

May 17, 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, May 17, 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

Constitutional / State Offices / Other Agencies:

Anthony "Tony" Roper, Anne Williams, Ed Carter, Matt Smith

Press:

Mickey Powell – The Winchester Star

Others Present:

Jim Draucker, Dana Waring, Michelle Worthing, Carol Coffelt, members of the Clarke County High School Widget Cup Team

1) *Call to Order*

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

2) *Adoption of Agenda*

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

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

3) *Citizens Comment Period*

Teachers Dana Waring and Jim Draucker introduced the 2022 Widget Cup Champions. The team of seven Clarke County High School students explained that the one-day competition, held on April 7 at the Innovation Center in Winchester, required teams to design, assemble, and market a product according to a client prompt. The client for this year's competition was the Winchester Adult Day Care Center, who requested that teams build a cart or similar apparatus that would allow residents to access materials used for therapeutic gardening.

The students described their experiences participating in the competition. Using a Computer Aided Drafting (CAD) program and implementing their own strategies and ideas, the team designed and built a multi-functional cart with removable shelves and specialized inserts for gardening accessories. Using two synced computers in separate rooms, the team simultaneously developed a video presentation to market their design. Mimicking a real-life scenario, the client requested to add grow lights to the design halfway through the competition and all of the teams needed to adjust their design. The Clarke County High School team demonstrated considerable skill and impressive teamwork, winning the cup for a second time.

Chairman Weiss

- Congratulated the team on their victory and thanked them for sharing their experiences with the Board.

4) *VDOT Update*

Assistant Resident Engineer Matt Smith provided the following update on maintenance activities in the County:

- Completed spring grading cycle on stabilized roads, including stone application and dust control
- Performed shoulder repairs on Red Gate Road (Rt. 624), Rt. 50 near Blandy Farm, and Rt. 7 Mountain

- Installed new pipe on Rt. 7 Mountain and repaired potholes at various locations throughout the County
- Contractor completed paving on Crums Church Road from Rt. 7 to Longmarsh; VDOT will begin asphalt patching on the remaining section, which will be added to next year’s repaving schedule
- Mowing operations and pipe cleaning will begin on various routes this month
- Contractors will do some spot paving and patching on Rt. 50, Rt. 606 (Mt. Carmel Rd), and Rt. 649 (Frogtown Rd)
- Surface treatment will begin on Rts 653, 654, 639, and 761

Matt Smith provided the following update on matters concerning the Board:

- A public information meeting was held on May 10 with the Blue Ridge Mountain Civic Association, about the Rt. 7/Rt. 601 intersection study. About 50 citizens participated in the meeting. VDOT has posted all the information on the study website, which is now live and will accept public comment through the end of the month.
- A local resolution of support is required for a Smart Scale application to move forward. The deadline for the final application is August 1. Given the short timeframe, VDOT recommends that the County consider and start preparing a resolution of support for an upcoming meeting. This resolution does not have to be improvement-specific. The resolution can be a general acknowledgement of the operational safety needs of the intersection, with support of an intersection improvement project as recommended in the VDOT study to address the intersection needs. A resolution of support is required from Loudoun County as well.

Vice-Chair Catlett

- Requested confirmation that a resolution of support from the Board would not need to identify a particular improvement scenario.
 - Matt Smith replied that VDOT would need a resolution of support for intersection improvements “as in the study”. VDOT will take the public comments and should have an improvement selected by the August 1 deadline. The resolution can be more general, if it is executed before a specific improvement is selected.
 - Chris Boies added that the citizen comment period is open until May 31, and the Board will want to review public comment before making a decision. He further recommended that the Board not execute a resolution of support until the Board is satisfied with the chosen alternative.

Supervisor McKay

- Asked what the general consensus of the public information meeting was.
 - Ed Carter, VDOT Residency Administrator, responded that some citizens had some favorable comments and alternative suggestions

that VDOT will review and consider, but there was not much support for any of the three alternative designs VDOT presented.

Chairman Weiss

- Added that, when the group was presented with the problems that will exist in the future based on a 1% growth, there was consensus that something needs to be done.
 - Ed Carter affirmed, and added that traditional solutions would not be effective for this particular location. The VDOT planning group had a lengthy meeting May 16 about that particular intersection. Of the three alternatives presented, VDOT does not have a recommended solution right now. Another alternative would be leaving the intersection as-is.

Supervisor Lawrence

- Inquired if lowering the speed limit has been discussed.
 - Ed Carter replied yes, it is not viable at that location. In inclement weather, VDOT has to stage wreckers and tractors at that location to keep tractor-trailers moving up the hill.
- Offered that a large truck is probably only moving at 45mph when it gets to the top of that hill and suggested that the speed limit be lowered to 45mph for a quarter mile on either side of the intersection. This would also increase the penalties for someone traveling over 65mph in that area.
 - Ed Carter responded that lowering the speed limit has, historically, not been a deterrent. Rt. 7 is a primary commuter route that was designed to be safely traveled at 55 mph, lowering speed limits increases conflict points and crashes.

Supervisor Lawrence

- Stated that it is safe for the people traveling at 55 mph, but not safe for the people trying to enter or exit.
 - Ed Carter responded that it is safe if they wait for the appropriate gap, which could take a while. Lowering the limit to 45 mph would actually reduce the available gaps in traffic. The accident history at the intersection, when measured against the rest of the state, makes it a lower priority. There are many more intersections with much greater risks, which is the reason for using the Smart Scale application instead of Highway Safety Improvement Program (HISP) funding. The fact that the intersection is on a steep grade also makes it more complicated.

Chairman Weiss

- Advised that many of the public's comments were centered on lengthening the acceleration and deceleration lanes to provide adequate space for safe U-turns.

Vice-Chair Catlett

- Asked when the project would start and whether the chosen alternative or improvements would be re-evaluated or changed at all in the years between the application and the actual work starting.
 - Ed Carter answered that the timeframe would be 2026-2028. If the project is funded, a total amount of funds is set aside for that project. Once the design process starts, they can adjust the solution if the details change.
 - Ed Carter further advised that, in addition to the three alternatives already presented, a fourth alternative might be identified by the time the project is actually submitted.

Supervisor Bass

- Stated that the language for the resolution of support seems to commit the Board to one of the three existing alternatives.
 - Ed Carter responded that the resolution commits the Board to an option, but not necessarily one of the three.
 - Matt Smith added that a resolution of support does not commit the County to making an application on August 1; it just satisfies one of the application requirements prior to the August 1 deadline.

Chairman Weiss

- Clarified that, if the Board is not satisfied with the available alternatives and does not submit an application by August 1, it can submit an application in the next Smart Scale cycle in two years.
- Questioned if, should the Board not feel comfortable enough to apply during the current Smart Scale cycle, VDOT would continue to study the intersection and develop potential solutions during the next two years.
 - Ed Carter replied that VDOT would be open to suggestions and new information, but a task force would not continue studying the intersection specifically.

