

October 20, 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, October 20, 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, Tiffany Kemp, Cathy Kuehner, Brian Lichty, Brandon Stidham, Brianna Taylor

Constitutional / State Offices / Other Agencies

Ed Carter, Sheriff Anthony 'Tony' Roper

Press

Mickey Powell

Others Present

George Archibald, Sam Card, Mary Ivie, Gwen Malone, Lisa Seeberger, Scott Seeberger, Elyse Smith, Lowell Smith

1) Call to Order

Chair Weiss called the afternoon session to order at 1:02 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

Lowell Smith, Berryville: appeared to address the Board on a Kohn Property Lease. He read the following summary:

- The Board will consider in Executive Session at the end of your public meeting today an issue related to developing a lease agreement between the County and the Potomac Appalachian Trail Club (PATC) for the Kohn cabin and its surrounding 50 acres. This item does not appear on your agenda for the public portion of your meeting, so on behalf of the Potomac Appalachian Trail Club, its officers, and over 8,500 members, I submit the following for your consideration as you discuss this matter behind closed doors.
- PATC appreciates this potential opportunity to collaborate with Clarke County on developing a lease for the Kohn Cabin.
- Our appreciation notwithstanding, it is important for the County to respect that the PATC from the beginning of our discussions with the County has only had an interest in a 10-year lease on this property, and continues to hold this position today.
- The purpose of this lease is to:
 1. Support the County's Recreation Plan in furthering the recreational opportunities of the public;
 2. Create a public/private partnership to make the Kohn property a magnet for passive recreational use, while conserving its natural resources;
 3. Provide an opportunity for the public to rent the cabin and thereby gain a greater understanding and appreciation of Clarke County's natural resources;
 4. Reduce the burden on County taxpayers of maintaining this property through developing a cost-sharing arrangement with PATC;
 5. Allow the County full use of the property for two weeks a year; and

6. Provide an opportunity for PATC to develop an additional income stream to support the maintenance needs of the Appalachian National Scenic Trail.
- The Potomac Appalachian Trail Club has extensive experience in acquiring, maintaining, and renting cabins for public use:
 1. PATC currently controls and rents 42 cabins to the public in the states of Virginia, West Virginia, Maryland, and Pennsylvania;
 2. This activity is conducted nearly entirely by volunteering labor amounting to tens of thousands of hours donated annually, with full-time staff support to manage rentals;
 3. Cabins in our rental portfolio cover a wide range of attributes relative to their surroundings, facilities available, and access;
 4. PATC is a fully reliable business partner, as the skills and pride of achievement by its volunteer workers to provide a first-class experience for the public result in great demand and outstanding reviews by the public we serve;
 5. Income from cabin rentals provides an important stream to support our maintenance work over 1000 miles of trails, including 240 miles of ANST;
 6. The PATC has an interest and relevant skill to proactively work with the County staff to develop a comprehensive public use plan for the entire 50-acre tract.
 - Mobilizing the army of skilled volunteers required to conduct our first-class cabin operation requires a sustained, long term organizational commitment to each property we include in our extensive, varied cabin portfolio.
 - Our volunteers do not want to put substantial sweat equity and capital investment into improving and maintaining a property for a relatively short term financial benefit that is dedicated to maintaining and protecting our regional trail system; their time and Club resources would be better invested elsewhere.
 - The County and PATC appear to agree on all terms of a lease for the Kohn property, other than on the duration of the lease:
 1. The County's latest position is that it desires a 5-year lease with an option for an additional 5-year extension to exercise at its sole discretion;
 2. The PATC's position, as it has been all along in this discussion, is that it requires a 10-year lease, cancellable for lack of performance, in order for

this arrangement to serve the intended business purpose of providing an income stream for trail maintenance and protection;

3. After consumption of a lease with the County, PATC will need to invest over \$10,000 in materials and many hundreds of hours of labor to put this cabin into an acceptable condition for rental purposes, and this work and the furnishing of the cabin could not be completed before mid-summer 2021, leaving only four (4) prime rental seasons and five (5) offseasons to recoup our dollar and labor investment; and
 4. Our cabin volunteers expect a greater, long-term return for all of their volunteer labor expended.
- The PATC Council, our governing body, at its 13 Oct 2020 meeting authorized Joe Lombardo, our president, to negotiate and sign a lease of 10 years' duration on the Kohn property, and did this after considerable discussion during which it rejected a lease of shorter duration.
 - In summary, the PATC leadership is grateful to be considered by the County and this Board to be a worthy partner in furthering the recreational opportunities available to our citizens and neighbors. Putting the Kohn property to its highest and best use to serve a public need is desired by both parties in this negotiation. While one party may wish to limit the duration of the lease to keep open the unknowable options of a future Board, the need of the other party for the stability of its longer-term financial returns is a sticking point that has recently emerged. PATC requests that this Board consider seriously the bird-in-hand that it currently has with leasing the Kohn property to PATC as a responsible partner in furthering the County's recreational and business goals. Consummating this lease on terms each party finds necessary would fully comply with the goals of our General Plan, as we serve the needs of our citizens.

