

November 17, 2020

Clarke County Board of Supervisors  
Regular Meeting  
Main Meeting Room

1:00 pm

At a regular meeting of the Board of Supervisors of Clarke County, Virginia, held in the Berryville Clarke County Government Center, 101 Chalmers Court, 2<sup>nd</sup> Floor, Berryville, Virginia, conducted on Tuesday, November 17, 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, Alison Teetor, Brianna Taylor

#### Constitutional / State Offices / Other Agencies

Sheriff Anthony 'Tony' Roper

#### Press

Mickey Powell

#### Others Present

None

#### 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

No persons appeared to address the Board.

4) VDOT

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

Maintenance:

- Completed the entranceway on Morgans Mill Road to access additional parking for Appalachian Trail users.
- Began fence to fence mowing on primaries and will complete this month.
- We will begin fall brush cutting this month.
- Completed all surface patching for 2021 surface treatment schedule.
- Replaced two (2) pipes on Gun Barrel Road and one (1) on Route 340 to mitigate drainage issues.
- Removed hazard trees on Route 340.
- Repaired potholes on various routes.
- VDOT will continue to address potholes as they arise this month.
- Graded and applied stone on various non-hard surfaced roads and will continue this month.
- Cleaned up debris from storm damage and still have some on Route 601 to do this month.
- VDOT will be conducting shoulder repairs on Route 50 and Route 606 this month.
- Six-inch (6") striping on Route 7 from Winchester City Line to 2500' past Clarke/Loudoun County line will be completed by Thanksgiving, weather permitting.

- Additional intersection signage and pavement markings also scheduled this fall.

Projects:

- Completed Janesville Road rural rustic.

Board Issues:

- VDOT will be meeting with high-level stakeholders from NOVA, Loudoun, Staunton District VDOT, and Clarke County on December 4, 2020, to discuss options and plans to address traffic issues on Route 7 and Route 601.

Supervisor Catlett

- Asked and Chair Weiss confirmed that the prohibition of through truck traffic on Route 601 did get processed.
- Janeville Road is complete and looks good.

Chair Weiss

- Per discussion at the work session, they would work on getting lines painted, noticed that Route 608 and Route 612, the stop bar lines are being drawn.

Supervisor Lawrence

- Repainting the lines in the Russell district.
- Asked Chris Boies to look to see if the number one priority on Secondary Six-Year Plan is the bridge on Old Charlestown Road. Added that two (2) weeks ago VDOT took drillings on each side of the bridge to see what is underneath the ground; citizens are complaining that it will be going in the same location and will not fix the issues.

5) Approval of Minutes

October 20, 2020, Regular Meeting

**Supervisor Catlett moved to approve the October 20, 2020, Regular Meeting minutes 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

6) Consent Agenda

2020-17R Resolution of Recognition and Appreciation of Superintendent James Whitley

**WHEREAS**, Superintendent James Whitley served in corrections for forty years; starting his career in Fairfax County in 1980, and serving the past eight years as the Superintendent of the Northwestern Regional Adult Detention Center (NRADC) until his retirement on December 31, 2020;

**WHEREAS**, during his tenure as Superintendent, he advanced community corrections programming, establishing numerous programs as well as partnerships with Lord Fairfax Community College and other local groups. The evolution of these programs are still continuing as a result of his initial insight. This has helped establish NRADC as one of the premier correctional facilities in the state.

**WHEREAS**, Superintendent Whitley created a culture of employee growth and development which led to the internal promotion of all four captains, all eight lieutenants, and eighteen out of nineteen sergeants employed by NRADC.

**WHEREAS**, Superintendent Whitley was an organizer for the Torch Run for many years and received multiple recognition awards dating back to 2002 from Fairfax County and Frederick County;

**WHEREAS**, Superintendent Whitley served as the Vice President of VARJ (Virginia Association of Regional Jails) for two years and instituted the SOTT (Special Operations Training Team) Program, and,

**NOW, THEREFORE, BE IT RESOLVED** by the Clarke County Board of Supervisors that Superintendent James Whitley be recognized and congratulated for his service and his dedication to the community.

**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 17<sup>th</sup> day of November 2020.

ATTEST 2020-17R

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

Historical Association Lease Renewal

**THIS LEASE AGREEMENT**, made this \_\_\_\_\_ day of \_\_\_\_\_, 2020, by and between **The County of Clarke, Virginia**, a political subdivision of the Commonwealth of Virginia, party of the first part (herein referred to as “**Lessor**”); and **Clarke County Historical Association**, a private non-profit organization, party of the second part (herein after referred to as “**Lessee**”).

WITNESSETH:

**WHEREAS**, Lessor is the owner of that certain lot or parcel of land, together with the improvements thereon and appurtenances thereunto belonging, located on the north side of East Main Street in the town of Berryville, Clarke county, Virginia, containing 0.7279 acres according to plat of survey thereof prepared by J. Horace Jarrett, C.L.S., dated May 23, 1972 and recorded in Deed Book 94 at Page 554 among the land records of Clarke County, Virginia, said lot being designated for street purposes as 32 East Main Street, Berryville, Virginia; and

**WHEREAS**, Lessee is a private non-profit organization dedicated to the preservation of materials and perpetuation of traditions pertinent to the history of Clarke county, Virginia; and

**WHEREAS**, Lessee wishes to lease a portion of the above-described property to provide a place to display and safekeeping for archives and artifacts relating to the history of Clarke County, Virginia, and the parties have agreed upon the terms of such lease.

