

October 18, 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, 2<sup>nd</sup> Floor, Berryville, Virginia, conducted on Tuesday, October 18, 2022, at 1:00 pm.

Board Members Present:

(Afternoon Session)

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

(Evening Session)

- Matthew E. Bass - Berryville District
- Doug Lawrence - Russell District
- Beverly B. McKay - White Post District
- David S. Weiss - Buckmarsh/Blue Ridge District

Board Members Absent:

(Evening Session)

- Terri T. Catlett - Millwood / Pine Grove District

County Staff Present:

(Afternoon Session) Chris Boies, Brenda Bennett, Cathy Kuehner, Catherine Marsten,  
Emily Johnson

(Evening Session) Brandon Stidham, Brenda Bennett, Cathy Kuehner, Catherine  
Marsten

Constitutional Officers / State Offices / Other Agencies:

(Afternoon Session) Edwin Carter, Travis Sumption

Press:

(Afternoon and Evening Sessions) Mickey Powell – The Winchester Star

Others Present:

(Afternoon Session) Diane Harrison, Jay Corbalis, Michael O'Donnell, Mary Ivie, various other citizens

(Evening Session) Paul Clark, two members of Turner Ashby Camp 1567

1) *Call to Order*

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

2) *Adoption of Agenda*

**Vice Chair Catlett 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) *Citizen's Comment Period*

Jay Corbalis

My name is Jay Corbalis and I don't know if you all remember my report I did on the Confederate statue out here about two years ago. That was not the end of my research. I've been researching that thing ever since and monitoring the situation. First of all, I'm fully aware of the social, political, and legal issues associated with the monument. That is not why I am here today. I'm here to report on the overall health of that monument.

I've been up and down and side to side inspecting that monument many times over. I guess I can say I'm probably the only person in the last 122 years to have done so. I know it quite well. I want to applaud the County for their prompt work that they have done to date, in the recent weeks. In bringing in fill dirt up against the monument, not only does it look a whole lot better now, but functionally it is a lot better to shed the water away from the monument.

My only suggestion to that is maybe add more dirt, maybe as much as four inches in height. That way, as time goes and it settles, it will settle down to the point where it was for a long period of time. If you leave it the way it is now, where the

grade is brought up just to the bottom of the lowermost tier and it settles, then that stone foundation will become visible again, and that will let water go in there. My main concern is the water infiltration. Back in February of 2021, I took a picture showing the saturation line of the monument and a little bit of weepage. I got on the NOAA website and determined that one inch of rainfall the day before created this amount of saturation and leakage out of the statue.

Fast forward to this past September. I went out and took another picture and researched what NOAA said for rainfall that particular day. The picture showed there was much more leakage. The hole is not getting any bigger, and you've got the same amount of rainfall, but you've got a lot more water going into that statue. I've spoken with numerous experts on restoration of cemetery structures. There are two zinc raincaps up on the statue, which cover the effort of putting the monument together. It was a pre-cast hole going through the entire structure, which makes it so much more difficult to move because now it's all one homogeneous structure. Once they sunk the steel from top to bottom and filled that hole with grout, then they covered it with this zinc-alloy raincap. That is what is leaking.

All it would take is for somebody to go up there and go around each raincap with a little bit of silicone caulk. That would probably prevent that leakage from occurring for a couple years.

That hole in the monument that is letting the water out should remain open and never be caulked. That hole serves as an observation port to tell if the caulking job around the raincaps is working, and is also a relief port to let the water out. If we get a rainfall and then an extremely cold snap that water inside the monument is going to freeze and break that thing all up. I can take you to the graveyard across the street from the monument and show you the power of freezing water, there are monuments over there that are totally destroyed due to water damage.

In closing, I'd like to donate to the County two tubes of silicone caulk—that's all that would be needed to fix that thing—one tube per raincap. Also, since I have been up there almost face-to-face with the soldier, it's not the most stable situation. I would not want to see a worker use a ladder up there and put an external load on that monument. I got a quote to rent brand-new brick mason scaffolding, a total of twelve feet high, for one week. It would take me probably five minutes to caulk around the raincaps, so you've got a week's worth of rental here. This quote is \$112 per week. I have here in my pocket and would like to donate, here's \$112 cash. As far as the tree goes, that is outside of my expertise. Irregardless of what happens to the statue, at least preserve it for now until the decision is made.

Mr. Corbalis then handed County staff the donation, which was later returned to him.

Michael O'Donnell

You have had a number of speakers from the Millwood community over the last few sessions. I want to take a few minutes to share some observations. Of course, we have been working with Ed Carter and have started some forward motion there on studies, which I think is really super.

In the meantime, I'd like to tell you what I've seen. We are talking specifically about Bishop Meade Road and Millwood Road. On those two roads, there are a lot of regulated speed changes. My request is that we reduce those changes. The reason for that is that your average Joe driving down the road sees a speed limit sign that says 45mph and a hundred feet later they see another sign that says 30mph, then their inclination is to pick the highest speed and just roll with it until you run out of room.

My ask is that we consider 25mph speed limit in the villages of Boyce and Millwood and 35mph on the remainder of Bishop Meade and Millwood Roads. Of course, I understand that VDOT may have some other parameters they need to work with.

An expected benefit from that is to create clear and enforceable speed limits for both Bishop Meade and Millwood roads and, in time, the reduction and standardized speed will result in mapping algorithms reducing or eliminating the use of Bishop Meade and Millwood as cut-through roads for Lord Fairfax Highway. On Bishop Meade Road, there is no lack of signs. It's just – which ones do you follow? If you're heading north, there are five different regulated changes of speed. If you are headed south, there are four different regulated changes of speed. Each of these roads are about four miles long. On Bishop Meade itself, you cover half the distance of that road – two miles – before you are asked for your first change of speed. If you are coming from Lord Fairfax Highway, you are at 45mph for two miles. Once you are rolling and you see rapid changes of speed, depending on your physical acuity, it's a matter of seconds how rapidly you respond to those.

Looking at Millwood Road, we have a similar situation. Headed west from Route 50 to Lord Fairfax Highway, there are eight changes of speed. That, in part, is because of the school. If you are headed east, there are six changes of speed.

What I want to press here is that the number of changes cause confusion, is difficult to enforce, and the reduction in speed would ultimately result in a reduction in traffic over time because of the mapping algorithms.

#### 4) *Employee of the Quarter – 3<sup>rd</sup> Quarter 2022*

The Employee of the Quarter Award was presented to Emily Johnson for the 3<sup>rd</sup> quarter of 2022. Chairman Weiss read aloud the following statement:

“Emily was nominated for her deep knowledge of our finances and for always being helpful to different county departments. She is an expert in the Munis software system and has trained to perform almost every duty in the Joint Administrative Services office. County employees have described her as polite, professional, and willing to help. We are lucky to have her as an employee. Emily Johnson is our employee of the quarter for the third quarter of 2022.”

