

March 15, 2022

Clarke County Board of Supervisors
Regular Meeting
Main Meeting Room

1:00 pm

At a regular meeting of the Board of Supervisors of Clarke County, Virginia, held in the Berryville Clarke County Government Center, 101 Chalmers Court, 2nd Floor, Berryville, Virginia, conducted on Tuesday, March 15, 2022, at 1:00 pm.

Board Members Present

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

County Staff Present

Brenda Bennett, Chris Boies, Brandon Stidham, Cathy Kuehner, Catherine Marsten, Lisa Cooke

Constitutional / State Offices / Other Agencies

April Wilkerson, Matt Smith, Anthony "Tony" Roper, Donna Peake

Press

Mickey Powell – The Winchester Star

Others Present

Carol Coffelt, Jeff Hinson, Bill Waite, Richard Marks, Judy Whitehouse, Scott Seeberger, and various other citizens

1) Call to Order

Chair Weiss called the meeting to order at 1:00 pm.

2) Adoption of Agenda

- Chris Boies proposed amending the agenda to add a second closed session pursuant to §2.2-3711-A7, consultation with legal counsel and briefings by staff members or consultants pertaining to actual or probable litigation, where such consultation or briefing in open meeting would adversely affect the negotiation or litigating posture of the public body.

Supervisor McKay moved to adopt the agenda as amended. The motion carried by the following vote:

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

3) Citizens Comment Period

Richard Marks

Chairman Weiss, members of the Board of Supervisors, my name is Richard Marks and I am a resident of Route 601, thank you for allowing me to contribute to the discussion of Route 601 and Virginia Route 7.

All options presented merely move the traffic problem to another location. The increase of incidents is a result of Bears Chase, plus during the Covid lock down, an increase in the use of the Trail. The proposals can have significant impact on the mountain.

Number 1: no easy access to Route 601, less willingness to buy and build on the mountain, thus lowering property values. Number 2: The possibility of re-designating the primary entrance to the Site. Number 3: with no easy access to the West, shopping in Berryville, or turn right and go to Purcellville. And last, emergency responder’s response time will be higher from the Site.

The article states that it only takes 57 seconds to turn on to Route 7. I question this fact—we all have waited longer than that to go on to VA 7. If your car is number 10 or number 20, the wait could be much longer, as you know.

As one of our famous politicians has said: “we are looking for the root cause”. I believe that all of us know that the root cause of this mess is Bears Chase. Until we solve that issue, traffic only gets worse.

In the last two weeks, small white flags have been placed from Route 7 to South of Bears Chase. Dominion Energy has proposed and started an underground utilities project from Barker Lane to Route 7. This project has

started at Barker Lane and had gone North to Journey's End, but has been stopped for the last 2 or 3 years. Talking with a Dominion employee, the flags were placed where underground utilities are to be installed. Why would Dominion jump to this new area unless it was directed to do so? Now, with underground utilities, what new ideas are coming for the road from Route 7 to Bears Chase? We're just waiting for the other shoe to fall.

I've always thought if something was a danger or hazard, you try to fix it PDQ. 2025 for design, 2030 to fund sounds like "oh, by the way, we have a problem but no rush to get it fixed. By this proposal schedule, we are just paying lip service to the issue. Fix the root cause, fix the issue. Without fixing one, you can't fix the other. Thank you for your consideration.

Judy Whitehouse

Mr. Chairman, Supervisors, Ladies, and Gentlemen, good afternoon. My name is Judy Whitehouse and I reside on the Mountain, off of Route 601. I am here to speak about the three possible options that VDOT has proposed for the intersection at VA Route 7 and VA Route 601. I do agree that this is a very dangerous intersection. Part of it is definitely caused by excessive speed and impatient people. Since I don't usually use the road in the peak morning hours, I can't speak for that time. But many times, finding myself on Route 7 heading home after a day off mountain, I notice that, even in the right hand lane, I am unable to travel within the speed limits. To keep up with traffic and not be run over, I find myself traveling with the flow of traffic at 60 to 70 miles an hour. I feel that I need to get in the left hand lane as I head up the mountain in order to turn on to 601.

The three options that VDOT has proposed seem to me as though they would just move the issue to another location, and none of them address the issue of people crossing VA Route 7 for the Appalachian Trail. Especially during rush hour, the use of the first option (RCUT) would be very dangerous and difficult. You would have to be able to access the left hand lane to make a left hand turn, then difficult to make the left hand turn into the oncoming traffic that travels around 65-70 miles an hour.

Option two, a Green T intersection, would also tend to have the same issues, especially during rush hour. Where would the space for the acceleration lane come from? Option three, a hybrid, would take a lot of the space from the present parking area, which is usually crowded and would cause many unsafe issues for pedestrians, which haven't been mentioned in any of the plans that I

have seen or read. Also on this option, what would the people on the south side of 601 do?

I do not think that any of these options will make the intersection any safer. I think that having the blinking lights working continuously, having some speed restrictions, and the use of some traffic calming effects would create much better results. Thank you for your time.

Bill Waite

Good afternoon, thank you for the opportunity. My name is Bill Waite and my two neighbors have already spoken on this issue. It's again 601 and 7. I also live up on the mountain off of 601. This intersection, as most of you know, has become an issue over the last couple years. As the, really, the parking and the number of people coming up the mountain, really to go into the bar, has been a big driving factor. I know Loudoun has approved another 30 parking slots, so it just continues to grow and that seems to be our root cause of the issue.

Looking at the proposals that were made, three different options seems to move the risk and create more tax dollars being spent to satisfy the traffic going into the bar. How we attack this to hit the root cause, versus just putting another band-aid on traffic, seems to be the issue. Rather than identifying one of these U-turn opportunities, there has to be another way to look at safety. We're all concerned with the safety up there, that has been our number one priority, with people walking up the sides or the traffic to the bar.

If we don't address what the issue is, initially, we can't solve it by just putting in more turn lanes and more u-turns. That's just going to continue to cause risk and, as I understand it, we've had minimal accidents up there. I do understand that traffic may grow on 7 but the traffic on 601 should be reasonably at its maximum. There's really no new housing going in up there. If we don't count the bar, there is no reason for additional growth. We've already cut the trucks coming through 601, there's no longer a pass-through. We appreciate your support on that, it took the risk out of that.

So, we're really talking about an intersection here that has gotten significantly worse over the past 2 years with the bar, when the weather is really nice. Obviously, with the 330-plus parking spots that they have at their own facility, plus a neighbor that they allow parking at, that's where all the traffic is coming from and we're trying to solve that problem versus addressing it. That's really all I have for today.

Scott Seeberger

Good afternoon. First of all, thank you for the opportunity to speak. My name is Scott Seeberger. I live about ¾ a mile up the hill from this intersection, a half mile up the hill from Bear Chase Brewing Company, the bar on the mountain. My friends have shared their views on the VDOT proposal for the Route 7/Route 601 intersection. I'd like to take a few moments to express my frustration with what actually brought us here today, why we're speaking to you. Four years ago, we never experienced congestion at this intersection. The mountain was a tranquil environment, which is what drew most of us to live there in the first place.

On August 25, 2017, five gentlemen submitted a Limited Brewery Application to the Virginia ABC for their property, the site of a former Loudoun bed and breakfast on Route 601, near the Route 7 intersection. The Virginia statute governing ABC licensing requires applicants to advise residents via local newspaper and signage. The notification allows residents to contest the license if they so desire. However, no one on the mountain knew of this application. Why?

The five gentlemen advertised in the classified section of the Washington Post newspaper. It is estimated that only 10 of approximately 200 families living on the mountain receive this newspaper. The five gentlemen posted signage on the front door of their bed and breakfast, which is located deep in the woods and cannot be seen from Route 601. So, no resident even knew the alcohol license was being pursued and no one was given the opportunity to contest it.

Now, the majority of those living on the mountain are Clarke County tax-paying citizens. This license has significantly affected the citizens you represent. Had we known, we could have mobilized our resources to fight against the expected negative outcomes of increased water consumption, deforestation, noise, litter, erosion, traffic, and overall lessening of quietude.

Let's face it: we're all here speaking today because of this business. This business is also not in compliance with Virginia statute on limited breweries. Limited breweries must be located on a farm, and agricultural products used in the manufacture of beer must be grown on the farm.

Bear Chase is not a farm, it's a bar. Likewise, when inspected by the Virginia ABC on December 10, 2020, they could provide no documentation showing products used in their beer were being grown on their property. So, why am I telling you this?

Our association and mountain residents do not have the legal resources to challenge Bear Chase. However, Clarke County does. The business should never have been approved until citizens had the rightful opportunity to voice their concerns. Once again, the only reason why my friends and I are here today is the traffic issues caused by Bear Chase. Once a quiet country, rural road.

In closing, Bear Chase has negatively affected our county and its residents, and we should have a voice. With your assistance, we should request a Virginia ABC

special hearing on this business' license application and how they operate. Thank you very much for your time today.

4) VDOT Update

Matt Smith, Assistant Resident Engineer, who is filling in for Ed Carter, provided the following update:

- Last month, in addition to snow removal operations, we have been focused on performing tree and brush removal, pothole repairs, and shoulder repairs on various routes in the County.
- Next month, we will be starting our spring grading cycle on the gravel roads. We will also be performing tree-trimming operations on Salem Church Road, Bishop Meade Road, and Browntown Road.
- We have also entered a contract to have litter picked up on 56 secondary routes in the county, which is about 254 shoulder miles of litter pick-up. This will cover all the secondary routes that we do not have an active “Adopt-A-Highway” program set up on. It has been several years since we have done this on a countywide basis. This will be kicking off in about a month.
- We will continue our primary litter pick-up, which will take place right before our first mowing, which will be the 1st of June.
- VDOT received 70% construction plans for review for the Route 340 Project from Shepherds Mill Road to the West Virginia State Line. This design build contract is being administered by WVDOT for Route 340 in West Virginia and completing the four-lane section in Virginia where there is currently a four lane to two-lane transition section (approximately 1000'). Despite delays, they are still anticipating construction beginning in Clarke County later in 2022. The Contractor is anticipating holding a Public Information meeting sometime in May to provide further details on the project.