Scott and Lisa Seeberger, Bluemont: appeared to address the Board on protecting the Bears Den District stone fences. They presented the following presentation:



Protect and Preserve Historic Stone Walls within Bear's Den Rural Historic District (BDRHD)

Effort Timeline:

- 08/01/20: Petition started with Blueridge Mountain Rd residents
- 08/18/20: Effort introduced to County Board of Supervisors
- 09/30/20: Effort introduced to County Historic Preservation Commission
- 10/19/20: Draft zoning proposal submitted to County Planning Commission
- 10/20/20: Update to County Board of Supervisors



History of Bear's Den Rural Historic District (BDRHD)

National Register of Historic Places (05/14/09) and Virginia Landmarks Register (09/18/08):

- Approximately 1855 acres, 152 contributing buildings, 12 contributing sites, 8 contributing structures and 1 contributing object
- Significant for architecture and social history circa 1890-1958
- Stone walls and residences, vacation homes and scattering of farmhouses - many of stone construction

Civil War History:

- Area where John S. Mosby's Confederate forces operated
- Mosby likely used Bear's Den overlook as an observation post
- Mt. Airy Fight on 09/15/1864
- Snickers Gap (Rt. 7) served as strategic route for both Confederate and Union armies



We Must Protect and Preserve Character Defining Features from History



Historic Stone Wall within BDRHD



Property Border dating back to at least 10/10/1898 from Clarke County Land Deed (Land Sale from George E. Plaster to Joseph Kasper)



7' Privacy Fence Next to Same Historic Stone Wall within BDRHD



Fence degrades Historic Significance of Stone Wall behind it and obstructs Scenic View



"Historic" and "Scenery" Protection Language within Clarke County Planning Documents

Comprehensive Plan (2014):

- Goal #1 of land use planning: "Preserve and protect the agricultural, natural, and open space character of unincorporated areas."
- "County's extensive historic resources play a large part in attracting tourism and influencing land use decisions."
- "Residential development should... be compatible with the environmental features of that land and should not diminish natural and scenic values."
- Objective #4: "Develop innovative ways to protect and promote the cultural importance of historic and archeological resources." "Establish and protect state and national historic districts, especially in rural areas, to officially recognize their historical significance and value." "Support the establishment of County historic overlay districts to protect ... areas of historic and archaeological value and to ensure that new nonresidential development along access corridors leading to historic areas will be compatible and harmonious with such historic areas."
- Objective #3: "Protect natural resources, including soil, water, air, scenery..."

Mountain Land Plan (2005) and Historic Resources Plan (2018):

- Similar language as above throughout these two component plans



Draft Zoning Proposal to Protect and Preserve Historic Stone Walls within BDRHD

- Intent is to balance citizen property rights vs. protection and preservation of historic stone walls
- Language correlates to New England historic districts with stone wall protections
- Anticipate public discussion with other Clarke County citizens

<p>Bear's Den Rural Historic District Historic Stone Wall Protection and Preservation</p> <p>Purpose: The intent of this proposal is to protect the numerous historic stone walls located within Bear's Den Rural Historic District (BDRHD). As they are a cultural resource and contribute to the visual and historic character of the area, efforts to be taken to protect and preserve these walls are necessary to protect the historic character of the area.</p> <p>Definitions: A "historic stone wall" is a linear structure of masonry or stone built on or before 1920 which is a contributing element of the District's historic character and is a contributing element to the historic character of the area.</p> <p>General Provisions: A. The alteration, relocation or demolition of a historic stone wall located within BDRHD shall require a historic preservation permit from the Clarke County Planning Commission and Clarke County Planning Commission. The applicant shall submit a historic preservation permit application to the Clarke County Planning Commission and Clarke County Planning Commission for review and approval. The applicant shall submit a site plan showing the location of the historic stone wall and the proposed location of the new stone wall. The applicant shall also submit a site plan showing the location of the historic stone wall and the proposed location of the new stone wall.</p> <p>B. The alteration, relocation or demolition of a historic stone wall shall require a historic preservation permit from the Clarke County Planning Commission and Clarke County Planning Commission. The applicant shall submit a historic preservation permit application to the Clarke County Planning Commission and Clarke County Planning Commission for review and approval. The applicant shall submit a site plan showing the location of the historic stone wall and the proposed location of the new stone wall.</p> <p>C. The replacement or repair of a historic stone wall shall require a historic preservation permit from the Clarke County Planning Commission and Clarke County Planning Commission. The applicant shall submit a historic preservation permit application to the Clarke County Planning Commission and Clarke County Planning Commission for review and approval. The applicant shall submit a site plan showing the location of the historic stone wall and the proposed location of the new stone wall.</p> <p>D. Openings for driveway, walk, utility easements or fire lanes shall be of the minimum necessary length and opening width of the historic stone wall shall be restored.</p>	<p>Violations and Penalties: Any person violating any provision of this Ordinance shall be subject to a fine of \$100. Each day one violation of this Ordinance shall constitute a new offense.</p>
--	--