#### 5) *VDOT Update*

Residency Administrator Ed Carter provided the following update on VDOT maintenance activities this month:

- Completed mowing on the secondary routes and will begin mowing on the primary routes.
- Completed ditching operations on Routes 606 & 612.
- Installed new pipes on Routes 603 & 621.
- Graded stabilized roads and applied stone.
- Will begin full grading cycle on all stabilized roads before winter.
- Conducted pothole patching on various routes and will continue this month.
- Cleaned up storm debris on various routes.
- Will be conducting dry runs for snow removal operations, there is a lot of emphasis on snow removal this year and VDOT has signed up more contractors, as well as changed bidding and contract structure.
- Two driveways on Route 7 had drainage and foundation flooding issues, so a contractor installed pipes to eliminate that issue.

Ed Carter provided the following update on Board issues:

- Met with District Traffic Engineer, Sheriff’s Office, Board of Supervisors representatives and the citizens of Millwood Community to discuss and look at solutions for traffic and pedestrian concerns.
- Traffic Engineering is performing a comprehensive study of the area to identify possible improvements; reports are expected in sixty to ninety days.
- Residency is working with District planning to evaluate any programs available to assist with pedestrian issues.
- Met with citizen, Traffic Engineering, and Board of Supervisor member to discuss issues on Morgan Mill Road and will be getting an estimate from the contractor to repair one hazardous place before winter.
- VDOT likely grades Morgan Mill Road more than any other road in the county; due to the elevations, slopes, and rainfall it washes out quite frequently. The right of way is limited and not as wide as it needs to be, but there are some places where additional width can be gained. VDOT will focus on getting funds available for that.

Chairman Weiss

- Asked if that additional width would require getting additional right of way.
  - Ed Carter replied he believes they can do it with the existing right of way, they will try to take advantage of the places that have width to use.

Mr. Carter continued his update:

- Met with Town Council of Boyce to discuss drainage issues and traffic concerns in the Town.
- Finished placing edge lines along Route 340 in the Town of Boyce as a traffic calming measure and will be adding a new ADA ramp and crosswalk at the intersection of Routes 340 & 723.
- The drainage issues in Boyce will have to be coordinated with the railroad as damaged pipe was found on the railroad’s right of way, as well as what appears to be a fiber cable.
- District accomplishments from FY2022 include:
  - 900,000 linear feet of ditching, 167,000 feet were in the Berryville area.
  - 12,000 acres of mowing; 2,200 were in Clarke County.
  - 220 miles of pruning and brush removal; 14 miles in the county
  - Machine-graded 1,580 miles of unpaved roads; 109 miles in Clarke
  - Cleaned and repaired 84,000 feet of pipe and culvert; 6,000 feet in Clarke County
  - 204 pipes and culverts replaced; 15 were in the County

Supervisor Lawrence

- Requested that VDOT provide a status update for the Old Charles Town Bridge at the next meeting.
  - Ed Carter advised that the bridge is currently designed as a two-year project, but that may be reduced to one year, depending on materials and construction availability.

Supervisor McKay

- Observed that there is a very large horse show outside of Millwood this weekend, which may affect results of the speed study because it will be busier.
  - Mr. Carter responded that the study will take samples for at least seven days, and he will pass that information to the study group.

Vice Chair Catlett

- Shared that there are many peripheral things such as poles, wires, and signs along business Route 7 near the roundabout. A citizen has shared that this is a stressful area, especially with schoolchildren present.
  - Ed Carter responded that he understands the concern but he is not sure how it can be mitigated, due to utilities.

Chairman Weiss

- Requested an update on markings planned for the intersection of Fairfax Street and Route 340.
  - Mr. Carter replied that VDOT has a design to create a left turn lane at Fairfax Street. There are also insufficient markings coming off the eastbound ramp onto 340 South, so they are arranging to make it clearer.

Chairman Weiss

- Expressed the Board’s appreciation to Mr. Carter and VDOT for meeting with the various citizens and stakeholders and working towards solutions.
- Asked that Mr. Carter share the Board’s regards and best wishes with Randy Kiser, who will be retiring.

6) *Voter Registrar Update*

Barbara Bosserman, Clarke County Voter Registrar, presented the following:



**October 18, 2022**  
**Presentation**

**Barbara Bosserman,**  
Director of Elections / General Registrar

## Topics

- Redistricting
- Registered Voters
- Turnout Statistics
- 2022 Election Cycle
- 2023 Election Cycle

## Redistricting

- Virginia Supreme Court Final Order –  
December 28, 2021

- Congressional District: 006
- Senate District: 001
- House of Delegates District: 031

- General Assembly 2021

- 24.2-222 Effective January 1, 2022

...in a city or town that imposes district-based or ward-based residency requirements for members of the city or town council, the member elected from each district or ward shall be elected by the qualified voters of that district or ward and not by the locality at large.

- Redistricting was implemented this year and the Board of Supervisors decided not to change any of the boundary lines, which was very helpful.
- The Virginia Supreme Court’s final order did change Clarke County’s Congressional State and House districts.
- Clarke County has moved from the 10<sup>th</sup> Congressional District to the 6<sup>th</sup>; all information has been updated in our voter registration system.
- In May 2022, every voter in Clarke County was mailed a new voter information letter to inform them of the district change. US House of Representatives is on



the ballot this year; a lot of voters are still confused because they do not see “their” candidates on the ballot.

- As we move through a full election cycle, hopefully people will become more familiar with the change and more comfortable.
- The Town of Berryville has always voted at-large for council members. However, the General Assembly has recently enacted a change. Effective January 1, 2022: if a Town is divided into wards and the Town’s Council members are required to live in the ward they represent, then only that ward may vote for those Council members.
- The Voter Registration office had to assign every street and house number in the Town of Berryville to a ward. This was challenging but was completed and is constantly being checked for accuracy. Notices related to this change were sent out in June 2022.

## Registered Voters

- *All, Active & Inactive, Registered Voters as of 10/18/2022*

District Number	District Name	County Only Voter Count	Town	Town Voter Count	Total Voter Count 10/18/2022
101	Russell	2,089	Berryville	482	2,571
201	Berryville		Berryville	2,301	2,301
301	Millwood	2,230	Berryville	408	2,638
401	White Post	1,824	Boyce	552	2,376
501	Buckmarsh	1,833	Berryville	454	2,287
		<b>7,976</b>		<b>4,197</b>	<b>12,173</b>
			Town of Berryville	3645	
			Town of Boyce	454	

- The Board of Supervisors represents the county, but also have constituents in the towns. Dividing into wards allows the Board to see just how many town voters they represent.
- Hopefully this will allow the town voters to understand that they also have representation on the Board of Supervisors.

