

July 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, 2nd Floor, Berryville, Virginia, conducted on Tuesday, July 21, 2020.

Board Members

Present Afternoon Session: Doug Lawrence – Russell District; Matthew E. Bass – Berryville District; David S. Weiss – Buckmarsh / Blue Ridge District; Terri T. Catlett - Millwood / Pine Grove District; Bev B. McKay – White Post District

Absent Afternoon Session: None

County Staff Present

Brenda Bennett, Chris Boies, Cathy Kuehner, Brian Lichty, Brandon Stidham, Brianna Taylor

Constitutional / State Offices / Other Agencies

Barbara Bosserman, Ed Carter, Sheriff Anthony “Tony” Roper, April Wilkerson, Julie Aemmer

Press

Mickey Powell

Others Present

Few citizens

1) Call to Order

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

2) Adoption of Agenda

Vice-Chair McKay moved to adopt the agenda as presented. The motion carried by the following vote:

Matthew E. Bass	-	Aye
Terri T. Catlett	-	Aye
Doug M. Lawrence	-	Aye
Beverly B. McKay	-	Aye
David S. Weiss	-	Aye

3) Citizens Comment Period

No persons appeared to address the Board.

4) VDOT

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

Maintenance:

- Completed all first round mowing on primary and secondary routes.
- We have begun the second round on primaries using contractors and VDOT forces and plan to complete primaries and start the second round on secondaries this month.
- We began patching on routes for the 2021 surface treatment schedule and will continue this month.
- Completed pipe replacements on Rt. 761 from Rt. 661 to the Frederick County line.
- Completed ditching operations on routes 620, 633, 634, and 657.
- Completed shoulder repairs on Rt. 340 between Berryville and Boyce and added shoulder stone on Rt. 644.
- Performed pothole patching on various routes and will address as reported this month.
- Flood gates were installed on the bridge on Old Charles Town Road. Received numerous complaints from the Frederick County side, because the gates can be

seen from the house, which is on the historical registry. Therefore, VDOT will have to shift them.

Board Issues:

Secondary Six Year Plan Status

- 2021 planned and is good to go.
- Janesville Road will be completed, work should begin in August.
- Beyond 2021 not sure what will happen.

Hillsboro/ Rt. 9 Project

- Extended until August 15, 2020.
- Traffic volume on VA Route 7 still down significantly, up a little on US 340.
- Speeding issue the Sheriff's office is doing a good job.

Supervisor Lawrence:

- With Old Charles Town Road bridge who owns/pays for the bridge. Ed Carter stated that he was not sure of the ownership, possibly being the center of the creek as the line, funding for that is on Frederick Counties SSYP.
- On rustic roads with high volume, can they become washboards? Ed Carter expressed that once the loose gravel is gone, it should be like all other rural rustic roads with that hard surface. If it is not compacted properly the first time, then VDOT will have to dig it up and redo spots in the road.

Supervisor Catlett

- Thanked VDOT for the mowing south of Pyletown Road. Ed Carter opined that the second mowing was just completed, adding that in the fall, will mow fence to fence, including the medians.

Chairman Weiss:

- On Lockes Mill, there are two 35MPH signs, one at the beginning and one at the end. Have a request to put one in the middle. Ed Carter stated that he could look into putting one up; but, by state code, any dirt or rural rustic road in Virginia, whether posted or not, is 35MPH, and the Sheriff can ticket speeders.
- Is a Pedestrian crossing at Watermelon Park on a paved portion of the road feasible? Ed Carter believes "watch for pedestrian" signs are feasible. There are

two reasons not to put a crossing there; first, wherever people park, they will cross the road at that point. Second, it gives the pedestrian a false sense of security. There is no issue with posting on each side the “watch for pedestrian” signs.

- In August or September, bring the route safety implementation plan update.
- Would like to meet with the weed spray personnel; Ed Carter said he would have him here before the next meeting.

5) Staff Update: Courthouse Statue

Chris Boies provided the following update:

- At the direction of the Board, staff has conducted extensive research on the statue located in front of the courthouse. Maral Kalbian, County Architectural Historian; completed much of this work and was assisted by numerous others in the process. Maral will present a more comprehensive presentation at a future meeting, so I am going to hit on just the main points.
- The idea of a statue first seemed to surface in August of 1884 when the Association of the Survivors of the Clarke Cavalry formed a committee to look at the feasibility of erecting a statue in Clarke County.
- On March 1, 1886, the Virginia General Assembly passed an act to incorporate the Association of the Survivors of the Clarke County and to allow that group to hold real estate and be exempt from taxation. During the same legislative session, and on the same day, the General Assembly acted to authorize the Clarke County Board of Supervisors to sell and convey to the Association of the Survivors of the Clarke Cavalry a part of the public square in Berryville (not to exceed 25 feet in diameter) for the purpose of erecting a memorial monument.
- On April 28, 1900, the Clarke County Board of Supervisors voted to deed a circular lot, twenty-five feet in diameter, on the public square in Berryville to the Association of the Survivors of the Clarke Cavalry. The deed was recorded on June 19, 1900.
- The statue was unveiled at a ceremony on July 21, 1900.
- The legislation recently adopted by the Virginia General Assembly and signed by the Governor, allowing localities to remove statues allows localities to do so when the statue is on the locality’s public property. The statue in question is not on the locality’s public property but on property deeded to the Association of the Survivors of the Clarke Cavalry in 1900. The County does not own the statue nor the property it sits on.

- The focus of our research now becomes identifying the status of the legal owner of the statue. Maral continues to look at different documents in an attempt to determine if the Association of the Survivors of the Clarke Cavalry ever gifted the property and statue to another organization. We have been unable to locate a deed transferring the property nor any documents concerning the dissolution of the Association of the Survivors of the Clarke Calvary. Maral’s work continues in this area, but there are no definite answers at this point. We hope to provide an update at the August meeting.

Supervisor Catlett thanked staff for all of the research and appreciates the continued work.

Supervisor Bass thanked staff for providing thorough background information; this kind of research is not easy, nor does it always lead to a clear answer. Questioned if there was an end to the research. Chris Boies stated that Maral is extremely thorough, knows where information is located and is running out of areas to search. Adding that we are currently working with the County Attorney of what the options would be if we come up with a dead end.

Chairman Weiss opined that it is interesting that the statue is not owned by the County. To be clear, since it is not owned by the County, the new legislation does not apply in this case. The legislation is related to publicly owned properties that have statues/monuments. Reiterating that we have instructed both Maral and our attorney to continue to search this, to provide options to the Board. Suggested that Maral could present findings at the September Work Session. Opined that the Board is sensitive to this issue, this is not being interpreted as the end of the line of what the Board does or does not do, we would like to have all the questions answered, and make an informed decision on how to proceed forward with the will of the community. Adding that the legislation sets up ways with public hearings but again that legislation is for the publicly owned properties. This is a work in progress, ask for the patience of the community as this continues to be researched and questions and procedures are found.

Supervisor Catlett reiterated all of her thanks, adding that this will continue to be worked on to see what the options are.

6) Approval of Minutes

June 16, 2020, Regular Meeting

Supervisor Catlett: packet page 11, minute Book 24 Page 239 – Under Citizen’s Comment Period change Clarke County Historical Study to Clarke County Historical Society.

