

April 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, April 21, 2020.

#### Board Members

Present Afternoon / Evening 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 / Evening Session: None

#### County Staff Present

Brenda Bennett, Chuck Bishop (via phone), Chris Boies, Tom Judge (via phone), Cathy Kuehner, Brian Lichty, and others via livestream

#### Constitutional / State Offices / Other Agencies

Sheriff Anthony “Tony” Roper

#### Press

Mickey Powell – The Winchester Star

#### Others Present

George Archibald

1) Call to Order

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

2) Adoption of Agenda

- ✓ Add the Resolution Concerning Governor Northam’s Proposal to Cancel and Reschedule the Municipal Elections 2020-06R to the Consent Agenda.

**Supervisor Catlett 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	-	Aye
David S. Weiss	-	Aye

3) Citizens Comment Period

Mr. George Archibald, Berryville, read into the record the following:

Dear Chairman Weiss and Administrator Boies,

As resident and registered voter of Berryville District, where incumbent elected Supervisor Mary Costello Daniel is resigning to accept appointment as our new General District Court judge for Judicial District 26 seated in Winchester and environs, I hereby request with regard to her replacement as Berryville District Supervisor that all documentation associated with pending Personnel Committee Item B found on Page 42 of today’s April 21, 2020 Clarke County Board of Supervisors Regular Meeting Packet, and Action Items 2342, 2351, 2352, and 2353 also found on Page 77 of said Regular Meeting Packet be made available to this requestor and the General Public pursuant to the Virginia Freedom of Information Act, Code of Virginia § 2.2-3700, *et seq.*, and made part of the record of these meeting proceedings.

With respect to Action Item 2342 of March 17, 2020, found on Page 77 of the Meeting Packet, the Petition and Writ for Special Election to fill this vacancy which the County Attorney was instructed to prepare and file, such election would be unfortunately affected and tainted regarding candidates who have been asked to apply for this position, should an appointment be made before such election and campaign thereto have occurred.

I therefore request this Board today to defer any such appointment until such special election has occurred. The time until such election takes place will not be long enough to create any difficulty for the Board with this vacancy, and so in order to protect the rights of Berryville District voters, and as one who responded to your request to become a candidate, please accept my request to await the outcome of your Petition to the Circuit Court Clerk for a Special Election for Berryville District Supervisor.

Chairman Weiss stated for the record, as a point of information, the statute says that if the Board does not appoint someone in 45 days then the Courts may appoint someone in our stead.

Mr. Archibald added for the record that he is going to write a letter to Judge Iden asking him to not appoint anyone and to let the people of the community decide in the November election.

#### 4) VDOT

The following update was provided to the Board of Supervisors from Ed Carter, Residency Administrator.

##### Maintenance:

- Completed grading all non-hard surfaced roads and restoned all routes south of Rt. 340. We plan to complete stone application on remaining routes next month.
- Conducted patching operations on Rt. 638, Howellsville Rd. and will complete next month along with remaining routes on 2020 surface treatment schedule.
- Started brush trimming on Rt. 50 west from Rt. 255 to Rt. 340. We will finish Rt. 50 west this coming month and start and complete Rt. 7 east from Rt. 603.
- Performed pothole patching on various routes and will continue this coming month.
- We will also be performing boom axe operations on various routes this coming month.
- We did have some storm debris removal this month.

##### Board Issues:

- Hillsboro, Rt. 9 Detour - The Town has moved up the detour schedule to take advantage of the reduced traffic counts and address a broken water main at the encouragement of the Health Department. Fortunately, VDOT got a jump on the mitigation actions required for Clarke County and are 95% complete. We have verified that we will be 100% when the detour is activated on or about May 4, 2020.
- Truck Restrictions Rt. 601 - Loudoun County has endorsed the restrictions and we are awaiting revised resolution from Clarke Board to complete.

- Appalachian Trail Parking, Rt. 7 & 601 Lot - Discussions with the National Park Service representatives have revealed that the trail through Clarke County is still open to the public. We have revised our message board in the lot and removed our barricades at Pine Grove and Morgan Mill accordingly.
- Additional maintenance monies that were allotted this year have been placed on hold as a result of the COVID emergency and uncertainty of revenue forecast. We will know more in the next sixty days.

Supervisor Lawrence:

- Sent Mr. Carter requests via email.
- Thanked VDOT for the exit ramps on Route 7 bypass and Route 340.

Supervisor Catlett:

- Thanked Mr. Carter for the Truck Restrictions on Route 601.

Chairman Weiss:

- For citizens' information the Hillsboro Project has been moved up, they had a water main break; therefore, fixing that and proceeding on the project. Route 9 will be closed starting May 4.

