the Board should not over react. He noted that the advertised budget and tax rate could be reduced but not increased.
- Chris Boies reminded the Board that the state's budget was based on the Governor's budget proposal that provided very little funding for education; however, last night, news from Richmond indicated that the House and Senate may be acting on the state budget this Thursday. He noted that there is a possibility that there could be some funding for education to help pay for raises.
- Supervisor Lawrence:
 - Agreed that the Board should advertise the higher rate.
 - He is able to explain to constituents the Fire and EMS increase.
 - He would like more data on the Schools' increase. Chris Boies offered to provide him information with School Superintendent Chuck Bishop.

Supervisor Daniel moved to set public hearing for Tuesday, March 31, 2020, at 7:00 pm in the Berryville-Clarke County Government Center, 2nd Floor Main Meeting Room, 101 Chalmers Court, Berryville, Virginia as follows:

- 1) FY2021 Budget to include a five [5] % salary increase for all employees.**
- 2) CY2020 Tax Rate to reflect a two and one half [\$0.025] cent real estate tax increase based on each \$100 of assessed valuation.**

The motion carried by the following vote:

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

Following the vote, Supervisor Catlett asked that it be made clear that the last time the tax rate changed, 2017, it was reduced a penny on each \$100 of assessed valuation.

Chairman Weiss noted that the budget process is a collaborative effort and thanked Tom Judge and the Joint Administrative Services staff, Chris Boies and County Administration staff, department heads, constitutional officers, the School Board, and the School Superintendent.

At 10:43 am, Chairman Weiss adjourned the meeting.

2020-03-17 Action: Chris Boies reviewed the action taken by the Supervisors' at its March 9 FY2021 Work Session observing that the Supervisors' budget calendar listed March 31 as the date to hold budget and tax rate public hearings and meeting to accept the FY2021 budget and 2020 tax rates at the April 21 regular meeting. However, due to a State Code requirement related to reassessments, the public hearings must be moved to April 21 at 6:30 pm.

Further, State Code requires the Board to wait seven days to adopt the budget; therefore, the Board must set a date for the meeting to adopt, which is suggested for Tuesday, April 28. Mr. Boies noted that the Town of Berryville has a planned meeting on that date in the Main Meeting Room beginning at 7:30 pm and suggested the Board set a meeting time between 5:00 pm to 6:30 pm or wait until Wednesday, April 29. He recognized the need to adopt the budget and tax rate as soon possible after the seven-day waiting period due to the June 5 tax bill preparation.

Chairman Weiss offered that, historically, the Supervisors have not adopted the budget and tax rates in an evening session; therefore, it could meet earlier in the day.

Chris Boies informed the Board that the meeting room was available on Tuesday, April 28, at 1:00 pm noting that the Planning Commission has a scheduled Work Session at 3:00 pm that afternoon, also the room was available for Wednesday, April 29.

By consensus, the Board set the date for adoption of the FY2021 budget and 2020 tax rates for 1:00 pm, Tuesday, April 28, 2020.

Chairman Weiss clarified that the reason for the meeting date changes was due to increasing the tax rate above the equalized rate following a reassessment for which State Code requires a 30-day notice period.

Chris Boies added that State Code is peculiar in this instance specific to a proposed tax increase following a reassessment.

Supervisor Daniel moved to reset the public hearings from Tuesday, March 31, 2020, at 7:00 pm in the Berryville-Clarke County Government Center, 2nd Floor Main Meeting Room, 101 Chalmers Court, Berryville, Virginia, to Tuesday, April 21, 2020, at 6:30 pm in the Berryville-Clarke County Government Center as follows:

- 1) FY2021 Budget to include a five [5] % salary increase for all employees.
- 2) CY2020 Tax Rate to reflect a two and one half [\$0.025] cent real estate tax increase based on each \$100 of assessed valuation.

The motion carried by the following vote:

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

Chairman Weiss opined that these economic times are very fluid, and the Finance Committee will have an opportunity on April 14 to review what has happened and make recommendations to the Board based on state revenue, forecasts, and other mitigating factors. He speculated that the budget could be adjusted dramatically if needed, and pay raises were the easiest area to adjust in relation to meeting tax rates. He assured constituents that the Supervisors were aware of the situation and were prepared to respond appropriately at that time.

Supervisor Catlett added that April 14 would be the first time the Finance Committee could talk about impacts of the changing situation.

Chairman Weiss put in that the Finance Committee could always add a meeting if deemed necessary. He expressed hope that the economy would rebound.