Proposal is Limited in Scope



Conservation Group Support to Protect and Preserve Historic Stone Walls within BDRHD

Support from:



Friends of the Blue Ridge Mountains



Shenandoah Valley Battlefields
National Historic District

Support Interest from:



Blue Ridge Conservation Alliance



Piedmont Environmental Council



Preservation Virginia

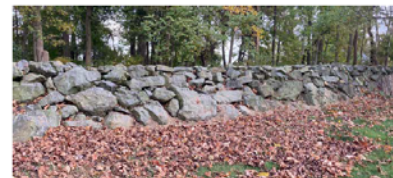
Effort is Building Momentum



Protect and Preserve Historic Stone Walls within BDRHD

We believe Clarke County should:

- Provide protections within BDRHD as has been done in other Clarke County Historic Districts (Millwood and White Post) in accordance with Clarke County Historic Resources Plan
- Protect the scenic landscape within the BDRHD in accordance with Clarke County Mountain Land Plan



Next Step: Board of Supervisors Directs Planning Commission to Move Forward with this Effort

George Archibald, Berryville: appeared to address the Board on the Statue. He read the following summary:

- Pleased with the Winchester Star reporter Mickey Powell’s important story yesterday about the new campaign of Berryville town officials just started to help “the world to know that Berryville is a genuine place”.
- It was more than 45 years ago as a young congressional aide for an Arizona House member on Capitol Hill in Washington that U.S. Senator Harry F. Byrd

Jr. invited me to join him regularly for dinner at a popular restaurant he frequented on Connecticut Avenue called Angie's Italian Gardens, less than a block from where we both had residential apartments during the week.

- Having graduated from Loudoun County High School in 1962 and Old Dominion College in Norfolk before my own military service in Arizona 1967-71, this was beginning of a long-lasting close friendship with your own former colleague Barbara Byrd's father-in-law, who with his other son Tom made me their editor/general manager for Byrd Newspapers' weekly in Front Royal for several years in the early 1990s, and eventually brought me to Berryville permanently in 2007, where my own sister Valerie Embrey, also originally from England, lives as well.
- I repeat this personal history to underscore my deep personal reverence for the Byrd family and all they have meant to this community as prior owner/employer for their largest privately-owned apple orchards in the world and as political leaders of Virginia's governor's office from 1920s, to the U.S. Senate and ownership of the state's largest daily and weekly newspapers for more than a century.
- They inspired our local historical monument installed on the Courthouse grounds in honor of Clarke County's Civil War dead more than 100 years ago.
- The vital prominence of Berryville's stunning history and artifacts, including Rosemont Manor from whence the Byrd family ran all their economic, publishing, and political ventures, are too important to succumb to a wanton attack to remove the monument without proper explanation or substantiation by proponent Martin Rosser Oldham of Ashby Gap on Clarke's border with Fauquier County at Paris Mountain.
- I've provided the needed Resolution with accompanying documentation to deny removal to my appointed Berryville District Supervisor Matthew E. Bass who succeeded Democrat Mary Daniel when she became district court judge, and asked him to extend me the courtesy of moving this proposed Resolution for your record vote at this meeting.
- You all were sent a copy of the proposal after your county public information officer Cathy Kuehner and Freedom of Information records manager Tiffany Kemp provided me nearly 200 pages of very helpful monument history.
- But on grounds of so-called "lawyer-client privilege," I was denied copy of County Attorney Robert Mitchell's advisory to you, also publicized by Mickey Powell's other good reporting September 19 that you lack authority legally to

move the monument because somehow neither the county nor the town own the small piece of ground on which the memorial sits.

- Anyway, the rich history of Civil War dead from each of the eight Shenandoah Valley Campaigns of 1864, properly amplified by this serene memorial, is more than ample reason to preserve its prominence in the center of town in order to help “know that Berryville is a genuine place,” as the new promotional campaign aims to do.
- So let’s get on with the proposed Resolution in order to save the necessity of making this a last-minute campaign issue between appointee Bass and his election-day opponent Mark Griffin, or forcing my having to file an appeal petition with our U.S. District Court in Harrisonburg.