5) Approval of Minutes

March 17, 2020, Regular Meeting

Supervisor Daniel moved to approve the minutes 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

2020-05R Resolution Requesting the Prohibition of Through Truck Traffic on VA Route 601 [Blue Ridge Mountain Road] from VA Route 7 [Harry Byrd Highway] to US Route 50 [John Mosby Highway]

**Resolution Requesting the Prohibition of Through Truck Traffic on VA Route 601  
[Blue Ridge Mountain Road] from VA Route 7 [Harry Byrd Highway] to US Route 50  
[John Mosby Highway]  
2020-05R**

**Whereas**, VA Route 601 [Blue Ridge Mountain Road] runs approximately 11 miles from VA Route 7 [Harry Byrd Highway] to US Route 50 [John Mosby Highway]; and

**Whereas**, VA Route 601 [Blue Ridge Mountain Road] is a winding road with numerous curves and was never designed to handle large truck traffic; and

**Whereas**, Clarke County has received complaints regarding Heavy Truck Traffic using VA Route 601 [Blue Ridge Mountain Road] to traverse between VA Route 7 [Harry Byrd Highway] and US Route 50 [John Mosby Highway]; and

**Whereas**, Heavy truck traffic is using this route despite the option of using the straighter, safer, and appropriate route of VA Route 7 [Harry Byrd Highway] to US Route 50 [John Mosby Highway] via US Route 340 [Lord Fairfax Highway] at a distance of 8.4 miles; and

**Whereas**, the Clarke County Board of Supervisors have heard the complaints, discussed the issues associated with restricting through truck traffic access on VA Route 601 [Blue Ridge Mountain Road], conducted Public Hearing on May 21, 2019, and petition the Commonwealth Transportation Board to restrict through truck traffic along the 11 mile stretch; and

**Whereas**, the Clarke County Board of Supervisors will use its good offices for enforcement of the proposed restriction by the appropriate local law enforcement agency.

**Now, Therefore, be it Resolved** that the Board of Supervisors of Clarke County Virginia, does hereby request that the Commonwealth Transportation Board restrict through truck traffic along VA Route 601 [Blue Ridge Mountain Road].

**Adopted** this 21<sup>st</sup> day of April-, 2020

**Attest:**

\_\_\_\_\_  
David S. Weiss, Chair  
Board of Supervisors

**2020-06R Resolution Concerning Governor Northam's Proposal to Cancel and Reschedule the Municipal Elections.**

**Resolution Concerning Governor Northam’s Proposal to Cancel and Reschedule the Municipal Elections 2020-06R**

**Whereas**, Governor Northam proposes that municipal elections scheduled for May 5, 2020 be moved and rescheduled for November 3, 2020 because of the COVID-19 emergency; and

**Whereas**, Absentee ballots have already been cast for the May 5<sup>th</sup> election and those ballots would need to be discarded; and

**Whereas**, Thousands of dollars of taxpayer funding has already been spent on the May 5<sup>th</sup> election on ballots, coding, and other items which will now have to be thrown away; and

**Whereas**, Certain legal questions arise as the result of an election not occurring until months after current elected officials’ terms expire; and

**Whereas**, The Clarke County Board of Supervisors shares Governor Northam’s mission of safeguarding public health and is confident that the May election can be conducted in a manner that both ensures safety and preserves the right of each citizen to elect municipal representatives;

**Now, Therefore, be it Resolved** that the Clarke County Board of Supervisors opposes cancellation of the scheduled May 5, 2020 election; and

**Be it further resolved** that if it is determined that conducting the election on May 5, 2020 is unsafe because of the COVID-19 emergency, then the date of the election should be delayed to no later than June 23, 2020, with elected officials taking office as planned on July 1, 2020.

**Adopted** this 21<sup>st</sup> day of April, 2020

**Attest:**

\_\_\_\_\_  
David S. Weiss, Chair  
Board of Supervisors

**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

7) Board of Supervisors Personnel Committee Items

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

2020-04-14 Summary: The Personnel Committee recommends the following:

- Appoint Tracy Smith to the Family Assessment and Planning Team as the Parent Representative, filling the unexpired three-year term of Sara Davis, term expiring December 31, 2020.
- Appoint Kris Short to the Family Assessment and Planning Team as the Northwestern Community Services Board Representative, filling the unexpired three-year term of Martia Myers-DePina, term expiring December 31, 2021.
- Appoint Randall Loker to the Fire & EMS Commission, filling the unexpired four-year term of Andrew Nicholson, term expiring August 31, 2020.
- Reappoint Kathy Smart to the Berryville Area Development Authority to a three-year term expiring March 31, 2023.
- Reappoint Shelley Daisley to the Clarke County Library Advisory Council to a four-year term expiring April 15, 2024.
- Reappoint Nancy Foster to the Clarke County Library Advisory Council to a four-year term expiring April 15, 2024.
- Reappoint Scott Kreider to the Clarke County Planning Commission to a four-year term expiring April 30, 2024.
- Appoint Buster Dunning to the Clarke County Planning Commission to a four-year term, assuming the appointment previously held by Robina Rich Bouffault, expiring April 30, 2024.
- Reappoint Gwen Malone to the Clarke County Planning Commission to a four-year term expiring April 30, 2024.
- Reappoint Betsy Arnett to the Clarke County Historic Preservation Commission to a four-year term expiring May 31, 2024.
- Reappoint Paige Carter to the Clarke County Historic Preservation Commission to a four-year term expiring May 31, 2024.