**NOW, THEREFORE**, for and in consideration of the rental sums reserved hereunder and the mutual promises and covenants herein contained, Lessor does hereby lease to Lessee a portion of the above-described property consisting of the main house located thereon and the southern 150 feet of it land, which portion is hereinafter referred to as “the Property”, upon the following terms and conditions:

1. **TERM:** The term of this Lease shall be for a period of five (5) years, commencing on December 1, 2020, and terminating on November 30, 2025.
2. **RENT:** Lessee shall pay to Lessor as rent for the Property the sum of One Thousand Dollars (\$1,000.00) per year, payable annually in advances, or on before December 1, 2020 and on the first day of December of each succeeding year thereafter. In event

- that the annual rental is not paid within fifteen (15) days from its due date, there shall be added to the rental a late charge of five percent (5%) of the payment amount.
3. **USE OF PROPERTY:** the property shall be used for a museum open to the public for the display and safekeeping of archives and artifacts relating to the history of Clarke County, Virginia and programs related thereto. No other use of the Property shall be permitted without the prior express written consent of Lessor. No use of the Property may be maintained which would be in violation of any contractual obligation or duty of Lessor. Lessor shall have the right to terminate this Lease when in its judgement, the Lessee is no longer actively using the Property for the approved uses stated above, or when the organization of Lessee becomes inactive or unable to regularly use and maintain the Property for the approved purposes stated above.
  4. **RESERVATIONS:** Lessor hereby reserves the use and occupancy of the garage located on the property, together with unrestricted access on and across the premises for accessing the garage, Lessor's other adjacent properties or other service access to such other properties.
  5. **UTILITIES:** Lessee shall be responsible for arranging and paying for all utility services to the Property, including without limitation electric, telephone, water and sewer and heating fuel. Lessor agrees to permit Lessee as many extensions and system optional functions as desired by Lessee; provided, however, Lessee agrees that costs and expenses such as monthly service, long distance charges, access fees, equipment or installation costs and any other charges resulting from the provision of requested extension of telephone service shall be the responsibility of the Lessee, to be reimbursed to Lessor on a monthly basis within thirty (30) days from the date such charges are ascertained by Lessor and rendered to Lessee.
  6. **REPAIRS AND MAINTENANCE:** Lessee agrees to maintain the Property in a good and sufficient state of repair., loss by fire and ordinary wear and tear expected, provided Lessor will continue to maintain the roof of the building and shall be responsible for the repair of the major structural elements of the Property under its existing mowing, snow removal, and landscaping contracts at no additional cost to Lessee. Lessor further agrees to permit Lessee to participate in such of Lessor's contracts for services and supplies, as Lessee may desire, at Lessee's sole cost and expense.
  7. **SIGNS:** Lessee shall the right place and maintain on the exterior of the property, at its sole expense, necessary or appropriate signs in advertisement of the museum located therein, provided no sign shall be placed without the prior approval of the Lessor as to its design and location, which not be unreasonably withheld.
  8. **DAMAGE:** In case the building on the Property or any part thereof shall at any part thereof shall at any time during the term be damaged by fire or other unavoidable casualty so as to be unfit for use and occupation, and in case of loss or damage by fire or other casualty, provided the policy or policies of insurance effected by the Lessor shall not have been violated or payment of the insurance moneys refused in consequence or some act or default of the Lessee, the rent hereby reserved or a just

and proportionate part thereof according to the nature and extent of the damage sustained, shall be abated until the said premises shall have been duly repaired and restored by the Lessor. The Lessor shall within thirty (30) days proceed with due diligence to make said repairs, reasonable allowance being made for unavailability of materials and/or labor. In the event the building shall be more than fifty percent (50%) destroyed, then at the election of either party this lease may be terminated, said election to be exercised within thirty (30) days of the date of damage.

9. **INSURANCE:**

A. **Property Insurance:** Lessor shall maintain in full force and effect during the term of this Lease Agreement a policy of hazard insurance on the Property at Lessor's sole cost and expenses, to its full insurable value. Such policy shall be sufficient to protect against loss incurred by damage or destruction by fire or other perils covered by the standard form of extended coverage endorsements to fire insurance policies in the State of Virginia in effect at the time the policy is obtained. Lessee shall maintain contents insurance for Lessee's personal property, equipment, and artifacts on the premises.

B. **Liability Insurance:** Lessee agrees to produce and maintain a general liability insurance policy in the amount of not less \$1,000,000.00 and to provide Lessor upon request proof that such insurance is in force and effect. Lessor shall be listed as additional name insured under said policy. The policy shall subject to term and condition that it shall not be cancelled prior to thirty (30) days written notice to Lessor. Failure to obtain or maintain such insurance shall be grounds for termination of this Lease by Lessor without further notice to Lessee.

10. **RENEWAL:** At the expiration of the primary term of this Lease, provided Lessee shall not be in default in the payment of rent or the performance of any of the covenants on its part to be performed, and except its hereafter provided, Lessee shall have the option to renew the Lease for an additional five (5) years, upon giving notice of intention to renew to Lessor not less than ninety (90) days prior to the expiration of the primary term. The terms and conditions of renewal term shall be same as set forth herein, except as to rent. Upon being notified of Lessee's intention to renew, Lessor shall advise Lessee of the rental amount for the renewal term not less than sixty (60) days prior to expiration of the primary term; Lessee shall than notify Lessor not less than forty-five (45) days prior to expiration of primary term whether Lessee shall elect to renew at the new rental rate. Provided, however, in the Lessor intends to use the Property for its own uses at the expiration of the primary term, it shall notify the Lessee in writing not less than one (1) year prior to the expiration of the primary term, in which event the option to renew contained herein shall become null and void and in no further force and effect.

11. **DEFAULT:** In event Lessee is default or breach of any terms of this Lease, Lessor shall have the right to terminate the Lease; provided, Lessee shall not be deemed to be in default hereunder unless Lessor shall first give Lessee thirty (30) days written notice

of such default and Lessee fails to cure such default within thirty (30) days from the giving of such notice.

12. **INDEMNIFICATION:** Lessee agrees to indemnify and hold the Lessor harmless from any and all liability, cost, and expense, including attorney fees, which the Lessor may or shall be required to pay or undertake as a result of the use, occupancy, and operation of the Property by the Lessee under the Lease.

13. **MISCELLANEOUS:**

A. **Assignment:** No subletting or assignment of this lease shall be permitted without the prior consent of Lessor.

B. **Provisions Several:** The provisions of this Lease Agreement are several, and should a court of competent jurisdiction declare that any one or more of the provisions is unenforceable, the remainder shall remain in full force and effect.

C. **Governing Laws:** This agreement shall be governed by, construed, and enforced in accordance with the laws of the State of Virginia.

D. **Attorney Fees:** In the event that any legal action is taken in relation to this agreement, the unsuccessful party in the action shall pay to the successful party in addition to all the sums that either party may be called on to pay, a reasonable sum for the successful parties' attorney's fees.

E. **Entire Agreement:** the agreement shall constitute the entire agreement between the parties. Any prior understanding or representation of any kind preceding the date of this agreement shall not be binding upon with party except to the extent incorporated in this agreement.

F. **Modification of Agreement:** Any modification of this agreement or additional obligation assumed by either party in connection with this agreement shall be binding only if evidence in a writing signed by each party or an authorized representative of each party.