4) VDOT

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

Maintenance:

- Completed mowing on secondary routes and will begin fall mowing and brush cutting, fence to fence, on primaries.
- Filled potholes on various routes and continued with patching operations for the 2021 resurfacing schedule.
- This month, VDOT is replacing pipes on Gun Barrel Rd., Rt 644, and Rt. 340.
- VDOT will be constructing a new entrance for the hikers parking lot on Rt. 605 and grading non-hard surfaced roads.
- Working with Northern Virginia, Loudoun County Sheriff’s Office, and Clarke Sheriff Office to put up more signage on Route 601.

Projects:

- Janesville Rd. is being surface-treated this week, weather permitting and will be complete.

Other:

- VDOT had a major traffic impacting incident on Rt. 7 on Monday the 12th. There was significant coordination required among many entities for the

recovery effort. Want to thank and recognize the Sheriff's office for their vital role and assistance.

Route 601 intersection

- Supervisor Catlett asked with respect to the signage on Route 601 and VA 7, what will happen if the signage does not change what people do, it is a really crowded/unsafe area so where would we go from here. Ed Carter stated there are some things that can be done with the traffic flow if Loudoun County is able to coordinate that. For instance, the left turn lane coming westbound is not long enough so traffic stacks back up into the travel lanes on VA 7. Ed Carter added that the last thing would be to put a signal up there because it will cause problems in inclement weather. Ed Carter then expressed that an out of box idea that has been thought about is enlarging the surface area of the parking area, making a road through the parking area, and making all left turns to go through there; to eliminate congestion. Right now, there is no plan put forth, when that time comes Clarke County and Loudoun County will have to coordinate the project. Ed Carter confirmed that the parking lot is VDOT owned land, by redoing the area VDOT could get 10-15 more parking spaces, and then the roadway would be on the south edge of the parking area, emphasized that this is just an out of the box idea.
- Supervisor Catlett was curious about the meeting schedule, Ed Carter explained that he does not know if there is a meeting schedule, that it is just in the discussion phase at this time. Chris Boies conveyed that Loudoun County has reached out to see who would be the point of contact and for now that is him, further explained that Loudoun County has expressed interest in continuing the communication with VDOT, Clarke County, and other stakeholders.
- Supervisor Bass explained that during the weekend many pedestrians were walking along the road. Ed Carter communicated that VDOT cannot limit pedestrians, all that can be done is to warn traffic that pedestrians are there.
- Chair Weiss questioned, and Chris Boies confirmed, that the understanding is that Loudoun County did not do a special use permit or zoning review for the brewery business.
- Ed Carter gave the option of pedestrian facility parking, but emphasized that it would cause more problems along the road.

- Supervisor Lawrence asked if it would be possible to put inside merge lanes in that area. Ed Carter explained that it could be looked at, adding that one of the major problems in the area is the width of the crossover because when vehicles get in the crossover there is not enough room for other vehicles. The best scenario would be a long term plan that will be very expensive.

Vice-Chair McKay

- Pyletown Road suggested for next year to encourage the contractor not to spray on residents' land and to not kill all of the redbuds and dogwoods. Ed Carter expressed that the contractor's directions are to go from the bottom of the fence line to the road and anything up to fifteen feet high. Adding that if residents want to maintain the flower trees they need to keep the entire area cleaned out and as long as the trees do not go into the road VDOT will leave them alone. Ed Carter further explained that the vegetation contract cost has doubled so when those guidelines are set, it is for an inch from the edge of the pavement to the bottom of the fence, going up to fifteen feet high; if you do not go fifteen feet high then it will hit on bigger vehicle and trailers.

Supervisor Catlett

- Thanked VDOT, all Janeville residence are happy to have the paving.

Chris Boies

- Citizen requests to look at the intersection of Route 50 and Howellsville Road to place a flashing light there to inform citizens that there is an intersection. Ed Carter informed that it is on the next traffic engineering review which will meet on Wednesday, October 28, so that will be looked at, from past experiences with flashing lights it will be effective for the first two weeks and then drivers will not pay attention to it.

Chair Weiss

- Thank Ed Carter for meeting and discussing issues.
- Asked for a safety report update for Route 7, Ed Carter agreed that a work session would be the best time to give that update.

5) Approval of Minutes

September 15, 2020, Regular Meeting

Supervisor Bass: Book 24, Page 358 and Page 378 correct the spelling of Adeela Al-Khalili.

Chair Weiss: Book 24, Page 378, and change “decisive” to “divisive”.