2020-04-21 Action:

**Vice Chair McKay moved to accept the appointments. 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

**B. Board of Supervisors Berryville District Appointment.**

2020-04-14 Summary: Personnel Committee recommends re-evaluating the situation in two weeks and anticipate to have all interviews complete by the May 11, 2020, Board of Supervisors Work Session.

2020-04-21 Action: Chris Boies reviewed that the Personnel Committee recommends to hold in person interviews in closed session, in a large room to abide by social distancing. Plan to appoint at the May Work Session so the person can sit for the May Board of Supervisors regular meeting.

Vice Chair McKay asked for clarification on when the 45-day timeframe begins. Chris Boise confirmed that the count begins May 2, the day the resignation is final.

Supervisor Daniel opined that she feels very strongly that Berryville constituents be represented at the business meeting in May. Adding that it is important that each district be represented.

Vice Chair McKay opined that waiting until the November election, officially taking office in January, would be unfair to citizens in the Berryville district.

Chairman Weiss stated for the record that he was appointed in May and then the election was held in November. Adding that John Staelin was also appointed in the spring. Therefore, this is how it has been historically done in the past.

By consensus, all agreed to schedule the interviews for Thursday, May 7, starting at 9 am. County Administrator, Chris Boies will contact applicants.

**8) Finance Board of Supervisors Finance Committee Items**

**A. Reconsideration of FY2021 Advertised Budget.**



2020-04-14 Summary: The Finance Committee recommends the following:

- Reduce the calendar 2020 real estate tax rate from 64¢ advertised rate to the 61.5¢ neutral rate.
- Revise the spring 2020 tax collection date from June 5 to June 30.
- Remove the 5% salary increase from all funds.
- Add an amount equal to a 2% salary increase for all funds to a contingency account in the General Fund.
- Transfer additional amounts from various General Fund departmental budgets and General Government capital accounts to a contingency account in the General Fund to offset the expected revenue shortfall.
- Funds budgeted in the contingency account would be released during FY2021 when the Board of Supervisors is assured that sufficient revenue is expected to fund those expenditures.

2020-04-21 Action: Tom Judge gave the following overview:

- The proposed FY2021 budget that was advertised was in advance to the stay at home orders, etc.
- Estimated revenue decreases in the current year, calendar 2020, of approximately \$1,000,000 in the final quarter.
- Decrease largely from reduced sales tax and an increase in delinquent tax.
- Estimated \$1,000,000 decrease in FY2021.
- Overall economic forecast was based on Wells Fargo Economist.
- The Finance Committee discussed rather than reducing the revenue and then reducing corresponding expenditures, to reduce revenue and move expenditures to a contingency; so if the county did get the revenues, than those expenditures could be released by Board action.

Tom Judge then reviewed the Finance Committee recommendations.

Tom Judge opined that these revised budget items that were recommended by the Finance Committee will not be discussed by the entire Board until the April 28, 2020 special meeting.

Chairman Weiss stated that the revenue fall is primarily based on collections of real estate and personal property tax. The Finance Committee was hesitant to go

into the revenue projections and cut items therefore looked at a new approach to use a contingency plan. As revenue comes in, the Finance Committee will review; then, the full Board will make the final decision to release funds.

Supervisor Daniel opined that with so much unknown this is a good idea because the judgement in six months will have more facts to make those determinations.

Supervisor Daniel asked if the items in the contingency fund will be itemized or just a lump sum to be used for the specific list of items. Tom Judge and Chris Boies stated that the items in the contingency will be listed so we know what it was set aside for. Adding that for each of the items the Board will take action individually.

Chairman Weiss stated for clarification that the items in the contingency list are not being cut from the budget they are just being delayed.

Supervisor Catlett stated that this contingency plan allows for flexibility; and, as we move forward, when revenue is available, we will be able to release the funds for these items.

Supervisor Lawrence opined that he agrees with the concept; but, he would like the LEOS retirement for Fire/Rescue for \$75,000 removed from the contingency list and put back into the budget. Stating the history of the LEOS Program and adding that he would also like it to be called Enhancement Benefit for Hazardous Duty Positions. Opining that the reason it should be placed back into the budget is because their jobs are hazardous, especially at this time; and, this would be a good show of support.

Chairman Weiss expressed that the County has been considering this program for many years. He then invited Director of Fire & EMS, Brian Lichty, to explain the program.

Director Brian Lichty stated the following:

- The program is a supplement that goes on top of the retirement from the age employees retire until they reach social security age.
- Once Social Security age is reached, the LEOS Supplement is dropped.
- Designed to get the older personnel off the front lines allowing for recruitment of younger personnel.
- These positions have many physical and mental demands; therefore, the longer the personnel are in the position the greater the risk.