10) Finance Board of Supervisors Finance Committee Items

A. Follow up to Work Session on FY 21 Final number to advertise.

2020-03-09 Summary: There was no further discussion of the FY 21. It concluded at the Work Session the matter was reviewed and would proceed to advertisement.

2020-03-17 Action: Tom Judge did not attend the March 17 meeting; however, he provided the following update via email.

1. *The calculation of the amount needed for the government salary increase was overstated because it included the Constitutional Officers, who receive their increase from the Commonwealth, if at all.*
2. *The calculation of the amount needed for Social Services salary increase was overstated because of continued volatility in their staffing. I expect this will need to be corrected again as there are there are more expected changes in personnel.*

3. *We discovered a double budget situation on the revenue side with respect to School Debt Service. This was not in the School Board's request, but rather in the documents the Supervisors were reviewing. This requires a net reduction in revenue of \$107,333.*

The net affect of this reduced revenue and reduced expenditure is to modify the bottom-line deficit from the "Budget Balancing" worksheet of \$26,332, which is what the Board last saw, to a new deficit to be advertised of \$64,845, an increase of \$38,513. Some change had been expected due to the vagaries of calculating the budget first at a macro level, then applying it departmentally, and I expect something similar will occur again before final adoption when the salary midpoints are accounted for.

Chairman Weiss commented that while the revised deficit is \$38,513 higher than previously reviewed calculations, it is still within the Finance Committee parameters.

Chris Boies put in that as a percentage of the budget, it was very small.

Supervisor Daniel asked for clarification that the numbers still reflected numbers previously given by the state.

Chris Boies responded in the affirmative adding that last week School Superintendent Chuck Bishop had advised him that he was waiting on figures from the Department of Education reflecting the new state-adopted budget numbers.

B. Bills and Claims.

2020-03-09 Summary: The Finance Committee recommends acceptance.

2020-03-17 Action: Following review, **Supervisor Daniel moved to accept the February 2020 Invoice History Report. 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

C. Standing Reports. FYI: Reconciliation of Appropriation, General Fund Balance, General Government Capital Projects, Expenditure Summary

2020-03-09 Action: Information only.

11) Joint Administrative Services Board Update

Chris Boies presented the Joint Administrative Services update for Tom Judge, who did not attend the meeting. Highlights include:

- The JAS Board met on February 24.
- After a lengthy discussion, the Board, by consensus, decided not to make any changes to the health insurance plan structure; and, then, voted as a Board to approve the health insurance rate sheet for FY2021, which included no increase to the employee or the employer portion.
- JAS is also working on a purchase card program; and, the Board set the overall limit for this program at \$200,000, which was about half of what the credit card company recommended.
- The Board accepted Tom Judge's resignation effective June 30, 2020, and it appointed Brenda Bennett the new director effective July 1, 2020.
- The Board thanked Mr. Judge for a long, successful career in Clarke and noted its appreciation for his dedicated service and for his thoughtful planning in ensuring a smooth transition.

Chairman Weiss added that Tom Judge, having done his service in Clarke, is looking for other challenges; and, while the County is sorry to see him leave, it wished him well. He opined that Tom Judge had been the rock they had leaned upon; but, he is leaving in a way that promotes change and allowing Brenda Bennett, who possesses a great number of the fundamentals of the job, an opportunity to step up.

Supervisor Catlett stated that Mr. Judge would be missed.

12) Government Projects Update

Chris Boies provided the monthly project update:

- Website: The County, thanks to Cathy Kuehner, has started a small business spotlight on Saturdays. Please see our Facebook page to enjoy learning about our different, wonderful small businesses in Clarke County.
- Economic Development: Last week, the County hosted a representative from the Virginia Tourism Corporation. This person writes content for the Virginia is for Lovers website, which is the official state tourism website for the Commonwealth. A special thanks to L'Auberge for providing lodging and meals for our guest and to the many businesses and attractions we visited on the tour last Monday and Tuesday.
- Kohn Property:
 - We have formed a steering committee to develop different options for the Board to consider on the Kohn property. Alison Teetor and Lisa Cooke are leading this effort.