Supervisor Catlett: packet page 35, minute Book 24 Page 263 - Under CARES Act funding change the end date from December 31, 2020 to December 30, 2020.

Supervisor Bass moved to approve the June 16, 2020 Regular Meeting minutes as amended. The motion carried by the following vote:

Matthew E. Bass	-	Aye
Terri T. Catlett	-	Aye
Doug M. Lawrence	-	Aye
Beverly B. McKay	-	Aye
David S. Weiss	-	Aye

7) Consent Agenda

2020-13R Resolution of Recognition & Appreciation of Thomas “Tom” J. Judge

Resolution of Recognition and Appreciation of Thomas “Tom” J. Judge

WHEREAS, Thomas J. Judge assumed the duties and responsibilities of Financial Services Director for the schools and county general government on February 14, 1994;

WHEREAS, on May 17, 1994, the Clarke County Board of Supervisors approved the recommendation to form the Joint Administrative Services Department led by Tom Judge;

WHEREAS, during his tenure, he guided the budget process, accounts payable, accounts receivable, grants, payroll and benefits, and procurement. He served as the Clerk to the Joint Administrative Services Board, Clerk to the Joint Budget Review Committee, and, for a period, served as Clerk to the Clarke County School Board.



WHEREAS, Mr. Judge wrote and maintained the Clarke County Fiscal Policy, Clarke County Purchasing Policies and Procedures, and, acting as project manager, lead the

implementation of the enterprise resource planning system with Tyler Technologies for the county and schools; and,

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

APPROVED AND ORDERED ENTERED in the official records by the unanimous vote of the members of the Clarke County Board of Supervisors assembled on the 21st day of July, 2020.

ATTEST 2020-13R

David S. Weiss, Chair

Agreement and Memorandum of Understanding between Clarke County and the Humane Foundation for the operation and funding of the Clarke Animal Shelter

**AGREEMENT OF THE CLARKE COUNTY HUMANE FOUNDATION, INC.
TO HELP FUND STAFF AT THE CLARKE ANIMAL SHELTER**

THIS AGREEMENT made this _____ day of _____ 2020, by and between the Board of Supervisors of Clarke County, Virginia (hereinafter “County”) and the Clarke County Humane Foundation, Inc. (hereinafter “Humane Foundation”), seeks to continue the effective operation and management of the Clarke Animal Shelter.

RECITALS

The County is solely responsible for the operation and management of the Clarke Animal Shelter (hereinafter “Animal Shelter”). The Humane Foundation seeks to support the County in the effective operation and management of the Animal Shelter in order to achieve humane treatment of the animals impounded there. Both the County and the Humane Foundation acknowledge that sufficient staffing of the Animal Shelter is necessary to provide adequate care for the impounded animals.

AGREEMENT

NOW, THEREFORE, in consideration of the promises and mutual covenants set forth herein and for other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties hereto covenant and agree as follows:

1. Source of Funding. The Humane Foundation, in support of the Animal Shelter, offers funding in the amount of \$ 20,000.00 a year to offset the cost of funding staff at the Animal Shelter, to be disbursed as described below.
2. Requirements of Funding. The purpose of this additional funding is to make sure that Clarke County employs no less than 2 (two) full-time employees at the shelter. The Humane Foundation requires that the funds contributed by the Foundation be used to offset actual expenditures by the County to employ, equip, and train an individual to either manage the shelter or assist the manager of the Animal Shelter, to work with County Management and The Humane Foundation to encourage volunteers and charitable donations, and to care for and seek permanent homes for the animals that come into custody of the Shelter. Expenditures shall include all amounts paid in salary, fringe benefits, training or other expenses attributable to the necessary duties at the Shelter.
3. Method of Reimbursement. By May 1 of each year, the County shall present the Clarke County Humane Foundation with an invoice or request for payment, documenting expenditures made by the County for the above agreed upon activities during the current fiscal year. Within 30 days of receiving the invoice or request, the Humane Foundation shall reimburse the County for the amount of the invoice or request, not to exceed \$20,000.00 in any one year. Reimbursement shall be in the form of a direct payment from the Humane Foundation to the County Treasurer.
4. Staffing and Supervision. The County shall be responsible for staffing the Animal Shelter with sufficient personnel (at least 2) to provide adequate and humane care for impounded animals.
 - a. Notwithstanding this funding Agreement, all compensated Animal Shelter personnel shall be considered employees of the County, which shall be responsible for the payment of all wages, salaries, and benefits.
 - b. Compensated personnel shall be subject to all policies and procedures of the County, including, but not limited to, any personnel policy, travel, pay, grievance, performance evaluation, and disciplinary procedures of the County.

5. Maintenance and Inspection.

The County shall be responsible for maintenance of the Animal Shelter. The Humane Foundation shall be authorized to utilize one room of the shelter for necessary administration of its own affairs, and to meet on shelter premises at least once a month. Representatives of the Humane Foundation are also authorized to conduct a yearly inspection and “walk through” in January or February to evaluate maintenance needs and submit recommendations to the County Board of Supervisors for approval and inclusion in the County budget.

6. Term and Effective Period.

This Agreement shall be in effect from the date of its execution applying to the current fiscal year and shall remain in effect until terminated pursuant to Part Seven (7), below.

7. Termination of Agreement.

- a. This Agreement may be terminated at any time by agreement in writing by both parties.
- b. This Agreement may be terminated unilaterally at the end of a fiscal year (July 1 to June 30) by a party upon written notice to the other by March 1 of that fiscal year.

8. Entire Agreement. This Agreement expresses the entire understanding and all agreements between the parties in regard to the funding of positions at the Animal Shelter and supersedes any prior written or oral agreements inconsistent herewith. Notwithstanding anything herein to the contrary, it is the intent of both the County and the Humane Foundation that this Agreement shall be construed liberally in order for the parties to realize effective operation and management of the Clarke Animal Shelter. Accordingly, it is understood that all provisions of this Agreement shall be construed in a manner that will allow the parties to achieve such purpose and intent.

9. Notices. Any notices required to be given pursuant to this Agreement, and any invoices, payments, or communications associated with the performance of this Agreement shall be deemed made, if mailed or hand-delivered to the parties hereto at the addresses of each, as follows:

To County: Clarke County, Virginia
 Attention: Chris Boies, County Administrator
 101 Chalmers Court
 Berryville, VA 22611

To Humane

Foundation: The Clarke County Humane Foundation, Inc.
 Attention: George L. Ohrstrom II, President
 Post Office Box 713
 Berryville, VA 22611

MEMORANDUM OF UNDERSTANDING REGARDING
THE CLARKE COUNTY HUMANE FOUNDATION, INC.'S AGREEMENT WITH THE
CLARKE COUNTY BOARD OF SUPERVISORS TO SUPPLEMENT THE FUNDING OF
OPERATIONS AT THE CLARKE ANIMAL SHELTER

BACKGROUND

The Clarke County Humane Foundation, Inc. (hereinafter "Humane Foundation") seeks to support the County of Clarke, Virginia (hereinafter "County") in the effective operation and management of Clarke Animal Shelter (hereinafter "Animal Shelter") in order to achieve humane treatment of the animals impounded there. Both the County and the Humane Foundation acknowledge that staffing the Animal Shelter with competent and qualified personnel is necessary to provide adequate care for the impounded animals.