Vice-Chair Catlett

- Inquired about the odds of Smart Scale funding being awarded for work on the Rt. 7/Rt. 601 intersection.
 - Ed Carter advised that he is not equipped to provide an answer, the VDOT planning group evaluates the Smart Scale applications and weights them accordingly.

Supervisor McKay

- Asked if there are negative repercussions for withdrawing Smart Scale applications at the deadline.
 - Ed Carter answered that the money would then not be available, but that would not prejudice future applications.

Chairman Weiss

- Stated that the pothole at 1072 Wickliffe Road has still not been repaired.

- Matt Smith advised that he will see that it gets addressed, and added that citizens are encouraged to call 1-800-FOR-ROAD to notify VDOT of any road concerns. Complaints are tracked, logged, and monitored, and VDOT will respond within 10 days.

5) *Commonwealth's Attorney Update by Anne Williams*

Clarke County Commonwealth's Attorney Anne Williams presented the following:

- The office is fully staffed right now. Frank Frio, a full-time assistant Commonwealth's Attorney, is the newest hire. Nono Fisher is a part-time assistant Commonwealth's Attorney. Between them, the three attorneys in the office have over 60 years of criminal justice experience.
- Amy Knipe is the full-time office coordinator. Jequita Carter is a part-time legal assistant who will convert to full-time on July 1. The office is very appreciative that the Board approved the personnel request to convert her position to full-time.
- The office also houses the Victim Witness Program in Clarke County, which is headed by Beth Marple. A new Victim Witness Program assistant, Kim Henderson, is working out very well. Though there have been some transition periods, retention in the office is very good.
- The office continues to work with the Virginia State Police, the Clarke County Sheriff's Office, the Berryville Police Department, the Department of Wildlife Resources, as well as reviewing private complaints from citizens. Cases manifest themselves as felony matters, misdemeanors, traffic infractions, juvenile court cases, and also some civil matters.
- All of the attorneys handle all types of cases and prosecute in every single court. The only cases that are designated to a specific prosecutor are adult domestic violence, sexual assault, and drug court cases, which are handled by Nono Fisher. Her position is partially funded by a Virginia STOP Violence Against Women (VSTOP) grant.
- There are a fair amount of civil matters as well, including restoration of driving privileges, restoration of firearm petitions, review of every concealed carry permit application through the County, and asset forfeiture matters.
- In December 2020, a significant asset forfeiture case went to trial and the office was successful in seizing \$22k from a Berryville drug dealer, whose charges ultimately went federal. The office also works with the County on some ordinance issues.
- In April, two violent offenders pled guilty to significant charges. The first individual was charged with sexual assault of a four-year old child, and another individual who shot at a County Sheriff's Deputy in 2019. We secured convictions on both of those individuals and they go to sentencing this summer.

- In 2019, the office secured felony first-degree murder convictions against an individual, combined with a lot of other very serious felonies he was charged with. He appealed those convictions after a week-long jury trial. The office was notified in March that his last appeal through the Virginia Supreme Court was denied, so his convictions remain upheld. In February 2020, the office also tried that individual's co-defendant. After a week-long jury trial, we were able to secure a second-degree murder conviction. That case resulted in a plea agreement while the jury was still deliberating. Also in 2020, there was another second-degree homicide conviction secured via plea agreement for an individual who shot a man on Castleman Road.
- These cases are extremely important, not only to the office but also to the victims and their families. All cases are challenging, for different reasons. Some cases are legally complicated and require a lot of research, while other cases are factually horrible and difficult. In those cases, the office always takes time to honor the first responders who show up to those scenes, the dispatchers who take the calls and the victims' families who are impacted the most by those traumatic experiences. Our office pieces all those things together; our staff is listening to the 911 calls, reviewing reports, and viewing photographs of violent crimes. We do get mentally and emotionally invested in those cases and it is an honor for us to be able to work with those families on those cases.
- The office runs Clarke County's Sexual Assault Response Team, which meets twice a year. The Commonwealth's Attorney also serves on the Virginia Association of Commonwealth's Attorneys Board and tries to provide them with a rural perspective. They are working to develop a multi-disciplinary team with Social Services, sexual assault nurse examiners, law enforcement, and child advocacy workers to make sure appropriate and adequate services are provided to child victims of physical and sexual violence.
- In 2020, Anne Williams was selected to be a part of a focus group for the National District Attorney's Association, who did a countrywide focus group on the impact of Covid on rural jurisdictions.
- The office is very much looking forward to implementing case management software, which the Board approved with the FY23 budget. That software will help with data collection and FOIA request responses. The software will also help streamline daily operations: generating subpoenas, responding to discovery requests, and linking certain pieces of evidence with files.
- Right now, the office only tracks the number of adult domestic violence and adult sexual assault cases handled each year, because of the **VSTOP** grant obligations.
- The Virginia State Compensation Board requires the office to track how many minutes of body-worn camera footage they have to watch. Not including

staff, who also must watch, the office's attorneys have reviewed over 3000 minutes of footage.

- All three attorneys are participating in a time study mandated by the Virginia Compensation Board. For a 90-day period, each attorney must track his or her work every minute of each day.
- The office also hopes to enhance staff training. The attorneys receive trainings and continuing education hours provided by the Commonwealth's Attorneys Services Council. The Victim Witness Program is given the opportunity to attend annual trainings through the Virginia Crime Victim's Association. The office is struggling to find training opportunities for administrative staff, who do much more than secretarial duties and are basically paralegals.
- The office would also like to enhance their community outreach. The Victim Witness Program Coordinator works with National Night Out, which is held the first Tuesday in August and allows the community to interact directly with law enforcement and agencies. Anne Williams speaks every other month at the driver's license ceremonies at the juvenile court.

Supervisor Bass

- Requested the Commonwealth's Attorney share an update on the County's jury trials in relation to a recent change in the law.
 - Anne Williams shared that the expected increase in jury trials has been realized. Previously, jury trials were bifurcated and always included sentencing. However, the law change now permits juries to sentence defendants only if the defendant specifically requests it. Before there were, one or two criminal cases scheduled for jury trials during the year, which has now increased over 100%. This requires a lot of work from the office, as trials require months of preparation, even if they are resolved by plea agreement. The County is now looking at 12-15 criminal and civil jury trials a year, which is a significant increase. This places a burden on the Commonwealth's Attorney office, the Clerk of the Court, and the Sheriff's Office. The County is not able to sustain the current court calendar in the Circuit Court. There are only two days for criminal matters in the Circuit Court each month. The judge has kindly adjusted his schedule to accommodate these trials on non-regular court days, so staff is spread a little thin.