**WITNESS THE FOLLOWING SIGNATURES:**

CLARKE COUNTY HISTORICAL COUNTY OF CLARKE, VIRGINIA  
ASSOCIATION

By: \_\_\_\_\_  
President

By: \_\_\_\_\_  
Chair, Board of Supervisors

Abstract of Votes November 2020



## ABSTRACT of VOTES

Cast in CLARKE COUNTY, VIRGINIA  
at the 2020 November General Election held on November 03, 2020 for,

### President and Vice President

NAMES OF CANDIDATES ON THE BALLOT	TOTAL VOTES RECEIVED (IN FIGURES)
Donald J. Trump - Republican	5192
Joseph R. Biden - Democratic	3920
Jo Jorgensen - Libertarian	178
Total Write-In votes [From Write-Ins Certifications] [Valid Write-Ins + Invalid Write_ins = Total Write In Votes]	47
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 November 03, 2020, do hereby certify that the above is a true and correct Abstract of Votes cast at said election for the President and Vice President.

Given under our hands this 6<sup>TH</sup> day of NOVEMBER, 2020



Donald W. Hume, Chairman

[Signature], Vice Chairman

Carroll Spotswood Secretary

Carroll Spotswood Acting Secretary

## ABSTRACT of VOTES

Cast In CLARKE COUNTY, VIRGINIA  
at the 2020 November General Election held on November 03, 2020 for,  
**Member United States Senate**

NAMES OF CANDIDATES ON THE BALLOT	TOTAL VOTES RECEIVED (IN FIGURES)
Daniel M. Gade - Republican	5214
Mark R. Warner - Democratic	4052
Total Write-In votes [From Write-Ins Certifications] [Valid Write-Ins + Invalid Write_ins = Total Write In Votes]	8
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 November 03, 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 6<sup>th</sup> day of NOVEMBER, 2020



Donald McHarris, Chairman

[Signature], Vice Chairman

Carole Kestner Secretary

Carole Kestner Acting Secretary

## ABSTRACT of VOTES

Cast in CLARKE COUNTY, VIRGINIA  
at the 2020 November General Election held on November 03, 2020 for,

### Member House of Representatives

District: 10

NAMES OF CANDIDATES ON THE BALLOT	TOTAL VOTES RECEIVED (IN FIGURES)
Aliscia N. Andrews - Republican	5387
Jennifer T. Wexton - Democratic	3851
Total Write-In votes [From Write-Ins Certifications] [Valid Write-Ins + Invalid Write_Ins = Total Write In Votes]	9
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 November 03, 2020, do hereby certify that the above is a true and correct Abstract of Votes cast at said election for the Member House of Representatives.

Given under our hands this 6<sup>TH</sup> day of NOVEMBER, 2020



Donald De Haven, Chairman

[Signature], Vice Chairman

[Signature], Secretary

[Signature], Acting Secretary

## ABSTRACT of VOTES

Cast in CLARKE COUNTY, VIRGINIA  
at the 2020 November General Election held on November 03, 2020 for,

### Clerk of Court

NAMES OF CANDIDATES ON THE BALLOT	TOTAL VOTES RECEIVED (IN FIGURES)
April F. Wilkerson	7839
Total Write-In votes [From Write-Ins Certifications] [Valid Write-Ins + Invalid Write_ins = Total Write In Votes]	90
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 November 03, 2020, do hereby certify that the above is a true and correct Abstract of Votes at the said election and do, therefore, determine and declare that the following person(s) has received the greatest number of votes cast for the Clerk of Court.

**April F. Wilkerson**

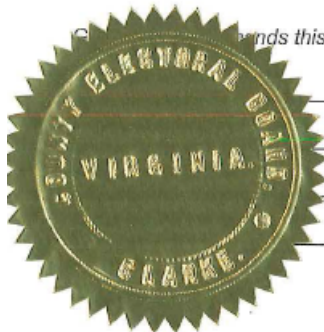
ends this 6<sup>th</sup> day of NOVEMBER, 2020

Donald A. Haven, Chairman

[Signature], Vice Chairman

Carol Kesteven, Secretary

Carol Kesteven, Acting Secretary



## ABSTRACT of VOTES

Cast in CLARKE COUNTY, VIRGINIA  
at the 2020 November General Election held on November 03, 2020 for,

### Member Board of Supervisors

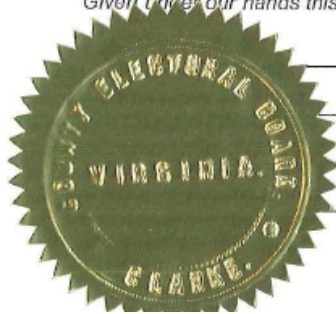
District: BERRYVILLE DISTRICT

NAMES OF CANDIDATES ON THE BALLOT	TOTAL VOTES RECEIVED (IN FIGURES)
Matthew E. "Matt" Bass	964
Mark J. Griffin	530
Total Write-In votes [From Write-Ins Certifications] [Valid Write-Ins + Invalid Write_Ins = Total Write In Votes]	10
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 November 03, 2020, do hereby certify that the above is a true and correct Abstract of Votes at the said election and do, therefore, determine and declare that the following person(s) has received the greatest number of votes cast for the Member Board of Supervisors.

Matthew E. "Matt" Bass

Given under our hands this 6<sup>TH</sup> day of NOVEMBER, 2020



Donald H. Haver, Chairman

[Signature], Vice Chairman

Carroll Hester, Secretary

Carroll Hester, Acting Secretary

## ABSTRACT of REFERENDUM VOTES

Cast in CLARKE COUNTY, VIRGINIA  
at the 2020 November General Election held on November 03, 2020 for,

### Constitutional Amendment #1

Should the Constitution of Virginia be amended to establish a redistricting commission, consisting of eight members of the General Assembly and eight citizens of the Commonwealth, that is responsible for drawing the congressional and state legislative districts that will be subsequently voted on, but not changed by, the General Assembly and enacted without the Governor's involvement and to give the responsibility of drawing districts to the Supreme Court of Virginia if the redistricting commission fails to draw districts or the General Assembly fails to enact districts by certain deadlines?