Tom Judge clarified that there is a lump sum payment made to VRS when the program is started in order to catch up for the current employees. Then the overall County VRS rate, spread across all departments, will increase to cover the cost of the enhancement.

There was discussion about if the individual fire companies did hire, if those hires would be covered. Chairman Weiss clarified that if individual companies hired full-time employees they would not be covered under this program because they would not be County employees.

Supervisor Daniel asked and Director Brian Lichty clarified that if someone retires with the benefit, then works full time somewhere else the supplement will not be available just like any other program in VRS.

Chairman Weiss stated that exact revenue figures will not be available until after the December tax bills. Adding that the Finance Committee believes that there will be indicators on National and State levels plus have quarterly sales tax figures; therefore, have an indication prior to the actual figures coming in.

Tom Judge explained that an actuarial study for Fire & Rescue employees would have to be done to determine the amount to start the LEOS program then that program may not be able to begin until July 2021.

Supervisor Daniel recapped Tom Judge's statement and then asked for clarification that it would be in the budget process for the FY2022 budget cycle. Tom Judge stated that that was his understanding and that it needs to roll into our upcoming rate not the rate that is already established by VRS for FY2021.

Tom Judge added that Board consent is needed to engage the actuarial study of roughly \$1,500. Opining that the actual expensive for the program would not be spent until late in this fiscal year or even the onset of the next fiscal year.

Vice Chair McKay opined that the LEOS program should be item A of the contingency list.

Supervisor Daniel opined that the actuarial study should be done so the Board has the accurate amount needed for the program.

The Board asked Tom Judge to have the LEOS program in the contingency plan, get the amount needed to start the program, spend the money for the actuarial study, and to contact VRS to determine the timeline for the LEOS program.

Supervisor Catlett expressed that when funds are available for items in the contingency plan, the list will be managed by the County Administrator and Munis. Then those items will be presented to the Finance Committee then recommended by the Finance Committee to the entire Board.

Supervisor Lawrence asked for clarification on the Public Service Cooperation Tax, if gas companies replace piping from 12 inch to 20 inch, will that effect the revenue. Tom Judge stated that the assessment is done at the State level so it is hard to determine the impact of that specific project.

Chairman Weiss clarified the following:

- Finance Committee proposed to eliminate the 5% salary increase for County and School employees.
- Finance Committee proposed to eliminate the tax rate increase.
- Proposed contingency list will have a 2% salary increase because the State may give a 2% increase to State employees.
- Historically the Board has matched the State increase amount, the 2% salary increase is a choice for the Board.

**By consensus, the Board agreed for Tom Judge to develop a budget that shows the reduced tax rate and removal of both the salary increase and the contingency list so that a revised budget could be established and seen by the public prior to the Board vote at the April 28, 2020 Special Meeting.**

**Supervisor Daniel moved to change the tax due date from June 5 to June 30, 2020.**

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

Chris Boies stated that payment information will be provided on the County Website, in a special insert with the bill, and on social media. On the special insert, it will state the change in due date plus describe the ways to pay the bill, encouraging people to not pay the bill in person, if possible. The insert will also describe instructions on how to contact the Commissioner of the Revenue with any questions pertaining to their bill.

Chairman Weiss added that this is new to all and we are trying to make everything work and run smoothly.

Chairman Weiss reiterated that the Board thought that the advertised budget was a reasonable and service driven budget but with COVID-19, that has changed. Believe that this approach will allow us all to work through when revenues come in to try and meet that original goal of the budget that was created.

B. Federal Legislation.

2020-04-14 Summary: Tom Judge reviewed the three Federal bills that have been adopted to address the pandemic. Three bills include the \$8.3 billion supplement appropriation to support public health efforts, The Family First Coronavirus Response (FFCRA), and the Coronavirus Aid, Relief, and Economic Security (CARES) Act. Joint Administrative Services and Fire & EMS are looking into whether FEMA disaster funding is available.

2020-04-21 Action: Tom Judge reviewed the following information:

- FFCRA requires the county to provide additional sick leave to individuals who meet the criteria of the act. This does not provide reimbursement to local government.
- CARES Act no direct funding for the County.
- School system did receive \$130,000 via the State from the CARES Act.
- Federal Disaster Funding, Brian Lichty and Brenda Bennett are working to identify expenditures that might be available for reimbursement.
- Adding that there is another bill that is being discussed but do not know at this time how that will impact the County.

Chairman Weiss asked in relation to the schools, we are anticipating that the State will be making some cuts to the school system.

Tom Judge stated that there was discussion about reducing the 2% salary supplement. Waiting to see what happens in the General Assembly this week and how it filters through the department of education and then to Clarke County.

Chairman Weiss opined that dependent upon what happens the Board may ask the school system, just as we have asked the other departments, to find funds within their budget to do the programs that they feel are most relevant.