Chairman Weiss

- Thanked the Commonwealth's Attorney for the presentation, and for all of the work she and her staff do for the community.


6) *Approval of Minutes*

Vice Chair Catlett moved to approve the minutes of the April 11, 2022, Special Meeting and the April 19, 2022, Regular Meeting as presented. The motion carried by the following vote:

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

7) Set Public Hearing PH2022-13:TA22-01 – Unpaid Taxes and Charges

Brandon Stidham presented the following:



**Clarke County Board of Supervisors
May 17, 2022 Meeting**

Schedule Public Hearings

- **TA-22-01, Unpaid Taxes and Charges**
- **TA-22-02, Mergers and Dwelling Unit Right (DUR) Accounting**

TA-22-01, Unpaid Taxes and Charges

- **Add a new Subsection E to Section 2.3 (Issuance of Permits and Approvals) of the Zoning Ordinance (Code of Clarke County Chapter 200, Article I)**
- **Purpose is to require payment of all delinquent real estate taxes, nuisance charges, and any other charges that constitute a lien on a subject property prior to acceptance of an application associated with that subject property.**

TA-22-01, Unpaid Taxes and Charges (cont.)

- **Currently no mechanism exists to authorize County staff to refuse to accept and process land development applications for a property from an applicant that has unpaid debts owed to the County and related to that property.**
- **Denying access to County services can be an effective tool to collect unpaid debts.**

TA-22-01, Unpaid Taxes and Charges (cont.)

- **Code of Virginia 15.2-2286(B) allows zoning ordinances to require applicants to prove that there are no unpaid debts owed to the locality that would constitute a lien on the property as a prerequisite to filing certain applications for the same property.**
- **Examples of debts include:**
 - Delinquent real estate taxes
 - Nuisance charges
 - Other unpaid charges that constitute a lien on the subject property
- **15.2-2286(B) also contains enabling language that would extend authority to land disturbance and building permit applications – governed by other sections of the Code of Clarke County.**

TA-22-01, Unpaid Taxes and Charges (cont.)

- **Proposed text amendment follows the language of 15.2-2286(B)**
- **Would apply to:**
 - All applications and review processes in Zoning Ordinance Section 6
 - Land disturbance permits issued in conjunction with County Code Chapter 148
 - Building permits issued in conjunction with County Code Chapter 71
- **The unpaid tax or charge must apply to the property for which the application is being filed – cannot be applied to other properties owned by the applicant.**

Planning Commission Recommendation

- Following a duly advertised public hearing on May 6, 2022, the Commission voted to recommend adoption of the proposed text amendment.
- There were no speakers at the public hearing.

Staff Recommendation

- Staff has no outstanding concerns with the adoption of this text amendment.
- Recommend scheduling public hearing for the Board's June 21 meeting.

Supervisor McKay

- Asked if this would include charges from other departments in the County, such as an overdue water bill.
 - Brandon Stidham answered that the charge would have to be something that constitutes a lien on the subject property.

Supervisor Lawrence

- Inquired, if someone was in financial difficulty and was trying to subdivide and sell a portion of their property to satisfy their overdue charges, would they be able to get the proper zoning and permits to do so.
 - Brandon Stidham responded that there is nothing in the Code of Virginia that enables this change to be applied to the Subdivision Ordinance, only the Zoning Ordinance.

Supervisor McKay moved to set public hearing PH2022-13:TA 22-01 – Unpaid Taxes and Charges for June 21, 2022 at 6:30 pm, or as soon thereafter as the matter may be heard. The motion carried by the following vote:

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

8) *Set Public Hearing PH 2022-14:TA22-02 – Mergers and Dwelling Unit Right Accounting*

Brandon Stidham presented the following:

**TA-22-02, Mergers and Dwelling Unit Right (DUR)
Accounting**

- Amend Section 3.8 (Vacation or Merger of Lots in the AOC and FOC Districts) of the Zoning Ordinance (Code of Clarke County Chapter 200, Article I).
- Purpose is to clarify that, following reallocation pursuant to Zoning Ordinance Section 3.2 (Allocations), no lot resulting from a merger of lots shall have more dwelling unit rights (DURs) than the total number of dwelling unit rights that were assigned to the lots at the time of merger plat application filing per Section 4.2.3 (Merger) of the Subdivision Ordinance (Code of Clarke County Chapter 200, Article II).

**TA-22-02, Mergers and Dwelling Unit Right (DUR)
Accounting (cont.)**

- Zoning Ordinance Section 3.8 – When lots are merged or vacated, the DUR accounting for the merged or vacated lot shall be based on the DUR allocation table in Section 3.2 and not the total number of DURs that were assigned to the merged or vacated lots.
- A merger of lots can result in the loss or gain of DURs through compliance with the allocation table.

**TA-22-02, Mergers and Dwelling Unit Right (DUR)
Accounting (cont.)**

- **Example of loss -- merger of two lots:**
 - Lot A – 100 acres, 4 DURs
 - Lot B – 100 acres, 4 DURs
 - Total -- 200 acres, 8 DURs

- **DUR allocation for 200 acre lot per Section 3.2 -- 6 DURs**

- **Property owner would lose 2 DURs if Lots A and B were merged.**

- **Merger review process was added in 2012 to advise property owners of potential DUR loss before lots are merged.**

**TA-22-02, Mergers and Dwelling Unit Right (DUR)
Accounting (cont.)**

- **Example of gain -- merger of two lots:**
 - Lot A – 100 acres, 4 DURs
 - Lot B – 100 acres, 1 DURs
 - Total -- 200 acres, 5 DURs

- **DUR allocation for 200 acre lot Section 3.2 -- 6 DURs**

- **Property owner would gain 1 DUR if Lots A and B were merged.**

**TA-22-02, Mergers and Dwelling Unit Right (DUR)
Accounting (cont.)**

- **Gain of DURs through merger is problematic.**

- **Original 1980 DUR allocation created a fixed number of DURs countywide – no mechanism exists to create new DURs.**

- **In the gain example, the additional DUR would be a new DUR in excess of the original 1980 allocation.**

**TA-22-02, Mergers and Dwelling Unit Right (DUR)
Accounting (cont.)**

- Proposed text amendment would add new language to Section 3.8.
- No lot resulting from a merger shall have more DURs than the total number of DURs that are assigned to the lots at the time of merger plat application.
- Would be clear that no new DURs can result from the mathematical outcome of complying with the allocation chart.
- No changes are proposed to address the issue of loss of DURs through merger.

Planning Commission Recommendation

- Following a duly advertised public hearing on May 6, 2022, the Commission voted to recommend adoption of the proposed text amendment.
- There were no speakers at the public hearing.

Staff Recommendation

- Staff has no outstanding concerns with the adoption of this text amendment.
- Recommend scheduling public hearing for the Board's June 21 meeting.