Chair Weiss asked that the following be added to the September 15, 2020, minutes for clarification. Added on Book 24, Page 378: “At the October 20, 2020, Regular Meeting, for clarification, Chair Weiss stated that he was not certain that he stated emphatically that the cause of the Civil War and the reason of what it was fought over was slavery. Initially, it was the expansion of slavery in the new states and territories, then after the Emancipation Proclamation, it was indeed solely about the abolition of slavery. Adding that what he said about the individual reasons that people fought is true, do not believe anyone of us will know, for any war, why an individual soldier fights and under what circumstances does he/she commit acts of valor or cowardice, either way.”

Vice-Chair McKay moved to approve the September 15, 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

6) Consent Agenda

Appointment of Brandon Stidham as the Zoning Administrator.

Supervisor Catlett moved to adopt the items on the Consent 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

7) Board of Supervisors Personnel Committee Items

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

2020-10-13 Summary: The Personnel Committee recommends the following:

- Move Steve Wisecarver on the Parks & Recreation Advisory Board, from the Town of Boyce Appointment to the At Large position, filling the unexpired term of the late Jay Hillerson, expiring December 31, 2022. The Town of Boyce will be submitting a name for its representative in the near future.

2020-10-20 Action: Chris Boies reviewed the Personnel Committee recommendations.

Vice-Chair McKay moved to accept the appointment. 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. LEOS study update

2020-10-13 Summary: The actuarial study was presented to the Committee.

2020-10-20 Action: Information Only. Staff will prepare a formal summary of that program, the cost, and bring both to the Personnel Committee, and the Finance Committee at an upcoming meeting.

8) Board of Supervisors Work Session Items

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

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

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

Board Members Absent: Terri T. Catlett

Officers / Staff Present: Chris Boies, Tiffany Kemp, Cathy Kuehner, Brian Lichty, Travis Sumption

Others Present: None

Press Present: Mickey Powell

10-13-2020 Summary: At 10:05 am, Chair Weiss called the meeting to order.

A. 2021 Legislative Priorities Review

After review, the Board asked staff to update the 2021 Legislative Priorities and present the final list to the Board at the October regular meeting.

B. Southeastern Collector Study follow up

After discussion, the Board asked staff to meet with Town staff to understand the next steps from the Towns perspective.

At 11:03 am, Chair Weiss adjourned the meeting

2020-10-20 Action: Chris Boies reviewed the 2021 Legislative Priorities Review work session summary.

- Chair Weiss asked to add in the pedestrian crossing of VA Route 7; would like to start talking about a bridge, or other options.
- Supervisor Catlett opined this is a great idea to include because many pedestrians are crossing there, and it would be good to start the discussion.
- Supervisor Bass expressed that it would be great if a pedestrian bridge was built there to avoid the danger of trying to cross VA Route 7.
- Supervisor Lawrence stated that even having available parking on both sides of VA Route 7 would alleviate some of the crossings.
- Chair Weiss explained that we encourage tourists to enjoy the County but we need to have the infrastructure in place to protect those citizens.
- Supervisor Lawrence asked Sheriff Anthony ‘Tony’ Roper for the number of tickets that were given over the weekend. Sheriff Roper stated that he would provide the number.

Vice-Chair McKay moved to accept the 2021 Legislative Priorities with the addition of the Route VA 7 pedestrian bridge as the first item under other items in the list. 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

Chris Boies reviewed the Southeastern Collector Study follow-up work session study, adding that staff was tasked with scheduling a meeting with the Town to discuss the Town's desired next steps; that meeting is tentatively scheduled for Wednesday, October 28, 2020.

9) Board of Supervisors Finance Committee Items

A. CARES Act funding:

2020-10-13 Summary: The Finance Committee recommends to the full Board, approval of reimbursement for the following expenditures using CARES funding:

- Invoice history report in the amount of \$362,691
- Salaries and benefits for Child Care Program for September in the amount of \$17,696
- Central store purchases in the amount of \$742
- Clarke County Public Schools hazard pay in the amount of \$34,158
- Covid-19 Sick leave pay in the amount of \$3,547
- Town of Boyce expenses in the amount of \$831

The Finance Committee recommends to the full Board, approval of new CARES funding as follows:

- EMS Expenses \$120,755
- Assistance to Non-Profit entities \$100,000
- Assistance to FISH-Rent/Housing/Utility assistance \$50,000
- Unemployment Claims \$28,660
- EMS salary and benefits (Mar-Jun 2020) \$231,300
- EMS salary and benefits-*not to exceed* (Jul-Dec 2020) \$366,565
- Sheriff's Office salary and benefits (Mar-Jun 2020) \$339,709
- Sheriff's Office salary and benefits-*not to exceed* (Jul-Dec 2020) \$446,531
- Hazard Pay for Public Safety personnel (Mar-Jun 2020) \$52,050
- Hazard Pay for Public Safety personnel (Jul-Dec 2020) \$84,750