SOURCE OF GIFT

The Humane Foundation in support of the Animal Shelter offers funding in the amount of \$20,000.00 a year to offset the cost of funding staff at the Animal Shelter, to be disbursed as described below.

USE OF GIFT

In order to document the intentions and understanding of the parties, the Humane Foundation and the County agree as follows:

The Humane Foundation requires that the funds contributed by the Foundation be used to offset actual expenditures by the County to employ, equip, and train an individual to either manage the shelter or assist the manager the Animal Shelter, to work with the Humane Foundation to encourage volunteers and charitable donations, and to care for and seek permanent homes for the animals that come into custody of the Shelter. Expenditures shall include all amounts paid in salary, fringe benefits, training or other expenses attributable to performing the duties of Animal Control Officer and Animal Shelter Manager. The Humane Foundation

provides the supplemental funding to make sure there are two (2) full time employees at the shelter at all times.

METHOD OF PAYMENT

By May 1st of each year, the County shall present the Clarke County Humane Foundation with an invoice or request for payment, documenting expenditures made by the County for the above agreed upon activities during the previous year. Within 30 days of receiving the invoice or request, the Humane Foundation shall reimburse the County for the amount of the invoice or request, not to exceed \$20,000.00 in any one year. Reimbursement shall be in the form of a direct payment from the Humane Foundation to the County Treasurer.

TERMINATION OF ARRANGMENT

The funding arrangement described above may be terminated at any time by agreement in writing by both parties.

This Agreement may be terminated unilaterally at the end of a fiscal year (July to June 30) by a party upon written notice to the other by March 1 of that fiscal year.

IN WITNESS WHEREOF, the parties have caused this Memorandum of Understanding to be executed by their duly authorized representatives as of the date first written above.

David Weiss, Chairman
Board of Supervisors of Clarke County, Virginia

George L. Ohrstrom II, Chair
Clarke County Humane Foundation

IN WITNESS WHEREOF, the parties have caused the Agreement to be executed by their duly authorized representatives as of the date first written above.

David Weiss, Chairman
Board of Supervisors of Clarke County, Virginia

George L. Ohrstrom II, President

Abstract of Votes: Town of Berryville

ABSTRACT of VOTES

Cast in CLARKE COUNTY, VIRGINIA
at the 2020 June Republican Primary Election held on June 23, 2020 for.


Member United States Senate

NAMES OF CANDIDATES ON THE BALLOT	TOTAL VOTES RECEIVED (IN FIGURES)
Daniel M. Gade	596
Thomas A. Speciale II	159
Alissa A. Baldwin	146
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 June 23, 2020, do hereby certify that the above is a true and correct Abstract of Votes cast at said election for the Member United States Senate.

Given under our hands this 24th day of JUNE, 2020

Donald A. Hagan, Chairman
HR, Vice Chairman
Carl S. Howell, Secretary
Carl S. Howell, Acting Secretary



Lease Amendment between the County of Clarke and Johnson Williams Limited P.

SECOND AMENDMENT OF LEASE

THIS SECOND AMENDMENT OF LEASE ("this Amendment"), dated this ____ day of _____, 2020, is by and between the COUNTY OF CLARKE, VIRGINIA ("County" or "Lessor"), party of the first part, and the JOHNSON-WILLIAMS LIMITED PARTNERSHIP ("JWLP" or "Lessee"), party of the second part.

WITNESSETH:

WHEREAS, by Lease Agreement dated September 1, 1991 and recorded in the Office of the Clerk of the Circuit Court of Clarke County, Virginia in Deed Book 218 at Page 363, ("the Lease"), the County leased to City Light Development Corporation

and Help With Housing, Inc. a total of 3.93847 acres, more or less, located partly in the Town of Berryville and partly in Battlefield Magisterial District, Clarke County, Virginia, as more particularly shown on the plat of Herman L. Courson, C.L.S. dated October 3, 1988, attached to a Corrected Lease dated December 1, 1992, and recorded in the aforesaid Clerk's Office in Deed Book 230 at Page 574; and

WHEREAS, City Light Development Corporation and Help With Housing, Inc. assigned their interests in the Lease to JWLP by Assignment dated December 19, 1991, recorded in the aforesaid Clerk's Office in Deed Book 219 at Page 12; and

WHEREAS, the Lease was amended (first amendment) by Lease Amendment dated December 21, 1993 and recorded in the aforesaid Clerk's Office in Deed Book 240 at Page 244; and

WHEREAS, the County and JWLP desire to amend the Lease to reduce the amount of property leased to JWLP and to extend to JWLP the option to extend the term of the Lease for a period of up to twenty (20) years.

NOW, THEREFORE, for good and valuable mutual considerations the parties hereby amend the Lease as follows:

1. The property of the County leased to JWLP is hereby reduced from 3.93847 acres, more or less, to a total of 2.8123 acres, more or less, the 2.8123 acres now leased to JWLP under the Lease being more particularly shown and identified on the plat of Boundary Survey of the Clarke County Property leased to Johnson Williams Limited Partnership by W. Stuart Dunn, L.S., dated May 7, 2020, attached hereto.

2. The aforesaid property is leased to JWLP together with a nonexclusive ingress-egress easement from the leased property over the driveway on Tax Map Parcel 14A6-3-B-4 to Josephine Street, as shown on the attached plat. Further, the County reserves an ingress-egress easement (i) over the paved portion of the property leased to JWLP for ingress and egress to and from the County property on which the Museum is located as shown on the attached plat, and (ii) over the paved portion of the property leased to JWLP, together with the non-paved portion of the leased property located at the north corner of the leased property located between the paved portion of the leased property and the adjoining County property identified as the Tax Map Parcel 14-A-6-1, for ingress and egress to and from Tax Map Parcel 14-A-6-1, which ingress-egress easement to and from Tax Map Parcel 14-A-6-1 shall be used for the sole purpose of transporting equipment and personnel in order to maintain the grounds of Tax Map Parcel 14-A-6-1.

3. The term of the Lease is hereby extended from its current termination date of August 31, 2026 for twenty (20) years so that its new termination date is August 31, 2046.

4. This Amendment may be executed in counterparts, each of which shall be deemed to be an original and together shall constitute a single instrument.

[SIGNATURE LINES ON THE FOLLOWING PAGES]

WITNESS the following signatures:

COUNTY OF CLARKE, VIRGINIA,
Lessor

By: _____

Chairman, Board of Supervisors

STATE OF VIRGINIA

COUNTY OF _____, to-wit:

The foregoing instrument was acknowledged before me this ____ day of _____, 2020, by _____, Chairman, Clarke County Board of Supervisors.

NOTARY PUBLIC

My Commission expires: _____

Supervisor Bass made a correction to the 2020-13R Resolution of Recognition & Appreciation of Thomas “Tom” J Judge to change lead to led.