Chairman Weiss

- Offered the Board’s thanks to staff and to the Planning Commission for all of their work.

Supervisor McKay moved to set a public hearing for PH2022-14:TA 22-02 – Mergers and Dwelling Unit Rights for June 21, 2022, at 6:30 pm, or as soon thereafter as the matter may be heard. The motion carried by the following vote:

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

Supervisor Lawrence

- Suggested inviting the Friends of the Shenandoah River to the next Board of Supervisors meeting to give a presentation about their efforts.
- Also suggested inviting the Two-for-Two group, who is trying to raise funds for a regional aquatic facility.

By consensus, the Board agreed to invite the Friends of the Shenandoah River and the Two-for-Two group to each give a ten-minute presentation at the evening session of the June 21, 2022 Regular Meeting.

9) *Board of Supervisors Personnel Committee Items from May 9, 2022:*

A. Expiration of term for appointments expiring through July 2022

2022-05-09 Summary: Following review, the Personnel Committee recommends the following:

- Appoint Tavan Mair, from Connected Communities, Inc., to fill the unexpired term of Abdus Samad as the private provider representative on the Community Policy and Management Team, the term expiring December 31, 2022.
- Appoint Ronnie King to the Clarke County Planning Commission to fill the unexpired term of Doug Kruhm, the term expiring on April 30, 2026.
- Reappoint William Houck to the Broadband Implementation Committee for a two-year term expiring June 30, 2024.

2022-05-17 Action: Chris Boies reviewed the Personnel Committee recommendations.

Chairman Weiss

- Offered thanks to them all for agreeing to serve and specifically to Mr. King, for representing the Buckmarsh District.

Supervisor Bass moved to accept the appointments 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 |

10) *Board of Supervisors Work Session Items from May 9, 2022*

Board of Supervisors Work Session Agenda Items
Berryville/Clarke County Government Center, 2nd Floor
101 Chalmers Court, Berryville, Virginia 22611
May 9, 2022, 10:00 AM, Meeting Room AB

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

Board Members Absent: None

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

Others Present: Matt Smith

Press Present: Mickey Powell, Winchester Star

2022-05-09 Summary: At 10:00 am, Chairman Weiss called the meeting to order.

- A. VDOT Secondary Six-Year Plan Discussion: The Board heard from Matt Smith, Assistant Residency Engineer with the Virginia Department of Transportation (VDOT) on the Secondary Six-Year Plan. The plan, as presented, shows the Lockes Mill Road Phase II paving as the only named project. A placeholder for future rural rustic roads projects and a general countywide transportation services category also exist. Board members asked if raising Old Charlestown Road could be included and it was noted this project would be too expensive to fit into the six-year plan. By

consensus, the plan was moved forward for public hearing on May 17, 2022. The Board also asked VDOT to come back in the fall with a list of unpaved roads so they could be prioritized for future paving.

- B. Special Events Ordinance Review Discussion: The Board heard from staff on the existing ordinance and suggested questions to be explored by a stakeholder group. The Board concurred a review of the ordinance would be appropriate and noted they thought tweaks, but not a complete rewrite, would be appropriate.
- C. Discussion on Mission, Vision, and Values: The Board heard from staff who have been working on a county government mission and vision statement as well as mission, vision, and values statements for county staff. The wording in two sections was slightly edited based on the conversation by the Board. Board members noted the statements were important and reflect the great work county employees perform each day.

At 11:05 am, Chairman Weiss adjourned the meeting.

2022-05-17 Action: Chris Boies reviewed the 2022-05-09 Summary.

- The Mission, Vision, and Values statements are ready for the Board to approve.

Chairman Weiss

- Expressed the Board’s appreciation for the Department heads, Constitutional Officers, and staff who contributed their efforts.

Vice-Chair Catlett moved to adopt the Mission, Vision, and Values statements 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 |

11) Board of Supervisors Finance Committee Items from May 9, 2022

- A. FY22 Clarke County Department of Social Services Supplemental Appropriation Requests: The Department of Social Services is requesting supplemental revenue and expenditure appropriation for the following items:

1. The Department will receive revenue in the amount of \$250 for their Respite Care budget line. These are federal funds with no local match required. They will cover additional expenses that the Department has incurred for respite care.
2. The Department has received additional revenue in the amount of \$2,000 for the IV-E Foster Care budget line. These funds are also 100% federal and do not require a local match.

2022-05-09 Summary: The Finance Committee recommends: “Be it resolved that FY22 Department of Social Services budgeted expenditure and appropriation be increased by \$2,250, and budgeted revenue be increased by the same amount, for the purpose of receiving additional federal funds for Respite Care and IV-E Foster Care.”

2022-05-17 Action: Brenda Bennett reviewed the Finance Committee recommendations.

Supervisor Bass moved, be it resolved, that FY22 Department of Social Services budgeted expenditure and appropriation be increased by \$2,250, and budgeted revenue be increased by the same amount, for the purpose of receiving additional federal funds for Respite Care and IV-E Foster Care. 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. FY22 Conservation Easement Supplemental Appropriation Request: The Conservation Easement Authority is requesting a supplemental appropriation for an application filed by Jeff Murphy for DUR easement purchase. The Authority is requesting appropriation of \$141,000.

2022-05-09 Summary: The Finance Committee recommends “Be it resolved that FY22 budgeted expenditure and appropriation to the Conservation Easement fund be increased \$141,000, that revenue from the Commonwealth be recognized in the amount of \$70,500, and that the fund balance be decreased by \$70,500, all for the purpose of purchasing Conservation Easement on the land of Jeff Murphy.”

2022-05-17 Action: Brenda Bennett reviewed the Finance Committee recommendation:

- This easement would retire 4 Dwelling Unit Rights. Half of the requested amount (\$70,500) would be paid with Virginia Department of Agriculture & Consumer Services (VDACS) funds, the other half would come from fund balance.
- Alison Teetor advised that appraisal has been completed quickly and is favorable.

Chairman Weiss

- Reminded the Board that \$150k gets set aside from savings every year for the Conservation Easement, but that is not a limit. The County is in a good financial position and this is a worthy easement.
- Advised that the equal match from VDACS was secured through hard work by Alison Teetor and praised her for her efforts.

Vice-Chair Catlett

- Added that this parcel is in a part of the County that does not have many easements, so it is particularly attractive in that respect.

Supervisor McKay moved, be it resolved, that FY22 budgeted expenditure and appropriation to the Conservation Easement Fund be increased \$141,000, that revenue from the Commonwealth be recognized in the amount of \$70,500, and that the fund balance be decreased by \$70,500, all for the purpose of purchasing Conservation Easement on the land of Jeff Murphy. The motion carried by the following vote:

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

- C. FY22 Health Insurance Supplemental Request: The Director of Joint Administrative Services is requesting a supplemental appropriation of \$300,000 from fund balance designation to the Self-Funded Health Insurance Account, for the purpose of processing future claims and to handle monthly variations in revenue received and expenses paid. The Finance Committee previously approved a transfer of \$100,000 from fund balance to the Health Insurance Fund; however, a supplemental appropriation was not approved at that time. This request includes the previous request for a total of \$300,000.