Chairman Weiss

- Added that the system was designed this way intentionally, a long time ago, because it was important to have multiple representatives of the town on the Board.

Supervisor McKay

- Asked if the Millwood district contained voters in the town of Boyce.
  - o Barbara Bosserman answered that the town of Boyce is fully contained in the White Post district. There may be some Boyce zip codes in the Millwood district, but the actual town is entirely within the White Post district.

Barbara Bosserman continued presenting:

- This year, the General Assembly also requires that central absentee election results be reported by precinct, so each precinct must have a unique ballot style.
- Because it contains county voters as well as voters in wards two and three, the Millwood district will have three different ballot styles. As it has county voters, ward four voters, and federal-only, the Russell district will also have three different ballot styles.
- As a whole, Clarke County has seventeen different ballot styles this year. The Voter Registration office has mapped everything out so voters will get the correct ballot style. On Election Day, the electronic poll books will identify which ballot style each voter is to receive.

## Statistics

- Historical Turnout for Congressional Elections

2020 - 80.04%	2018 - 65.11%	2016 - 76.72%	2014 - 49.76%
(Ballot Contests)	(Ballot Contests)	(Ballot Contests)	(Ballot Contests)
Presidential	U.S. Senate	Presidential	U.S. Senate
U.S. Senate	Representatives	Representative	Representatives
Representatives			

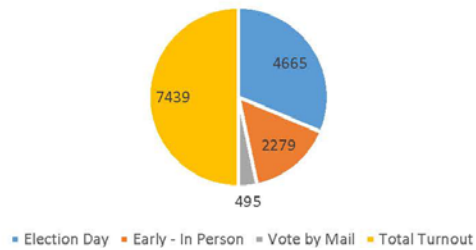
- Looking at statistics and historical turnout for similar elections gives a reasonable idea of what voter turnout is likely to be. This year’s election is difficult to judge, because the US House of Representatives is on the same ballot contest as the Presidential in 2020 and 2016 and those are the highest turnouts.

## Statistics

- Turnout: November 2021

Early Voting	Vote by Mail	Election Day	Total	
2,279	495	4,665	7,439	63.50%

November 2, 2021 Turnout



- Early voting began on September 23 and continues through November 5. Anyone can walk in and vote early, without a reason. To vote by mail, a ballot must be requested by October 28. All early voting ballots are counted on election day; every vote counts and is included in the overall totals.

★
November 8, 2022 Election Calendar
★

<b>What's on My Ballot</b>	<b>Absentee Voting</b>	<b>Register to Vote</b>
<ul style="list-style-type: none"> <li>U.S. House of Representatives - 6th District (All precincts)</li> <li>Member School Board - Russell District (Special) (Russell precinct)</li> <li>Member Town Council - Town of Berryville Ward 2 (Berryville, Buckmarsh and Millwood town precincts) Ward 4 (Berryville and Russell town precincts)</li> <li>Vice Mayor - Town of Berryville (All town precincts)</li> <li>Member Town Council - Town of Boyce (Special) (White Post / Boyce precinct)</li> </ul>	<p><b>Vote by Mail:</b> 09/23/2022 - 10/28/2022</p> <p><b>Early Voting - In Person:</b> 09/23/2022 - 11/05/2022</p> <p><b>Saturday Hours for Early Voting:</b> 10/29/2022 and 11/05/2022 8:30am - 4:30pm</p> <p style="text-align: center;"><i>Request your Absentee Ballot by contacting the Clarke County Office of Elections or on line at <a href="http://www.elections.virginia.gov">www.elections.virginia.gov</a></i></p>	<p>The deadline to register to vote before the November 8, 2022 General and Special Election is:</p> <p style="text-align: center;"><b>Tuesday, October 18, 2022</b></p> <p><b>In Person:</b></p> <ul style="list-style-type: none"> <li>At the Voter Registration Office until 5:00pm.</li> <li>Designated State voter registration agencies no later than their normal close of business .</li> </ul> <p><b>On Line:</b> Applicants with a Virginia DMV driver's license or identification card:</p> <ul style="list-style-type: none"> <li><a href="http://www.elections.virginia.gov">www.elections.virginia.gov</a></li> </ul> <p><b>By Mail:</b></p> <ul style="list-style-type: none"> <li>Down load the application at <a href="http://www.elections.virginia.gov">www.elections.virginia.gov</a> or request an application be sent to you.</li> <li>Complete and mail the voter registration application, postmarked no later than <i>the registration deadline</i>.</li> </ul>
<p><b>Sample Ballots</b></p> <p>available at: <a href="https://www.clarkecounty.gov/government/voter-registration-elections/sample-ballots">https://www.clarkecounty.gov/government/voter-registration-elections/sample-ballots</a></p>		
<span style="font-size: 2em;">★</span> <span style="font-size: 0.8em;">Barbara Bosserman, Director of Elections / General Registrar Daryl Glenney, Chair ➤ Kelly Johnson, Vice Chair ➤ Carol S. Westervelt, Secretary</span> <span style="font-size: 2em;">★</span>		

## November 2023 General Election Candidate Filing Deadlines:

- Filing may begin after January 2, 2023
- Filing deadline is June 20, 2023

**November 7, 2023**

- Senate of Virginia (40)
  - 4-year term
- House of Delegates (100)
  - 2-year term
- Soil and Water Directors
  - 4-year term
- Counties
  - Clerk of Court (8-year term)

(4-year terms)

- Commonwealth's Attorney
- Sheriff
- Commissioner of Revenue
- Treasurer
- Board of Supervisors

- Primary (if held): June 20

### Supervisor Bass

- Inquired how Clarke County compares to other surrounding jurisdictions with respect to ballot styles.
  - Barbara Bosserman answered that Clarke County has a small amount, comparatively.

### Chairman Weiss

- Expressed the Board's appreciation for and confidence in the Voter Registrar's office, adding that is remarkable that they are able to comply with all legislative regulations with a very small staff.
  - Barbara Bosserman responded that it is important that they do things by the book. The office is proud that Clarke County works together and towards a common goal.

7) *Approval of Minutes*

- Page 822, Item A summary should read “Finance Committee” instead of “Personnel Committee”.