- This process will involve gaining input from the neighbors and the public after some solid options are developed. Stay tuned for more information on this effort.
- Sheriff's Office: I wanted to thank the Sheriff for his overall communication and coordination with the county government. His office is always very responsive and forthcoming during the budget process, which is representative of how our interactions go with other matters.
- Coronavirus / COVID-19:
 - I also want to thank Dr. Greene, although he is not here today, for making time to come in person to speak to county, town, and school officials last Friday on the coronavirus. I know how busy he has been, and we are very appreciative of the time he took to spend with us last Friday afternoon.
 - While persons at high-risk need to take certain precautions, everyone needs to stay calm and follow directions as provided by the Center for Disease Control [CDC] and the Virginia Department of Health [VDH].
 - Dr. Greene pointed out that the Department of Health is not a primary care provider, and it cannot treat patients. Persons with concerns must first contact by telephone their primary care provider.
 - The Health Department has asked us to share two important phone numbers:
 - Statewide information number: 1-877-ASK-VDH3
 - Local number: 540-771-3992
 - The County's website has these telephone numbers, as well as links to the VDH and the CDC.
- Maintenance: Staff is taking the time during school closure to catch up on work orders.

13) Miscellaneous Items

Declaration of Local Emergency

Brian Lichty, Director of Fire, Emergency Medical Services, and Emergency Operations, joined the Supervisors to provide an update on the corona virus / COVID-19. Highlights include:

- At noon today, 67 cases in Virginia, with 2 deaths.
- There are no cases in Clarke County. The closest case is in Loudoun County.
- Over 189,000 cases worldwide with over 7,500 deaths.
- Working to establish guidelines, which are being communicated on Clarke's website using a red banner on the home page.

- Developing a three-level preparedness plan. Currently, at Level 3 – lightest case; Level 1 – worst case.
- Seeking guidance from Federal Emergency Management Agency [FEMA] on public assistance needed.
- Receiving daily updates from Virginia Department of Emergency Management [VDEM] and the Virginia Department of Health [VDH].
- Updating the County Administrator daily.
- Virginia’s public gathering ban is now at 10 or more persons.
- Implemented a partial Emergency Operations Center [EOC] activation. Notified the Virginia Web EOC of activities.
- Continuing to work with departments to establish alternate meeting protocols, development of action plans.
- Developing financial impact information.
- Emergency Declaration:
 - Currently, there are federal and state declarations of emergency; and, now, declaration of emergency has reached the local level.
 - A local declaration may aid in cost recovery including personnel and materials.

Supervisor Daniel asked if the declaration went into immediate effect and could only be rescinded in an open meeting. Noting the Board’s meeting schedule, she questioned whether the declaration should be set for a certain term with extension, as necessary, in an open meeting.

Chris Boies confirmed that the declaration must be rescinded in public meeting. He responded that it is standard protocol set forth in Virginia Code to allow extension of a declaration until such a time as the governing body can meet. He stated that extending the declaration would not adversely impact the County. Mr. Boies expressed hesitation about setting a date that could result in requiring another declaration.

Supervisor Catlett remarked that such declarations help localities and states deal with such situations.

So as not to further alarm citizens, David Weiss asked for caution from local media asking that it be noted that the declaration was not a reaction to a specific problem or escalation of the virus.

Chris Boies clarified that VDEM recommended localities enact such declarations; and, from an administrative perspective, it was the right thing to do at this juncture.

Supervisor Catlett suggested that all “stay calm and carry on.”

Chairman Weiss expressed the Board’s appreciation for Chris Boies’ and Brian Lichty’s coordination and all the additional work it entailed in handling the situation.

In response to Chairman Weiss’ question as to what else might be needed from the Board, Chris Boies provided the following:

- Per conversations with Board members, he would continue to monitor revenues for potential impact on the budget; and, as necessary, he would present the Supervisors with proposals for supplemental funding where necessary.
- Brian Lichty will work with local volunteer companies to monitor any loss of revenue from cancellation of fundraising activities.
- Continue to work with the Public Information Office to update the website to communicate the rapidly evolving situation.
- Cathy Kuehner, Director of Public Information, is working with County Administration, Schools, Town of Berryville, and Constitutional Offices to coordinate and communicate updates.

Chairman Weiss asked that community partners, such as Meals on Wheels, be included in outreach efforts to address any unmet needs. He told the Board that School Superintendent Chuck Bishop had offered vans if needed.

Vice Chair McKay moved to accept the Declaration of a Local Emergency. 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

DECLARATION OF A LOCAL EMERGENCY

WHEREAS, the World Health Organization has declared Coronavirus 2019 (COVID19) a Public Health Emergency of International Concern; and

WHEREAS, the World Health Organization declared the spread of COVID-19 a pandemic on March 11, 2020; and

WHEREAS, the Governor of Virginia declared a State of Emergency on March 12, 2020 to prepare and coordinate Virginia’s response to the potential spread of COVID-19; and

WHEREAS, the threat to public health and safety to the residents of the County of Clarke, Virginia posed by and resulting from the COVID-19 virus is of sufficient severity and magnitude to be an emergency as defined by Virginia Code Section 44-146.16.