Supervisor Catlett moved to adopt the items on the Consent Agenda as amended. The motion carried by the following vote:

- Matthew E. Bass - Aye
- Terri T. Catlett - Aye
- Doug M. Lawrence - Aye
- Beverly B. McKay - Aye
- David S. Weiss - Aye

Chairman Weiss stated that Tom Judge was an integral part of the County for many years. He has lead us through a variety of crisis, he has always acted in an honest and forthright manner, in the old days when he was walking the tightrope between the School Board and the Board of Supervisors, he did so with impeccable grace. We thank him for his service and his friendship over the years.

Vice-Chair McKay agreed with Chairman Weiss. Adding that the best compliment he had heard about Tom Judge, was from one of his constituents, they stated that while

he was representing the Board and the School Board, you could never find out what side he was on.

8) Board of Supervisors Personnel Committee Items

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

2020-07-13 Summary: Following review, the Personnel Committee recommends the following:

- Appoint Maryam Tabatabai to the Lord Fairfax Community College Board to a four-year term, assuming the appointment previously held by William “Bill” Daniel, expiring June 30, 2024.
- – Reappoint Betsy Prichard to the Economic Development Advisory Committee to a four-year term expiring August 31, 2024.
- – Reappoint Randall Loker to the Fire & EMS Commission to a four-year term expiring August 31, 2024.
- – Reappoint David Beatty to the Fire & EMS Commission, as the Blue Ridge VFRC Representative, to a one-year term expiring August 31, 2021.
- – Reappoint Matt Hoff to the Fire & EMS Commission, as the Boyce VFRC Representative, to a one-year term expiring August 31, 2021.

2020-07-21 Action: Chris Boies reviewed the Personnel Committee recommendations adding the following:

- Reappoint Keith Veler to the Fire & EMS Commission, as the John Enders VFRC Representative, to a one-year term expiring August 31, 2021.

Vice-Chair McKay moved to accept the appointments. The motion carried by the following vote:

Matthew E. Bass	-	Aye
Terri T. Catlett	-	Aye
Doug M. Lawrence	-	Aye
Beverly B. McKay	-	Aye
David S. Weiss	-	Aye

B. Board of Equalization extension through December 31, 2020

2020-07-13 Summary: The Personnel Committee reviewed the following:

- Extension of the Board of Equalization appointments of Joseph Blatz, Thomas Cammack, Lindsay Hope, Justin MacKay-Smith, and Thomas McFillen to the Clarke County Circuit Court. The extended terms expiring December 31, 2020.

2020-07-21 Action: Chris Boies reviewed the Personnel Committee recommendations:

Vice-Chair McKay moved to accept the extension of the Board of Equalization. The motion carried by the following vote:

- Matthew E. Bass - Aye
- Terri T. Catlett - Aye
- Doug M. Lawrence - Aye
- Beverly B. McKay - Aye
- David S. Weiss - Aye

C. Personnel Policy PD-121101-05 Rev 19

2020-07-13 Summary: Following review, the Personnel Committee recommends the proposed changes.

- Replace Lee Jackson Day with Election Day, a result of the General Assembly.
- Minor change to the leave for exempt employees concerning partial days

2020-07-21 Action: Chris Boies reviewed the Personnel Committees recommendation.

Vice Chair McKay moved to accept the proposed changes to the Personnel Policy PD-121101-05 Rev 19. The motion carried by the following vote:

- Matthew E. Bass - Aye
- Terri T. Catlett - Aye
- Doug M. Lawrence - Aye
- Beverly B. McKay - Aye
- David S. Weiss - Aye

9) Board of Supervisors Work Session Items for July 13, 2020

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

July 13, 2020, 10:00 AM, Main Meeting Room

Board Members Present: Matthew E. Bass, Terri T. Catlett, Doug M. Lawrence,
Beverly B. McKay, David S. Weiss

Officers / Staff Present: Chris Boies, Cathy Kuehner, Brian Lichty, Brandon Stidham,
Travis Sumption, Brianna Taylor

Others Present: Robert "Bob" Mitchell

Press Present: Mickey Powell

07-13-2020 Summary: At 10:00 am, Chairman Weiss called the meeting to order.

- A. Closed Session pursuant to 2.2-3711-A7 Consultation with legal counsel and briefings by staff members or consultants pertaining to actual or probable litigation, where such consultation or briefing in open meeting would adversely affect the negotiating or litigating posture of the public body; and consultation with legal counsel employed or retained by a public body regarding specific legal matters requiring the provision of legal advice by such counsel.

At 10:01 am, **Supervisor Catlett moved to enter closed session pursuant to §2.2-3711-A7 to discuss Consultation with legal counsel and briefings by staff members or consultants pertaining to actual or probable litigation, where such consultation or briefing in open meeting would adversely affect the negotiating or litigating posture of the public body; and consultation with legal counsel employed or retained by a public body regarding specific legal matters requiring the provision of legal advice by such counsel. The motion carried by the following vote:**

Matthew E. Bass	-	Aye
Terri T. Catlett	-	Aye

Doug M. Lawrence	-	Aye
Beverly B. McKay	-	Aye
David S. Weiss	-	Aye

At 10:47 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, Vice Chair McKay moved to reconvene in open session. The motion carried as follows:**

Matthew E. Bass		Aye
Terri T. Catlett	-	Aye
Doug M. Lawrence	-	Aye
Beverly B. McKay	-	Aye
David S. Weiss	-	Aye

Supervisor Bass 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:

Matthew E. Bass		Aye
Terri T. Catlett	-	Aye

Doug M. Lawrence - Aye
Beverly B. McKay - Aye
David S. Weiss - Aye

No action was taken following Closed Session.

B. Capital Improvements Plan

Chris Boies reviewed the Capital Improvement Plan Memorandum and timeline. The Board adopted the schedule by consensus, with one change, adding an input session at the beginning of the process for the Board to provide input. The Board then decided to seek this input at the August 10, 2020, Work Session.

C. Presentation on proposed short-term residential rentals regulations

Brandon Stidham reviewed the materials and provided the Board with the additional materials. After discussion, the Board agreed to add this item on the August 10, 2020, Work Session Agenda.

At 11:54 am, Chairman Weiss adjourned the meeting

2020-07-21 Action: Information Only.

10) Finance Board of Supervisors Finance Committee Items for July 13, 2020.

A. CARES Act funding:

2020-07-13 Summary: Information Only - Clarke County has received \$1,275,451 in federal relief money through the federal CARES ACT, for Covid-19 related expenses. A budget outline for expenditure of these funds was reviewed by the Finance Committee. It was discussed that this budget was a starting point and may be modified as needed in the future.

2020-07-21 Action Brenda Bennett reviewed the Finance Committees summary.

Chairman Weiss stated for clarification if the money does not get spent, it will go back to the federal government. Adding that we are not intending to not spend

the money, at the moment, the remainder of the unbudgeted money is there for other issues that arise, and already working on a small business assistance program.

Chris Boies expressed that there is already \$100,000 allocated to the small business assistance program in the proposed budget, and the remaining \$200,000 could be used for that same purpose. Clarified for the public that a program is in the works and will be presented to the Board in August, reiterating that the intent is to not send back money that could be spent on eligible expenses.