Yes  
 No

QUESTION RESPONSE	TOTAL VOTES RECEIVED (IN FIGURES)
Total YES votes	5841
Total NO votes	2937
Total Number of Overvotes for Question	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 November 03, 2020, do hereby certify that the above is a true and correct Abstract of Votes cast at said election for the proposed referendum.



this 6<sup>TH</sup> day of NOVEMBER, 2020

Donald E. Haven, Chairman

[Signature], Vice Chairman

Carol S. [Signature], Secretary

Carol S. [Signature], Secretary, Electoral Board

## ABSTRACT of REFERENDUM VOTES

Cast in CLARKE COUNTY, VIRGINIA  
at the 2020 November General Election held on November 03, 2020 for,

### Constitutional Amendment #2

Should an automobile or pickup truck that is owned and used primarily by or for a veteran of the United States armed forces or the Virginia National Guard who has a one hundred percent service-connected, permanent, and total disability be free from state and local taxation?

Yes  
 No

QUESTION RESPONSE	TOTAL VOTES RECEIVED (IN FIGURES)
Total YES votes	8030
Total NO votes	1092
Total Number of Overvotes for Question	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 November 03, 2020, do hereby certify that the above is a true and correct Abstract of Votes cast at said election for the proposed referendum.



this 6<sup>TH</sup> day of NOVEMBER, 2020

Donald W. Hagan, Chairman

[Signature], Vice Chairman

Carol S. Hester, Secretary

Carol S. Hester, Secretary, Electoral Board

**Supervisor Bass 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

Chair Weiss called attention to the retirement of Superintendent James Whitley and thanked him for his many years of service.

7) Set Public Hearing 2020 Revised Recreation Component Plan

Alison Teetor expressed that this is a five-year update that was initially developed in 2015. The Planning Commission recommends that the Board of Supervisors set a public hearing.

Supervisor Catlett questioned, and Alison Teetor explained that descriptions were changed based on the services/activities they provide now; over the last five years' services have changed.

Supervisor Bass thanked staff Brandon Stidham and Alison Teetor; and Planning Commission members Anne Caldwell, Robert Glover, George Ohrstorm, and Doug Kruhm for working on the plan. Alison Teetor thanked Supervisor Bass for working on this also.

**Supervisor Bass moved to set the 2020 Revised Recreation Component Plan public hearing for December 15, 2020, at 6:30 pm or as soon thereafter as the matter may be heard. 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

8) Set Public Hearing Watermelon Pickers Fest, River & Roots Festival, & one-day special event



Chris Boies expressed that this is a special event permit application and that this is just to authorize a public hearing, explaining that all information will be presented at the Public Hearing.

Supervisor Bass stated that he is glad that it is coming back since the normal location did not want to have the festivals anymore. Have a good deal of respect for Trevor Creany and staff, and hopes this works out for them.

**Supervisor Bass moved to set the Watermelon Pickers Fest. River & Roots Festival, & one-day special event public hearing for December 15, 2020, at 6:30 pm or as soon thereafter as the matter may be heard. 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) Fire & Rescue Joint Agreement

Chris Boies summarized that the Fire & EMS Commission recommended approval at their meeting last week. This agreement was revised through a many week process; it was examined line by line by Supervisor Catlett, Director Brian Lichty, presidents and chiefs of each of the three (3) companies, and myself. Good communication between the County and the companies.

Supervisor McKay asked to update 5A: Station Staffing description: “staffing with volunteer staff” to “staffing with volunteer personnel or company paid staff.”

Supervisor Catlett opined that she is excited for the agreement adding that there were many good discussions and everything was worked through well.

Supervisor Lawrence thanked staff for working on the agreement, and it was great that all three (3) companies agreed.

Vice-Chair McKay asked, and Chris Boies confirmed that the system is defined as the three (3) companies. Chair Weiss clarified to Vice-Chair McKay that the County will fix the listed equipment in those stations. Chris Boies gave the example that at John H. Enders, the paid staff are using the microwave more than the volunteers; therefore, the County would pay to fix that item. Chris Boies further explained that it was worded

that either group could pay for items based on the circumstances and the discussion that is had at the time. Adding that it is still tied to the usage from the career paid staffing, if the volunteers break a piece of equipment it will be paid by the station. There is flexibility for the County to pay or the stations to get donations to pay for items by themselves. Supervisor Lawrence expressed that any budgetary item will go through the Fire & EMS Commission and then to the Board of Supervisors Finance Committee.

Supervisor Catlett thanked all of the volunteers who worked on this agreement; many hours were put into this.

**Vice-Chair McKay moved to approve the Fire & Rescue Joint Agreement 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

10) Board of Supervisors Personnel Committee Items

A. Expiration of Term for appointments expiring through January 2021.

2020-11-05 Summary: Following review, the Personnel Committee recommends the following:

- Appoint Wayne Armbrust to the Clarke County Sanitary Authority to fill the unexpired term of Ralph Welliver, expiring June 30, 2024.
- Reappoint Chris Boies to the Northwestern Regional Jail Authority, to a one-year term expiring December 31, 2021

2020-11-17 Action: Chris Boies reviewed the Personnel Committee recommendations adding the following:

- Appoint Stephen Bacci to the Park & Recreation Advisory Board as the Town of Boyce Representative, filling the unexpired term of Steve Wisecarver, expiring December 31, 2023
- Reappoint Alexander Mackay-Smith to the Clarke County Sanitary Authority to a four-year term expiring January 5, 2025.
- Reappoint Jimmy Wyatt to the Northwestern Regional Juvenile Detention Center Commission, to a four-year term expiring December 20, 2024.

- Appoint Rives Bacon to the Handley Regional Library Board, filling the unexpired term of Cindy Leahy, expiring November 30, 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. LEOS study update**

2020-11-05 Summary: Chris Boies explained the Enhanced Hazard Duty Benefit (LEOS) memorandum, after discussion the Personnel Committee felt the program had value; the item was to be discussed later in the day by the Finance Committee

2020-11-17 Action: Staff is investigating the idea of if the County could have its own early retirement program; will present to the Personnel Committee and Finance Committee in December.

**11) 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

November 5, 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

Board Members Absent: None

Officers / Staff Present: David Ash, Brenda Bennett, Chris Boies, Barbara Bosserman, Pam Hess, Cathy Kuehner, Brian Lichty, Sheriff Anthony 'Tony' Roper, Travis Sumption, Brianna Taylor

Others Present: Matt Bond-VDOT (via phone), Ed Carter-VDOT (via phone), Gerald Dodson, David Morris-VDOT (via phone)

Press Present: Mickey Powell

11-05-2020 Summary: At 10:01 am, Chair Weiss called the meeting to order.