**Vice Chair Catlett moved to approve the minutes of the September 20, 2022 Regular Meeting 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

8) *Set Public Hearing PH2022-19: TA22-04 Boundary Line Adjustment Regulations*

Brandon Stidham, Director of Planning, presented the following:



**Clarke County Board of Supervisors  
October 18, 2022 Meeting**

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**Set Public Hearing**

- **TA-22-04, Boundary Line Adjustment Regulations**

1

**TA-22-04, Boundary Line Adjustment Regulations**

- **Proposed text amendment to amend Code of Clarke County Chapter 200:**
  - Zoning Ordinance (Article I) Section 4.1.1A (Agricultural-Open Space-Conservation (AOC) District) and Section 6.2.6C (Maximum Lot Size Exception – Review Criteria and Regulations)
  - Subdivision Ordinance (Article II) Section 4.4.1A (Boundary Line Adjustments – Special Regulations).
- **Proposed changes would:**
  - Limit boundary line adjustments between AOC-zoned lots less than 20 acres in size where at least one of the lots is 4 acres in size or less.
  - Limit any AOC-zoned lot approved with a maximum lot size exception that is also less than 20 acres in size from being reduced in size through boundary line adjustment.
- **Such boundary line adjustments would only be allowed for specific hardship reasons and subject to Planning Commission review and approval.**

**TA-22-04, Boundary Line Adjustment Regulations**

- Developed in response to Planning Commission's concern about boundary line adjustments being used to modify lots into 20+ acre configurations in the Agricultural-Open Space-Conservation (AOC) District.
- AOC maximum lot size for new subdivided lots is 4 acres with an average lot size of 3 acres for all lots in a subdivision.
- There is no maximum lot size requirement in the Forestal-Open Space-Conservation (FOC) District.
- Planning Commission can grant a maximum lot size exception (MLSE) for new lots to exceed 4 acres if the lot meets at least one of the following:
  - Contains a dwelling that existed prior to 10/17/1980
  - Is in conservation easement
  - Contains sufficient low quality land to justify a larger lot size
- Lots in the 20+ acre range cannot be created through subdivision without a maximum lot size exception.
- Boundary line adjustment can be used to modify a lot into a 20+ acre size.

**Boundary Line Adjustments (BLA) in the AOC District**

- Lots under 20 acres are considered "residential lots"
- Lots 20 acres or larger are considered "agricultural lots"
- "Residential lot" and "agricultural lot" terms have no correlation to "residential" and "agricultural" terms in the Zoning Ordinance.
- Subdivision Ordinance Section 4.4.1 limits BLAs as follows:
  - Residential lot can be increased in size through BLA with an agricultural lot:
    - To a maximum of 3 acres so long as the agricultural lot is not reduced below 20 acres (Commission can approve larger maximum lot size if low quality land warrants a larger size)
    - To 20 acres or larger so it becomes an agricultural lot
    - Agricultural lot cannot be reduced below 20 acres
  - Residential lot can be decreased in size through BLA with an agricultural lot to the minimum lot size (2 acres).
  - BLAs are allowed between residential lots without limitation so long as the total area of the lots is not increased.

### Scenario

- **Parent Parcel – 145.37 acres (1 dwelling, 6 DURs)**  
**Lot #3 – 6.78 acres (1 DUR)**
- **Minor Subdivision/MLSE:**
  - Lot #1 (MLSE) – 19.00 acres (1 dwelling, 0 DURs)
  - Lot #2 – 3.00 acres (1 DUR)
  - Residue Lot -- 123.37 acres (5 DURs)
- **Boundary Line Adjustment – Lot #1 and Lot #2:**
  - Lot #1 (MLSE) – 12.30 acres (1 dwelling, 0 DURs)
  - Lot #2 – 9.69 acres (1 DUR)
- **Boundary Line Adjustment – Lots #1-#3 and Residue Lot:**
  - Lot #1 (MLSE) – 25.39 acres (1 dwelling, 0 DURs)
  - Lot #2 – 22.64 acres (1 DUR)
  - Lot #3 – 22.06 acres (2 DURs)
  - Residue Lot – 82.05 acres (4 DURs)

### Proposed Text Amendment

- **New limitation on boundary line adjustments between residential lots where lots are zoned AOC and at least one of the lots is 4 acres or less**
- **No lot 4 acres or less can be increased in size through BLA without Planning Commission approval for at least one of the following hardship reasons associated with the lot:**
  - To correct a minor encroachment of a driveway, fence, or other structure onto an adjoining lot up to a maximum of 10% of the total area of the lot.
  - To repair or replace a failing onsite sewage disposal system located on the lot – maximum area would be dictated by total land area needed for the repair/replacement as approved by the Virginia Department of Health (VDH).

### Proposed Text Amendment (cont.)

- **New limitation on boundary line adjustments of AOC-zoned lots originally approved with a maximum lot size exception (MLSE).**
- **No residential lot (less than 20 acres in size) approved by MLSE may subsequently be reduced in size by boundary line adjustment without Planning Commission approval for at least one of the following hardship reasons involving an adjacent lot:**
  - To correct an encroachment of a driveway, an onsite sewage disposal system or a structure located on an adjacent lot.
  - To aid in the repair or replacement of a failing onsite sewage disposal system located on an adjacent lot.



**Planning Commission Recommendation**

- **Planning Commission voted unanimously to initiate consideration of the text amendment at their September 2 meeting.**
- **Commission voted 9-0-2 to recommend adoption following a duly-advertised public hearing on October 7.**
- **No one spoke for or against the text amendment 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 November 22 meeting.**

**Supervisor Bass**

- Commended Mr. Stidham and staff for providing relevant scenarios to help walk through complicated issues.

**Supervisor Bass moved to set a public hearing for PH2022-19:TA22-04 – Boundary Line Adjustment Regulations for November 22, 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

9) *Board of Supervisors Personnel Committee Items from October 11, 2022:*

A. Expiration of Term for Appointments Expiring through December 2022

2022-10-11 Summary: Following review, the Personnel Committee recommends the following:

- Appoint George Cabell Williams III to fill the unexpired term of William Wolfe on the Industrial Development Authority, the term expiring October 30, 2023.
- Appoint Tom Elliston to fill the unexpired term of Gary Lichliter on the Parks & Recreation Advisory Board, the term expiring December 31, 2023.
- Appoint James George to replace English Koontz on the Industrial Development Authority for a four-year term beginning on October 31, 2022 and expiring on October 30, 2026.
- Reappoint Israel Preston to the Industrial Development Authority for a four-year term expiring October 30, 2026.

2022-10-18 Action: Chris Boies reviewed the above summary.

**Supervisor McKay moved to approve the Personnel Committee recommendations 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 Work Session Items from October 11, 2022*

Board of Supervisors Work Session Items  
 Berryville/Clarke County Government Center, 2nd Floor  
 101 Chalmers Court, Berryville, Virginia 22611  
 October 11, 2022, 10:00 AM, Meeting Room AB

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

Board Members Absent: Terri T. Catlett

Officer / Staff Present: Brenda Bennett, Chris Boies, Cathy Kuehner, Brandon Stidham, Sheriff Anthony 'Tony' Roper

Others Present: None

Press Present: None

2022-10-11 Summary: At 10:00 am, Chairman Weiss called the meeting to order.