Supervisor Lawrence questioned if we have reached out to Powhatan and other private schools in the County. Chris Boies opined that we would have to look at the eligibility. Brenda Bennett expressed that she would find out and reach out to them if they are eligible. Chair Weiss opined that this would be good to find out and, if eligible, allow private entities to use the public funds.

Supervisor Catlett asked if there is any information from the schools as far as what their needs are. Chris Boies expressed that there is a proposal from Chuck Bishop, for what he knew at the time, informed us that if the schools open, he has an additional \$120,000 in cleaning costs. The difficulty now is that there is not a firm plan, this is why the proposed budget is flexible at this point because there is so much unknown.

Vice-chair McKay asked what the \$100,000 for daycare was. Chris Boies confirmed that that allocation was for the schools; if the schools open per the proposed plan by the Superintendent, children would go two days a week, which would leave the other three days, there are teachers and others that would need a day program for those children whose parents are essential workers. At this point, this depends on the school reopening plan; this would be through Parks & Recreation. Supervisor Catlett clarified that the School Board plans on voting on the decision on Wednesday.

Supervisor Bass questioned, and Chair Weiss confirmed that the Town has to get funding through the County, they cannot apply for their own funding. Adding that the Town of Boyce has not sent in any proposals at this time.

Supervisor Catlett asked who was responsible if the funds were not spent in an appropriate way. Chris Boies expressed that the Board of Supervisors are responsible if those funds are not spent appropriately.

Chair Weiss clarified that we received a request from 4-H, stating that the Finance Committee believed that those funds did not meet the requirements, even though it is going to a good cause and we would support them, it did not fit the requirements of these specific funds.

Vice-chair McKay asked if funds could be used for the volunteer fire companies that have not been able to do their normal fundraising. Chris Boies stated that the regulations are very specific that the funding cannot be used for revenue replacement. Adding that one company has some expenses that are directly related to Covid-19, that we can help with. Unfortunately, we are not able to assist those that have revenue loss. Opining that this is a missing piece in the regulations, because we believe that there are fire companies and other non-profits that have lost revenue. After all, they have not been able to open. Stating that it is disappointing that we cannot find a way to help them under the current regulations.

B. FY2020 Supplemental Appropriations.

2020-07-13 Summary: The Finance Committee recommends the following:

The Department of Joint Administrative Services has been tracking all expenses specifically related to Covid-19, and has included a list of these expenses, totaling \$36,663. As per the June Finance Report, it is intended that the expenses be carefully reviewed for consideration of reimbursement by the CARES Act funds previously allocated to Clarke County. The Finance Committee recommends approval of the following action:

2020-07-21 Action: Brenda Bennett reviewed the Finance Committee recommendation. Noting that an expense code has been added in the system to track all of these expenses and when an audit occurs, it will be easier to show all of the details. Chair Weiss expressed that this will be the first vote for these expenses, and there will be more throughout the remainder of this calendar year, but those expenses will not be cumulative.

Supervisor Catlett moved “Be it resolved that FY20 budgeted expenditure and appropriation be increased \$36,663, and revenue in the amount of \$36,663 from the Federal CARES Act fund be recognized, all for the purpose of reimbursement of qualifying FY20 Covid-19 related expenditures.” The motion carried by the following vote:

Matthew E. Bass - Aye

Terri T. Catlett - Aye
Doug M. Lawrence - Aye
Beverly B. McKay - Aye
David S. Weiss - Aye

C. FY21 Covid-19 Proposed Expenses.

2020-07-13 Summary: Various agencies and items, including Clarke County Public Schools, Department of Fire & EMS, Window Barriers, Broadband Study, and 4-H grant, requests for funding from the CARES Act fund for FY21. These items were reviewed and discussed during the finance meeting however, no action is required at this time. A discussion regarding the request from the Northern Virginia 4-H Educational Center took place. It was determined at this time that it did not meet the qualifications for funding from the CARES Act.

2020-07-21 Action: Brenda Bennett reviewed the Finance Committee summary.

Vice-chair McKay questioned the water treatment Covid-19 expenses; Brenda Bennett stated that she had reviewed those closely. Confirming that the coding was correct, but believe that the description was incorrect. Adding that it is for supplies, she will confirm again to make sure they are eligible expenses.

Supervisor Catlett thanked all for looking at the possibilities for Broadband.

D. FY21 Supplemental Appropriation.

2020-07-13 Summary: The Finance Committee received a request to contribute \$5,000 to the Barns of Rose Hill endowment fund as a matching grant for the Eugene B. Casey Foundation. The Finance Committee recommends approval of the following action:

2020-07-21 Action: Brenda Bennett reviewed the Finance Committee recommendation.

Chairman Weiss clarified that this item was discussed in the budget session, the same way it has been done for previous years, this is a dollar-per-dollar match, this grant goes to a creation of an endowment which allows the Barns to run as a better organization and serve more people.

Supervisor Catlett moved “Be it resolved that Barns of Rose Hill budgeted expenditure and appropriation be increased \$5,000 and that the designation

for Government Savings be reduced in the same amount, all for the purpose of making a contribution to the Barns of Rose Hill Endowment Fund to be matched by the Casey Foundation” The motion carried by the following vote:

Matthew E. Bass	-	Abstain
Terri T. Catlett	-	Aye
Doug M. Lawrence	-	Aye
Beverly B. McKay	-	Aye
David S. Weiss	-	Aye

Supervisor Bass abstained in case of a conflict of interest because one of his books is currently for sale there.

E. Northwestern Community Services

2020-07-13 Summary: There was a discussion regarding an interest in the building at 309 W. Main Street, Berryville VA (the old School Board Office). Northwestern Community Services has an interest in using this space to provide a clinic in Clarke County. They have asked for \$7,750 to help offset the renovation costs to make the building useful for their needs. The Finance Committee deferred this discussion to a later date

2020-07-21 Action: Brenda Bennett reviewed the Finance Committee summary. Chris Boies added that Northwestern Community Services reached out to Chuck Bishop to format a possible agreement, adding that the Board has worked with Northwestern for many years to find a site to serve the residents of Clarke, hopeful that something can be worked out between the School Board and Northwestern. Chair Weiss opined that the Finance Committees stance was that we would work with them, just like we work with other non-profits, wait to see what the agreement is between the School Board and Northwestern prior to accepting or denying the request. Supervisor Catlett added that it will be nice to get more information; we would like to provide more services for the community, need to wait to see what all is worked out before we look at assisting. Vice-chair McKay agreed that more information is required adding that he is in favor of assisting once more information is available.

F. FY2020 Revenue Review.

2020-07-13 Summary: The Finance Committee reviewed the general fund revenue report as of June 30, 2020. While it is still too early to predict the revenue totals

for FY20, it was noted that there is over 1.2 million in (PPTRA) Personal Property Tax Relief revenue yet to receive and two months of revenue accruals.

2020-07-21 Action: Brenda Bennett stated that the page in the packet is a week old, so it has changed since that time. As of today, revenue is at \$2,685,000; in the past week for Real Estate and Personal Property taxes, approximately \$750,000 was collected. The \$1.2 million for the Personal Property Tax Relief (PPTRA) will be coming in later this month. The new total revenue with the taxes collected in the past week and including the \$1.2 million PPTRA, is \$1,473,000 and still have the rest of July and August to collect. Adding that the building permits are higher than expected and still climbing. Chair Weiss stated that revenue is higher in other items that were not expected, which is helping the overall revenue, adding that the Finance Committee is cautiously optimistic that we will not be that far behind on revenue.