Chair Weiss congratulated the Board of Supervisor Berryville District elect, Matthew Bass, and thanked Mr. Mark Griffin for running.

The Board of Supervisors recognized Voter Registrar Barbara Bosserman for all of her hard work on the election. Asked her to pass on their appreciation to all of the voter registration staff. Barbara Bosserman expressed that it was a team effort and that she appreciated all of the support from employees in the Berryville Clarke County Government Center.

A. Route 7 Safety Assessment Update

Matt Bond, VDOT Assistant District Traffic Engineer; Ed Carter, VDOT Residency Administrator; and David Morris, VDOT District Safety Engineer, called in to give the following updates.

Ed Carter stated that they are behind schedule across the district because of COVID-19.

David Morris explained the following maintenance summary:

- Signage-new ones and some to supplement the signs that are currently along the Route 7 corridor to make visibility better. Stated that at this time no signage has been done, those signs could be installed relatively quickly.
- Six-inch edge line and skips-widen paint line from four (4) to six (6) inches. Allows for more surface area to keep drivers in the lanes better. The issue with painting is that it is weather-dependent. It is done by a contractor, this would be accomplished with VDOTs retracing contract and will most likely happen between July 2021 and October 2021.
- STOP bars, centerline extensions, and crossovers-to provide more visibility and awareness on the secondary roads that intersect Route 7. Centerline extensions or approach markings on those secondary roads would have forty-five feet of double yellow lines that will tie into the STOP bar to delineate the lanes at the intersection. These would be done at all of the VDOT secondary routes that intersect with Route 7. This item is also weather dependent once the weather breaks in the spring, these can be accomplished.

- Optical speed bars approaching Shepherds Mill Road (Route 612) in the westbound lane-to create a sense of speed or sense of something is coming for the travelers in the westbound lane on Route 7. With most of those crashes in that area being people pulling out of Shepherds Mill Road onto Route 7 because of the sight distance issue. Will be experimental to get travelers to slow down to cut down on those crashes. As we are still in the middle of the Hillsboro Project detour, we would like to wait until that detour is over before we accomplish this item.

Supervisor Lawrence questioned if the speed bars could be installed on the eastbound side of Route 7 coming in from Fredrick County. David Morris explained that with this being the first time trying this technique, VDOT wanted to collect speed data there to see the effect before installed in other locations. Further describing that these speed bars would not be raised, they will be markings in the road and all visual.

David Morris explained the following construction projects summary:

- Dynamic warning flashers-installed in March 2020, at Route 601, these flash when vehicles are around.
- Widen paved shoulders, install rumble strips, and upgrade guardrails from Route 7 BUS to Route FR709.
- Widen paved shoulders, install rumble strips, and upgrade guardrails from Route FR709 to Route 601.

Vice-Chair McKay asked if there has been a reduction of accidents since the dynamic warning flashers have been installed. David Morris expressed that real evaluation would not be completed until they have been working for a year, also would like to have a normal year with no detour in the area and reduction because of COVID-19. Matt Bond explained that due to COVID-19, interstate traffic is down ten percent, but there have been higher speeds because of the lower congestion so all 2020 statistics will be different. David Morris stated that with traffic for the year there has been less crashes but the fatalities have been about the same as past years.

Supervisor Catlett questioned and Ed Carter answered that for the Route 601 intersection, since it is on the county line, for maintenance the Staunton VDOT handles the intersection, on the capital expenditures Northern Virginia VDOT handles that.

Supervisor Catlett asked if taking away the crossing at Route 601 would be an option if that area becomes to problematic. Matt Bond explained that it could

be done but there may not be a reasonable alternative for movement in the area.

Supervisor Catlett questioned if the parking lot could be made larger. Ed Carter explained that according to the VDOT right-of-way there is room to add spaces but it would be expensive. Adding that it would also need to be studied to see if it was worthwhile in the end.

Supervisor Lawrence asked and Ed Carter confirmed that no study has been done to see the amount of traffic from the federal government facility to even ask if federal funding could be used for the intersection.

Supervisor Bass questioned if SMART SCALE funding could be used for that area. David Morris explained that the specific project would have to be defined and the entire plan would have to be pulled together. Ed Carter stated that it could be a SMART SCALE application but the question is how well it would score. Matt Bond expressed that a study of the intersection would need to be done to plan the specific project and we would have to work with the VDOT planning group because this intersection is in two different counties, and the scoring rubric is different in Loudoun County and Clarke County.

Chair Weiss asked what the next step would be for that intersection. Ed Carter explained that the next step would be to have the VDOT planning group in to see what can be done and then to include Northern Virginia VDOT since the intersection is in their area. Studies would have to include both the Staunton VDOT district and the Northern Virginia VDOT district.

The Board agreed for VDOT to start examining and moving on the Route 601 intersection project.

Chair Weiss personally conveyed that he understands the setbacks of COVID-19 but he is disappointed that some of the quick fixes have not been implemented to any degree. Adding that the July 2021 timeline on these projects is unacceptable, especially at the Route 612 intersection that is very problematic. Ed Carter explained that the urgency is understood; stated that the signage can be done but the paint and other projects cannot be done at this time because they are all weather dependent. Matt Bond expressed that the painting is a budgetary issue therefore will have to be done after July 1, 2021, unless there is another fund then it could be done in the spring.

David Morris asked and Chris Boies confirmed that the Sheriff's Office was very active patrolling speeds before COVID-19, adding that the Virginia State Police do not have sufficient staffing for the area. Ed Carter stated that the speeds have been recorded over the last year and 35-40% of the traffic is over 70MPH.

Supervisor Lawrence asked and Ed Carter confirmed that when mowing is done in the spring that there could be an extension on the intersection median so that there would open the line of sight for smaller vehicles.

Chair Weiss questioned if there would be anything different that could have been done to Route 7 in the study. David Morris expressed that the study was a good assessment and the recommendations were realistic in terms of what VDOT could get done. Added that the amount of effort that it would take to go into more detail on the specific projects would not be appropriate for what is in the study.

Chair Weiss thanked Ed Carter, David Morris, and Matt Bond for presenting.

Supervisor Bass asked Sheriff Anthony 'Tony' Roper if unmanned cars could be put on the road to help reduce speeds. Sheriff Roper expressed that method would most likely not be effective, the only way to handle this situation is to increase the enforcement.