- JWMS-Building Automated System \$137,108
- Town of Berryville Hazard Pay for Public Safety personnel \$31,400 (Mar-Dec 2020)

2020-10-20 Action: Brenda Bennett reviewed the Finance Committee summary. Chris Boies added the following:

- The new CARES Act funding allocations, if approved, will come back to the Board as an actual expense once those funds are spent for a final approval.
- After the Finance Committee meeting, the school was granted CARES Act funding by the state, therefore, some of these expenses may be transferred to the school, and then we will take advantage of any of those funds to properly spend all available funds.
- Chair Weiss clarified that these are budgeted numbers with the idea based on Treasury's Department decision to allow localities to reimburse themselves for salaries; at the time of the Finance Committee meeting, the County had overcommitted, but now that the school has received funding that will erase the deficit, theoretically.
- Chair Weiss added that as a County, we will fund the needed help to our citizens and agencies within our County as the CARES Act funding allows; if there is money left over from that to reimburse ourselves, then we will reimburse ourselves; we will not reimburse ourselves at the expense of any citizen or group that is in genuine need of assistance. Explained that the first goal of the County is to assist those who were impacted by the pandemic.
- Supervisor Catlett thanked staff, many uses, and guidelines. Chris Boies stated that new guidelines were sent today so it is still changing.

Vice-Chair McKay moved to allocate a total of \$1,988,828 of CARES Act funding for the following:

- **\$120,755 for EMS expenses,**
- **\$100,000 for Assistance to Non—Profit entities,**
- **\$50,000 for Assistance to FISH-Rent/Housing/Utility assistance,**
- **\$28,660 for Unemployment claims-current & budgeted,**
- **\$231,300 for EMS Salary and benefits (Mar-Jun 2020),**
- **\$366,565 for EMS Salary and benefits-not to exceed (Jul-Dec 2020),**
- **\$339,709 for Sheriff's Office Salary and benefits (Mar-Jun 2020),**
- **\$446,531 for Sheriff's Office salary and benefits-not to exceed (Jul-Dec 2020),**
- **\$52,050 for Hazard Pay for Public Safety personnel (Mar-Jun 2020),**
- **\$84,750 for Hazard Pay for Public Safety personnel-not to exceed (Jul-Dec 2020),**

- **\$137,108 for JWMS-Building Automated System, and**
- **\$31,400 for Town of Berryville Police Department- Hazard Pay for sworn members.**

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

Brenda Bennett explained that the proposed resolution is due to accounts payable invoices that date back to FY20 using the hazard pay for the schools as an example. Adding that some of the revenue will be recognized in FY20 for example the inclusion of hazard pay for Fire & EMS and Sheriff’s Office. Note that the auditors are finishing up and hope to hear back by the first week of November.

Vice-Chair McKay moved “Be it resolved that FY20 budgeted expenditure and appropriation be increased \$94,499, and revenue in the amount of \$665,508 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

Brenda Bennett explained that the difference is because of the FY21 childcare salaries that were already appropriated in a previous meeting therefore, those revenues are higher than the expenditure.

Vice-Chair McKay moved "Be it resolved that FY21 budgeted expenditure and appropriation be increased \$362,043, and that revenue in the amount of \$377,216, from the Federal CARES Act fund be recognized, all for the purpose of reimbursement of qualifying FY21 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

B. Revenue Review

2020-10-13 Summary: The Finance Committee reviewed a revenue spreadsheet for FY21, which was provided at the meeting. It was noted that it is still very early in the fiscal year and a better indication of FY21 revenue will come at the end of November.

2020-10-20 Action: Information Only.

C. Bills and Claims.

2020-10-13 Summary: The Finance Committee recommends acceptance.

2020-10-20 Action: Following review, **Supervisor Catlett moved to accept the September 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

D. Standing Reports. FYI: Year to Date Budget Report, Reconciliation of Appropriation, General Government Capital Projects, Expenditure Summary

2020-10-20 Action: Information only.

10) Joint Administrative Services Board

Brenda Bennett highlights include:

- During the September meeting there was a discussion on the unemployment claims; determined to report all of the fraudulent claims and pay the actual quarterly billing from the Virginia Employment Commission. At this point waiting to hear about the fraudulent claim report. Chair Weiss confirmed that the State