G. Review FY2021 Contingency List.

2020-07-13 Summary: The Finance Committee discussed the Sheriff Sergeant position that is included on the FY21 Contingency List. During the FY21 budget process, the Sheriff's Office delayed filling that position but has requested the release of these contingency funds at this time in order to fill the position now. The Finance Committee recommends approval of the following actions.

2020-07-21 Action: Brenda Bennett reviewed the Finance Committee recommendation. Chris Boies stated that after discussing this with the Sheriff, this was their highest priority. When the contingency list was made, the Sheriff volunteered many items for the contingency list, but with the staffing issues and volume of work at the time, this position is needed to meet their needs.

Supervisor Bass thanked Sergeant Rosenberry for his service.

Chair Weiss opined that the Finance Committee believes that there is revenue to cover this position, adding that there is a need, the job is getting done but could be done better if there was another position.

Sheriff Roper assured the Board that the position will not be filled today, recognize the economics of all of these items. Adding that it may be a while before the position is filled, but the approval makes the Sheriff's Office feel better in the planning process.

Vice-chair McKay and Chris Boies confirmed that this was an existing position that was planned on all along.

Supervisor Bass moved, “Be it resolved that the budgeted expenditure and appropriation in the office of the Sheriff be increased \$56,432 and that budgeted FY21 contingency in the same amount be reduced, all for the purpose of replacing a Sheriff Sergeant vacant position.” The motion carried by the following vote:

Matthew E. Bass	-	Aye
Terri T. Catlett	-	Aye
Doug M. Lawrence	-	Aye
Beverly B. McKay	-	Aye
David S. Weiss	-	Aye

H. Bills and Claims.

2020-07-13 Summary: The Finance Committee recommends acceptance.

2020-07-21 Action: Following review, **Supervisor Catlett moved to accept the June 2020 Invoice History Report. The motion carried by the following vote:**

Matthew E. Bass	-	Aye
Terri T. Catlett	-	Aye
Doug M. Lawrence	-	Aye
Beverly B. McKay	-	Aye
David S. Weiss	-	Aye

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

2020-07-21 Action: Information only.

11) Joint Administrative Services Board Update

Brenda Bennett highlights include:

- JAS employees have been back in the office since the middle of June.

- Tom Judge’s leave payout was discussed, adding that Tom Judge extended his leave date from June 30 to July 31, 2020, as far as leave payout that will have to wait because it is a moving target until he leaves.
- Flexible Spending Accounts for the medical flex benefit use has been extended until December 31, 2020. Giving employees who have balances more time to use their balance since many appointments and procedures may have been pushed back due to Covid-19.

12) Government Projects Update

Chris Boies provided the monthly project update:

- As a reminder, we are still under a local state of emergency due to the COVID-19 health pandemic. Clarke County residents continue to do a good job of following precautions as advised by the CDC and Virginia Department of Health. As of yesterday, we had 64 cumulative positive test cases for Clarke County; this means that about four-tenths of one percent of the population has tested positive since the pandemic began. Shenandoah County, by comparison, is near 1.5%, over three times higher than our percentage. Loudoun is around 1.1%, with 4,670 cases. The Health Department continues to advocate for the use of facemasks as a way to slow the spread of COVID. Virginia has issued new regulations for workplace safety, we received that 35-page document today, and it possibly goes into effect next week. Brian Lichty and I will review and issue guidance to county departments and constitutional offices.
- Related to COVID-19, there was some coverage last week of our preliminary plans for the federal CARES funding. Just to be clear, we will fully utilize this funding as allowed by the regulations put in place. We will not purposely send any funds back when eligible expenses exist. In addition, we are working on a small business assistance program which will be presented to the Board in August. This program has been discussed briefly at a joint meeting of the EDAC and IDA, at a meeting of just the EDAC last week, a meeting of the Berryville/Clarke County Joint Committee on Economic Development & Tourism last week, and it is on the IDA agenda for this Thursday. A lot of time and effort is being expended on this effort, but it is important to put together a solid program which meets the objectives of helping businesses through the pandemic.
- Thanks to Cathy Kuehner, our Covid-19 updates at the top of our homepage now includes a list of resources for those individuals and businesses in need of assistance.

- We are going to talk about the collector study here in a minute, but I wanted to publicly thank Brandon Stidham for his work on this project. He pushed hard on the consultants on the assumptions and techniques used in the study, and the result was a much more useful product for the Board to use in its planning.

Brianna Taylor provided the following FOIA Training for Local Elected Officials update:

- There is another option for the FOIA Training; it is a presentation by Alan Gernhardt- Executive Director of Virginia Freedom of Information Council.
- The presentation takes between 45 minutes and an hour to complete; and, at the end, you will fill out your information and receive the certification.
- Send the certification to County Administration to keep on file per retention and to ease tracking of when the training has to be completed in two years.

Director Brian Lichty provided the following Covid-19 update:

- There are currently ten active cases within the County that are being quarantined.
- Hospitalizations have not increased.
- Fire & EMS doing well, have been doing testing for the one vacant position, hoping to have that done within the next week. Supervisor Lawrence questioned if the Safer grant is prorated for the time we are down a position. Brian Lichty confirmed that, unfortunately, the time on the Safer grant is the time; there are no proration's or extensions. Added that he is working with the grant to allow some other expenses; the funds have been allotted, so working with them to still get that amount of money, so we do not turn anything back in at the end of the grant period.
- The guidelines for safety regulations are being worked on and, once complete, will be sent out to all employees, Supervisors, and posted on the website, so everyone understands how things will be functioning.
- Temperature-taker machines are being looked at and will be ordered soon, now that the CARES Act funding has been approved.

13) Miscellaneous Items

Southeastern Collector Study

Chris Boies expressed that staff needs a general direction on how to move forward. There was a discussion on if there should be a further study to analyze the economic

feasibility for a developer paying for the road that would require both financial resources; that is not in the adopted budget at this point and would require the dedication of staff time. Need direction from the Board on whether to prepare cost estimates and to continue to devote staff time to the project. The Planning and Zoning Office has been working on updating the Zoning Ordinance and Subdivision Ordinance, so there are other things that are not finished yet.

Vice-chair McKay opined that he was surprised that there were so many ways deemed as significant challenges, from wetlands to the narrowness of Smallwood Lane. There is a lot of challenges and at a heavy cost. Believes it will take a long time to get to that \$10 million estimate.

Supervisor Lawrence asked if the item could be put on the August or September Work Session agenda. Then come up with a list of problems, ranking the problems to give the Board an idea of which way to send staff to investigate those problems; and see if there are answers.

Supervisor Catlett stated that the study showed us a lot; that it is very expensive, and the odds of getting Smartscale money is small. This is a long process and believes the Board should analyze the resources Clarke has and the best uses of those resources. Opining that at this moment, she does not know if this is a good fit or not, as far as economic development, we would be putting money into projects, and we do not even own the land that it would go through. Much information and many challenges, the biggest item is where should we put our resources.