2022-05-09 Summary: The Finance Committee recommends: “Be it resolved that FY22 budgeted expenditure and appropriation to the Health Insurance Fund be increased \$215,000, and that fund balance designation be reduced by the same amount, all for the purpose of increasing the Health Insurance Fund for future claims activity.”

2022-05-17 Action: Brenda Bennett reviewed the Finance Committee recommendation:

- The original request was \$300k, but that amount would trigger a public hearing, so the amount was reduced because it is already late in the fiscal year.
- The additional appropriation would help to cover issues caused by the difference in timing between when the premium is collected and when claims are paid. This timing is sporadic and unpredictable. This request would help to even out those ebbs and flows.
- A \$100k request came before the Board previously and was approved; however, this was treated as a transfer rather than supplemental appropriation. The current request includes that \$100k plus an additional \$115k, for a total appropriation of \$215k from fund balance.

Chairman Weiss

- Clarified that the fund balance designation is a specific line item, as opposed to the general fund, which is undesignated.
- Advised that the Board does not anticipate that this will be a common occurrence; this fund will replenish itself as premiums and pharmaceutical rebates come in.

Supervisor McKay moved, be it resolved, that FY22 budgeted expenditure and appropriation to the Health Insurance Fund be increased \$215,000, and that fund balance designation be reduced by the same amount, all for the purpose of increasing the Health Insurance Fund for future claims activity. 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. ARPA Financial Report Update:

2022-05-09 Summary: There was a discussion regarding the annual report requirements and the recommendation made by the Federal Treasury

Department. For ease of reporting and tracking, Clarke County was specifically instructed to report its ARPA allocation as revenue loss, because the allocation was below the \$10 million threshold.

2022-05-17 Action: Brenda Bennett reviewed the above summary.

- The report is not due again until April 30, 2023. The County's ARPA allocation was \$2,839,569. Half of that amount has been received and the second half should be received in June.
- To date, the County has spent approximately \$40k. The bulk of the funds has been set aside for the Broadband Project.

Supervisor Lawrence

- Questioned if the County is allowed to keep interest generated by those funds.
 - Brenda Bennett replied that, from everything she has been able to determine, the answer is yes.

E. Review FY22 3rd Quarter YTD General Fund Revenue:

2022-05-09 Summary: The Finance Committee reviewed the General Fund Revenue report. There was a general consensus that the FY22 revenue is on track with the budget through the third quarter.

2022-05-17 Action: Brenda Bennett reviewed the above summary.

- There were no concerns for any particular line items.
- Some revenue accounts are projected to be less than what was budgeted, such as interest on property tax, consumer utility tax, and court fines/forfeitures.
- There are other revenue accounts that are on track to exceed budgeted amounts, such as local sales and use tax, recordation tax, cigarette tax, and building permits.
- Overall, FY22 revenue is expected to exceed the budgeted amount.

F. Review FY22 Year-to-Date Expenditures:

2022-05-09 Summary: The Finance Committee reviewed the YTD Expenditure report. It was noted that the expenditure report shows expenses are where they should be at this time during the fiscal year.

2022-05-17 Action: Brenda Bennett reviewed the above summary:

- The report showed expenditure activity through April 30, 2022, and total expenditures is at 64%, which is less than the 83% that was expected.

G. Review FY22 Year-to-Date Capital Projects:

2022-05-09 Summary: The Finance Committee reviewed the capital projects report. Some unexpended funds will be transferred to cover costs for moving communications equipment to the Westwood Road Tower.

2022-05-17 Action: Chris Boies reviewed the above summary:

- The biggest item was a request from the County’s telecommunications consultant to move equipment to the Westwood tower. Interference testing results at that site were returned favorably, so moving into the next phase of implementing equipment installation at that tower.
- A portion of that work (\$117k) will be covered by moving existing funds in the capital budget.
- There is another piece of work to be completed by Motorola. Travis Sumption is working to get the County some different options, based on the possible scenarios. He will get a recommendation from the Technology Committee on how to proceed and then make a request to the Finance Committee.
- \$75k was set aside for Fire & Rescue repeaters, but this project is being delayed until after the tower equipment is installed. Additionally, funds were set aside as a 5% match for the AFG radio replacement grant. Because that grant was not awarded, those funds can be re-allocated.

H. Bills and Claims

2022-05-09 Summary: The Finance Committee recommends approval of the April 2022 Invoice History Report.

2022-05-17 Action: Brenda Bennett reviewed the Finance Committee recommendation.

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 |

I. Standing Reports

1. Year to Date Budget Report

2. Reconciliation of Appropriations
3. Capital Projects Report

2022-05-17 Action: Information Only.

12) *Joint Administrative Services Board Update*

Brenda Bennett provided the following update:

- The JAS Board did not meet in April.
- Chris Boies advised that Finance Committee will receive the CARES funding audit report next month. Some of the programs and the funding requirements were fairly complex. The auditors were very detailed and the County received a clean audit.

Supervisor McKay

- Asked if all of the localities that accepted CARES funding were audited and offered praise to staff for efforts throughout the process.
 - Brenda Bennett replied that it seems the state is auditing all localities who received the funds.

13) *Government Projects Update*

Chris Boies provided the following update:

- We have received 64 applications thus far for the Director of Fire, EMS, and Emergency Management position. The advertisement notes a first review of applications will occur on May 27 so we still have about two more weeks before the search committee will meet to narrow down the field.

Supervisor Bass

- Inquired if the number of applications received is more than expected.
 - Chris Boies responded that the response is not surprising, given the advertising methods.

Chris Boies continued the update:

- The consultants for the Courthouse Green Master Plan continue to collect information and meet with specific stakeholder groups as part of the project's Discovery phase. There are a number of stakeholder meetings scheduled later this week. The Public Information Officer is also working on creating a webpage for this project to keep citizens informed of the process.
- All eight counties participating in the broadband project have approved the Fiscal Agent Agreement. We are now awaiting the final contract from the Department of Housing and Community Development, which must be finalized before all agreements can be executed. The state is reportedly receiving a lot of pressure to get those contracts out soon.

- The Potomac Appalachian Trail Club decided not to apply for the trail grant at the Kohn property. They may do so in the future, but they want to take their time and make sure the project is planned appropriately.
- I would like to thank Clarke County resident Christi McMullen for her efforts to bring a glass recycling pilot project to our convenience center site. She has had great success her first couple weekends collecting glass and crushing it into sand. This is a win-win for Clarke County because we pay for trash hauling and disposal by weight, so removing glass from the dumpsters provides economic and environmental benefits. Also, special thanks to Cathy Kuehner for helping to publicize these efforts.