Chairman Weiss

- Asked if those plans included details on the entire bypass or just the Clarke County section. Matt Smith replied that he was not sure but would guess it will be on the whole thing.

Supervisor Lawrence

- Asked who the contractor is. Matt Smith responded that he could not remember the name, as he was not familiar with them.

Matt Smith continued his update:

- VDOT obtained sight distance information on Route 7 as it relates to the Route 7 & Route 601 Intersection Study. Based on these preliminary field measurements, it appears Alternative 3 will not be a viable option. The study team plans to get together in the coming week to further evaluate the alternatives.
- In order to be eligible for Round 5 Smart Scale funding, a pre-application placeholder will need to be submitted by the County or NSVRC at the request of the County prior to the March 31 deadline. This does not obligate the county for anything. If the county wishes to proceed with a project or to apply for funding for a project, it would be able to. The next opportunity to apply for Smart Scale funding would be in two years.

Supervisor Bass

- Requested a list of the litter pickup routes, as it would help the Litter Committee to plan their clean up. Matt Smith replied he would send a list and that VDOT will be tracking how much litter is picked up, so they can report that information back.
 - Supervisor Lawrence questioned if the contractors would picking up litter on “Adopt-a-Highway” sections and asked how the contractors will be paid. Matt Smith responded that the contractor will be paid per shoulder mile and that the contract excludes route segments that are a part of the “Adopt-a-Highway” program.
 - Chairman Weiss suggested, and Supervisor Bass agreed, that a list of the active “Adopt-a-Highway” routes would also be helpful to the Litter Committee so that they might be able to target those areas.

Supervisor McKay

- Added that several citizens have praised the litter pick-up efforts.

Chairman Weiss

- Stated, and Matt Smith acknowledged, that there are several potholes on the state road near the driveway for 1072 Wickliffe Road that are causing people to swerve into other lane.

Chairman Weiss

- Requested clarification: VDOT indicated in the last work session that Loudoun is applying for funds through Federal Land Access Program. How does Smart Scale intertwine with that program? Are the two counties applying for the same funds?
 - Matt Smith replied that it is his understanding that Loudoun County is pursuing the Federal Land Access Program grant. VDOT will be having

follow up meetings to learn more about that process and what Loudoun County wants to do. They are unsure if the federal grant is 100% funding for construction or if grant is likely to be awarded. Loudoun County has made it clear that they will not be pursuing the intersection improvement as Smart Scale project. The county is limited to four Smart Scale applications and this intersection is not one of their top priorities. Clarke County is able to apply for a Smart Scale project or have the Northern Shenandoah Valley Regional Commission apply on the county's behalf. If Clarke County is at all interested, it would be worthwhile to at least put in a placeholder for that funding. If the March 31 deadline is missed, there is a two-year delay for Smart Scale funding.

Chairman Weiss

- Questioned if, other than what we have been presented, are there any other available alternatives that VDOT would be willing to pursue.
 - Matt Smith answered that he will check with the planning group, the study group, and their consultants. The study was intensive and involved Clarke County, Loudoun County, Loudoun VDOT, Staunton District VDOT, and some coordination with Central Office. They looked at all different alternatives and the ones presented were the ones that reduce the delay and increases the safety at that intersection today and looking into the future. A lot of time and effort has gone into the study, but they have not yet identified the best alternative.

Chairman Weiss

- Further asked what the process for entering into the Smart Scale system would be, and at what point would the county be committed to the Smart Scale project.
 - Matt Smith responded that the impending deadline is to apply for an intersection improvement and the application does not need to identify a chosen alternative. Entering this application would just put in a placeholder for an intersection improvement project. These applications are evaluated by a data-driven process and ranked against other projects in the state.

Chairman Weiss

- Inquired if there is a time or period after which the county would be unable to withdraw from the program.

- Matt Smith answered that he does not believe so. He has heard that there is no risk for the county in putting this application in now. The county could withdraw the application in a month or three months, should it so choose.
- Chris Boies clarified that, according to VDOT website information, the application would become an official project submission on August 1.

Supervisor Lawrence

- Asked if Clarke County used Smart Scale funding for the Route 9 closure and improvements. Has Clarke County used any of its allotted applications in the past two years?
 - Matt Smith offered that there are various funding mechanisms that all have their own criteria, but Smart Scale is the major funding source for road projects in the Commonwealth.

Vice Chair Catlett

- Suggested that Clarke County does not rank very well when using Smart Scale criteria.
 - Matt Smith responded that the Smart Scale application would have to be made by the county or by NSVRC on behalf of the county, but that VDOT can assist the county in completing the application.

Supervisor McKay

- Questioned if, when Bear Chase Brewery added more parking spaces to what was initially approved, VDOT had to approve or change the entrance.
 - Matt Smith advised that he is with the Edinburg Residency, which covers Shenandoah, Frederick, Clarke, and Warren counties. The plans went through VDOT's land use section, but he does not believe that the Edinburg Residency was made aware of the changes in Loudoun County.
 - Supervisor McKay opined that this is one of the problems the counties face with farm wineries and farm breweries: they are a workaround for things that counties would never approve.
- Chris Boies asked if VDOT was willing to put in a placeholder for a different design, other than the alternatives that were already presented.
 - Matt Smith offered that he would certainly think so. This study involved a lot of collaboration and identified what they thought were the best alternatives, but hearing different perspectives and input from residents is also helpful. A different alternative may not be supported, but it would definitely be considered.

Vice Chair Catlett

- Requested that Matt Smith share what he has heard today with the members of the study group at their next meeting. The example pictures of the alternatives appear as though they are on flat ground, but the actual terrain around the intersection is much different and the weather conditions play a large part, as well. Everyone’s goal is to improve the safety of the intersection, so it is important that the proposed changes actually do that.

Supervisor Lawrence

- Offered that, if the brewery is really the main cause of the intersection issues, it would be a good idea to talk to Loudoun County and to the brewery owners to try and find a solution. In the meantime, it is a good idea to submit a Smart Scale placeholder in case no other solution can be found.

Vice Chair Catlett

- Stated that, if the intersection is going to be changed, it is important that it be changed to make it safer. It would be really nice to address the weekend traffic, if possible.

Supervisor Bass

- Agreed that the intersection problem has been staring the county in the face for several years and is not getting any better. As long as the county is not obligated to anything, there seems to be no harm in putting in a placeholder. He added that the residents have raised very valid points and hopes VDOT will consider their concerns, as the residents are the ones who have to deal with it on a daily basis. Further agreed on the importance of making the intersection safer instead of just making it different.

Supervisor McKay moved to authorize the submission of a placeholder application to the VDOT Smart Scale program. The motion carried by the following vote:

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

Chairman Weiss

- Summarized the Board’s message to VDOT: We are concerned about the safety but are not very satisfied with the options, we have been given. We feel that the options could perhaps solve the issues. However, we have grave concerns about asking folks to do the types of maneuvers these alternatives would require on top of a mountain, in bad weather, and at great speeds. We would like to enter a Smart Scale pre-application, but would ask that these serious concerns about the options presented be conveyed.
- He further addressed the citizens who provided comments, thanking them for their input and stating that he agrees the root cause of the issue is Bear Chase. He, Supervisor Catlett, and Chris Boies have visited Bear Chase and spoken to the owners, who are very entrepreneurial. The owners have adhered to the rules they are required to. Bear Chase is governed by Loudoun County, who has taken a different view on these kinds of establishments than Clarke County does, and state law favors what Loudoun is doing. The citizens’ concerns about the negative impact to the neighborhood have been shared with Bear Chase. The Board will keep working to find better solutions.

5) Clerk of the Circuit Court Update

April Wilkerson presented the following:

- Using the Deed Book Restoration Grant, the Clerk’s Office is sending eight books out to be restored this year. The restoration process includes mending and lightening the pages, as well as using a washing process that makes the pages look much better. The pages are also put into individual sleeves that are guaranteed to not deteriorate for at least 100 years.
- The Clerk’s Office is also working with Library of Virginia on a loose papers project. Any loose papers from 1913 or before will be flattened, digitized, and organized into boxes.
- Jury trials are going full force. Thirty people are summoned for misdemeanor and civil juries, and sixty people for felonies. Due to social distancing requirements, voir dire is held at the park, and then the chosen jury is dismissed to go back to the courthouse. There are five jury trials coming up in April.
- The Parks and Recreation Department has been very helpful and have gone out of their way to accommodate the Clerk’s Office for jury selection.

- New seating will be installed in the courtroom. Maintenance will be removing the old seats and installing wooden benches during the second week in June.

Chairman Weiss

- Added that the actual project cost was within thirty dollars of the budget appropriation. April Wilkinson added that the main reason for the new seating was that the seats were too small for the officers to sit while wearing their equipment belts, so they could not sit in the courtroom.

Supervisor McKay

- Asked what would be restored after the marriage books. April Wilkinson replied that six deed books and two marriage registers will be restored this year. Helen Butts maintained the books very well, but normal wear and tear has taken a toll.

Chairman Weiss

- Offered his compliments on leadership and getting the restorations done. The office has been running well and doing a great job.
 - o Chris Boies added that the administration office also receives compliments about the Clerk’s Office staff and thanked them for their work.

6) Approval of Minutes

- Correct spelling of Michelle Marino’s name.
- On page 16, “board landings” should read “boat landings”.

Supervisor Bass moved to approve the minutes of the regular meeting held December 21, 2021, as amended. The motion carried by the following vote:

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

7) Consent Agenda

- Settlement Agreement & Release between Clarke County and MDC Berryville, LLC, concerning a disputed real estate tax assessment.

SETTLEMENT AGREEMENT AND RELEASE

This Settlement Agreement (the "Agreement") is entered into this ____ day of _____ 2022, by and between MDC Berryville, LLC ("MDC"), County of Clarke, Virginia (the "County"), and Town of Berryville, Virginia (the "Town") (MDC, the County, and the Town may be referred to individually as a "Party" and collectively as the "Parties.")