C. FY2020 Supplemental Appropriations.

2020-04-14 Summary: The Finance Committee recommends the following:

a) Real Estate Assessment System.

**Supervisor Catlett moved “Be it resolved that the FY2020 General Government Capital Budget be increased \$100,000, and the same appropriated, and that the fund balance designation for the Real Estate Assessment System be decreased in the same amount, all for the purpose of implementing a new Real Estate Assessment system over the next 7-9 months.”. 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

b) Murder Trials.

- a. Sheriff: Estimated cost of \$12,656 that the Sherriff feels can be absorbed without supplemental.
- b. Circuit Court:

**Supervisor Lawrence moved “Be it resolved that FY2020 Circuit Court expenditure and appropriation be increased \$10,530 and revenue from the Commonwealth increased in by \$9,030, all for the purpose of conducting two murder trials”. 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. Commonwealth’s Attorney:

**Supervisor Lawrence moved “Be it resolved that budgeted expenditure and appropriation of the Commonwealth’s Attorney be increased \$4,880 for the purpose of funding the expenses to murder trials not foreseen in the original budget”. 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) Sheriff's Vehicle Damage

**Supervisor Daniel moved "Be it resolved that Sheriff Department budgeted expenditure and appropriation be increased \$10,030, and that revenue from an insurance claim be recognized in the same amount, all for the purpose of repairing Sheriff vehicle damage". 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

d) Electoral Board Germ Shields

**Supervisor Daniel moved "Be it resolved that FY2020 budgeted Electoral Board expenditure and appropriation be increased \$2,870 to provide Germ Shields for the protection of poll workers". 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

D. Bills and Claims.

2020-04-14 Summary: The Finance Committee recommends acceptance.

2020-04-21 Action: Following review, **Supervisor Catlett moved to accept the March 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

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

2020-04-21 Action: Information only.

9) Government Projects Update

Chris Boies provided the monthly project update:

- Director Lichty has been very busy, as a reminder our EOC remains partially open to manage our response. He has done a great job of ensuring our first responders have the equipment and information they need to be safe while serving our citizenry. This has not always proved to be an easy task with guidelines and recommendations changing daily.
- On that note, county departments have done a great job of finding ways to serve our citizens during this time while also abiding by CDC recommendations.
- The IT department in the course of just a week or two had set up a number of our employees to work from home, and they have led the effort to livestream our meetings.
- The Planning and Building Departments are keeping permit approvals flowing, which is allowing many people to stay at work-not just the construction workers but the suppliers and others in that industry.
- Cathy Kuehner has kept the ever-changing closure list and has provided citizens a central location to find valuable COVID-19 information.
- I am very proud to work with these folks.
- Departments are also taking advantage of reduced traffic in certain places.
- Parks and Recreation has painted the interior of their building using our staff.



- Maintenance staff have been working on needed repairs at the pool and pool building, the recreation center fitness center flooring will be replaced in the coming weeks, fencing repairs are being completed at the baseball fields, annual maintenance of the fitness trail was recently completed, and the park and animal shelter roads were graded and graveled. The park is really looking nice.
- Felicia Hart, our interim director of economic development and tourism, has been working hard to get information to our business owners who have been impacted by the stay at home order. We were sharing information about the SBA disaster loans/grants but unfortunately those funds approved by Congress have run out. Businesses can find information at our YesClarkeCounty website and/or can contact Felicia with questions. We are also working with partners like the Lord Fairfax Community College Small Business Administration, the Top of Virginia Chamber, Frederick County, and the City of Winchester on regional solutions. We are very thankful Felicia is here and hit the ground running.
- Would like to recognize our 911 dispatchers, last week was National Public Safety Telecommunicators Week. We don't get to see or hear from these folks very often, and they are basically quarantined while working right now; but, if you call with an emergency, they are there to help you and get first responders to your location as quickly as possible.

Chris Boies invited Director Brian Lichty to give the following update on our response:

- Worked with Brenda Bennett to submit our information to FEMA, as the first step in the reimbursement process. States up to 75% for reimbursement, at this time not sure how the reimbursement will be done since all 50 States are under the declaration.
- Estimate \$12,000 spent to this point.
- Projection to June 10, approximately \$25,000.
- Estimate 1,500 to 2,000 hours of staff time spent on COVID-19 related items, at less than \$1,000 overtime cost to the County.
- The State is very preliminarily anticipating the return to end social distancing at June 8.
- The State also anticipates a second peak period around late September to early October.
- The State, for both this time and the second anticipated peak, does not anticipate that any hospitals will go beyond their capabilities.
- Thanks to the generosity of our community we have had 395 masks donated for the Fire & Rescue system.