Chairman Weiss

- Observed that people are very pleased that the program is available and praised Ms. McMullen for her help.
- Announced that a replacement tree, a scarlet oak from Tupper Dorsey, has been planted next to the Smalley monument down at the river, thanks to Joey Braithwaite and the maintenance crew.

14) *Miscellaneous Items*

15) *Summary of Required Actions*

| <u>Item</u> | <u>Description</u> | <u>Responsibility</u> |
|-------------|--|-----------------------|
| 1. | Schedule Rt.7/Rt.601 work session discussion | Chris Boies |
| 2. | Process approved minutes for April 11 & April 19, 2022 | Catherine Marsten |
| 3. | Advertise PH2022-13 & PH2022-14 | Catherine Marsten |
| 4. | Schedule group presentations for June meeting | Chris Boies |
| 5. | Execute notice of appointments | David Weiss |
| 6. | Process appointments and update the database | Catherine Marsten |
| 7. | Organize group to review Special Events Ordinance | Chris Boies |
| 8. | Publish Mission, Vision, and Values Statements | Chris Boies |
| 9. | Process budget transfers and supplemental requests | Brenda Bennett |
| 10. | Process Bills and Claims | Brenda Bennett |

16) *Board Member Committee Status Reports*

Supervisor Doug Lawrence

- Board of Social Services
 - Hosting a Foster Care event on May 24, everyone is invited. Hoping to sign up new foster families.
- Regional Jail Authority
 - State Department of Corrections will start the release of 5000 inmates on July 1. Some local inmates will then transfer in to the available space, reducing local numbers and allowing them to close the annex.
 - Staffing and salary requirements are the primary reasons for increased costs this year.
- Broadband Implementation Committee
 - Nothing to report, has not met.

Vice-Chair Terri Catlett

- Career and Technical Education
 - Resuming some annual events, like the FFA Banquet.
 - Students have helped FISH with garden, helped with the Educational Foundation banquet, and are participating in other activities.
- Clarke County Historic Preservation Commission
 - Is meeting tomorrow and holding their Awards Luncheon.
- Clarke County Humane Foundation
 - Enabling interested shelter employees to pursue continuing education opportunities.
 - The shelter hired a part-time employee to improve coverage.
- Conservation Easement Authority
 - Have been exploring what other Easement Authorities are doing with building envelopes, Mr. Mitchell provided a legal opinion in support.
 - Discussing well issues at the Kohn property and whether the property should have its own funding.
- Parks & Recreation Advisory Board
 - Did not meet.
- School Board
 - Held a short policy discussion.
- Village of Millwood
 - Annual meeting will be held May 23; Anne Williams is scheduled to speak.
- Community Policy & Management Team
 - The new appointee represents Connected Communities, Inc, which provides much-needed services in the community.
- VACO
 - Regions Six and Nine are getting together for regional meeting June 9.

Supervisor Bev McKay

- Berryville-Clarke County Joint Building Committee
 - Has not met.
- Northern Shenandoah Valley Regional Commission
 - Have finalized what they were able to for the broadband project, now waiting for the state.
- Town of Boyce
 - Did not attend last meeting.
- Clarke County Sanitary Authority
 - Working to collect on default accounts. Preparing for legal action on one account, according to ordinance requirement.
 - So far, this year, phosphorous and nitrogen levels at plant have been good. Lead and copper levels testing from occupied houses have also been acceptable, previous samples tested high but were taken from buildings that had been closed down and empty for months. Samples taken from the system itself were clear.
- Economic Development Advisory Committee
 - Meets May 18.

Supervisor Matthew Bass

- Board of Septic and Well Appeals
 - No update.
- Library Advisory Council
 - Participated in the DSS Family Fun event and the Citizens Academy.
 - Will be starting to host film nights in the future.
- Clarke County Litter Committee
 - Recent article in Clarke Monthly.
 - Committee would like to offer litter pick-up supplies for citizens to borrow.
- Planning Commission
 - Comprehensive Plan Committee has completed a draft of the reviewed plan, which should come before the Board next month.
- Josephine School Community Museum Board
 - Hosting Juneteenth celebration on June 18 at Fairgrounds.
- Legislative Updates
 - Already covered.
- Northwestern Regional Adult Drug Treatment Court Advisory Committee
 - Head of the Northern Shenandoah Valley Substance Abuse Coalition is stepping down and will be sorely missed.
- Northwestern Regional Juvenile Detention Center Commission
 - No update.
- Sheriff's Office

- Congratulations to the Sheriff for 35 years of service.
- Town of Berryville
 - Compliments on recent article summarizing the blight processes, both Architectural Review Board and Berryville Planning Commission have recommended taking appropriate and reasonable steps to preserve properties, has been moved forward for a public hearing in June.

Chairman David Weiss

- Berryville-Clarke County Joint Committee on Economic Development & Tourism
 - Next meeting July 22.
- Industrial Development Authority
 - Met April 28, Chris Boies gave presentation about new revenue sources
- Fire & EMS Commission
 - Did not meet.
- Shared an invitation from Bahai of Frederick County, hosting “Becoming Community Builders” event on May 22 at the MSV.

17) *Closed Session pursuant to §2.2-3711(A)(1): Discussion on the performance of an employee reporting directly to the public body.*

At 3:11 pm, Supervisor Bass moved to convene in closed session to discuss a personnel matter, specifically the performance of an employee reporting directly to the Board of Supervisors, as permitted by VA Code §2.2-3711(A)(1). The motion carried by the following vote:

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

At 3:29 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 May 17, 2022, 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 this 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
Beverly B. McKay - Aye
David S. Weiss - Aye
Terri T. Catlett - Aye
Doug M. Lawrence - Aye

Supervisor Bass moved to hereby extend the Employment Agreement, effective October 15, 2019 by and between the County of Clarke and Christopher M. Boies, for an additional three-year term beginning December 2, 2022 and ending December 1, 2025. The motion carried as follows:

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

Chairman Weiss

- Offered the Board’s thanks to Mr. Boies for his stellar work over the past three years, adding that he has done great things within the County and the Board is looking forward to working with him for another three years.

At 3:31 pm, Chairman Weiss recessed the meeting.

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

18) *Citizen’s Comment Period*

No persons appeared to address the Board.

19) *Public Hearing PH2022-09: CC2022-06 Proposed amendment of Code of Clarke County Chapter 120, Noise, in its entirety.*

Chris Boies presented the following:

Public Hearing: Chapter 120, Noise
PROPOSED REWRITE OF ENTIRE CHAPTER

Hearing Health Foundation is a leader in funding groundbreaking research for hearing loss and tinnitus, and seeks to prevent these conditions before they begin.