WHEREAS, MDC owns the improved real estate located at 430 Mosby Boulevard, Berryville, Virginia (Parcel No. 14 5 251B) (the "Property"); and

WHEREAS, the County and the Town assessed real estate taxes to MDC for the County and the Town's 2020 and 2021 tax years based on assessments that MDC contends are erroneous and at greater than the Property's fair market value; and

WHEREAS, the County and the Town have levied, but have not yet billed, real estate taxes to MDC for the County and the Town's 2022 tax year based on an assessment that MDC contends is erroneous and at greater than the Property's fair market value; and

WHEREAS, MDC contends that, if not corrected, the County and the Town will carry the erroneous assessment forward to be their assessments of the Property for their respective 2023 tax years; and

WHEREAS, MDC filed an application for correction of erroneous assessment, styled *MDC Berryville LLC v. County of Clarke, Virginia, and Town of Berryville, Virginia*, Case No. CL22000003-00 (the "Action"), in the Circuit Court of Clarke County (the "Court") requesting (i) correction of the County and the Town's assessments of the Property for their respective 2020 and 2021 tax years, (ii) correction of the County and the Town's assessments of the Property for their respective 2022 tax years or, alternatively, an exoneration of the payment of excess, erroneously assessed taxes for the County and the Town's respective 2022 tax years, (iii) refunds of the excess taxes MDC paid to the County and the Town due to the erroneous 2020 and 2021 assessments, plus interest as required by Virginia law and the County and the Town's ordinances, and (iv) a declaratory judgment that the County and the Town should assess the Property at its fair market value, in an amount no greater than \$16,700,000, for their respective 2023 tax years; and

WHEREAS, the MDC, the County, and the Town have agreed to resolve MDC's claims set forth in the Action on the terms set forth in this Agreement.

NOW, THEREFORE, for good and valuable consideration, the receipt and sufficiency of which each Party irrevocably acknowledges, MDC, the County, and the Town represent, warrant, undertake, and agree as follows:

1.0 Settlement and Payment. In full and final settlement of MDC's claims asserted in the Action, the Parties agree as follows:

1.1. Assessment Corrections. The County and the Town agree to correct their respective total assessments of the Property for their 2020, 2021, and 2022 tax years to

\$16,700,000. The County and the Town further agree to assess the Property at \$16,700,000 for their respective 2023 tax years.

1.2. Real Estate Tax Refunds. The County agrees to refund the excess real estate taxes paid by MDC based on the County's 2020 supplemental assessment of the Property for the County's 2020 and 2021 tax years in the total principal amount of \$77,691.71. The Town agrees to refund the excess real estate taxes paid by MDC based on the Town's supplemental assessment of the Property for the Town's 2020 and 2021 tax years in the total principal amount of \$24,856.51. The County and the Town agree to deliver their respective payments to MDC by checks made payable to MDC and delivered to MDC's counsel (Williams Mullen, Attn. Shane L. Smith, 999 Waterside Dr, Ste 1700, Norfolk, VA 23510), no later than thirty (30) days after the County and the Town's respective governing bodies have approved this Agreement (which approval must occur no later than April 19, 2022).

1.3. 2022 Real Estate Tax Levies and Bills. The County and the Town agree to correct their assessments and levies of real estate taxes to the Property for their respective 2022 tax years to the correct tax amount based on an assessment of \$16,700,000 and the County's and the Town's respective real estate tax rates for their respective 2022 tax years. The County and the Town agree that their respective real estate tax bills to MDC for the real estate taxes due for their respective 2022 tax years will be based on their corrected real estate tax levies.

1.4. 2023 Real Estate Tax Assessments, Levies, and Bills. The County and the Town agree that their respective assessments of the Property for their respective 2023 tax years will be in the amount of \$16,700,000. The County and the Town further agree that their real estate tax levies and bills to MDC for their respective 2023 tax years will be based on assessments of the Property in the amount of \$16,700,000.

1.5. Waiver of Interest Claims. In exchange for the County and the Town's assessment corrections, real estate tax refunds, and other actions as set forth in Sections 1.1, 1.2, 1.3, and 1.4 of this Agreement, MDC agrees to waive and release all claims for interest owed to MDC on the excess real estate taxes collected by the County and the Town for their respective 2020 and 2021 tax years.

2.0 Dismissal of Action. Within five (5) business days after the execution of this Agreement by all parties, the Parties shall endorse, and MDC shall submit to the Court for entry, an Agreed Dismissal Order for the dismissal of the Action in the form attached as Exhibit A.

3.0 Releases.

3.1. MDC's Releases of the County and the Town. Effective upon payment by the County and the Town of the refunds set forth in Section 1.2 of this Agreement, MDC releases and forever discharges the County and the Town from any and all claims, demands, causes of action, or right or entitlement to relief, known or unknown, which MDC ever had, has, or may have arising from or relating to the County and/or the Town's assessments of or to the Property for the 2020-2023 tax years, excepting any assessments, levies, and/or bills of any ad valorem taxes, fees, or charges other than real estate taxes for the 2022 and/or 2023 tax years, which the

Parties understand and agree are not within the scope of this Agreement (and, for good measure, are not contemplated by the County and/or the Town).

3.2. The County and the Town's Releases of MDC. Effective upon execution of this Agreement by all the Parties, the County and the Town each release and forever discharge MDC and its predecessors, successors, assigns, and/or heirs, from any and all claims, demands, causes of action, or right or entitlement to relief, known or unknown, which the County and/or the Town ever had, have, or may have arising from or relating to their respective assessments of or to the Property for their 2020-2023 tax years, excepting any assessments, levies, and/or bills of any ad valorem taxes, fees, or charges other than real estate taxes for the 2022 and/or 2023 tax years, which the Parties understand and agree are not within the scope of this Agreement (and, for good measure, are not contemplated by the County and/or the Town).

4.0 Representations and Warranties. Each Party represents and warrants to the other Party as follows, and acknowledges that reliance upon such warranty and representation by each other Party is intended, reasonable, foreseeable, and anticipated and that each warranty and representation shall survive the execution and delivery of this Agreement:

4.1. Authority. Each Party is duly and fully authorized to enter into, execute, deliver, and perform under this Agreement. Each person signing this Agreement on behalf of any Party represents and warrants that he or she is authorized to bind the Party for whom he or she is signing this Agreement, and each such Party represents and warrants that the person executing this Agreement on its behalf is authorized to do so.

4.2. Competency. Each Party is fully competent and able to enter into, execute, deliver, and perform its obligations under this Agreement.

4.3. Good Standing. Each Party which is an entity represents and warrants that it is in good standing and authorized to transact business.

4.4. No Bankruptcy. No Party is a debtor in any bankruptcy, insolvency, or similar proceeding.

4.5. No Breach or Violation. The Parties' execution, delivery, and performance under this Agreement shall not constitute, either alone or in conjunction or combination with any other events or circumstances, a breach or violation of any other agreement, law, statute, ordinance, or regulation. The Parties are not aware of any reason why this Agreement shall not be binding and enforceable according to its terms.

4.6. Counsel and Advisors. The Parties have read this Agreement, have had the opportunity to consult with counsel and advisors of their choosing, and fully understand every term of this Agreement and the legal effect of this Agreement.

4.7. No Assignment. The Parties have not granted, assigned, pledged, hypothecated, sold, or otherwise transferred any right or claim against the other Parties, such that there are any other parties necessary fully to accomplish the terms of this Agreement.

4.8. Investigation. The Parties have had the full, complete and unfettered opportunity to investigate all facts and circumstances pertinent to this Agreement and are fully satisfied with the terms, conditions, and effect of this Agreement.

4.9. Consideration. This Agreement is executed solely for the consideration herein expressed, the sufficiency of which is expressly and irrevocably acknowledged.

4.10. No Inducement. No promise, representation, or inducement has been offered or made by any Party except as set forth in this Agreement.

5.0 Miscellaneous Provisions.

5.1. Binding Effect. Each provision and term of this Agreement shall inure to the benefit of and be binding on the Parties and each of their respective successors, heirs, personal or legal representatives, assigns, directors, officers, shareholders, agents, and/or employees.

5.2. Entire Agreement. This Agreement constitutes the entire agreement between the Parties with regard to the matters set forth herein.

5.3. Modification. This Agreement, including the provisions of this paragraph, shall not be amended or modified, in whole or in part, except in writing signed by each Party.

5.4. Severability. If any provision of this Agreement is held to be unenforceable or invalid, such provision shall be fully severable and shall not affect the validity of any otherwise valid provision. In lieu thereof, there shall be added a provision that is as similar in terms to such unenforceable or invalid provision as may be possible and be enforceable and valid.

5.5. Headings. The headings to the various provisions of this Agreement are for the convenience of the Parties and are not intended, and shall not be construed, to give guidance on the proper interpretation or construction of this Agreement.

5.6. Governing Law. This Agreement shall be governed, construed and enforced under the laws of the Commonwealth of Virginia without giving effect to any conflict of laws principles.

5.7. Counterparts. This Agreement may be executed in one or more counterparts, all of which together shall constitute one agreement. This Agreement shall not be enforceable against any Party until an original or counterpart has been executed by each Party.

5.8. Drafting. Each Party has borne equal responsibility for the drafting of each provision of this Agreement, and this Agreement accurately, fully, and correctly reflects the agreement of the Parties. This Agreement shall not be construed in favor of or against any Party by virtue of his or its role in drafting this Agreement.

5.9. Further Assurances. Each Party agrees, without further consideration other than reimbursement for reasonable out-of-pocket expenses, to take such further action as is

reasonably required to accomplish the purposes of this Agreement, including but not limited to procuring and providing such resolutions, in suitable form, as may be necessary to document the authority of each corporate Party to enter into this Agreement.

5.10. Enforcement. Any action to enforce this Agreement may be brought by any Party in the Circuit Court of Clarke County, Virginia, and each Party irrevocably consents and submits to that Court's jurisdiction and to waive any objections to jurisdiction and venue in any action concerning this Agreement.