- Due to the National stock pile we have been donated 6,000 surgical masks.
- Picking up another order tomorrow morning, not sure what the donation will be.
- Largest need at this time is gowns.
- Track a daily burn rate of PPE that is recorded to the State, to help anticipate the statewide use.
- Continue to work on a pandemic plan, about 70 – 75% complete.
- Have been working with the volunteer fire companies to make sure their needs are addressed as much as possible.
- Enders has become the central location for all the companies to get their supplies and those supplies have been distributed evenly between the companies.

Chairman Weiss stated that the Finance Committee recommended the Fuel Program be increased from \$35,000 to \$40,000, and the Supply Program be increased from \$20,000 to \$40,000.

Chairman Weiss opined that it is remarkable what first responders do and we appreciate all that is done.

Chairman Weiss invited Chuck Bishop to give the following school update:

- Everything that was provided via the County website at the end of March is still applicable.
- Food Service Program
  - To date have done four meal distributions, served 16,638 meals.
  - USDA changes allows Clarke the opportunity to participate in the Community Eligibility Provision.
  - Now can provide meals for students for Saturday and Sunday.
  - Four weeks ago five (5) breakfasts and five (5) lunches were provided.
  - Now provide seven (7) breakfasts and seven (7) lunches.
  - On Monday's food service staff preps, Tuesday pick up is from 10 am to 2 pm, Wednesday deliver to families who are not able to pick up.
  - Added a second location for pick up at Boyce and over the weeks the pickup has increased from 40 families on week one, 70 families on week two, and 90 families on week three.
  - Coordinated with churches the backpack food distribution for families.
- Transportation

- Delivers meals on Wednesday's using bus routing software to coordinate
- Administration
  - Continue to be engaged with the Department of Education.
  - Working remotely and in the office.
  - With our change in schedule with schools being closed, moved forward on several Capital Projects as well as our summer cleaning.
  - Starting to prepare for a significant summer school event in July.
  - Coordinated with Chris Boies and Brian Lichty to look at D.G. Cooley Upper Campus, as a center that can be used for quarantine or if need be as a hospital if we were to have a significant outbreak.
- Instructional
  - Rolled out a phase 1 and a phase 2 plan.
  - Knew from the beginning that it would be impossible to replicate what happens in a classroom every day.
  - Phase 1 Plan was from March 30 to April 9. Was to reengage students in education and to also move out of the third quarter of the school year.
  - Phase 2 Plan began on April 14, start of the fourth quarter. The students are learning through various Google platforms.
  - Technology makes this easier in some ways but also causes challenges.
  - Special Education staff has been working on specialized instructional activities for identified students.
  - Teachers and staff are constantly holding virtual meetings to discuss how they are moving forward.
  - Understand that for some family's education is not the top priority, so we have tried not to be a burden; but, we also want to provide services to all of our students in the best way possible.
  - Started to provide packets of material for students who do not have internet access. Delivered on Wednesday's with the meals.
  - Teachers are holding virtual office hours.
  - Each school over the weekend received a template for teachers to be able to reenter the building following guidelines, to retrieve materials and clean and pack up their classrooms for summer cleaning set to start on May 4.
- Technology
  - Have been working with parents, students, and staff.

- Students at the High School every year prepare computers for the Virginia Scholars Program. Computers are donated, students refurbish the machines, and then they are generally distributed to needy families in the community after repair. Students completed 18 computers prior to the closure this allowed for the distribution of those computers two weeks ago.
- Graduation Activities Planning is underway and those will be announced soon.
- Clarke County unveiled a family page on the website, where families can post well wishes to the Senior class.
- Social media accounts have been very active.

Supervisor Catlett thanked Chuck Bishop for the update and all of the hard work from all of the staff.

Supervisor Lawrence asked and Chuck Bishop stated that teachers have indicated that as many as 80% of students are participating on the online activities.

Supervisor Lawrence asked and Chuck Bishop expressed that at this point they have maintained employment for everyone, adding that they are using positions creatively.

Supervisor Lawrence asked and Chuck Bishop clarified that if summer school is a possibility, seniors cannot be required to attend. Per the standard as they are written students who need remediation, it can be strongly suggested but cannot require. Potentially will have a much larger summer school program. The pandemic has not allowed students with IEPs to have that in person assistance so that will have to be analyzed and a summer school may also be used for those services.

Supervisor Catlett asked and Chuck Bishop answered that for meetings going forward they will meet, limiting the number of persons able to attend and setting up a second viewing room in the lobby.

Chairman Weiss welcomed Chuck Bishop to use the main meeting room for the Monday, School Board meeting.

Supervisor Daniel opined that she has been nothing but impressed, change is never easy, and a sudden dramatic change is hard and you all have probably received many negative comments from this but overall have been very impressed with the system. Adding that individual teachers have adjusted to this new challenge. Also appreciate that even with the disadvantages of being a small system you all have really leveraged the advantages. She then thanked the entire staff.

Chuck Bishop stated that there have been some parents and staff who are frustrated which is understandable because this is not the normal process. Have had some parents complain because there is too much work and other parents complain because there is not enough work, so trying to stay in the middle.