How Loud Is Too Loud?

The guide below shows the decibel (dB) level of noises we encounter in our daily lives. Exposure to noise at or above 85 dB can cause hearing loss.

| | |
|---|--|
| 140-165 Firecracker, shotgun firing | 75 Dishwasher |
| 140 Jet taking off | 70 Hair dryer, vacuum |
| 120 Ambulance siren, thunderclap | 60 Normal conversation |
| 110 Jackhammer, rock concert, symphony orchestra | 40 Refrigerator |
| 105 Personal listening devices at maximum volume | 30 Whisper |
| 95 Subway platform | 0 Smallest sound a person with typical hearing can detect |
| 85 Heavy city traffic, school cafeteria | |

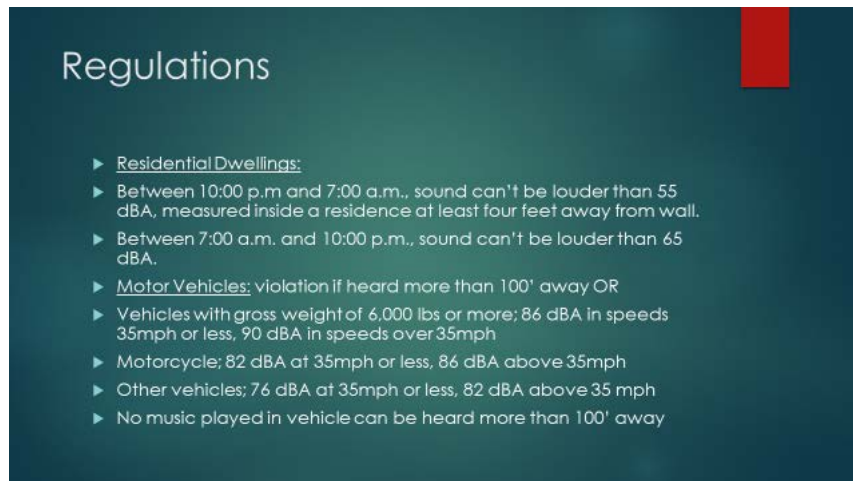
Know Your Noise

- 180 Rocket Launch
- 170 Explosion -blast
- 160 Fighter jet launch
- 150 Fireworks
- 140 Live Rock Band
- 130 Jack Hammer
- 120 Riveter
- 110 Chain saw
- 100 Handheld drill
- 90 Sander
- 80 Heavy Traffic / Noisy restaurant
- 70 Toilet flushing / Vacuum cleaner
- 60 Normal conversation
- 50 Quiet Office
- 40 Light rain
- 30 Whisper
- 20 Rustling Leaves
- 10 Healthy normal hearing threshold
- 0 Decibel levels (dBA)

pulsar



- The Sheriff's Office will need to purchase sound level meters and adopt policies for how the meters are maintained and tested.



- These are based on model ordinances across Virginia.
- Recently there have been some citizen complaints about music from vehicles being heard some distance away, this will help the Sheriff's Office address those complaints.

Supervisor McKay

- Asked how loud 76 decibels is.
 - Chris Boies answered that 76 decibels is approximately equivalent to a vacuum cleaner running, a hairdryer, or a noisy restaurant.



- The amplified signal portion is meant to regulate factories that sound repetitive alerts for shift changes and the like.
- Emergency signaling devices sounding during an active emergency are exempted.



- In the proposed ordinance §120-9, Specific Prohibitions, section (f), staff suggests removing the following passage: “...except as provided in section 23-67 above, or as specifically deemed necessary and authorized by a written document issued by the County Administrator or his designee.” This passage references a section number that does not exist in the Code of Clarke County and was included erroneously.

Supervisor McKay

- Questioned how the ordinance would affect the Fair or other activities at the Fairgrounds.
 - Chris Boies responded that they would have to follow the ordinance as written. The only residence in proximity is by the parking lot.

Chairman Weiss

- Stated that there were issues in the past with the truck pull event, which were resolved by shortening the time.
- Opined that the Fairgrounds should not be exempted, per se.

Supervisor McKay

- Suggested that the Board does not want to stop what has been going on there, and offered that it is difficult to conceptualize decibel levels.

Supervisor Lawrence

- Offered that the fair organizer has scheduled the tractor pulls to end by 11 pm, but cannot anticipate how many people will sign up and it could run late.
 - o Chris Boies advised that, after 10 pm, it could not be louder than 55 decibels when measured inside a house. That is the equivalent of a normal conversation. Considering how far away the truck pull is from residences, if the level is over that inside it is probably too loud.

Chairman Weiss opened the public hearing at 6:47 pm.

James Harper

I've lived on Lockes Mill Road for 50 years, and the noise has gotten worse. Regarding automobile noise levels, what's wrong with the state inspections? Don't they check that stuff too? Why do we have to apply their rules for sound, or whatever it is. I got turned down for a pinhole in my tailpipe and the motorcycle beside me blared and it was ok because it didn't leak. So, why don't we start with what should we be enforcing and what we shouldn't? If we're going to do it for the state, what are we fishing from?

I'm looking for a security camera now, because of the riff-raff down on the river. The only thing we hear is "call the Sheriff's Department". Well, who is that costing? Me. You. The County.

Why can't they write them a ticket when they come down with this meter thing, if it's a violation? Enforce the rules. Get rid of the good ol' boys and write them a ticket. Take them to court. We do, they'll give us a ticket. The Sheriff knows how I feel. They'll turn it down but then turn it right back up. At 11 o'clock at night, they're not farming, are they? Most people are in bed.

All I want you to do is enforce the rules you pass here. I understand this meter, if a car goes by blaring its muffler, we've got to get the police there to follow them and put this gauge on them? I still say that the state should enforce the sound. You know who our Governor is. Do anything we can to get rid of this riff-raff. If we's in Millwood or Boyce we'd have blight laws, which we don't have in the County, and the property tax go up, which you know I don't care about if it gets riff-raff out of the County. Why do we have to live next to a shack that's been there for twenty years, nothing but varmints there and the Health Department can't go on a piece of property that has a posted sign on it, did you know that? I didn't know that until I

called the Health Department about them crapping on the ground. She said “I can’t go in there”, I said “why?” “it’s got a posted sign”.

Well, and no disrespect to Tony, but when the deputies came to my house – I’ve got a generator running under my bedroom window – the deputy took the meter on the other end of the house and gauged it. He’s telling me it’s the property line. They don’t know the rules either, do they?

Give them tickets for noise violation. I don’t know what the meter’s gauge is. We don’t play loud music and we go to bed at a decent hour. You know, if they come down and say “please turn it down” while they’re in bed trying to get some sleep because they’ve gotta work in the morning, it don’t work. Just enforce the rules that you have in place, don’t write one for me.