WHEREFORE, the Parties execute this Agreement to reflect and acknowledge their agreement to the terms set forth above.

[Remainder of Page Left Blank Intentionally]

MDC BERRYVILLE, LLC

By: MDC Berryville Advisors, LLC,
its Managing Member
By: Mark-Dana Corporation,
its Managing Member

By: _____
David Mark Koogler, President

STATE OF TEXAS,
CITY/COUNTY OF _____, to wit:

The foregoing instrument was duly acknowledged before me, a Notary Public in and for the city/county and state aforesaid, this ____ day of _____ 2022, by David Mark Koogler, president of Mark-Dana Corporation on behalf of MDC Berryville LLC, who

- is personally known to me
- has produced a _____ as identification before me.

Notary Public

My commission expires: _____.

Notary Registration No. _____

[Remainder of Page Left Blank Intentionally]

Approved as to form:

COUNTY OF CLARKE, VIRGINIA,

Robert T. Mitchell, Jr.
County Attorney

By: _____

Print Name: _____

Its: _____

COMMONWEALTH OF VIRGINIA,
CITY/COUNTY OF _____, to wit:

The foregoing instrument was duly acknowledged before me, a Notary Public in and for the city/county and state aforesaid, this ____ day of _____ 2022, by _____, _____ of the County of Clarke, Virginia, who

- is personally known to me
- has produced a _____ as identification before me.

Notary Public

My commission expires: _____.

Notary Registration No. _____

[Remainder of Page Left Blank Intentionally]

Approved as to form:

TOWN OF BERRYVILLE, VIRGINIA,

Robert T. Mitchell, Jr.
County Attorney

By: _____

Print Name: _____

Its: _____

COMMONWEALTH OF VIRGINIA,
CITY/COUNTY OF _____, to wit:

The foregoing instrument was duly acknowledged before me, a Notary Public in and for the city/county and state aforesaid, this ____ day of _____ 2022, by _____, _____ of the Town of Berryville, Virginia, who

- is personally known to me
- has produced a _____ as identification before me.

Notary Public

My commission expires: _____.

Notary Registration No. _____

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EXHIBIT A

VIRGINIA: IN THE CIRCUIT COURT OF CLARKE COUNTY

MDC BERRYVILLE LLC,

Plaintiff,

v.

Case No.: CL22000003-00

COUNTY OF CLARKE, VIRGINIA,

and

TOWN OF BERRYVILLE, VIRGINIA,

Defendants.

AGREED DISMISSAL ORDER

THIS CAUSE came upon the agreement and representation of the parties that all claims in this action have been resolved on mutually agreeable terms. The parties request that the Court dismiss this action, with prejudice, and that the Settlement Agreement and Release (filed with this Order) be incorporated into, and be made part of, this Order by reference.

UPON CONSIDERATION WHEREOF, and for good cause shown, the Court ORDERS, ADJUDGES, and DECREES that this action should be, and hereby is, DISMISSED, WITH PREJUDICE, with each party to be responsible for its own attorney’s fees and costs, and that the terms of the Settlement Agreement and Release executed by the parties are hereby incorporated into, and made part of, this Order.

The Clerk is directed to place this matter among the ended causes.

ENTER this ___ day of _____ 2022

Judge

WE ASK FOR THIS:

Shane L. Smith (VSB No. 73426)
WILLIAMS MULLEN
A Professional Corporation
999 Waterside Drive, Suite 1700
Norfolk, VA 23510
Tel.: (757) 622-3366
Fax: (757) 629-0660
ssmith@williamsmullen.com
Counsel for Plaintiff

SEEN AND AGREED:

Robert T. Mitchell, Jr.
HALL, MONAHAN, ENGLE, MAHAN & MITCHELL
P.O. Box 848
Winchester, Virginia 22604
Tel.: (540) 662-3200
Fax: (540) 662-4304
rmitchell@hallmonahan.com
Counsel for Defendants

[End of Settlement Agreement and Release]

– Boundary Line Adjustment: Stephen Bathon

MEMORANDUM

TO: Board of Supervisors, Chris Boies
FROM: Alison Teetor
DATE: March 4, 2022
SUBJECT: Boundary Line Adjustment – Stephen Bathon
TM# 31-1-74 and 31-1-73

Stephen Bathon is requesting approval of a Boundary Line Adjustment. Mr. Bathon owns the property identified by Clarke County Tax Map# 31-1-74 located at 3444 Calmes Neck Lane. The property was placed in easement with the County by Linda Thomas in 2007. Mr. Bathon also owns an adjacent property Tax Map # 31-1-73. He purchased lot 73 with the intent that his daughter would build a house and live there. As a result of the family ownership, Mr. Bathon put his driveway across a portion of lot 73 as shown on the plat, included in the packet. Mr. Bathon has since sold the property as his daughter decided not to move here, and now would like to complete a boundary line adjustment to include the driveway on his existing lot 74, the area to be added is .178 acres. The new property owners of lot 73 preferred a transfer of the property rather than a deeded access easement. The deed of easement allows for Boundary Line Adjustments if approved by the Authority. The easement authority approved the BLA at the February meeting.

Attached is the plat and Deed of Boundary Line Adjustment and Amendment.

Recommendation

Approve the Boundary Line Adjustment as proposed.



TM Nos.: 31-1-73 and 31-1-74

Grantees' address:
297 Winchester Street
Warrenton, VA 20186

Assessed: N/A
Consideration: None

This instrument was prepared by:
E. Scott Smalley, Esq.
16 N. Church St.
P.O. Box 644
Berryville VA 22611
(540) 955-2123
VSB No. 18780
This deed is prepared without the
benefit of title examination.

This is exempt from recordation taxes under Section 58.1-811 D.

THIS DEED OF GIFT, DEED OF BOUNDARY LINE ADJUSTMENT and AMENDED DEED OF EASEMENT made and entered into this ____ day of March, 2022, by and between **John Joseph Lee, Sr.**, and **Martha Harrell Lee**, husband and wife, parties of the first part, and **Stephen R. Bathon** and **Gayle E. Bathon**, husband and wife, parties of the second part and **County of Clarke, Virginia (County)** and the **Clarke County Conservation Easement Authority (Authority)**, political subdivisions of the Commonwealth of Virginia, parties of the third part.

WHEREAS, John Joseph Lee, Sr., and Martha Harrell Lee, husband and wife, parties of the first part, are the owners of the land in Chapel Road Magisterial District, Clarke County, Virginia, designated as Lot # 73, Calmes Neck Estates and being the same property conveyed to the parties of the first part by Deed dated November 15, 2021 from Heather Bathon, et. al., of record in the Clerk's Office of the Circuit Court of Clarke County, Virginia in Deed Book 692 at Page 495 (Tax Map 31-A-73).

WHEREAS, Stephen R. Bathon and Gayle E. Bathon, husband and wife, parties of the second part, are the owners of the adjoining lot, designated as revised Lot 74, Calmes Neck Estates and being the same property conveyed to the parties of the second part by Deed dated January 11, 2016 of record in the aforesaid Clerk's Office in the Circuit Court of Clarke County, Virginia in Deed Book 597 at Page 938 (Tax Map 31-A-74).

WHEREAS, it is the desire of the parties of the first and second part to adjust a portion of their common boundary division line in accordance with that certain plat of survey designated Boundary Line Adjustment Survey of Lots 73 and 74, Calmes Neck Estates prepared

by W. Stuart Dunn, L.S., dated December 9, 2021 of record in the aforesaid Clerk's Office of the Circuit Court of Clarke County, Virginia in plat book ____ at Page ____.

NOW THEREFORE, WITNESSETH: The parties of the first and second part agree to adjust a portion of their common boundary division line in accordance with the above-described Boundary Line Adjustment Survey dated December 9, 2021.

That for and in consideration of the sum of One (\$1.00) Dollar cash and other valuable consideration paid them by the parties of the second part, on or before the execution and delivery of this Deed, the receipt of which is hereby acknowledged, the parties of the first part do hereby grant and convey unto Stephen R. Bathon and Gayle E. Bathon, the parties of the second part, as tenants by the entirety with right of survivorship as at common law, with Special Warranty of Title, except as hereinafter set forth, that portion of said Lot 73, containing 0.178 acres, described on said plat of W. Stuart Dunn dated December 9, 2021, of record in the aforesaid Clerk's Office of the Circuit Court in Clarke County, Virginia in plat book ____ at Page ____.

The above conveyance is made subject to all easements, rights of way and restrictions, if any, of record affecting the subject property; provided, however, that the foregoing shall not be deemed in any way to reinstate or republish any restrictions of record that have expired, lapsed or been extinguished.

By their signature hereto, the said parties of the second part, do hereby merge the said adjustment area, containing 0.178 acres, with said revised Lot 74, Calmes Neck Estates containing 9.444 acres, owned by the parties of the second part, to form a single merged lot after adjustment, containing 9.622 acres, as described on said plat of survey of W. Stuart Dunn, L.S., dated December 9, 2021.

THIS AMENDED DEED OF EASEMENT FURTHER WITNESSETH:

WHEREAS, the existing revised Lot 74, containing 9.444 acres owned by the parties of the second part, is presently subject to an open space conservation easement in gross conveyed to the County of Clarke, Virginia and the Clarke County Conservation Easement Authority by Deed of Easement dated December 19, 2007 and recorded in Deed Book 491 at Page 163 in the Office of the Clerk of the Circuit Court of Clarke County, Virginia (herein

"Deed of Easement"); and

WHEREAS, the parties have agreed to amend the Deed of Easement so as to additionally subject the 0.178 acres parcel of land hereinabove conveyed from the parties of the first part to the parties of the second part.