- A. Legislative Priorities: The Board discussed legislative priorities for the upcoming General Assembly session. The previous year's priorities were reviewed as well as those mentioned by other localities and the Virginia Association of Counties. The Board asked staff to wordsmith what had been discussed for a formal vote on the 2023 Legislative Priorities at the October 18 meeting.

At 11:00 am, Chairman Weiss adjourned the meeting.

2022-10-18 Action: Chris Boies reviewed the above summary:

- Staff has developed a draft of the 2023 Legislative Priorities and Positions for Clarke County. At the Board's direction, the list is presented without a numbered hierarchy. Three main issues comprise the top priorities.
- The first is Local Land Use Control, under which there are sub-headings of the Nutrient Credit Trading Program, Solar Farms, Fill Dirt, and General Land Use Decisions.
- The second is Mental Health, specifically Reform, Hospital Beds, Student Mental Health and Alternative Transportation Plans.
- The third is Funding, which includes the Composite Index, Employee Compensation, and Regional Jails.
- Other issues of importance follow, including Education, Public Notice Requirements, JLARC Study of Spotted Lanternfly Response, Route VA 7 Pedestrian Bridge, Quality and Quantity of Water Resources, and Land Conservation.
- This is the Board's final opportunity to make changes before the priorities are sent to the Delegates and Senator who represent Clarke County.

Vice Chair Catlett

- Reiterated that, with regards to the Nutrient Credit Trading Program, Clarke County has the second highest acreage conversion, despite being 89<sup>th</sup> out of 95 counties in land area and expressed appreciation that those facts were included. This helps discussions as people, especially at the state level, do not realize how small the county is.
  - Chris Boies added that Clarke County participated in a workgroup for the Nutrient Credit Trading program this summer. That participation helped open people's eyes to the fact that Clarke has taken the brunt of this program, which has allowed for development in Northern Virginia.

Supervisor Bass

- Requested that staff include a similar comparison within the composite index portion.

Supervisor McKay

- Advised that residents of White Post have seen thousands of dump truck loads of fill dirt over the past year and it continues.

Chairman Weiss

- Clarified that the issue is that fill dirt hauling is currently allowed under agricultural activity and that we should at least have some input, as these roads were not necessarily designed for that type of weight and use.
- Further explained that the basic point regarding land use local control is that land is finite. Nutrient trading, solar, and alternatives are good and necessary, but all levels of government must recognize that, once land is taken out, it does not come back. Farming could disappear if the idea of sacrificing for development continues.

**Supervisor Bass moved to adopt the 2023 Legislative Priorities and Positions for Clarke County 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

12) *Board of Supervisors Finance Committee Items from October 11, 2022*

- A. FY22 to FY23 School Division Capital Projects Carryforward: The total proposed FY22 School Division Capital Carryforward amount is \$1,305,029. The amount of the locally funded carryforward request is \$322,858. The remaining \$982,171 is for federal or state funded projects.

2022-10-11 Summary: Following review, the Finance Committee recommends approving this request as presented.

2022-10-18 Action: Brenda Bennett reviewed the above summary.

- Some proposed end-of-year adjustments between individual line items are included in the overall carryforward request. These adjustments, including moving \$45,000 from HVAC to Fencing and Athletic Equipment & Uniforms, and moving another \$45,000 between Technology accounts, have already been approved by the School Board.
- The total proposed carryforward amount from FY22 to FY23 is \$1,305,029. However, \$982,171 of that is for federally funded projects that do not require any local funding.
- The locally funded portion of the carryforward request is \$322,858, which is considerably less than it has been in previous years.

Chairman Weiss

- Complimented the school division and Joey Braithwaite for completing projects.
- Explained that carryforwards provide justification and it is good to review them, but it is not possible to get all projects done within a fiscal year so there is a history of carrying these funds through to the next.

**Supervisor McKay moved to approve the FY22 to FY23 School Division Capital Projects carryforward request 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

- B. FY22 to FY23 Government Capital Projects Carryforward: The proposed FY22 Government Capital Carryforward amount is \$516,909.

2022-10-11 Summary: Following review, the Finance Committee recommends approving this request as presented.

2022-10-18 Action: Brenda Bennett reviewed the above summary.

- The County carryforward requests includes some proposed end-of-year adjustments as well.
- Within the 911 Phone System project, \$80,328 is being adjusted out of both expenditure and revenue. Grant funds of \$31,594 were not received, and the project came in under-budget. The carryforward amount for that project, \$44,842, will represent increased phone costs over the next two fiscal years, due to the 911 upgrade.

- Similarly, the Assistance Firefighters Grant was not awarded so that corresponding \$932,095 in expenditure and revenue was reduced from the carryforward.
- The total proposed carryforward is \$516,909.

**Vice Chair Catlett moved to approve the FY22 to FY23 Government Capital Projects Carryforward request 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

C. Radio Project

2022-10-11 Summary: The Finance Committee heard an update on the radio project from Chief Deputy Travis Sumption. No action was taken.

2022-10-18 Action: Brenda Bennett reviewed the above summary.

- The project is ongoing; Chief Deputy Sumption is currently working with Omnicom on the Westwood Tower site work and is trying to negotiate contract pricing with Motorola for equipment.
- There will be more information and actual figure requests coming next month.

D. FY22 General Fund Transfers: Budgeted expenditure transfer requests for the purpose of covering overdrawn FY22 accounts from underdrawn FY22 accounts.

2022-10-11 Summary: Following review, the Finance Committee recommends approving this request as presented.

2022-10-18 Action: Brenda Bennett reviewed the Finance Committee recommendation:

- The General Fund Transfers Report shows the ending balance for each department or budget line, as adopted with the FY22 budget process, compared to the available budget at the end of FY22. A negative balance indicates that the line is over-budget.
- The transfer process shifts amounts between the lines that have remaining budget to cover lines that do not have enough.

Chris Boies

- Explained that some of the larger available balances are grants that were put into department budgets, but will carry forward because the projects were not completed within the year. For example, state funding for Deed Book Restoration was received and put into the department budget, but the project was not completed in time so it appears that there is a remaining balance. In reality, these funds will be needed in the next fiscal year. Staff has looked carefully at this report to identify any trends that will aid in planning during the upcoming budget cycle.

Supervisor Lawrence

- Asked, and Chris Boies affirmed, if the legal fees expense within the Board of Zoning Appeals line was for just one case.