Chairman Weiss stated that this is a difficult time especially when nothing was in place beforehand. Hope that all notice and appreciate the hard work everyone is putting in to give the best education during this time.

Chuck Bishop stated that the meal service is available to anyone in community, 18 or younger is eligible, you do not have to be a student of Clarke County. Pick up at Boyce or the High school every Tuesday between 10 am and 2 pm, will be provided via curbside delivery, 7 breakfasts and 7 lunches. No sign up, just come and pick up. A record of persons who pick up is recorded but no sign up is required. Again stating that 16,638 meals in four weeks, adding that he is very proud of the food service department.

#### 10) Miscellaneous Items

None added to the April 21 meeting.

#### 11) Summary of Required Action

<u>Item</u>	<u>Description</u>	<u>Responsibility</u>
1.	Process approved minutes for March 17, 2020.	Brianna R. Taylor
2.	Execute Resolution 2020-05R	David S. Weiss
3.	Process Resolution 2020-05R.	Chris Boies, Brianna R. Taylor
4.	Execute Resolution 2020-06R.	David S. Weiss
5.	Process Resolution 2020-06R.	Chris Boies, Brianna R. Taylor
6.	Process appointments and update database.	Brianna R. Taylor
7.	Execute notice of appointment.	David S. Weiss
8.	Setup interviews for May 7, 2020.	Chris Boies
9.	Contact VRS for LEOs information	Tom Judge

- |     |   |             |
|-----|---|-------------|
| 10. | Develop revised budget                          | Tom Judge   |
| 11. | Inform Treasurers Office of change in due date. | Chris Boies |

Supervisor Catlett opined that she would miss Supervisor Daniel greatly, then presented her with a Clarke County Themed Jabot. Chairman Weiss then presented her a silver pewter apple.

Chairman Weiss expressed that it has been a privilege to serve with Supervisor Daniel and that she is a highly intelligent person that brought a lot of different ideas to this job. Adding that she has served her constituents well here and that she will serve us all well in the circuit.

## 12) Board Member Committee Status Reports

### Supervisor Terri T. Catlett

- CPMT:
  - Met yesterday took some persistence to get all together but Judy Blau worked hard and handled it.
- Historic Preservation Committee:
  - Discussed issues with structures and going through the process.
- School Board
  - Website page for Seniors available.
- Career and Technical Education Committee:
  - Discussed Perkins Plan electronically.

### Supervisor Mary L.C. Daniel

- Legislative Liaison:
  - Meets tomorrow.
  - Would like the Election Resolution to be presented before that meeting tomorrow.

- Only one veto bill – the Dairy Industry would like to prevent almond milk, soy milk, and similar milk substitutes from being able to label their products as milk.
- New statutes to allow public comments quarterly.
- Out of the 32 weapons bills, nine passed.

Supervisor Doug M. Lawrence

- Board of Social Services:
  - All working remotely, building is closed but still working.
  - No delay in processing cases.
  - Good supply of PPE.
  - Brittany Heine thanked the County.
  - If you need service call and listen carefully to the options to be directed to the proper staff member.
- Northwestern Regional Jail
  - In a ten-day period, released 100 inmates.
  - Most released with a Home Electronic Monitoring (HEM).
  - Work release inmates are not allowed to go out at this time on work release.

Vice Chair Bev B. McKay

- Clarke County Sanitary Authority:
  - Changing to a general plant permit that will save \$1,000 a year.
  - Looking at replacing water meters.
  - Working on a bid for generator at the water plant.

Chairman David S. Weiss

- Thanked Director of Public Information, Cathy Kuehner for all of her work during this time in communicating with the public.

- Thanked all staff for their hard work.
- Thanked the custodial staff for keeping the buildings clean.

### 13) Closed Session

No closed session conducted.

At 3:12 pm, Chairman Weiss recessed the meeting.

At 6:30 pm, Chairman Weiss reconvened the meeting.

### 14) Citizen's Comment Period

No persons appeared to address the Board.

### 15) PH2020-01: FY2021 Budget

Tom Judge summarized that the budget and tax rates for these public hearings were developed on March 9, 2020, just prior to the start the COVID-19 economic fallout. Since then the Board has discussed what modifications might be necessary to the budget. The Finance Committee has made recommendations including the elimination of the Real Estate tax increase and the reduction of the salary increase.

The Board will be hearing the public comments and recommendations from the Finance Committee, taking all those into account at the April 28, 2020 meeting.

The advertised budget includes the following major changes:

- Elimination of the five percent salary increase for all Government and School employees. Cost \$1,210,000.
- No significant change to employee benefits:
  - No increase in the Health Insurance Rates.
- Early Retirement Program for Fire & EMS Responders. Cost \$75,000.
- System that would upload data from Emergency Medical Devices to a Central Computer. Cost \$51,000.
- Additional Sheriff Deputy position. Cost \$56,432.
- Speed trailer. Cost \$19,000.