NOW THEREFORE, for an in consideration of the premises, the parties of the first and second part hereby grant and convey to the County and the Authority a perpetual open space conservation easement in gross over the 0.178 acre parcel, subject to the terms of the Deed of Easement, such that, simultaneously with the hereinabove boundary line adjustment, the entirety of the merged parcel, containing 9.622 acres, more or less, is deemed subject to the Deed of Easement, and the Deed of Easement is hereby so amended, and which Deed of Easement is hereby incorporated herein by reference and made a part hereof as if set out herein in full. The County and Authority hereby accept the aforesaid easement over the additional 0.178 acres and the amendment of the Deed of Easement to include the 0.178 acres, as aforesaid.

It is expressly understood by the parties that no dwelling unit rights are conveyed hereby, and that the entirety of the parties of the second part revised Lot 74, Calmes Neck Estates, containing 9.622 acres, shall be subject to the open space conservation easement in gross conveyed by the Deed of Easement for the benefit of the County and the Authority.

WITNESS the following signatures and seals this the day and year first above written.

John Joseph Lee, Sr. (SEAL)

Martha Harrell Lee (SEAL)

Stephen R. Bathon (SEAL)

Gayle E. Bathon (SEAL)

THE COUNTY OF CLARKE, VIRGINIA

By: _____
David Weiss, Chairman
Board of Supervisors of Clarke County, Virginia

CLARKE COUNTY CONSERVATION EASEMENT AUTHORITY

By: _____ (SEAL)
Randy Buckley, Chair
and Planning Commission Representative

STATE OF VIRGINIA; AT LARGE

City/County of _____, to-wit:

The foregoing instrument was acknowledged before me, in the aforesaid jurisdiction, this ____ day of March, 2022 by John Joseph Lee, Sr., and Martha Harrell Lee, parties of the first part.

Notary Public

My commission expires: _____

Registration No.: _____

STATE OF VIRGINIA; AT LARGE

City/County of _____, to-wit:

The foregoing instrument was acknowledged before me, in the aforesaid jurisdiction, this ____ day of March, 2022 by Stephen R. Bathon and Gayle E. Bathon, parties of the second part.

Notary Public

My commission expires: _____

Registration No.: _____

STATE OF VIRGINIA; AT LARGE

City/County of _____, to-wit:

The foregoing instrument was acknowledged before me, in the aforesaid jurisdiction, this ____ day of March, 2022 by David Weiss, Chairman, Board of Supervisors of Clarke County.

Notary Public

My commission expires: _____

Registration No.: _____

STATE OF VIRGINIA; AT LARGE

City/County of _____, to-wit:

The foregoing instrument was acknowledged before me, in the aforesaid jurisdiction, this ____ day of March, 2022 by Randy Buckley, Chair and Planning Commission Representative of the Clarke County Conservation Easement Authority.

Notary Public

My commission expires: _____

Registration No.: _____

Supervisor McKay moved to approve 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

8) Chet Hobert Park Improvements

Chris Boies presented the following:

- A request came through the Parks and Recreation Advisory Board to add a walkway, benches, and planter to an area south of the Rotary pavilion. The project was previously approved for just trees.
- Christy Dunkle explained that the original project concept is the same.
- Lisa Cooke added that the project plan was approved at a special meeting of the Parks and Recreation Advisory Board and it fits in with their master plan.

Vice Chair Catlett

- Offered that she thinks it is a nice addition to the park and thanked Christy Dunkle for the idea and for her hard work.
 - o Christy Dunkle responded that the project will be completed thanks to some generous donations from Casey Trees.

Vice Chair Catlett moved to approve the improvements to the project 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

- Christy Dunkle added that the Town of Berryville will be submitting a Smart Scale application for improvements to East Main Street. They will be re-using a previous application and receiving help with it from VDOT. The town will be asking the county for a letter of support sometime between April and August.

The project will be similar to previous improvements made to West Main Street.

9) Set Public Hearing FY 2023 Budget and CY 2022 Tax Rate

Chris Boies highlighted the following points from the proposed budget:

Revenues

- The Finance Committee recommends that the Real Estate tax rate remain unchanged.
- There is a small variation between current and delinquent real estate tax revenues. We have changed how those are categorized moving forward.
- The Finance Committee recommends keeping the personal property tax rate the same, but reducing vehicle assessments by 15% across the board. Nationally, there has been a sharp increase in vehicle values. Reducing the assessed value by 15% will give the county an increase in revenue that is on par with a normal year.

Supervisor Bass

- Asked what that percentage is in a normal year.
 - Chris Boies replied that it varies, but it was a little under \$5 million in FY20 and jumped to \$5.8 million in FY21. The forecast for FY22 is \$6.3 million and projected to be \$6.7 million in FY23. It is not an equal percentage, but there is a general increase of a couple hundred thousand each year.

Chris Boies continued:

- The Finance Committee recommends increasing the cigarette tax from \$0.20 to \$0.40 per pack, effective January 1, 2023. This would increase revenue by \$99k, which is half of what we expect to finish with this year.
- The Finance Committee recommends increasing the meals tax from 2% to 4%, also effective January 1, 2023, which would also increase revenue by about \$99k.
- Increasing the Transient Occupancy Tax from 3.5% to 5% was discussed last year. The Finance committee did not discuss this but wanted to bring it up today. Implementing this increase on 01/01/2023 would increase revenue by about \$17k. There is a budget shortfall of about \$13k, so this increase would essentially balance the budget.

Supervisor McKay

- Asked if the transient occupancy tax revenue must be used for economic development and tourism.
 - Chris Boies affirmed and added that the Department of Economic Development and Tourism is already spending more than that, so it should not be an issue.

Chris Boies continued:

Expenditures – Personnel

- The Commonwealth’s Attorney requested to convert a part-time legal assistant to a full-time position. The net cost of that is about \$17k.
- Fire and EMS has requested four new employees. Currently Enders is staffed with three employees for 4 days per week and four employees for 3 days per week, working 24-hour shifts, while part-time employees cover Blue Ridge when possible. The four new employees would allow Enders to have four employees 24/7, and Blue Ridge to have coverage 4 days a week for 12-hour shifts.
- Planning and Zoning requested to add some part-time hours to work on a septic system database.
- The Sheriff’s office requested to add two deputy positions and to implement a career development program. The program cost would be about \$12k and would create some incentive for the deputies to seek additional training and growth. If the budget were adopted, the details of the program would go through the personnel committee at a later date.
- The Finance Committee recommends a 6% raise for employees and some targeted increases for part-time positions. As well, there is a placeholder for a 10% health insurance cost increase.

Expenditures – Technology

- The Commonwealth’s Attorney requested a case management system for \$16k.
- The IT department is looking to replace the county’s current email provider with a hosted email service for about \$40k.

Expenditures – Minor Capital

- Parks and Recreation requested a utility vehicle for \$17k.

Expenditures – Major Capital

- The county’s share for the first year of the VATI broadband project is estimated at \$2.7 million, which is covered by ARPA funds.
- The courthouse chiller project (\$350,000) was planned for this year but not awarded, due to cost. The county is projecting to carry forward \$180,000 from

the current year to help pay for it, and the proposed budget includes an additional \$170,000 towards that project.

- Under Fire/EMS, there is \$50k for an AFG grant, between the three companies and the county, for new radios. News about that grant award should come in the spring. Enders has also requested \$50k for a new pumper.
- Parks and Recreation included a request for \$75k for new rooftop units at the rec center; the current units are original to building.
- As a part of the Capital Improvement Plan, Parks and Recreation includes \$25k for soccer field grading and parking lot expansion and \$60k to resurface the tennis courts.
- There is \$200k for real estate reassessment. Should the Board decide to keep to a four-year cycle, reassessment would start in CY2023, to be effective January 1, 2024.
- The Sheriff's Office usually requests three new vehicles. For various reasons, vehicles had less mileage than normal so the Sheriff's office did not request to replace those vehicles this year. However, if they hire two new deputies, they will need to add two new vehicles and associated equipment.
- The Sheriff's Office also requested \$40k for new radios, but will only be using those funds as the current radios die. They are keeping the current radios as long as they are functional, but the radios have been sunsetted so parts and repairs are no longer available.

Operating

- The county is using the Fire & EMS Commission budget, which did not include an increased stipend for Blue Ridge. They requested an additional \$25k, but did not submit their request to the Commission and went straight to the Finance Committee. The Commission budget is the one that is currently being considered.
- The Finance Committee does not recommend approving the public defender's office request unless Winchester and Frederick County also approve it. Chris Boies will be coordinating with the other localities on this.
- The Health Department had requested a \$15k increase, but the Finance Committee proposes funding them at their FY2022 level. Due to some vacancies, they have a healthy carryforward, which they will use to cover the \$15k request.
- The Laurel Center requested large increase in their operating budget. The Finance Committee proposes funding them at their typical \$4k amount, but

also giving \$25k them of ARPA funds to help see them through what is, hopefully, a one-time funding crisis.

- Several other non-profit organizations also requested increased funding, the Finance Committee recommends funding half of those requests.
- The Finance Committee is recommending level funding for the schools, which is \$170,000 less than their request.

Supervisor Bass

- Asked, and Chris Boies affirmed, if “Judicial Dialog” is the name of the case management software that the Commonwealth’s Attorney requested. Supervisor Bass suggested that such software can be wildly helpful.
 - o Chris Boies advised that the Commonwealth’s Attorney had a quote from a similar vendor for almost twice the amount and added that the office currently has no way to track cases or do any data analytics.

Supervisor Lawrence

- Thanked everyone for their work throughout the budget process.

Chairman Weiss

- Explained that the legislature, after years of being requested to, gave localities the authority to impose taxes other than real estate. The Board took advantage of that last year and wanted to implement the taxes incrementally, which is why the effective date for the increased rates is January 1, 2023. The Finance Committee felt comfortable recommending the hiring of four new EMTs and two new deputies, because the cigarette and meals taxes should provide the revenue necessary to continue those positions. The Committee discussed with Interim Fire & EMS Director Jackson the impact that hiring new people would have on volunteers, and he felt that the new positions would allow for more flexibility and could help encourage more volunteers to come in. The new positions could also help reduce some overtime and part-time expenses, depending how it is utilized. The County recognizes that these offices are understaffed and wants to reduce the individual workload for the deputies, firefighters, and EMTs.