NOW, THEREFORE, BE IT RESOLVED pursuant to the authority vested in the governing body of the County of Clarke, found in Virginia Code Section 44-146.21, the Clarke County Board of Supervisors, hereby declare that a local emergency exists within the County of Clarke. This declaration shall activate the County's local emergency operations plan and authorize the furnishing of aid and assistance thereunder.

BE IT FURTHER RESOLVED pursuant to Virginia Code Section 44-146.21, this Declaration shall authorize the Director of Emergency Management to:

- Control, restrict, allocate or regulate the use, sale, production and distribution of food, fuel, clothing and other commodities, materials, goods, services and resource systems which fall only within the boundaries of that jurisdiction and which do not impact systems affecting adjoining or other political subdivisions,
- Enter into contracts and incur obligations necessary to combat such threatened or actual disaster, protect the health and safety of persons and property and provide emergency assistance to the victims of such disaster, and proceed without regard to time consuming procedures and formalities prescribed by law (except mandatory constitutional requirements) pertaining to the performance of public work, entering into contracts, incurring of obligations, employment of temporary workers, rental of equipment, purchase of supplies and materials, and other expenditures of public funds (provided that, to the extent, if any that necessary expenditures exceed appropriations in the current approved budget, the County's Director of Finance must verify that unobligated funds are available therefor).

This Declaration is effective upon my signature and shall remain in full force and effect until all necessary emergency actions have been taken and takes appropriate action to end the declared emergency by a majority vote taken at an open meeting, in accordance with the provisions of Virginia Code Section 44- 146.21(A).

Given under my hand, this 17th day of March, 2020

Attest:

David S. Weiss, Chair Board of Supervisors
Emergency Services Director

Chris Boies, County Administrator
Emergency Services Coordinator

Chairman Weiss offered from the Board's perspective that it knew that everyone was concerned about the situation as was the Board. He urged all to stay calm while moving forward. He observed that Clarke would get through this pandemic noting that it had good, professional people working hard, and smart people in the community that can help. He urged citizens to keep things in perspective and look out for each other.

14) Summary of Required Action

<u>Item</u>	<u>Description</u>	<u>Responsibility</u>
1.	Provide Virginia Logos contact information to Vice Chair McKay.	Chris Boies
2.	Instruct the County Attorney to file the petition and writ on behalf of the Board of Supervisors at the appropriate time for Circuit Court Clerk and Board of Supervisors Berryville District Supervisor.	Chris Boies
3.	Amend minutes for January 21, 2020, February 18, 2020.	Lora B. Walburn
4.	Process approved minutes for January 21, February 18, and March 2, 2020.	Lora B. Walburn
5.	Execute Resolution 2020-04R, 2020-01P.	David Weiss
6.	Process Resolution 2020-04R, 2020-01P.	Chris Boies
7.	Provide notice of BoS acceptance of alternates for FAPT and CPMT, update database.	Lora B. Walburn
8.	Provide notification of declaration of state of emergency.	Brian Lichty
9.	Update calendar with revised meeting dates and times for the budget and tax rate public hearings and adoption.	Cathy Kuehner
10.	Revise and process public hearing notices.	Tom Judge
11.	Advertise the pending vacancy on the Board of Supervisors for the Berryville District from March 23 through March 30.	Chris Boies
12.	Prepare a form for interested parties to complete.	Chris Boies
13.	Following the period of advertisement, the Board of Supervisors will review submissions and set a timetable as to how it will proceed to select an interim representative for the Berryville District.	Board of Supervisors

15) Board Member Committee Status Reports

Supervisor Terri T. Catlett

- CPMT:
 - Attended the meeting yesterday.
 - Discussed securing a parent representative.
 - Discussed programs during school closures.
- Conservation Easement Authority: Met February 20. Discussed various easements.
- Parks and Recreation Advisory Board: No update given.
- Humane Foundation: Meeting postponed.
- Historic Preservation Committee: Scheduled to meet tomorrow.
- School Board:
 - Further discussion of the budget.
 - Discussed after-school Science Technology Engineering and Mathematics [STEM] program.
 - A literacy fair is scheduled at the high school on April 22.
 - Seventh graders visited the Josephine Street Museum.
 - World of Work is scheduled for September 18.
 - Postponed upcoming meeting.
- VACo Board: No update given.
- Career and Technical Education Committee: Did not meet.
- Village of Millwood: The newsletter editor for Millwood Community Association has changed. The new editor will now focus on improved communication with the Board of Supervisors on county issues.