- requires payment so even knowing that there are fraudulent claims it is better to pay the State and then have the State reimburse once those claims are reviewed.
- Chris Boies answered Supervisor Lawrence question explaining that money will be tracked for the unsubstantiated claims in case the money can be reimbursed, added that we hope the process will be done by the December 30, 2020, deadline so no CARES Act funding is not spent.
 - Also at the September meeting discussed the Anthem and Valley Health agreement that expires on December 31, 2020, and it looks like no agreement will be made. Termination with Anthem Local Choice was sent on October 2, 2020.
 - At the October meeting discussed that an RFP was sent out so we can explore other insurance options in the event that Valley Health and Anthem do not come to an agreement. After December 31, 2020, anyone under Anthem will not be covered by Valley Health so employees would be out-of-network.
 - The RFPs are due by October 30, 2020.
 - Chris Boies expressed that JAS staff had done a wonderful job getting the quick-paced timeline in place. Preliminary set up interviews with the finalist for November 5, 2020, then scheduled a Joint Administrative Services Board meeting for November 9, 2020, to decide to move forward with the new vendor or stay with Anthem.
 - All new information would have to be input into the Munis system by December 15, 2020.
 - Chair Weiss reminded the Board that any decision that is made by the Joint Administrative Service Board, if the School Board or this Board disagrees with the decision, then it would be considered more. Suggested that if you have any concerns or questions to ask and get the information from staff.
 - Chair Weiss opined that at this time there is not a lot of choices, but we have to move forward and ensure that our employees are protected.

11) Government Projects Update

Chris Boies provided the monthly project update:

- The General District Court HVAC replacement started last week and will hopefully be completed in the next few weeks. This project replaces an aging unit, that is located in the attic above the courtroom, and move a new unit into one of the offices upstairs. We have had numerous water leaks which have bled through the

ceiling of the courtroom over the years. Part of the project is to patch and paint the ceiling.

- The Director of Social Services position has been posted on the state jobs website, applications are due by October 30th. The Social Services Board will discuss the hiring and interview process at their meeting this week. Mr. David Ash has been serving as the interim director.
- The Governor announced additional CARES Act funding last week for broadband, we have reached out to all of the internet service providers in Clarke to see if anyone has any projects which could be completed by the year-end deadline. We have heard interest from one company but don't have an official proposal yet.
- You may have noticed folks voting today as you walked in, Registrar Barbara Bosserman has done a tremendous job of managing what has been a very steady stream of voters. As of this morning, almost 2,087 voters have voted early in-person, 1,825 by mail-in ballots, for a total of 3,912 or 34% of the registered voters. We have heard very good feedback from the voters who have voted in the building and this is a direct result of the planning Barbara Bosserman has done and the friendliness of her staff.

Brianna Taylor provided an update on the local elected officials FOIA training:

- The online training link is still having issues.
- VACo released another training opportunity yesterday, virtual training with Alan Gernhardt on Monday, November 16, from 1 to 3 PM. At this time the only step is to RSVP for the training, will send the training flyer to all local elected officials who have not completed the training.
- The Board advised Brianna Taylor to RSVP for them and to set up a room at Parks & Recreation where this can be done.

12) Miscellaneous Items

None added to the October 20 meeting.

13) Summary of Required Action

<u>Item</u>	<u>Description</u>	<u>Responsibility</u>
1.	Process approved minutes for September 15, 2020, Regular Meeting Minutes.	Brianna R. Taylor

- | | | |
|----|--|------------------------------------|
| 2. | Execute notice of appointment and thank you letter | David S. Weiss |
| 3. | Process appointments, thank you letter, and update database. | Brianna Taylor |
| 4. | LEOs staff report | Chris Boies &
Brian Lichty |
| 5. | Finalize Legislative Priorities and send | Chris Boies &
Brianna R. Taylor |
| 6. | Southeastern Collector Study meeting with town | Chris Boies |
| 7. | Process CARES Act funding actions for FY2020 and FY2021. | Brenda Bennett |
| 8. | Process Bills and Claims. | Brenda Bennett |
| 9. | Execute Kohn Property Lease | Chris Boies |

14) Board Member Committee Status Reports

Supervisor Matthew E. Bass

Board of Septic and Well Appeals

- Did not meet.

Library Advisory Council

- Did not meet.

Planning Commission

- Looked at a minor subdivision.

Sheriff Office

- Another deputy has resigned; thanked Sergeant Charles for his service.
- Staffing has been difficult, expect a report to move forward from Sheriff Roper or Chief Deputy Sumption next month.

Josephine School Community Museum Board

- Took a tour of the museum.
- Still not meeting due to COVID-19.

Legislative Updates – High Growth Coalition

- Thirty million of CARES Act funding for additional Broadband.

- The project must be complete by December 25, 2020, so it will be a challenge to meet the timeline.

Northwestern Regional Juvenile Detention Center Commission

- Looking to work with the federal government, hope to get status update at the December meeting.

Northwest Regional Adult Drug Treatment Court Advisory Committee

- Nice article in the Winchester Star on the audit, hope to get the full findings report by December.