Vice Chair Catlett

- Offered that staff did a really nice job presenting the budget and revenue information this year and added that there is an upcoming decrease in the SAFER grants, so it is nice to have another revenue source.

Chairman Weiss

- Complimented the Commissioner of the Revenue and her office for their work surrounding the personal property assessments. There were lots of concerns regarding the sharp increase in values, and the Board hopes that reducing the assessments will help citizens while allowing the County to realize the same revenue it would expect in a normal year.

Chairman Weiss

- Stated that a 6% pay increase for county employees seems reasonable, and some people in private sector jobs will not be getting any pay increases. The Board feels that a 6% raise is reasonable, especially as it is possible to do without raising real estate taxes and putting an additional penalty on the citizens. The county has a small staff who works hard and does a lot of different things, so the Board feels they deserve a raise. Finally, it is possible to put all of the things being added into contingency, if necessary, so that the County would not be locked into things that would cause financial stress if the wheels come off in the future.
- Chairman Weiss further expressed appreciation for staff's work and ability to present the budget information in a clear and understandable way.

Supervisor McKay

- Indicated, and Supervisor Bass agreed, that they are generally not in favor of raising taxes unless forced to, but that this tax is paid by visitors to the county and is not likely to negatively impact county citizens.

Supervisor Bass

- Further stated that an increase in the Transient Occupancy Tax would seem to go hand-in-hand with the short-term residential rental regulations that will be in effect this summer. He does not feel it necessary to implement this tax incrementally, as the cigarette and meals taxes were, to give people time to adapt to it. However, he would be able to get behind the idea if the rest of the Board supports it.

Supervisor Lawrence

- Suggested that the Director of Economic Development and Tourism could use the increased revenue from the Transient Occupancy Tax to support tourism and growing those businesses.

Vice Chair Catlett

- Added that there could be specific ways to make the county more attractive to the type of tourists it wants, and could use this revenue to do that creatively.

Chairman Weiss

- Explained that the rate increase would yield \$34k annually, but that would not be additional revenue. The funds would supplement the Economic Development and Tourism budget, allowing the local funds currently used in that budget to be withdrawn. A criticism of Economic Development and Tourism is that local tax dollars are used to subsidize businesses. Transitioning away from using local funds for Economic Development and Tourism efforts helps to alleviate that concern.

Supervisor Bass moved to authorize a public hearing for PH 2022-05: CC-2022-02 Chapter 165 Article XVII, Transient Occupancy Tax, proposed text amendment to increase tax from 3.5% to 5%. 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 clarified that the budget calendar included a public hearing date of April 11, 2022. The public hearing would include five items: increasing the transient occupancy tax, increasing the cigarette tax, increasing the meals tax, the proposed FY2023 budget, and the proposed CY2023 tax rates.

Vice Chair Catlett moved to authorize the following public hearings for April 11, 2022, at 6:30 pm or as soon thereafter as the matter may be heard:

- PH 2022-06: CC-2022-03 Chapter 165 Article XXI, Cigarette Tax, proposed text amendment to increase tax from \$0.20 to \$0.40 per package.
- PH 2022-07: CC-2022-04 Chapter 165 Article XXII, Food and Beverage Tax, proposed text amendment to increase tax from 2% to 4%.
- PH 2022-08: Proposed FY2023 Budget
- PH 2022-09: Proposed CY2022 Tax Rates

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 Lawrence

- Expressed that he hopes to see citizens participate in the public hearings.

10) Board of Supervisors Personnel Committee Items from March 7, 2022:

A. Expiration of term for appointments expiring through June 2022

2022-03-07 Summary: Following review, the Personnel Committee recommends the following:

- Appoint John Hedlund to fill the unexpired term of Peter Engel on the Conservation Easement Authority, term ending December 31, 2024.
- Reappoint George Ohrstrom, II, as the Planning Commission Representative for the Conservation Easement Authority for a one-year term, ending April 30, 2023.
- Reappoint Bette Brondstater, Aubrey Bogert, Maral Kalbian, and Adeela Al-Khalili to the Library Advisory Council for four-year terms ending April 15, 2026.
- Reappoint Francis Lee and Randy Buckley to the Planning Commission for four-year terms ending April 30, 2026.

2022-03-15 Action: Chris Boies reviewed the Personnel Committee recommendations.

Supervisor 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

11) Board of Supervisors Work Session Items from March 7, 2022

Board of Supervisors Work Session Agenda

Berryville/Clarke County Government Center, 2nd Floor

101 Chalmers Court, Berryville, Virginia 22611

March 7, 2022, 10:00 AM, Meeting Room AB

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

Board Members Absent:

Officer / Staff Present: Chris Boies, Cathy Kuehner, Catherine Marsten, Brandon Stidham

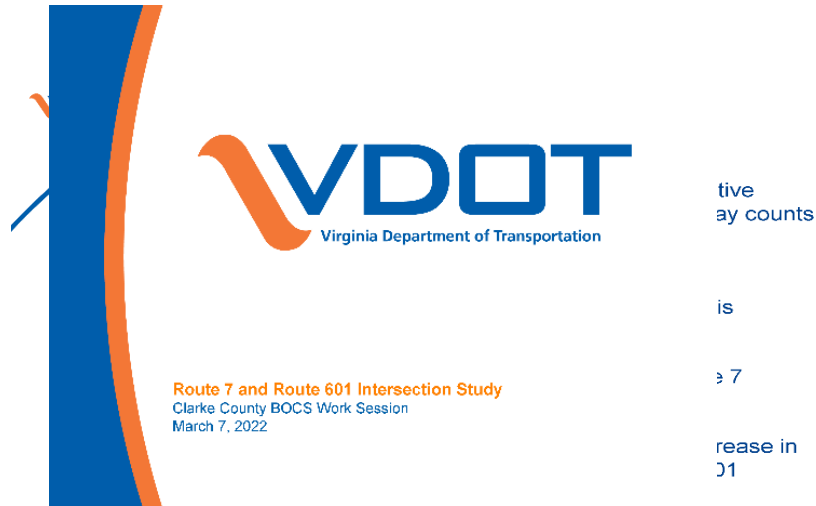
Others Present: VDOT officials: Matt Smith, Ed Carter, Adam Campbell, and David Morris

Press Present: Mikey Powell, Winchester Star

2022-03-07 Summary: At 10:00 am, Chair Weiss called the meeting to order.

A. Presentations by Virginia Department of Transportation

1. 601/7 improvement update. Adam Campbell provided an update to the Board on different options being considered to improve safety at the intersection of Route 601 and Route 7. The options are preliminary at this point. The Board heard the presentation below, asked different questions, and decided to discuss the options, and a potential Smart Scale application, at the March 15th Board of Supervisors meeting. **Action: No action taken.**



- 3 improvement alternatives have been evaluated to address the operational and safety concerns of the intersection

**Existing Conditions MOE Comparison
(Delay per Vehicle in Seconds)**

Scenario	NB Left	SB Left	EB Left	WB Left	Intersection
AM (Vissim)	53.2s	58.6s	10.7s	50.1s	2.8s
PM (Vissim)	57.2s	52.7s	42.7s	12.3s	3.1s
Weekend PM (Vissim)	42.7s	27.6s	14.9s	19.7s	5.3s

**Existing Conditions MOE Comparison
(Queue Length in Feet)**

Scenario	NB Left	SB Left	EB Left	WB Left
AM (Vissim)	95'	37'	6'	67'
PM (Vissim)	161'	42'	41'	133'
Weekend PM (Vissim)	209'	34'	24'	100'



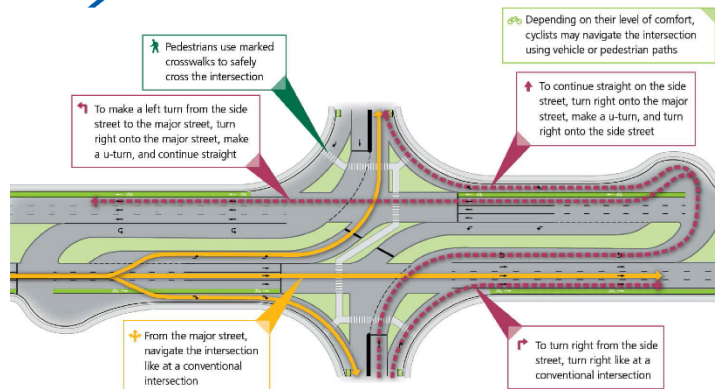
Summary of Conflict Points

Scenario	Primary Intersection	Downstream Crossovers	New Crossover	Total
Existing Conditions	24 Crossing 16 Merge/Diverge	12 Crossing 16 Merge/Diverge	N/A	36 Crossing 32 Merge/Diverge
Alternative 1	4 Crossing 8 Merge/Diverge	12 Crossing 16 Merge/Diverge	N/A	16 Crossing 24 Merge/Diverge
Alternative 2	5 Crossing 8 Merge/Diverge	12 Crossing 16 Merge/Diverge	N/A	17 Crossing 24 Merge/Diverge
Alternative 3	4 Crossing 8 Merge/Diverge	10 Crossing 12 Merge/Diverge	2 Crossing 6 Merge/Diverge	16 Crossing 26 Merge/Diverge

- Summary above shows total conflict points between Route 679 (western crossover) and Route 734 (eastern crossover).
- All alternatives provide an approximate 40% reduction in conflict points and greater than a 50% reduction in crossing conflicts.



Improvement Alternative #1 – RCUT Intersection

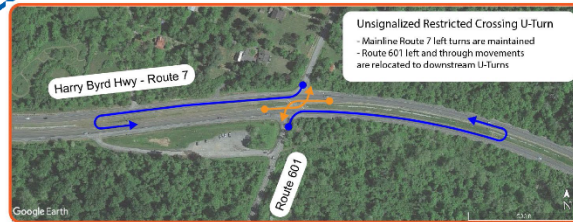


NOT TO SCALE

Note: For simplicity, only two directions of traffic are shown. Opposing traffic follows similar routes.