**Supervisor Bass moved to approve the FY22 General Fund Transfer requests 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

E. Review FY24 Budget Calendar

2022-10-11 Summary: Following review, the Finance Committee recommends approval of the proposed FY24 budget calendar.

2022-10-18 Action: Brenda Bennett reviewed the Finance Committee recommendation.

- The proposed budget calendar for FY24 is very similar and aligns with the process used in the previous budget cycle.

Chairman Weiss

- Noted that the first calendar item listed is the November Work Session, where the Board will provide general direction to staff for the FY24 Budget.

**Supervisor Lawrence moved to adopt the FY24 Budget Calendar 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

F. Employee Bonus

2022-10-11 Summary: Following review, the Finance Committee recommends a bonus be paid in mid-December to full-time County employees in the amount of \$1,000 net and \$500 net for qualifying part-time employees.

2022-10-18 Action: Brenda Bennett reviewed the above summary:

- Funds for this bonus were previously set aside in contingency account.

Chairman Weiss

- Advised that the Board discussed this in the spring, but wanted to be sure that revenues worked out first. The Board has the ability to help out employees and thank them for their work without adversely affecting citizens and their pocketbooks.

Supervisor Lawrence

- Asked how the bonus amount is calculated to yield a net \$1000 or \$500.
  - o Brenda Bennett answered that the gross bonus amount will include the employee's share of federal, state, and local taxes, which the county will pay, leaving a net \$1000 or \$500 to the employee.
  - o Chris Boies added that there is no payment to VRS or other fringe benefits for bonuses.

Vice Chair Catlett

- Inquired about qualifying part-time employees.
  - o Chris Boies replied that staff will work with department heads to identify the part-time employees in individual departments who work on a regular basis and work a substantial schedule.

**Supervisor McKay moved to approve the net bonus of \$1000 for full-time employees and net bonus of \$500 for qualifying part-time employees 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. USGS Contract

2022-10-11 Summary: Following review, the Finance Committee recommends approving the five-year contract with the USGS.

2022-10-18 Action: Brenda Bennett reviewed the above summary:

- The US Geological Survey provides monitoring for streams and groundwater wells in the county. The current contract has expired and a new, five-year joint funding agreement is proposed to replace it.
- The term length is October 1, 2022 to June 30, 2027, for a total cost to the county of \$184,470. The contract amount is fixed and will be billed quarterly, which is very similar to the previous contract.

Chairman Weiss

- Clarified that the agreement includes monitoring, plus data analysis at the end of the five-year period. The county used to pay the USGS roughly \$60,000 annually for this service but cut that back a number of years ago, and thus some of those services were lost. The proposed agreement is a way to get that service back incrementally. The annual payments are not much higher than what the county is currently paying for monitoring, the cost only increases in the fifth year when they provide the additional data analysis.

Vice Chair Catlett

- Shared that she is glad to support the monitoring and data analysis; the county has valued this service for a number of years.

Supervisor Bass

- Agreed, adding that it is also consistent with the county's legislative priorities.

**Supervisor McKay moved to approve the USGS Contract 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

H. Bills and Claims

2022-10-11 Summary: Following review, the Finance Committee recommends approving the September 2022 Invoice History report.

2022-10-18 Action: Brenda Bennett reviewed the Finance Committee recommendation.

**Vice Chair Catlett moved to approve 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

2022-10-18 Action: Information Only.

13) *Joint Administrative Services Board Update*

Brenda Bennett provided the following update:

- The Joint Administrative Services Board did not meet last month.

14) *Government Projects Update*

Chris Boies provided the following update:

- This month marks a couple milestones for our Parks & Recreation department. The Recreation Center opened this month, 30 years ago and Lisa Cooke was named Director of Parks & Recreation this month, 20 years

ago. Lisa has worked for the department since 1990. I have always been impressed that despite our small size, the depth of programming we offer and the facilities and services we provide our citizens. Congratulations to our Parks and Recreation Department on these two important milestones. A special thanks to Cathy for publicizing these anniversaries.

- I would like to recognize Deputy Jessica Wyne and Deputy Lora Nicholson for their Lifesaving Award, presented at the Top of Virginia Valor Awards ceremony a couple weeks ago. The deputies went above and beyond to save an elderly man who was injured inside of his residence. The entire 911 dispatch team was also recognized at the ceremony for the extraordinary work they perform every day. We thank all of those folks for their excellent work.
- Some reminders on upcoming dates and meetings: our legislative lunch is scheduled for October 26 at noon at the Barns of Rose Hill. The next open house for the courthouse green master plan will be held on November 2 at 6:30. Per the budget calendar, the Board adopted earlier this meeting, we will ask for your budget priorities/goals at the November 7 work session. The new library branch manager is Todd Strader and he will be introduced at your November regular meeting.
- As a reminder, the November meeting is a week later than normal due to the annual VACO conference. Finally, All Points Broadband will present an update on the broadband project at your December 20 meeting.
- Finally, I would like to thank Catherine Marsten and Brandon Stidham for handling the public hearing tonight on the special events ordinance, as I cannot attend due to an event for one of my kids.

Chairman Weiss

- Complimented the recent mulching and shrubbery updates at the Government Center.

15) *Miscellaneous Items*

None presented.

16) *Summary of Required Actions*

<u>Item</u>	<u>Description</u>	<u>Responsibility</u>
1.	Process Employee of the Quarter	Catherine Marsten
2.	Process approved minutes	Catherine Marsten

- |  |                   |
|--|-------------------|
| 3. Execute appointment letters                                       | David Weiss       |
| 4. Process appointments and update database                          | Catherine Marsten |
| 5. Amend Legislative Priorities and send to Delegates & Senator      | Chris Boies       |
| 7. Process FY23 Budget Amendments                                    | Brenda Bennett    |
| 9. Advertise public hearing for boundary line adjustment regulations | Catherine Marsten |
| 10. Process approved budget requests                                 | Brenda Bennett    |
| 11. Process bills and claims   | Brenda Bennett    |

### 17) Board Member Committee Status Reports

#### Supervisor Matthew Bass

##### Board of Septic and Well Appeals

- Has no update.

##### Library Advisory Council

- New library manager to be introduced at November meeting.

##### Clarke County Litter Committee

- Will meet this evening.

##### Planning Commission

- Held public hearing on boundary line adjustments regulations, no one spoke.
- Set a public hearing for Hecate Phase 2 and for Double Tollgate Area Plan.

##### Josephine School Community Museum Board

- Discussing 2023 Juneteenth celebration, appreciated county's involvement last year.

##### Legislative Updates

- Nothing to report.

##### Northwestern Regional Adult Drug Treatment Court Advisory Committee

- Has not met.

##### Northwestern Regional Juvenile Detention Center Commission

- Has not met.