Supervisor Bass agreed with all that was said, adding that the one point that he comes back to is that he does not have a great feel for what the Town wants and if Town and County staff see this as a good idea, an okay idea, or a bad idea. Believes that it is attractive to have a built-out business park that is essentially hidden from the rest of the community. In theory, it is a nice idea to connect VA Route 7 and US 340, diverting traffic from downtown. Just do not have a great feel for if this is really something that is needed. Agree with the sentiment that there are other economic development options around both the County and the Town that are worth exploring. Inclined to agree with the sentiment expressed by Mayor Arnold, that we invested \$50,000 for the study, having a thorough presentation, do not think we should write it off and say never mind. Still would like input from Town Council and staff to explain why we really need this. There are many challenges, and it is hard to imagine it going smoothly. Adding that other further concerns is what happens if we run into problems later on, would we be stuck with a road that leads to nowhere.

Chair Weiss stated that at the Berryville/Clarke County Joint Committee for Economic Development and Tourism meeting, Mayor Arnold wanted it added to the agenda, expressing that the Town is in favor. Adding that the Town feels it is a necessity to finish the collector road system that was designed thirty years ago. They believe it is a dual partnership and are excited about the private/public partnership, believe it is somewhat essential to the tax base and the economic development area, and their transportation system.

Chair Weiss reiterated that he still feels like it is an area that is not feasible to get into and out of. Adding that one cost that is not in the study is the improvement to East Business Route 7, which the Town applied for Smartscale funding and did not receive. This is a very expensive project, and personally is doubtful that we would get funding for that. Opining that it will dramatically alter that area, and for the right of way, we will have to basically go up to the doorsteps of the residents. Overall, taking an area that is hard to get to and funneling it into an area with preexisting traffic issues, and spending a lot of money to do so. Personally speaking, plans change. This was a good idea thirty years ago in the abstract; but it is not a good idea anymore. Adding that he does not support this, but if the Board would like more information, he will facilitate it.

Vice-chair McKay stated that this will be very expensive, and it is not only one area that is affected. In order to get the right of way, we will be taking yards from many residents.

Supervisor Lawrence expressed that on the road, it just had the acquisition of the 70' foot right of way, not including getting and removing the dirt. Adding that, this is why he would like to make the list of the problems and priorities, to see if it is possible to overcome them or if it would be better to spend time and energy in a different location. In the end it may be better to have the Town rezone and annex the area.

Brandon Stidham answered Supervisor Lawrence that there are still some properties that are owned by the Industrial Development Authority, the "end Town maintenance" sign is considered Jack Enders Boulevard, phase II. The road was never taken into the Town maintenance system primarily because of a debate over a punch list of items; one example is that the Town would like the County to raise the elevation of the cul-de-sac to facilitate an at-grade crossing.

Chair Weiss clarified that it was never finished and put into their system because it was planned to go over the railroad track, when that stalled, everything else stalled. The key point out of the study is that we will not be crossing the railroad track; this

fall, we need to plan how to settle Jack Enders Boulevard. The County has set aside the remaining proceeds from vail of the business park, which is designated in the general fund and is roughly \$108,000 to \$112,000.

Supervisor Lawrence stated that he would like to research underpasses and overpasses, because Norfolk Southern is not in favor of an at-grade crossing.

Brandon Stidham pointed out that the transportation section of the Berryville Area Plan does list three priority projects that both the Town and County have in their transportation plans. The top two are improvements to West and East Main Street, and the third is a park and ride lot in the area. Adding to his knowledge that the collector road has never been a priority in the transportation plan, it is referenced in the Berryville Area Plan as a conceptual project. East Main Street is a priority, and the study did indicate that there would be impacts on East Main Street by creating the collector road.

By Consensus, the Board agreed to put the Southeastern Collector Study as a tentative item on the October Work Session agenda.

Supervisor Bass asked if we have any sense of potential business opportunities that would come into the business park if it is built out. Chair Weiss expressed that that would be one of the first steps to work through a theoretical idea, looking at what would go there, what it would generate, and what it would help pay.

Chair Weiss added that the Berryville/Clarke County Joint Committee on Economic Development and Tourism discussed having Director of Economic Development, Felicia Hart, figure out what types of businesses we need to attract to better the project.

Vice-chair McKay opined that it is important to remember that we paid for this study to get answers, not to have the study reinforce our assumptions of the problems.

Chair Weiss stated that the study needed to be done to get answers, now after the study, we have more questions, but we do know that we cannot cross over the railroad track.

14) Summary of Required Action

<u>Item</u>	<u>Description</u>	<u>Responsibility</u>
-------------	--------------------	-----------------------

- | | | |
|-----|--|-------------------|
| 1. | Put Statue Update item on the September Work Session agenda. | Brianna R. Taylor |
| 2. | Process approved minutes for June 16, 2020. | |
| 3. | Execute Notice of Appointment and thank you letter for Bill Daniel. | David S. Weiss |
| 4. | Process appointments, thank you letter, and update database. | Brianna R. Taylor |
| 5. | Execute Resolution 2020-13R | David S. Weiss |
| 6. | Process Resolution 2020-13R | Brianna R. Taylor |
| 7. | Execute Resolution 2020-14R | David S. Weiss |
| 8. | Process Resolution 2020-14R | Brianna R. Taylor |
| 9. | Execute Agreement and Memorandum of Understanding between Clarke County and the Humane Foundation for the operation and funding of the Clarke Animal Shelter | David S. Weiss |
| 10. | Execute Lease Amendment between the County Clarke and Johnson Williams Limited Partnership. | David S. Weiss |
| 11. | Execute and Process Board of Equalization extension with the Circuit Court. | Chris Boies |
| 12. | Process PD-121101-05 Rev 19 Personnel Policy | Brianna R. Taylor |
| 13. | Process Code of Clarke County CC-2020-01. | Brianna R. Taylor |
| 14. | Provide Code of Clarke County Notice Update. | Brianna R. Taylor |
| 15. | Execute Boundary Line Adjustment Agreement and additional documents. | Chris Boies |
| 16. | Review the CARES Act funding to see if Private Schools are eligible. | Chris Boies |
| 17. | Request a punch list from the Town of Berryville for Jack Enders. | Chris Boies |
| 18. | Email Town Manager about the Board discussion on the Collector Study. | Chris Boies |

15) Board Member Committee Status Reports

Supervisor Matthew E. Bass

- Board of Septic and Well Appeals will meet in August.
- Library Advisory Council has not met.
- Planning Commission
 - Short-term rentals
- Sheriff Office has not met.
- Josephine School Community Museum Board has not met, once things calm down they are going to give me a tour.
- Northwestern Regional Juvenile Detention Center Commission – have minutes from their last meeting. No plan for the next meeting at this time.
- Legislative Updates
 - Virginia has become the first state to create workplace regulations for Covid-19.
 - Joint Legislative Audit and Review Commission met on July 6 to approve a plan of work and schedule for the remainder of 2020.
 - Reviewing programs by the Department of Small Business and Supplier Diversity.
 - Virginia’s Budget shortfall is smaller than originally anticipated.
 - General Assembly will convene on August 18, 2020, to approve an amended budget and discuss police reform.