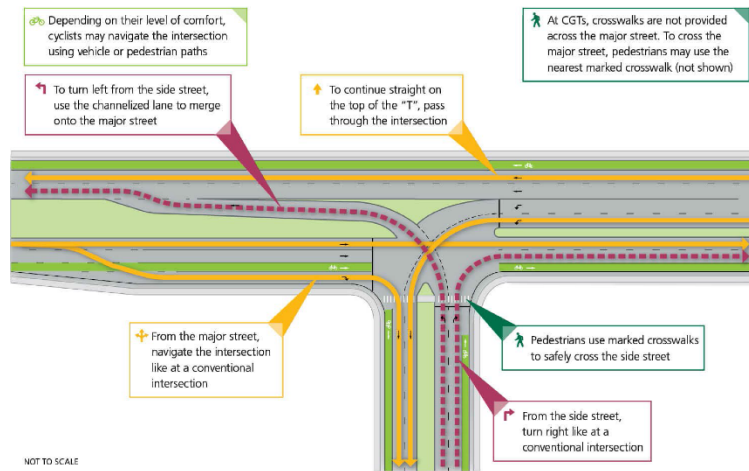
Improvement Alternative #1 – RCUT Intersection



- 41.2% reduction in conflict points
- Reduces primary intersection delay by 23% in AM, 56% in PM, and 45% in Weekend Peak Hours
- Reduces the NB Route 601 PM Max Queue by 81% (but has the longest Max Queue and Delay at a downstream U-turn at Route 734)
- Has the highest extra travel time of all alternatives (100.6 to 197.8 seconds in PM Peak Hour)
- Relocates the most movements of all alternatives (52 in the AM, 103 in the PM, and 91 in the Weekend Peak Hours)
- Lowest Planning Level Cost Estimate = \$1.6 to \$1.9 million



Improvement Alternative #2 – Green T Intersection



Next Steps

- Verify sight distances for all alternatives (week of March 7th)
- Technical Team alternative recommendation
- Public Outreach – District Planning is available to develop MetroQuest survey
- Identify funding opportunities (Smart Scale / Federal Lands Access Program)

2. Route 7 Safety Study. David Morris provided an update to the Board on Route 7 safety study components that have been implemented, those that are planned to be implemented, and items that still do not

have a definitive funding source. The Board thanked VDOT for the work that has been done and emphasized the importance of finding funding sources for items remaining. **Action: No action taken.**

At 11:32 am, Chair Weiss adjourned the meeting.

2022-03-15 Action: Chris Boies reviewed the 2022-03-07 Summary.

12) Board of Supervisors Finance Committee Items from March 7, 2022

A. Clarke County Department of Social Services Supplemental Revenue and Expenditure Requests

1. Federal Refugee Cash Assistance Funds in the amount of \$3,100.
2. Federal funds for "COVID Promoting Safe and Stable Families" in the amount of \$6,435.
3. Federal Respite funds in the amount of \$187.50.
4. Federal Adoption funds in the amount of \$27,700.
5. Additional Federal Foster Care funds in the amount of \$5,000.

2022-03-07 Summary: The Finance Committee recommends, "Be it resolved that FY22 Department of Social Services budgeted expenditure and appropriation be increased by \$42,422.50, and that revenue appropriation be increased by the same amount, for the purpose of receiving federal funds for Refugee Cash Assistance, COVID Promoting Safe and Stable Families, Federal Respite Funds, Federal Adoption Funds, and Additional Foster Care funds."

2022-03-15 Action: Brenda Bennett reviewed the Finance Committee recommendations:

- The Department of Social Services Director is identifying and taking advantage of all possible funding as it becomes available throughout the year, which is why these requests may be more frequent than in the past.
- All of these requests involve federal funding and none of them require a local match.

Chairman Weiss

- Explained that the federal Refugee Cash Assistance Funds is subsistence funding, designed to help keep refugees in Clarke county on their feet until they can be self-sufficient. Clarke county citizens also have access to this kind of support, should they need it.

Supervisor Bass moved, be it resolved, that FY22 Department of Social Services budgeted expenditure and appropriation be increased by \$42,422.50, and that revenue appropriation be increased by the same amount, for the purpose of

receiving federal funds for Refugee Cash Assistance, COVID Promoting Safe and Stable Families, Respite funds for Foster Care, Federal Adoption Funds, and Additional Foster Care funds. 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. Clarke County Department of Social Services Reallocation Request

2022-03-07 Summary: The Finance Committee recommends: “Be it resolved that FY22 Department of Social Services budgeted expenditure be transferred from the salary line to the purchased services line, for the purpose of acquiring painting services to paint the interior of the building at 311 E Main St, Berryville Va.”

2022-03-15 Action: Brenda Bennett reviewed the Finance Committee recommendation.

- This request is for funds that are already budgeted, but they are budgeted in the salary/personnel line. The request is to transfer \$7,500 from personnel line to the purchased services line.
- This is a one-time savings that was created by vacancies in personnel, so the Director would like to use those funds to paint the interior of the Social Services building.

Chairman Weiss

- Clarified that this is one-time money for a one-time use. This type of request would not normally come to the Board of Supervisors, but reallocations require Board approval.

Supervisor Lawrence

- Offered that one of the family interview rooms was recently re-done and it has made a big difference for overall morale, hopefully this painting will help to brighten up the offices.

Vice Chair Catlett moved, be it resolved, that FY22 Department of Social Services \$7,500.00 be transferred from the salary line to the purchased services line, for the purpose of acquiring painting services to paint the interior of the building at 311 E Main Street, Berryville Va. The motion carried by the following vote:

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

C. Discussion on ARPA Funding

2022-03-07 Summary: The Finance Committee recommends allocating \$25,000 of ARPA funding to the Laurel Center.

2022-03-15 Action: Chris Boies reviewed the Finance Committee recommendation.

- After reviewing the American Rescue Plan spending that has been approved thus far, the majority of those funds will go towards broadband. The committee recommends this one-time payment to the Laurel Center.
- Laurel Center had requested large increase in annual contribution, this is our way of providing more funds to them immediately.

Chairman Weiss

- Explained that the Laurel Center is stuck at the moment and their funding has been cut.

Vice Chair Catlett moved to allocate \$25,000 of ARPA funding to the Laurel Center. 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. Discussion Concerning Changes to the County Code as it Relates to Delinquent Taxes

2022-03-07 Summary: The Finance Committee recommends authorizing a public hearing to amend the Code of Clarke County, Chapter 165, Taxation, Article I, Business License Tax, in its entirety.

2022-03-15 Action: Chris Boies reviewed the Finance Committee recommendation.

- This change is meant to require proof that delinquent taxes are paid before issuing a license to operate a business.
- A number of changes have been made to the state code since Clarke county originally adopted its ordinance. The Finance Committee suggests a complete rewrite of the article, to bring it into compliance with the state code.
- This rewrite should not change practices or anyone’s license status, just updates the ordinance to align with the complexities in the state code.

Supervisor McKay

- Asked if the proposed change to require proof that delinquent taxes are paid would be broad enough to include other payments owed to the county, such as permit fees?
 - o Chris Boies replied that this section of code only relates to the issuance of a business license and only to reviewing the business’ personal property, meals, and transient occupancy taxes. There is a different section of code allowed in the zoning ordinance, which could stop the issuance of certain permits if there is an amount of real estate taxes due. The Planning Director is going through that process right now and bring it to the Planning Commission at a future date. The proposed change to the Business License Taxes will go as far as the state code allows.

Chairman Weiss

- Clarified that the basic reasoning for the change is that paying taxes is everyone’s responsibility, so you should not be able to continue operations if you knowingly do not pay your taxes, especially when the Treasurer’s office is so agreeable to working out payment plans.
- Chris Boies further explained that no date for this public hearing was specifically recommended and it could be combined with the others.

Supervisor Bass

- Agreed that it makes sense to hold the public hearing on the same day as the others, because all the matters are connected.

Supervisor Bass moved to set a public hearing for April 11, 2022, at 6:30 pm, or as soon thereafter as the matter may be heard, for PH 2022-08: CC-2022-05: Proposed Amendment of Chapter 165 Article I, Business License Tax, in its entirety. 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

E. Supplemental Request for Work on Jack Enders Blvd

2022-03-07 Summary: The Finance Committee recommends, “Be it resolved that General Fund Balance Designation be decreased by \$6,778.75 and that General Government Capital Projects Fund budgeted expenditure and appropriation be increased by the same amount, in order to complete the storm water pipe cleaning and inspection at the County Business Park.”

2022-03-15 Action: Chris Boies reviewed the Finance Committee recommendation.

- The county is responsible for finishing the last phase of the roadway, and part of the punch list is to inspect the storm water piping.
- Imboden, the provider for the Sanitary Authority, has given the county a price for flushing the storm water piping, then video it so that the town can inspect it. Mike Legge has reviewed the price and feels that it is fair.
- There is a fund balance designation for this work.

Chairman Weiss

- Stated that the fund balance is roughly \$102k, left over from the sale of the properties within the park.

Supervisor Lawrence

- Asked if there was still some paving to do. Chris Boies replied yes, that an RFP for that will be issued this week.

Supervisor Lawrence

- Requested a map of the fire hydrants in the business park be provided to the fire department.

Supervisor Lawrence moved, be it resolved, to decrease the General Fund Balance Designation by \$6,778.75, and the General Government Capital Projects Fund budgeted expenditure and appropriation be increased by the same amount, in order to complete the storm water pipe cleaning and inspection at the County Business Park. 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. Bills and Claims

2022-03-07 Summary: The Finance Committee recommends approval of the bills and claims as submitted.

2022-03-15 Action:

Vice Chair Catlett moved to accept the bills and claims, 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

G. Standing Reports

1. Year to Date Budget Report
2. Reconciliation of Appropriations
3. Capital Projects Report

2022-03-15 Action: Information Only.