Supervisor Terri T. Catlett

CPMT

- Judy Blau is retiring next month and Catherine Webster is the new coordinator.
- Committee needs a new parent representative.

Clarke County Humane Foundation

- Meeting is tomorrow.
- Will be discussing the addition of the shelter.
- Rabies Clinic is coming in the near future.

Conservation Easement Authority

- Whether parcels should always have a DUR, creating policy on DUR's for the County.
- Disclosure discussion trying to inform people that once a property is in an easement, there are more regulations for building in the future.

Parks & Recreation Advisory Board

- Christy Dunkle presented ideas to create a memorial garden in the park near the Kiwanis pavilion, that will go to a committee.

Clarke County Historic Preservation Commission

- The Seeberger's presented the historic overlay district plan for walls.
- Maral Kalbian gave her report and they are working with the resident in White Post to correct a building.
- Maral Kalbian is still working on her book.

Town of Millwood

- Looking at renovating a building near the post office to use as a community education center.
- Preparing for when the Planning Commission does the village plan.

School Board

- Staff is looking at plans to get children to hybrid.
- Teacher groups met multiple times to anticipate what the hybrid would look like.
- Hope that the General Assembly does the hold-harmless for enrollment.
- Chair Weiss stated that he is not second-guessing the School Board, but personally encourages the School Board to find a way to get students back into schools as safely and as quickly as possible. Vice-Chair McKay echoed Chair Weiss's opinion. Supervisor Catlett confirmed that they were looking at options.

Supervisor Doug M. Lawrence

Board of Social Services

- Meets tomorrow.
- Mr. Ash is the Interim Director.
- Chair Weiss thanked David Ash for stepping in, adding that as a County we will continue to work through issues and still provide the services that need needs to be provided.

Berryville/Clarke County Joint Committee on Economic Development and Tourism

- Has not meet.

Broadband Implementation Committee

- Meets tomorrow and working on getting a Shentel representative to call in and discuss Broadband with the committee.

Northwestern Regional Jail Authority

- Meets on Thursday and the Superintendent is retiring.

Vice-Chair Bev B. McKay

Clarke County Sanitary Authority

- Completing leak detection through the lines and fixing them as they are found.
- Still replacing meters.
- DEQ recommendations are that if you are losing less than 10% of processed water you are doing well.

- Trying to figure out a process on how to map the system.

Broadband Implementation Committee

- Meets tomorrow.

Town of Boyce

- Collecting money to repair sidewalks.
- Two buildings being renovated.

Chairman David S. Weiss

Industrial Development Authority

- Meets this week.

Fire & EMS Commission

- Fire & Rescue Agreement will be presented a final time to the companies at the next meeting and then be presented to this Board at the November meeting.

Chair Weiss thanked Cathy Kuehner for setting up the appreciation function for Viola Brown.

Chair Weiss sympathized that Jay Hillerson was a great friend and great citizen to the community. He always had a positive attitude, even when telling you what you did wrong, and he will be deeply missed.

Chair Weiss thanked all employees for their hard work during this pandemic. Complimented Chris Boies for keeping the facilities functioning and always keeping the Board informed.

- 15) Closed Session pursuant to §2.2-3711-A8 Consultation with legal counsel employed or retained by a public body regarding specific legal matters requiring the provision of legal advice by such counsel

At 2:47 pm, Supervisor Catlett moved to enter closed session pursuant to §2.2-3711-A8 Consultation with legal counsel employed or retained by a public body regarding specific legal matters requiring the provision of legal advice by such counsel. 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 3:12 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

Supervisor Catlett moved to have the County Administrator execute the lease agreement with PATC (Potomac Appalachian Trail Club) for the Kohn Property. 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

Supervisor Catlett stated that she hopes that this serves to be a good use for the property, adding that it recognizes the wishes of the donor. Explaining that she also hopes that it is useful to the citizens of Clarke County and other people who would like to get out and see the natural beauty of our County.

Chair Weiss agreed that the agreement would meet the wishes of the donor, adding that he is glad to see an agreement has been made and looks forward to seeing all that gets done and wished PATC well.

Chris Boies thanked Alison Teetor for all of her hard work, adding that she was the main staff person working on this project. She was tasked at the beginning of the year with finding a partner who would be a good match for the property and she did that and has done an excellent job. Supervisor Catlett agreed that Alison Teetor did a great job.

16) Adjournment

At 3:15 pm, Chairman Weiss adjourned the meeting.

Next Regular Meeting Date

The next regular meeting of the Board of Supervisors is set for Tuesday, November 17, 2020, at 1:00 p.m. in the Berryville Clarke County Government Center, Main Meeting Room, 101 Chalmers Court, Berryville, Virginia.

ATTEST: October 20, 2020

David S. Weiss, Chair

Chris Boies, County Administrator

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