##### Sheriff's Office

- Nothing to report.

##### Town of Berryville

- Selected a contractor for various water and sewer projects.
- More time was granted for 112 Josephine Street.

Vice Chair Terri Catlett

Career and Technical Education

- Meeting is coming up.

Clarke County Historic Preservation Commission

- Discussed certificate of appropriateness and how best to notify property owners when they might need one.

Clarke County Humane Foundation

- Will be meeting in November.

Conservation Easement Authority

- Continue to discuss building envelopes, are looking at what other localities do.

Village of Millwood

- No update.

CPMT

- Nothing to update.

Supervisor Doug Lawrence

Berryville-Clarke County Joint Committee on Economic Development & Tourism

- Meets on October 28.

Board of Social Services

- Did not attend last meeting.

Regional Jail Authority

- Next meeting November 3.

Supervisor Bev McKay

Berryville-Clarke County Joint Building Committee

- Meets November 2.

Northern Shenandoah Valley Regional Commission

- Will be meeting October 20.

Town of Boyce

- Focused on fixing drainage issues and installing crosswalk.

Clarke County Sanitary Authority

- Making progress on several issues.

Economic Development Advisory Committee

- Fall Business Tour is tomorrow.

Chairman David Weiss

Industrial Development Authority

- Meets October 27.

- Fire & EMS Commission
- Has not met.

At 2:49 pm, Chairman Weiss recessed the meeting.

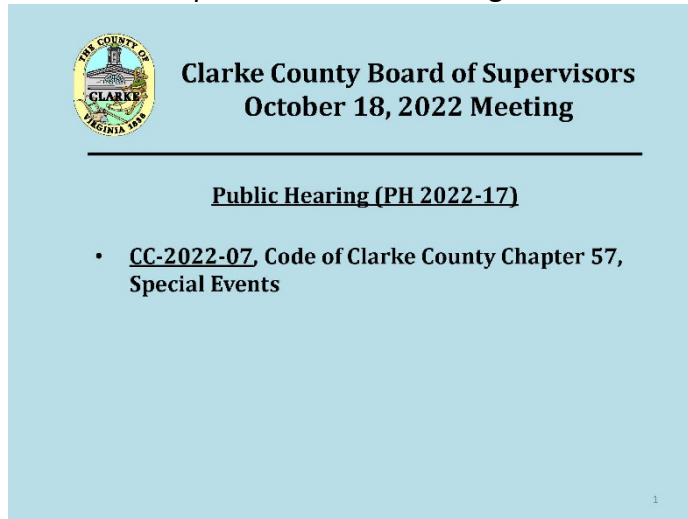
At 6:31 pm, Chairman Weiss reconvened the meeting.

18) *Citizen's Comment Period*

No persons appeared to address the Board.

19) *PH2022-17: CC-2022-07 Proposed Amendments to Clarke County Code Chapter 57 Special Events*

Brandon Stidham presented the following:



The slide features the Clarke County seal on the left, which includes the text 'THE COUNTY OF CLARKE VIRGINIA 1799'. To the right of the seal, the text reads: 'Clarke County Board of Supervisors October 18, 2022 Meeting'. A horizontal line separates this header from the main content. Below the line, the text reads: 'Public Hearing (PH 2022-17)'. A bulleted list follows, containing one item: '• CC-2022-07, Code of Clarke County Chapter 57, Special Events'. A small number '1' is located in the bottom right corner of the slide.

**CC-2022-07, Code of Clarke County Chapter 57  
Special Events**

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- **Text amendment was developed by a workgroup which included County staff, officials, and stakeholders**
- **Purpose was to address the following questions:**
  - Do the regulations still meet the objectives of the Board of Supervisors?
  - Can the application process be improved?
  - Do the regulations work appropriately with zoning regulations?
  - Do review agencies clearly understand their roles? What information does the Board want from them?
  - Should we require a pre-application meeting with applicant and agencies?
  - Do areas of confusion exist with the current language? Can things be clarified?
- **Proposed changes are as follows:**

**CC-2022-07, Code of Clarke County Chapter 57  
Special Events**

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- **Noise associated with all special events including those not requiring a permit must follow the noise ordinance.**
- **Minimum lot size changes:**
  - Medium events – 6 acres to 25 acres
  - Large events – 6 acres to 50 acres
- **Small event approval authority changed to the Board of Supervisors (currently the county administrator).**
- **Maximum of five days in a calendar year for special events per lot regardless of event size (currently medium and large events are not limited).**
- **Clarifies that agritourism activity events are regulated by the Zoning Ordinance.**

**CC-2022-07, Code of Clarke County Chapter 57  
Special Events**

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- **New on-site meeting requirement for all applicants.**
- **Special event sites accessed by a private road – all property owners are required to sign off on the special event permit application.**
- **Public comments may be received by the Board on all special event applications regardless of size. Not a public hearing required to be advertised – adjoining property owners would be notified of the public meeting by mail and a sign would be posted on the proposed event site.**
- **Onsite camping would be regulated by the Zoning Ordinance.**
- **New effective date for the ordinance.**

**Staff Recommendation**

- **Staff has no outstanding concerns with the adoption of this text amendment.**

Supervisor McKay

- Asked if the language surrounding the requirement that property owners sign off on applications for events accessed by private road was clear enough.
  - Brandon Stidham affirmed and added that the language used is similar that of the Zoning Ordinance regarding Special Use Permit applications.

Chairman Weiss opened the public hearing at 6:39 pm.

No persons appeared to address the Board.

Chairman Weiss closed the public hearing at 6:39 pm.

**Supervisor Lawrence moved to adopt the proposed amendments to Clarke County Code Chapter 57 Special Events as presented. The motion carried by the following vote:**

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



## 20) PH2022-18: Amendments to Approved FY23 Budget

Brenda Bennett presented the following supplemental appropriation requests from the School Division:

1. William and Mary - Project HOPE for Homeless Children and Youth (ARP funds) – CCPS was initially awarded \$5,339.29 to support homeless students. Additional federal funds received exceed the FY23 budgeted amount by \$432.53 for a total of \$5,771.82. Additional revenue and expenditure appropriation is requested in the amount of \$432.53.
2. Chesapeake Bay Water Shed Grant – The Division of Legislative Services-Chesapeake Bay Restoration Fund Advisory Committee awarded CCPS \$20,270 to support K-12 field trips/outdoor experiences and teacher professional development that focuses on learning about the Chesapeake Bay Watershed. Additional revenue and expense appropriation is requested in the amount of \$20,270.
3. Claude Moore Foundation Grant – The foundation awarded CCPS \$10,000 to support training of nurse aide students. Additional revenue and expenditure appropriation is requested in the amount of \$10,000.
4. VDH/VDOE School Based Health Workforce Grant – CCPS was awarded \$77,964 to establish, train, and sustain our school health workforce. These are federal flow through funds received from the Virginia Dept. of Education. Additional revenue and expenditure appropriation is requested in the amount of \$77,964.
5. IDEA 611 Grant – The final allocation of the IDEA 611 grant for the 22-23 school year is \$18,237 higher than budgeted. The additional funds will assist in covering personnel costs. Additional revenue appropriation is requested in the amount of \$18,237.
6. IDEA 619 (Pre-K) Grant – The final allocation of the IDEA 619 grant for the 22-23 school year is \$879 higher than budgeted. The additional funds will assist in covering additional personnel costs currently paid by the grant. Additional revenue appropriation is requested in the amount of \$879.
7. Title IV Grant – The final allocation of Title IV grant funds for the 22-23 school year is higher than budgeted for FY23. The additional revenue in the amount of \$451.75 will cover expenses already budgeted in FY23. Additional revenue appropriation is requested in the amount of \$451.75.
8. USDA/VDOE Supply Chain Assistance Funds – \$34,597.63 in additional Food Service funds is being distributed to help address ongoing supply chain disruptions, price fluctuations and labor shortages. The funds must be used to purchase unprocessed or minimally processed foods and will be used to cover currently budgeted expenses that qualify. Additional revenue

appropriation for the Food Service Fund (207) is requested in the amount of \$34,597.63.

9. VDH Safe Reopening Grant – CCPS was awarded \$92,400 to support the safe reopening of schools, allowing recipients to purchase small items that improve air circulation. The School Division intends to use the funds to purchase Portable Air Purification Devices for each classroom. Additional revenue and expenditure appropriation for the Capital Projects fund is requested in the amount of \$92,400.

#### Chairman Weiss

- Asked why a public hearing is held for these requests.
  - Brenda Bennett answered that a public hearing is required anytime the cumulative supplemental appropriations reaches 1% of the originally budgeted expenditures. These supplemental requests push the cumulative total over that threshold.
- Further asked if any additional local funds were required for these requests.
  - Brenda Bennett confirmed that these requests are all the result of grants and no additional local funds are required.

#### Supervisor Lawrence

- Questioned if the VDH/VDOE School Based Health Workforce Grant is a one-time amount and if it is used to hire additional nurses or nurses' aides in the school.
  - Brenda Bennett responded that right now there are four and fifth is planned to be hired.
- Further asked if those funds could be used to reimburse the expense of those positions.
  - Brenda Bennett clarified that the funds will be for an additional position.

#### Supervisor Bass

- Opined, and Brenda Bennett agreed, that the Board functions as a gatekeeper in these situations by allowing other sources of money to pass through to the school division.

Chairman Weiss opened the public hearing at 6:50 pm.

#### Paul Clark

I don't specifically have anything to talk about with respect to the budget amendments, per se.

Chairman Weiss

- Advised that it would be more appropriate for Mr. Clark to have spoken during the Citizen’s Comment Period instead.

Paul Clark

I am the Commander of Turner Ashby Camp 1567 out of Winchester, and I live in Blackwater, Virginia. The Camp wrote to this Board back in March of 2021, for the purpose of reaching out so that we could take care of the monument that’s here at the courthouse across the street.

We offered to take care of it for free with no taxpayer cost at all, in perpetuity for as long as we’re there. I never got a response back.

Recently we did a Freedom of Information Act request to find out how much money was being spent on all the legal fees, that this Board was spending. It exceeds \$150,000 with legal fees and consultants, since January 2021 through this summer. All that money could have been saved if you allow us to take care of it, irrespective of the back-and-forth that has happened since then. That offer is still out there. We have a lot of people who are willing to take care of it at no cost.

The reimagining or redesign or whatever you want to call it of the rest of the courthouse grounds could have gone forward around that monument. You could spend as much money as you want, because I guarantee you, after you pay for the RHI consultants and then the change orders and work orders and the engineering analysis that’s going to go forward with that, it’s going to be costing close to \$500,000 if not a million dollars.

That’s what we have a problem with. I would think that the taxpayers of Clarke County would have a problem with that. I see all this money coming in, and you never know when it’s going to be repurposed for legal fees or something like that. That’s what we are most concerned about: the expenditure of money when it could have been saved for taxpayers. That is our biggest contention.

I am not sure I ever got an answer as to—in fact I didn’t get an answer—as to why no one responded to our letter.

Chairman Weiss

- Thanked Mr. Clark for providing comment and advised that the Board does not respond during citizen comment periods or public hearings.

Chairman Weiss closed the public hearing at 6:54 pm.

Chairman Weiss

- Reiterated that these supplemental appropriation requests are all money in/ money out grant funding and do not involve additional local funds.

**Supervisor Bass moved, be it resolved, that the CCPS FY23 Operating fund budgeted expenditure and revenue appropriation be increased \$108,666.53, and that federal revenue in the amount of \$78,396.53, Commonwealth of Virginia revenue in the amount of \$20,270, and local revenue in the amount of \$10,000 be recognized, all for the purpose of receiving funds for the Project Hope for Homeless Children and Youth Grant, the Chesapeake Bay Water Shed Grant, the Claude Moore Foundation Grant, and the VDH/VDOE School Base Health Workforce Grant. The motion carried by the following vote:**

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

**Supervisor Bass further moved, be it resolved, that the CCPS FY23 operating revenue appropriation be increased \$19,567.75 and federal revenue in the same amount be recognized, all for the purpose of receiving additional revenue from the IDEA 611 grant, the IDEA 619 grant, and the Title IV grant. The motion carried by the following vote:**

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

**Supervisor Bass further moved, be it resolved, that the CCPS FY23 Food Service fund revenue appropriation be increased \$34,597.63 for the purpose of receiving federal revenue from the Supply Chain Assistance funds. The motion carried by the following vote:**

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

**Supervisor Bass further moved, be it resolved, that the CCPS FY23 Capital Projects fund budgeted expenditure and revenue appropriation be increased \$92,400 and federal revenue in the same amount be recognized, all for the purpose of receiving the VDH Safe Reopening grant funds. The motion carried by the following vote:**

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

*21) Adjournment*

Chairman Weiss adjourned the meeting at 6:58 pm.

*22) Next Regular Meeting Date*

The next regular meeting of the Board of Supervisors is set for Tuesday, November 22, 2022, at 1:00 pm in the Berryville Clarke County Government Center, Main Meeting Room, 101 Chalmers Court, Berryville, Virginia.

ATTEST: October 18, 2022

\_\_\_\_\_  
David S. Weiss, Chairman

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

\_\_\_\_\_  
Recorded and Transcribed by Catherine D. Marsten