Chair Weiss requested that staff start communicating with Loudoun County and to keep communicating and moving on the Route 601 intersection project.

B. Closed Session Pursuant to §2.2-3711-A1 Specific Employees or appointees of the Board

At 10:53 am, **Vice-Chair McKay moved to enter closed session pursuant to §2.2-3711-A1 to discuss specific employees or appointees of the Board. The motion carried by the following vote:**

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

The board invited Interim Director of Social Services, David Ash, and Board of Social Services Chair, Gerald Dodson, into the closed session.

At 12:18 pm, **The members of the Board of Supervisors being assembled within the designated meeting place, with open doors and in the presence of members of the public and/or the media desiring to attend, Supervisor Catlett moved to reconvene in open session. The motion carried as follows:**

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:**

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



No action was taken following Closed Session.

Supervisor Lawrence expressed that he is in favor of getting the LEOS Program implemented but he had a few questions for VRS on the LEOS Study. Chris Boies stated that he could try to set up a meeting with VRS tomorrow.

Supervisor Bass voiced his support for the Hazard Pay for civilian employees of the Sheriff's Office memorandum.

At 12:23 am, Chair Weiss adjourned the meeting

2020-11-17 Action: Chris Boies reviewed the Work Session summary.

## 12) Board of Supervisors Finance Committee Items

### A. CARES Act Funding Update:

2020-11-05 Summary:

a. 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 \$158,836.
- Salaries and benefits for Child Care Program and Electoral Board part-time personnel for October in the amount of \$22,735.
- Covid-19 Sick leave pay in the amount of \$3,059.
- Fire/EMS Hazard Duty pay in the amount of \$28,151.
- Sheriff's Office Hazard Duty pay for sworn officers in the amount of \$30,465.

2020-11-17 Action: Brenda Bennett reviewed the Finance Committee recommendation.

**Supervisor Catlett moved "Be it resolved that FY21 budgeted expenditure and appropriation be increased \$288,104, and that revenue in the amount of \$234,246, 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. Information Only - Clarke County Public Schools is scheduled to receive \$324,170 in federal relief money through the CARES ACT, for Covid-19 related expenses. This money has to be spent by December 30, 2020. The Dept. of Joint Administrative Services has set up a new, distinct, general ledger account fund to record the receipt of this money. It will be tracked and accounted for separately from the previous CARES Act funds the County has received. Budget and appropriation actions for qualifying expenditures will be brought forward on an as needed basis for action by the Board of Supervisors.

2020-11-17 Action: Brenda Bennett explained that the funds were receive and it is treated the same way as other CARES Act funding it has to be spent by December 30, 2020. Joint Administrative Services has set up account codes to track for the school expenditures. The actions will be brought to the Board in the same process. Explained that some of the items that were previously approved through County CARES act funding, for example HVAC at Johnson Williams Middle School will be transferred form the County CARES Act funding to the School CARES Act funding. Added that last month there was over authorization of roughly \$200,000, to confirm that none of the CARES Act funding would have to be returned, the expenses are COVID-19 related and needed. Further explained that in that amount some are school related expenditures therefore, there will be County CARES Act funding available. Plan to present balances at the December Finance Committee.

Chair Weiss explained that it is possible that the County will not be fully reimbursed for the public safety salaries.

Chris Boies stated that VACo sent out an alert that the State budget appeared to allow the Governor to sweep remaining CARES Act funding early in December.

By consensus, the Board agreed that if funds look like they will be taken, that staff has authorization to encumber those funds, that were pre-approved expenditures, so funds do not get taken before the deadline of December 30, 2020.

Supervisor Catlett thanked staff for the hard work and showed gratitude that the funds that were received are being used to help with Clarke County needs.

**B. Hazard Pay for civilian employees of the Sheriff's Office**

2020-11-05 Summary: The Sheriff’s Office is requesting Hazard Duty pay for the Communications Staff using the same time period as was used for other public safety employees. The Finance Committee recommends to the full Board, approval of Hazard Duty pay for the Communications Staff in the amount of \$48,700, plus employer share of FICA for a total Hazard Duty pay of \$52,425.

2020-11-17 Action: Brenda Bennett reviewed the Finance Committee recommendation. Chair Weiss explained that the Communications Staff was not included in the regulations for hazard duty pay but they have been serving through this pandemic therefore, Finance Committee recommends approval.

**Supervisor Catlett moved to approve the Hazard Duty pay for Communications Staff in the amount of \$52,425: “Be it resolved that FY20 budgeted and expenditure appropriation be increased \$20,884 and designation for Government Savings be decreased for the purpose of providing FY20 Hazard Duty pay to Sheriff’s Office Communications Staff. 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 moved “Be it resolved that FY21 budgeted and expenditure appropriation be increased \$31,542 and designation for Government Savings be decreased for the purpose of providing FY21 Hazard Duty pay to Sheriff’s Office Communications Staff.” 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. For information only – attached is the Virginia State Compensation Board memo regarding the proposed one-time bonus for Compensation Board funded sworn positions in Sheriff’s Offices (effective December 1, 2020).

2020-11-17 Action: Brenda Bennett and Chris Boies summarized the one-time bonus. By consensus, the Board agreed that once this is giving they would cover the non-Compensation Board funded positions their one-time bonus.

D. Review FY21 revenue report for July through October.

2020-11-05 Summary: The Finance Committee reviewed a revenue report for FY21. As with last month, it was noted that it is still too early in the fiscal year to determine FY21 revenue estimates.

2020-11-17 Action: Brenda Bennett summarized. Chair Weiss explained that at this time there are no red flags that stand out and that we may be better than what was anticipated.

Supervisor Lawrence asked and Brenda Bennett explained that the FY2020 audit has not been finalized, it should be completed in the next few weeks.

E. Contingency list review

2020-11-05 Summary: The Finance Committee reviewed the FY21 Budget Contingency Items. The Finance Committee recommends releasing the following items from the contingency budget:

- Sheriff ammunition - \$10,000
- Animal Shelter part-time position (currently using CARES funding through 12/30/20) \$15,071
- Physio Cloud Integration (To be used in conjunction with grant funding) \$31,000
- Courthouse Camera project - \$10,000

2020-11-17 Action: Brenda Bennett summarized the items. Chair Weiss expressed that the Finance Committee recommends releasing these funds since CARES Act funding is covering the public safety salaries.