- Court room furniture. Cost \$30,000.
- Vehicles, one general purpose and one Sheriff vehicle. Cost \$82,000.
- Medical communication handsets and repeaters. Cost \$587,000
- School bus replacement. Cost \$85,000.
- School Capital budge, roof replacement at Boyce. Cost \$100,000.

For clarification Chairman Weiss stated that at the afternoon session the Board reviewed the documents and directed staff to create a budget that would include a contingency list that would sequester off roughly \$1 million to allow for a balanced budget. At a later date when revenue has become apparent, the Finance Committee would make recommendations to the Board to release the funds for those items.

At 6:38 pm Chairman Weiss opened the public hearing.

The following citizen sent in there comment via email to Chris Boies, who read the following verbatim into the record.

Robina Rich Bouffault, Boyce:

*April 21, 2020 – BOS/SB Public Hearing on the FY21 Budget*

*Good evening. My name is Robina Rich Bouffault from Boyce.*

*I applaud the Board of Supervisor’s decision to re-think the tax increase originally proposed for the county’s FY21 budget – a wise decision in view of the on-going negative impact of the pandemic.*

*However, I am in disagreement with the manner in which you wish to offset the expected \$1+ million declines in revenue by cutting even more, in addition to the salary cuts, exclusively from the budgets of our various county agencies -- but not the schools -- via a separate ‘contingency’ designation, that will only be approved by the BOS at a later date IF the revenues are there. Other than the elimination of any county-paid salary increases, the schools’ budget again remains untouched. For the last few years, in spite of a steadily dropping student enrollment, you have not in any way cut the schools annually increasing budgets, while also automatically carrying-over year after year their large amounts of unspent money with no accountability.*

*Since 2012, appropriations for the same Cooley chiller have been made three times – but it was not installed until this month, for a fraction of the various amounts appropriated for it. Money for a new roof for old Primary was appropriated twice*

*– but it is still not installed. Oh, the money was spent all right, but on what? The schools’ total lack of accountability and transparency can no longer be ignored. Our schools have been closed since mid-March, and will continue to be closed through the end of the school year – because of this, their current expenditures will be well under those originally budgeted.*

*During this time, the expenses of our county agencies will continue to rise with increasing demands on their services. Cutting their budgets yet again can only harm our most vulnerable citizens.*

*I would recommend that:*

*1) Yes, definitely eliminate any tax increase foreseen for FY21; and*

*2) Leave the various county agencies’ budgets intact, and instead simply decrease the schools’ FY21 operational budget by the \$1+ million ‘contingency’ amount needed to balance the revenues and expenditures.*

*It will be the School Board’s responsibility to decide where to cut their very inflated budget. And believe me, that budget has plenty of fat to cut.*

*Thank you.*

At 6:41 pm Chair Weiss closed the Public Hearing.

Chairman Weiss encouraged citizens who would like to comment to send via email to the County Administrator by 5 pm on Friday, April 24, 2020. All comments received in that time will be distributed to the Supervisors at the April 28, 2020 Special Meeting.

Tom Judge stated that the budget is also available on the County Website.

Chairman Weiss stated the contingency plan will be an itemized list. Opining that these items are not cuts to the budget but items that are just held until the future when revenue is available. Adding that in reference to the Schools, the Board will not be back filling any cuts that the State is giving, the schools will have to find funds to balance their budget and meet their needs.

16) PH2020-02: Tax Rate

Tom Judge stated that real property of the County was reassessed for tax year 2020. The statute requires that the real estate tax rate be adjusted so that the new assessed values do not automatically change the amount of total taxes raised. This adjusted rate is called the revenue neutral rate. In the assessment the values increased so the tax rate was lowered from 71¢ to 61.5¢ per \$100 value in order to have the revenue neutral rate. The Board is proposing and asking for public comments on adding an additional 2.5¢ to the revenue neutral rate bringing the new rate to 64¢, doing so would raise additional revenue for FY2021 by \$600,760.

At 6:46 pm Chair Weiss opened the public hearing, being no persons desiring to speak; he closed the public hearing at 6:47 pm.

Supervisor Lawrence thanked the ten viewers on the livestream for watching.

Chairman Weiss stated as a reminder that the Chairman of the Board has directed staff to create a budget for the Board to review at the April 28, 2020 meeting. That budget does not include the tax rate increase or the 5% salary increase and creates an expenditure contingency that can be drawn from if there are adequate revenues to do so.

#### 17) Adjournment

At 6:48 pm, Chairman Weiss adjourned the meeting.

#### Next Regular Meeting Date

The next regular meeting of the Board of Supervisors is set for Tuesday, May 19, 2020, at 1:00 p.m. in the Berryville Clarke County Government Center, Main Meeting Room, 101 Chalmers Court, Berryville, Virginia.

ATTEST: April 21, 2020

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

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

\_\_\_\_\_  
Transcribed by Brianna R. Taylor, Deputy Clerk to the Board of Supervisors