13) Joint Administrative Services Board Update

Brenda Bennett presented the following:

- The JAS board met on February 28 and discussed the increase in the JAS workload over the last 5 years, particularly the increase in payroll and HR duties related on onboarding and offboarding employees.
- JAS is cross training employees, particularly for time-sensitive tasks such as payroll and accounts payable. JAS is also analyzing current processes and looking at possibly reallocating some tasks to streamline work.

- JAS met in closed session to discuss the health insurance proposals received. No contract has been awarded at this time, though the JAS board authorized contract negotiations with a particular vendor and they have been working with the insurance consultant. More detailed information will be available when the contract is awarded.

Chairman Weiss

- Offered, and Brenda Bennett reiterated, compliments to JAS staff for their recent work.

14) Government Projects Update

Chris Boies provided the following update:

- The procurement for curb and gutter repair, one commercial entrance, and paving work on Jack Enders Blvd. will be posted this week with bids due back on April 12. The Board approved the storm water flushing and inspection work earlier in this meeting, and we are still working on cleaning up some of the surface ditches. Thanks to Joey Braithwaite and Mike Legge for their work on this project.
- Mr. Mitchell has drafted a revised noise ordinance, which has been reviewed by Planning & Zoning, the Sheriff's office, and Commonwealth's Attorney. We will schedule this item for a future Board work session.
- We have a virtual meeting this Friday with the Regional Commission and the seven other participating localities on the broadband project. We will be discussing draft agreements; Supervisor Lawrence will be attending that call. I hope that we can have something ready for the April Board of Supervisors meeting.
- Finally, I would like to thank Tiffany and Catherine, and the entire Building Inspections office. Tiffany has been covering the permit technician position for the past couple weeks and Catherine has helped cover Tiffany's duties in our office. As you can imagine, the entire Building Inspections office has been very busy with all of the building in Berryville, Jamie and Doug have done a tremendous job handling the increased work load while still ensuring work is being done to building code standards. It has been a team effort and I am really proud of the work everyone is doing.

- Thanks to Brenda for her work on budget, she and Nancy anticipated information needs ahead of time and did the research so that no question went unanswered throughout process.

Chairman Weiss

- Offered thanks to Mr. Staelin for his service on the budget committee, and thanks to the department heads for presenting reasonable requests based on real needs, and requested that staff pass on those words of thanks.

15) Miscellaneous Items

16) Summary of Required Actions

<u>Item</u>	<u>Description</u>	<u>Responsibility</u>
1.	Process approved minutes for February 15, 2022	Catherine Marsten
2.	Execute Settlement Agreement and Release between Clarke County and MDC Berryville, LLC	Chris Boies
3.	Process Boundary Line Adjustment	Alison Teetor
4.	Advertise Public Hearing Notices PH2022-05, PH2022-06, PH2022-07, PH2022-08, PH2022-09, PH2022-10	Catherine Marsten
5.	Execute appointment letters	David Weiss
6.	Process appointment letters and update database	Catherine Marsten
7.	Process Department of Social Services supplemental budget requests	Brenda Bennett
8.	Process Department of Social Services budget reallocation request	Brenda Bennett
9.	Process ARPA funds allocation to the Laurel Center	Brenda Bennett
10.	Process supplemental budget request for storm water pipe cleaning and inspection at County Business Park	Brenda Bennett
11.	Process Bills and Claims	Brenda Bennett
12.	Authorize work to begin on Jack Enders Blvd	Chris Boies
13.	Continue to work with VDOT on Rt 7/601 and share resident concerns.	Chris Boies and Brandon Stidham

17) Board Member Committee Status Reports

Supervisor Matthew Bass

- Board of Septic and Well Appeals
 - Met March 2 to review an unintentional blasting. Staff is working on a blasting map so folks can know where blasting is permitted.
- Library Advisory Council
 - Welcome and thanks to reappointed members Adeela Al-Khalili, Aubrey Bogert, Maral Kalbian, and Bette Brondstater.
- Clarke County Litter Committee
 - Will meet March 15, they are aiming for Saturday, March 26, for a county-wide pick-up event involving the Girl Scouts, potentially the National Honor Society, and Berryville Main Street.
- Planning Commission
 - Passed a Resolution of Appreciation for Doug Kruhm for everything he has brought to the Commission over the years.
- Josephine School Community Museum Board
 - Nothing to report.
- Legislative Updates
 - Seem to be deadlocked on budget and two new Supreme Court justices.
- Northwestern Regional Adult Drug Treatment Court Advisory Committee
 - Nothing to report.
- Northwestern Regional Juvenile Detention Center Commission
 - Nothing to report.
- Sheriff's Office
 - Is excited about the two new deputy positions, staff has been under a lot of stress for the last couple of years.
- Town of Berryville
 - Passed a Resolution of Appreciation for Margaret Barthel, for her service on the Board of Zoning Appeals.
 - Discussed a number of ARPA infrastructure projects throughout the town, but nothing concrete has been approved as of the March 14 special meeting.

Vice-Chair Terri Catlett

- Career and Technical Education

- Has not met since last BoS meeting.
- Clarke County Historic Preservation Commission
 - Meets March 16.
- Clarke County Humane Foundation
 - Met last week and discussed possibly holding a summer camp program and staff was enthused about working with area organizations.
- Conservation Easement Authority
 - Met last week, having a continuing discussion on putting a proposed property into easement.
 - Also discussing deed language and the building envelope for properties in easement, so as not to raise any red flags with the IRS. Chairman Weiss opined that he has always been resistant to envelope discussions, as he feels people are already giving up a lot anyway. Chris Boies added that another member shared the same concerns, so they are trying to find a middle ground that complies with the IRS and also allows flexibility.
- Parks & Recreation Advisory Board
 - Meets again in April.
- School Board
 - Biggest update is budget, which was already discussed.
- Village of Millwood
 - Nothing to report.
- CPMT
 - Meets next week.

Supervisor Doug Lawrence

- Board of Social Services
 - Meets March 16, he missed the February meeting.
 - The DSS Director, in her previous position in Rappahannock County, did a very good job of finding available funds. She is doing that here as well, which is great for clients.
- Broadband Implementation Committee
 - A phone call is scheduled for this week, once details start to come in; he wants to distribute information to the whole county. Distributing via the internet is possible, but that information might not reach the people who are in the greatest need because they do not have reliable internet.

- Regional Jail Authority
 - The jail seems to have good morale, indicated by the fact that there are very few vacant positions.
 - The superintendent has implemented new programs for both inmates and employees.

Supervisor Bev McKay

- Berryville-Clarke County Joint Building Committee
 - A contractor will be repairing the gutters and soffit starting March 21.
 - Have not yet addressed the landscaping.
- Northern Shenandoah Valley Regional Commission
 - Has finalized legalities on VATI grant, which is moving forward.
 - Brandon Stidham was elected Treasurer.
- Town of Boyce
 - Nothing to report.
- Clarke County Sanitary Authority
 - Had a long budget discussion, will hold a work session to discuss their budget so they all understand it better.
 - Granted relief to a resident who had a sizeable leak and was very proactive about it.
- Economic Development Advisory Committee
 - March meeting was cancelled.
 - April 20 is the Spring Tour, will be visiting Audley and Grafton.

Chairman David Weiss

- Berryville-Clarke County Joint Committee on Economic Development and Tourism
 - Now meeting quarterly, next meeting is April 22.
- Industrial Development Authority
 - Has not met.
- FireEMS
 - Had an informational meeting last week. Enders and Boyce are both successfully recruiting volunteers. There is good collaboration among Interim Director Jackson and the groups to provide training. Volunteerism is up and career staff is working well.

18) Closed Session Pursuant to §2.2-3711-A29: Discussion of the award of a public contract involving the expenditure of public funds, including interviews of bidders or offerors, and discussion of the terms or scope of such contract, where discussion in an open session would adversely affect the bargaining position or negotiating strategy of the public body, and pursuant to §2.2-3711-A7: Consultation with legal counsel and briefings by staff members or consultants pertaining to actual or probable litigation, where such consultation or briefing in open meeting would adversely affect the negotiation or litigating posture of the public body.

At 3:02 pm, Supervisor Bass moved to enter closed session pursuant to §2.2-3711-A29: Discussion of the award of a public contract involving the expenditure of public funds, including interviews of bidders or offerors, and discussion of the terms or scope of such contract, where discussion in an open session would adversely affect the bargaining position or negotiating strategy of the public body, and for a second closed session pursuant to §2.2-3711-A7: Consultation with legal counsel and briefings by staff members or consultants pertaining to actual or probable litigation, where such consultation or briefing in open meeting would adversely affect the negotiation or litigating posture of the public body.

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 4:25 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 Bass moved to reconvene in open session. The motion carried as follows:

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

Supervisor Bass further moved to execute the following Certification of Closed Session:

CERTIFICATION OF CLOSED SESSION

WHEREAS, the Board of Supervisors of the County of Clarke, Virginia, has convened a closed meeting on the date pursuant to an affirmative recorded vote and in accordance with the provisions of the Virginia Freedom of Information Act; and

WHEREAS, Section 2.2-3700 of the Code of Virginia requires a certification by the Board of Supervisors of the County of Clarke, Virginia, that such closed meeting was conducted in conformity with Virginia law.

NOW, THEREFORE BE IT RESOLVED, that the Board of Supervisors of the County of Clarke, Virginia, hereby certifies that, to the best of each members knowledge, (i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which the certification resolution applies, and (ii) only such public business matters as were identified in the motion convening the closed meeting were heard, discussed or considered by the Board of Supervisors of the County of Clarke, Virginia. The motion was approved by the following roll-call vote:

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

No action was taken following the closed session.

19) Adjournment

At 4:26 pm, Chair Weiss adjourned the meeting.

20) Next Regular Meeting Date

The next regular meeting of the Board of Supervisors is set for Tuesday, April 19, 2022, at 1:00 pm in the Berryville Clarke County Government Center, Main Meeting Room, 101 Chalmers Court, Berryville, Virginia.

ATTEST: March 15, 2022

David S. Weiss, Chair

Chris Boies, County Administrator

Recorded and Transcribed by Catherine D. Marsten