**Vice-Chair McKay moved to release the following items from the contingency budget: Sheriff ammunition \$10,000, Animal Shelter part-time position (currently using CARES funding through 12/30/20) \$15,071, Physio Cloud Integration (To be used in conjunction with grant funding) \$31,000, Courthouse Camera project - \$10,000. 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

F. LEOS review and discussion

2020-11-05 Summary: The Finance Committee determined that further investigation is needed. No action at this time.

2020-11-17 Action: Staff is investigating the idea of if the County could have its own early retirement program will present to the Personnel Committee and Finance Committee in December

G. Review FY22 budget calendar

2020-11-05 Summary: The Finance Committee was unable to review the FY22 budget calendar at this time.

2020-11-17 Action: Brenda Bennett explained that the FY22 Budget Calendar will be presented at the December Finance Committee. Supervisor Catlett explained that at the School Board meeting they asked that the School Presentation be moved to the afternoon. The Board agreed to keep that in evening to allow for the public to attend.

H. Bills and Claims

2020-11-05 Summary: Following review, the Finance Committee recommends approval of the October 2020 Invoice History Report.

2020-11-17 Action:

**Supervisor Catlett moved to approve the October 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:

- Year to Date Budget Report
- Reconciliation of Appropriations
- Capital Projects Report

2020-11-05 Summary: Information Only.

### 13) Joint Administrative Services Board

Brenda Bennett highlights include:

- Last few meetings have focused on health insurance.
- Valley Health and Anthem contracts expires as of December 31, 2020.
- To avoid being out-of-network with Valley Health, Clarke County issued a Request for Proposal “RFP” for both government and school on October 12, 2020, to obtain proposals for insurance carriers.
- Shortly after October 12, 2020, a Request for Quote “RFQ” was released to obtain an insurance consulting service to help review the proposals and navigate the process.
- Eight (8) proposals were received from the RFP, but only four (4) included quotes for medical coverage. The other four quoted dental and/or vision insurance.
- Four (4) quotes were received by insurance consulting services.
- Choose Innovative Insurance Group as the Insurance Consulting Service. Have been working with Sam Irby to evaluate the proposals.
- On November 5, 2020, the four (4) insurance providers were interviewed. Was able to narrow down to the top three (3), and those complete proposals were reviewed by the Joint Administrative Services Board yesterday.
- Currently negotiating with one of those vendors.
- The plan is to shift the currently enrolled health insurance members to the new plan without having any changes to their normal coverage or their current rates. At this time, there would not be an open enrollment.
- All of the onboarding will be done with Innovative Insurance Group, new insurance cards will be received in December, and the coverage would be from January 1, 2021, to June 30, 2021.
- The open enrollment would take place in the spring before the next fiscal year.
- Innovative Insurance Group, Sam Irby, was here for the interviews and then compiled all of the data and presented that data to the Joint Administrative Services Board.
- The negotiation is to have similar plans and costs for employees.

- There is a possibility to have more flexibility as we design the plans with the vendor that we are negotiating with. We will have to wait until open enrollment before we know what the annual plan will be and what the changes are.
- Once the contract is signed, all of the information will be presented to all employees.

#### 14) Government Projects Update

Chris Boies provided the monthly project update:

- The General District Courtroom HVAC project has been completed, the new unit is installed, the ceiling has been repaired, and everything seems to be functioning well. A special thanks to Joey Braithwaite for spearheading this project through.
- We are still waiting on the State to send us the list of qualified applicants for the Social Services Director position. The State vets all applications received and sends to the locality a list of qualified applicants. The Social Services Board will then conduct interviews and select the new director from this pool. According to Mr. Ash, we should receive the list from the State in the next two weeks.
- The Zoning Administrator position has closed, and we are currently reviewing applications; interviews are expected in the next week.
- The IT Department is excited to welcome Andrew Weatherholt, as you recall Matt Rabbit left several months ago to take a job in North Carolina. Mr. Weatherholt has served as a Systems Administrator for LSC Communications, Property Administrator for General Dynamics Information Technology, and as an Enterprise Service Desk worker for FEMA. He has an Associate's degree in Computer Networking Systems. He started yesterday.
- I would like to thank all of our Veterans for their service, especially our employees who have served. One of those employees is Director Lichty who was named the WINC, 92.5 First Responder of the Month for November. Director Lichty was recognized for coordinating the County's response to the COVID-19 Health Emergency. As a reminder, we are still under a local state of emergency-my guess is this is the longest continuous time period being under a locally declared emergency in the history of the County. We thank Director Lichty for everything he has done.
- Another employee recognition goes to Brandon Stidham for completing the NACO Leadership Academy. This 12-week program exposed Brandon to best practices in organizational leadership, negotiation, collaboration, and effective

communication. Brandon was also able to collaborate with county officials across the country. He scored a perfect grade. As a reminder, we were able to get a scholarship for this program which saved the County thousands of dollars.

- Brianna Taylor also recently completed the fall academy and institute as part of her Certified Municipal Clerk certification, which she continues to work on. We have lots of employees who are taking advantage of valuable learning opportunities.

15) Miscellaneous Items

None added to the November 17 meeting.

16) Summary of Required Action

<u>Item</u>	<u>Description</u>	<u>Responsibility</u>
1.	Process approved minutes for October 20, 2020, Regular Meeting Minutes.	Brianna R. Taylor
2.	Execute notice of appointment and thank you letters	David S. Weiss
3.	Process appointments, thank you letters, and update database.	Brianna Taylor
4.	Execute Resolution 2020-17R	David S. Weiss
5.	Process Resolution 2020-17R	Brianna R. Taylor
6.	Develop Public Hearing Notice PH-2020-05 2020 Revised Recreation Component Plan	Brianna R. Taylor
7.	Advertise Public Hearing Notice PH-2020-05 2020 Revised Recreation Component Plan	Brianna R Taylor
8.	Develop Public Hearing Notice PH-2020-06 Watermelon Pickers Fest Special Event	Brianna R. Taylor
9.	Advertise Public Hearing Notice PH-2020-06 Watermelon Pickers Fest Special Event	Brianna R. Taylor
10.	Execute Fire & Rescue Joint Agreement	David S. Weiss
11.	Execute Historical Association Lease Renewal	David S. Weiss
12.	Process CARES Act funding actions for FY2020 and FY2021.	Brenda Bennett



13. Process Bills and Claims.

Brenda Bennett

Chair Weiss and Supervisor Catlett requested that a letter be sent to Mr. Kohn.