John Heard

I live on the corner of Janesville Road and Senseny. I’ve got a couple of neighbors, I won’t mention who they are. They have, in the last year or so every week, had people by for social gatherings with music and cussin’ and drinking and whoopin’ it up. My neighbor across the street and I have called the Sheriff’s Office every week that this has occurred.

Like Mr. Harper said, there should be an hourly limit to how far they go. I like to party with everyone else, but there comes a point in time where it is time to turn the music down, and the activity, the vehicles, and the whole nine yards. This, I think, will obviously aid in that. I hate to call the Sheriff’s office each and every time that this occurs, but what else do you do? Every time I’ve called, the Sheriff’s office has responded in kind. I think that this will put something in effect. Me being on the corner, too, we get vehicles squealing down the road but by the time they’re down the road it’s too late to do anything about it.

Roger Shuman

I have a farm on Parshall Road. Certainly sound is an issue, we certainly feel strongly as it relates to firearms. Suppressors and silencers are a good thing, we are always protective of our own hearing while shooting lawfully. I want to ask a clarifying question: it says that sounds generated from the lawful discharge of a firearm is exempt. Is that separate from the next sentence: “sport shooting ranges shall also be exempt”? Those are two different things?

- Chris Boies confirmed they are separate and that both are exempt.

I would say that we are supportive of a peaceful, quieter community. Loud trucks and cars racing up and down Parshall Road are sometimes not always the most fun. I question how, after the fact, sound gets measured.

Chairman Weiss closed the public hearing at 6:56 pm.

Supervisor Bass

- Observed that, per §120-10, “activities sponsored by the County” are exempt from the regulations and, though it isn’t technically sponsored by the County, it is reasonable that a citizen might think the Clarke County Fair was sponsored by the County.

Vice-Chair Catlett

- Questioned if the restrictions on vehicle noise is helpful, as it is written.
 - Sheriff Roper advised that part of the Code would be very difficult to enforce. Deputies passing someone on the road and being able to determine the decibel level will be a challenge.

Supervisor Bass

- Suggested that it would make enforcement easier for a predictable or repeat offender, as the deputies would be able to get in place to get an accurate measurement.
- Stated that enforcement will depend upon the Sheriff’s deputies being able to get out there and getting an accurate reading, it is not certain how effective the ordinance will be at bringing about criminal charges. If it provides tools and standards to enforcement easier, the Board has done all it can do.

Chairman Weiss

- Advised that the difficulties in trying to enforce the existing noise ordinance and answering citizen’s complaints are the reasons for amending the ordinance and trying to make improvements.
- Asked how the Sheriff’s Office would handle a neighbor complaint about firearms shooting.
 - Sheriff Roper answered that deputies always investigate those complaints to see if the shooting is being conducted in a safe manner and make sure that no violations of the law are occurring. If there is not, there is nothing to do except maybe encourage the citizens to be considerate of one another.

Supervisor Bass moved to adopt the proposed Code of Clarke County Chapter 120, Noise, as amended by striking the language following “...after 7:00 am” in §120-09. The motion carried as follows:

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

20) *Public Hearing PH2022-010: Secondary Six-Year Plan*

VDOT Residency Administrator Ed Carter presented the following:

- This plan covers the year 2023 through 2028.
- The only major project is the bridge replacement on Old Charles Town Road, the tentative start date for which is in December 2023. All of the environmental clearances have been received and design work is being completed now. Working with the construction team right now to see if it is possible to eliminate one of the proposed piers for the middle, which would shorten the construction time.
- The only new hard surface project is on Lockes Mill Road, Phase II. Final funding for that is available starting in July 2025. The estimated cost is \$419k.
- Currently, there have been no requests from the County as to whether or not to look at additional roadways for hard surfacing. The County has about 17 or 18 miles of stabilized roads. To qualify for hard surface project, the road has to see at least 50 trips per day.
- Some counties have a ranking system to prioritize which roads to surface, but these counties have many more miles of stabilized roads than Clarke.
- It costs about \$10k per mile of grading on a stabilized road, and about \$300k for rural rustic roads. This includes putting stone down.

Vice Chair Catlett

- Asked how often the roads are treated to decrease dust.
 - Ed Carter replied that it depends on how many complaints are received. If brine solution is used, which is cheapest, it washes away quickly. If the calcium is used, it lasts longer but eats into the maintenance budget.

Ed Carter continued:

- Money for the unpaved roads is now called district grant money. Telefee money is a bit more flexible than district grant, which has to go to unpaved roads.
- Last year, the SSYP included “countywide engineering and survey costs”. That has been consolidated into “countywide transportation services”. Right now, Clarke has \$179k sitting in that project.
- Every figure on the plan is predicated upon current and projected revenues, which could very well change.
- In past years, rural rustic road projects monies has been designated to a specific road somewhere. This year, it is not, to allow flexibility. If the County wants to identify a project to be done next, that money can be rolled into it.

Chairman Weiss

- Asked if that money could be used to accelerate implementation of the final phase of the Lockes Mill project.

- Ed Carter responded no, that money does not start coming into play until 2027. However, some of the money in countywide transportation services can be rolled in to speed up the funding of Lockes Mill, though he cautioned that money is the most flexible and could be set aside in case any urgent problems arise.

Supervisor McKay

- Inquired when the project could be completed if the County rolled money from countywide transportation services into the Lockes Mill project.
 - Ed Carter replied that construction could start one year sooner, possibly two.

Chairman Weiss

- Offered that the road is the only one on the list and it is a short section between the Watermelon Park entrance and the Chilly Hollow Bridge. It gets a fair amount of traffic. If the County has the money and is not stealing from another project, it would be nice to finish.

Supervisor McKay

- Added that finishing it as soon as possible makes sense. Supervisor Bass, Supervisor Lawrence, and Vice Chair Catlett agreed.

Chairman Weiss opened the public hearing at 7:27 pm.

No persons appeared to address the Board.

Chairman Weiss closed the public hearing at 7:27 pm.

Supervisor McKay moved to approve the proposed Secondary Six-Year Plan, as amended by moving funds from the countywide transportation services project into the Lockes Mill Road Phase II project. The motion carried by the following vote:

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

21) Adjournment

At 7:28 pm, Chairman Weiss adjourned the meeting.

22) Next Regular Meeting Date

The next regular meeting of the Board of Supervisors is set for Tuesday, June 21, 2022, at 1:00 pm in the Berryville Clarke County Government Center, Main Meeting Room, 101 Chalmers Court, Berryville, Virginia.

ATTEST: May 17, 2022

David S. Weiss, Chair

Chris Boies, County Administrator

Recorded and Transcribed by Catherine D. Marsten