Supervisor Terri T. Catlett

- CPMT met via ZOOM; Mark Legrys will no longer be on that board.
- Humane Foundation items were in the consent agenda, and they are looking at updating fees.
- Conservation Easement Authority is meeting on Thursday.
- Historic Presentation Committee meeting next week
- School Board

- Met on the 13th of July, received a grant to get a cadaver for anatomy. Great learning opportunity and will help many CTE classes.
- Met on the 17th of July and last night, discussing plans for the fall.
- They are having Dr. Greene give a presentation on Wednesday to give an idea of Covid-19 in our community.
- Suggest that each Board member reach out to their School Board representative, they have to make a hard decision.
- Town of Millwood has a lending library with a survey of priorities. Continue to have concerns on the speeding.

Supervisor Doug M. Lawrence

- Board of Social Services:
 - Working on salary.
- Berryville/Clarke County Joint Committee on Economic Development and Tourism
 - Set goals for new Economic Development Director.
- Broadband Implementation Committee
 - Amazing how much this committee has done in the past.
 - Meets tomorrow will hear from Dr. Bishop.
- Northwest Regional Adult Drug Treatment Court may trade with Supervisor Bass.
- Jail Authority meeting is scheduled for Thursday morning.

Vice Chair Bev B. McKay

- Northern Shenandoah Valley Regional Commission held a virtual meeting, could not attend.
- Joint Building Committee did not meet.
- Economic Development Advisory Committee
 - Had a great meeting.
 - Discussed an agriculture survey.
 - Use the Director of Economic Development to come up with ideas and see if they will fit and work

- Discussed the Small Business Assistance Program and asked that the committee members provide feedback to Felicia Hart, that will be presented to the IDA and then come to the Board for the final decision.
- Town of Boyce hired a new town manager who will also be their ordinance enforcement coordinator. Chris Boies added that he is setting up a meeting with the new town manager.
- Clarke County Sanitary Authority:
 - Huge spike in water that they are selling then what they are processing. Only selling about 50% of the water they are processing. A new system should be around 10%. They have been around 70 to 80% due to a leak that they found. The audit was fine with the 70-80% sold but still need to try to bring that percentage down.
 - Have had few meters that stopped registering. There are 497 total meters, 102 meters need to be replaced as soon as possible, 262 meters in the middle of their life, and 133 meters that are newer installs.
 - For the meters, they are going to do a drive-by meter readout system.

Chairman David S. Weiss

- Fire & EMS Commission
 - Volunteer hours are tremendous.
- IDA
 - Meeting Thursday.
- Berryville/Clarke County Joint Committee on Economic Development and Tourism
 - Good meeting and group works well together.
- Berryville Area Development Authority
 - Meeting tomorrow and discussing the subdivision proposal on the North side of Town.
 - They are the approving body for those sections of the Berryville and County.

16) Closed Session

No closed session was held.

At 3:25 pm, Chairman Weiss recessed the meeting.

At 6:32 pm, Chairman Weiss reconvened the meeting.

17) Citizen's Comment Period

No persons appeared to address the Board.

18) PH2020-03: CC-2020-01: Clarke County Code Chapter 165 Article XVIII Assessment of Court Costs for Courthouse Security Amendment.

Chris Boies summarized the proposed amendment to the Code of Clarke County, Chapter 165 Article XVIII – in accordance of the Code of Virginia to allow for the increase of court security fee for persons convicted in Clarke County District or Circuit Court from \$10 to \$20.

Chris Boies added that the fee that is collected currently does not cover the security cost for the Sherriff's department at the courthouse, so this will help the County get closer to recuperating those costs at the courthouse.

Supervisor Catlett asked, and Chris Boies confirmed that the last amendment to increase the fee to \$10 was in 2007.

At 6:33 pm Chairman Weiss opened the public hearing, being no persons desiring to speak; he closed the public hearing at 6:33 pm.

Supervisor Bass opined that as a practicing attorney and one who has availed himself in court security services, that this is a good idea - adding that he fully believes that those who are going to use our court system should be, in a sense, responsible for the safety of all of those who find themselves in the court system, including employees. This is supported by the Sheriff's department and for that reason as well I support it.

Supervisor Bass moved to amend Chapter 165 Article XVIII of the Code of Clarke County – in accordance of the Code of Virginia to allow for the increase of court security fee for persons convicted in Clarke County District or Circuit Court from \$10 to \$20. The motion carried by the following vote:

Matthew E. Bass	-	Aye
Terri T. Catlett	-	Aye

Doug M. Lawrence - Aye
Beverly B. McKay - Aye
David S. Weiss - Aye

19) PH2020-04: Relocation or Change, by Agreement, Boundary Line between Clarke County and Warren County.

Chris Boies reviewed the Boundary Line Adjustment between Clarke County and Warren County, highlights included:

- Proposal is the result of several meetings that were held in 2019 by the previous Clarke County Administrator and the Warren County Administrator.
- Purpose was to correct confusion along the line with some properties that were split between the two counties and adjusting the area with the fire station that Warren County operates.
- The proposed boundary follows property lines to correct those split parcels, incorporates some changes that were requested by owners; for example, the island in the river, and transitions the fire station to Warren County.
- Adding that Warren County is holding their public hearing tonight, so we have been corresponding throughout the day with them and the surveyor to answer citizen questions.
- All of the property owners impacted on the Clarke County side were sent a letter from our office about this public hearing.
- Requested that if the Board does make a motion to approve the adjustment today to give him latitude to make any minor adjustments that may come up on the Warren County side as a result of their public hearing. Adding that we do not expect any issues but just in case.
- Lastly, there is a 60-day close off period because of the November election in order to change boundaries, so this would need to be completed by early August with the Circuit Court approval at the same time.

At 6:38 pm Chair Weiss opened the public hearing, being no persons desiring to speak; he closed the public hearing at 6:38 pm.

Vice-chair McKay stated that they met several times in Shenandoah Farms, and Warren County definitely wanted the fire station that they operate in Warren County since it is currently housed in Clarke County. The goal was to have everyone who

believed they were in Warren County in Warren County and all of those who believed they were in Clarke County be in Clarke County. All of the meetings were great, opining that he believes that this proposed adjustment will make everyone happy.

Supervisor Catlett opined that this was a long process and thanked staff for finishing the work that others had started.

Chair Weiss agreed this was a long process, adding that he appreciates all of the work.

Vice-chair McKay moved to approve 2020-14R Resolution Authorizing the County Administrator to Execute a Boundary Adjustment Agreement with Warren County. Further moved that the Board authorize the County Administrator to make minor adjustments as necessary and to execute all necessary documents to record the changes in the Clerk’s Office of Clarke and Warren Counties. The motion carried by the following vote:

Matthew E. Bass	-	Aye
Terri T. Catlett	-	Aye
Doug M. Lawrence	-	Aye
Beverly B. McKay	-	Aye
David S. Weiss	-	Aye

20) Adjournment

At 6:41 pm, Chairman Weiss adjourned the meeting.

Next Regular Meeting Date

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

ATTEST: July 21, 2020

David S. Weiss, Chair

Chris Boies, County Administrator

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