17) Board Member Committee Status Reports

Supervisor Matthew E. Bass

*Board of Septic and Well Appeals*

- Did not meet.

*Library Advisory Council*

- Meets virtually in December.

*Planning Commission*

- Looked at two minor subdivisions.
- Worked on the Revised 2020 Recreation Component Plan.

*Sheriff Office*

- Did not meet.

*Josephine School Community Museum Board*

- Still not meeting due to COVID-19.

*Legislative Updates – High Growth Coalition*

- Legislative Priorities lunch went well.
- Hope our Legislators move forward with our requests and wish them the best of luck.

*Northwestern Regional Juvenile Detention Center Commission*

- Meets in December.

*Northwest Regional Adult Drug Treatment Court Advisory Committee*

- No notice of a meeting so far, eager to see the findings of the audit for best practice.

Supervisor Terri T. Catlett

*CPMT*

- Was not able to attend.

*Clarke County Humane Foundation*

- Meeting is tomorrow.
- Rabies Clinic was postponed.

*Conservation Easement Authority*

- Meets on Thursday.

*Parks & Recreation Advisory Board*

- Has not meet.

*Clarke County Historic Preservation Commission*

- Meets this week.

*Town of Millwood*

- Had another trash pickup day.

*School Board*

- Hybrid numbers of attendance going up for Elementary School, some students shifted from virtual to hybrid.
- Middle and High School hybrid attendance started yesterday and it went well.
- Need more substitutes.
- They have a COVID dashboard on webpage.
- No audience comments.
- Glad to have the children back in school.

*VACo*

- Was virtual this year.
- Finance presentation was good, looked at the projections.
- Finance presentation also discussed the impact on schools and the hold-harmless for the enrollment numbers.
- Broadband was discussed.
- Re-elected as the Regional Representative.
- Chris Boies stated that the VACo website has all of the materials.

Supervisor Doug M. Lawrence

*Board of Social Services*

- Meets tomorrow.
- Hoped to have the list of applicants from the State, but that has been postponed.

*Berryville/Clarke County Joint Committee on Economic Development and Tourism*

- Meets on Friday.

*Broadband Implementation Committee*

- Representatives from Shentel presented. Shentel participated in an auction of band waves and awarded a large amount in Clarke County.
- Shentel plans to run fiber and get 5G compatibility, going to follow up and see what the engineer's ideas are for the project.
- Vice-Chair McKay stated that the frequencies that Shentel bought are coordinated frequencies that penetrate foliage better, to an extent.
- No news from Rappahannock Electric Cooperative "REC", the first stage of FCC auction was on October 29, hope to have good news in December.

*Northwestern Regional Jail Authority*

- Retirement dinner planned for Superintendent Whitley, will present the resolution and a gift.

Vice-Chair Bev B. McKay

*Northern Shenandoah Regional Commission*

- Cancelled.

*Joint Building Committee*

- Discussed signage for the new drop-box incorporating the Town branding for the signage around the entire building.
- Discussed establishing a reserve of funds that would be kept in our account for this buildings future maintenance and upkeep. Chris Boies explained that the Counties money would be kept in the Counties account in a designation, as carry forward is looked at each year may want to examine putting money in a fund that is designated for the Government Center. Added that as the building gets older there will be items that need to be replaced.

*Clarke County Sanitary Authority*

- Provided the Board with a list of water charges from each locality in Virginia.

*Town of Boyce*

- Sent in the request for the Parks and Recreation Advisory Board, Town of Boyce representative.

*Town of Berryville*

- Have not been attending. Supervisor Bass expressed that he would start attending and be the representative.
- Chris Boies stated that based on the Winchester Star article, the Town has positional papers on the Collector Study. Have not received anything yet.

Chairman David S. Weiss

*Berryville/Clarke County Joint Committee on Economic Development and Tourism*

- Meets Friday.

*Fire & EMS Commission*

- Good meeting.
- Response times are improving with the staffing.
- Staffing has been stationed at Blue Ridge.
- Agreement was discussed.
- Commission is getting Director Lichty to expand the reports to derive more information.
- Setting goals and passing along the information to the three companies.

*Legislative Priorities Meeting*

- Good productive conversation.
- Complemented the Board on creating a packet that the Legislators can focus on.
- For clarification, the pedestrian bridge for VA Route 7 was never intended to be paid for by local dollars and intended to be put on the radar for Legislators. As Delegate LaRock expressed, it looked to be a good fit with the Northern Virginia Regional Transportation Board.
- Supervisor Catlett stated that she was glad to have all three (3) attend and felt that the Legislators heard the Board and were coming up with potential actions that can be done.
- Chair Weiss expressed that he was struck by the comment made by Senator Vogel that perhaps the easiest way to fix the composite index was simply to increase the cost of competing funds.
- Vice-Chair McKay stated that he felt positive about the concerns on nutrient banks.

*Industrial Development Authority*

- Reviewed and made recommendations on the bylaws.

18) & 19) 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 and §2.2-3711-A1 Specific Employee or appointees of the Board.

**At 2:42 pm, Vice-Chair McKay 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 and §2.2-3711-A1 Specific Employee or appointees of the Board. 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

Brandon Stidham, Director of Planning and Zoning, was invited to attend the Closed Session.

**At 4:14 pm, The members of the Board of Supervisors being assembled within the designated meeting place, with open doors and in the presence of members of the public and/or the media desiring to attend, Supervisor Catlett 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 Bass moved to form a committee to study the issue of Confederate Statue consisting of the following citizens; John Staelin, Gwendolyn Malone, Bob Stieg, Will Nelson, Meg Roque, Lee McGuigan, Daniel Nelson, and John Burns. Further moved to appoint John Staelin as the Chairman of the committee. 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

Chair Weiss expressed that the Board believes this committee represents a good cross-section of the community. Adding that the appointed members are eager to examine all of the issues and information around the statue; provide the Board with options in a way that will bring the community together. Thanked all for serving; there is no time frame set for meetings as yet.

#### 19) Adjournment

At 4:17 pm, Chairman Weiss adjourned the meeting.

Next Regular Meeting Date

The next regular meeting of the Board of Supervisors is set for Tuesday, December 15, 2020, at 1:00 p.m. in the Berryville Clarke County Government Center, Main Meeting Room, 101 Chalmers Court, Berryville, Virginia.

ATTEST: November 17, 2020

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

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

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