Supervisor Mary L.C. Daniel

- Broadband Implementation Committee: No recent meetings.
- Board of Well and Septic Appeals: March 18 meeting cancelled.
- Coalition of High Growth Communities: Nothing to report.
- Josephine School Museum: Meeting scheduled for April 19, 3 pm to 6 pm, with the Historic Association to conduct another panel talk and integration in Clarke County Public Schools.
- Legislative Liaison: No update given.

- Library: Is closed for the next two weeks; however, patrons are encouraged to use online services that include movies, videos, and books.
- Planning Commission:
 - Animal Shelter: Approved Humane Foundation’s site plan.
 - Discussing accessory apartment use in AOC and FOC areas.
- Sheriff’s Department:
 - Operations have not been affected.
 - Encouraging citizens to let them know if assistance is needed.
 - Encouraging citizens to look out for neighbors.

Supervisor Doug M. Lawrence

- Board of Social Services:
 - Cancelled meeting set for Wednesday.
 - Department of Social Services Director Brittany Hiene is planning to write a list to send via email to Board members.
 - Chairman Weiss clarified that the relaxing of certain requirements during a state of emergency are limited to discussing only those things directly related to the emergency, not normal working business.
 - Chris Boies added that Bob Mitchell is monitoring via a listserve for local attorneys, who have posed questions about the conduct of public meetings in the current situation.
- Drug Court: No update given.

Vice Chair Bev B. McKay

- Building and Grounds:
 - BCCGC Joint Building Committee
 - Met March 4.
 - Discussed building maintenance.
 - Discussed potential capital projects, but did not approve anything.
 - Discussed the elevator, which appears to be functioning better.
- Community Workforce Development: No update given.

- Clarke County Sanitary Authority: Did not have a quorum for the March 17 meeting.
- Economic Development Advisory Committee: Wednesday, March 18, meeting cancelled.
- NSVRC: Meeting cancelled.
- Town of Boyce: No update given.
- Village of White Post: No update given.

Chairman David S. Weiss

- Fire & EMS Commission:
 - Met last week.
 - Chairman Weiss asked Chris Boies to describe the mediation group. Chris Boies provided the following:
 - Group will include the chief and president of each fire company, Supervisor Catlett, Dianne Harrison – Commission member, and recently-retired Frederick County Administrator John Riley.
 - Will talk through continuing issues relating to County fire and emergency medical service and how it is provided.
 - Topics will include communication, governance, and financing.
 - The goal is to provide a framework from which all will agree on and operate on going forward, and so all understand how we operate as a system and how we are accountable to each other related to that.
 - Chairman Weiss added that the Commission and he felt this was a good approach. He thanked Supervisor Catlett for agreeing to serve.
 - At its meeting last week, Brian Lichty presented the percentage of fails. At the Supervisors meeting, Chairman Weiss asked Brian Lichty for comment. Brian Lichty provided the following:
 - Still very early to tell, but with the additional staffing they have already seen drops in dispatch and route times and dispatched on scene times.
 - Expects a hopeful outcome for the near future.
- Industrial Development Authority: Did not meet.
- MOU Committee / Town of Berryville Clarke County Economic Development and Tourism Joint Committee: Friday, March 20, meeting postponed.
- Other: Participating in activities relating to the corona virus / COVID-19.

16) Closed Session

At 1:55 pm, Supervisor Daniel moved to enter closed session pursuant to:

**§2.2-3711-A1 Specific employees or appointees of the Board; and,
§2.2-3711-A5, Discussion concerning a prospective business or industry where no
previous announcement has been made.**

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 3:00 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

Following certification, Chairman Weiss stated that he would give instruction to the County Administrator on how it wished to fill the upcoming vacancy in the seat held by Mary L.C. Daniel, Berryville District Supervisor.

- Advertise the position from March 23 through March 30.
- Prepare a form for interested parties to complete.
- Completed forms returned to the County Administrator.
- Following the period of advertisement, the Board of Supervisors will review submissions and set a timetable as to how it will proceed to select an interim representative for the Berryville District.

17) Adjournment

At 3:02 pm, Chairman Weiss adjourned the meeting.

Next Regular Meeting Date

The next regular meeting of the Board of Supervisors is set for Tuesday, April 21, 2020, at 1:00 p.m. in the Berryville Clarke County Government Center, Main Meeting Room, 101 Chalmers Court, Berryville, Virginia.

ATTEST: March 17, 2020

David S. Weiss, Chair

Chris Boies, County Administrator

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