



Chairman Weiss called the meeting to order at 1:01 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	-	Absent
David S. Weiss	-	Aye

Chairman Weiss offered the Board’s thanks to Barbara Bosserman and her staff for their work during Election Day.

3) *Citizen’s Comment Period*

Jay Corbalis

Of 1521 Springsbury Road in Berryville. I’m here to report on the progress of the monument. I’d like to start by—I know I’m guilty of this and I’m sure everybody else is—when you leave a clay pot out on your deck during the wintertime and you forget about it, when you come back in the spring it’s usually a pile of rubble. That’s due to freezing.

Before Veteran’s Day, a couple weeks ago, I talked with Mr. Boies and he assured me that the caulking effort was complete at the statue. If you all remember, last Veteran’s Day it poured all day long. I got on NOAA and they said that we got an inch and half of rainfall that day. I said to myself, “that’s a good day to check to see how the caulking job did.” I went up there and took a picture and, lo and behold, twelve hours after all that rain the statue is dry as a bone. I was pretty happy, thanks for the effort.

However, I go home and two or three days later, I need to mail a letter so I go to the post office and here’s what I find. Water is just still pouring out of that monument and this was a week later. In order for that amount of water to seep out over that length of time, I would assume that this means over two gallons is infiltrating over a rain event. Why did it not show up right the day after? The only thing I can explain is it takes that long for the water to migrate through the concrete and find its way out of the monument. It probably takes two or three days to do that and when it does, it continues to leak for almost two weeks.

So, the caulking attempt was unsuccessful.

I called up Mr. Mosko of Mosko Monument Company. He comes very highly recommended. His first eleven years being in business, he had repaired over 4,000 monuments in 56 cemeteries. Now, he's been in business for 23 years, so you can imagine what those numbers are now. Again, he's highly recommended. He offers a seven-year warranty on all his work. The good news is that he only lives about an hour-and-a-half from here. He also teaches monument restoration on the collegiate level. So, this guy knows what he's doing. I happened to catch him in Pocahontas County doing some work on some cemeteries down there and I spoke to him at length about what is going on up here.

He said it could be numerous reasons why it continues to leak. It could be a bad caulk job, but he doubts that. It could be the caulk is incompatible with the old zinc. He went on and on.

What I'm saying is, I have a whole lot more to talk about this, but we're down to basically one option. Either fix it or forget it.

#### Chairman Weiss

Reminded Mr. Corbalis that there is a three-minute limit for citizen comments. Advised that the Board does not respond or debate during citizen comment and that Mr. Corbalis' interest is appreciated and he is welcome to speak at meetings. Suggested that a more productive approach may be for Mr. Corbalis to meet with the County Administrator and the Director of Maintenance to discuss and work through this problem, adding that the Board has acted on Mr. Corbalis' suggestions, is monitoring the statue and working to make sure that it stays safe.

#### Jay Corbalis

In closing, I would like to wish everybody a nice Thanksgiving. If you're looking for a place to take the family and walk off a few calories, come on up to the National Cemetery in Winchester. There are 5,556 Union soldiers buried there and the attendance over the years is basically zero. So, come on out and take a look around. If you look hard enough, you might find me out there with my clipboard out at the statue.

Supervisor McKay entered the meeting at 1:07 pm.

#### Nathan Stalvey

I am the Director of the Clarke County Historical Association, who owns and operates the Burwell-Morgan Mill in Millwood. First, I would like to thank Supervisor Catlett for getting the conversation going about traffic and speeding issues in Millwood, and for bringing a lot of people together to talk about it. Thanks also to Supervisor McKay for being there, talking and listening as well. I think it was great having VDOT and the citizens and business owners in Millwood

all talking together. I really appreciate that and think that it was extremely productive.

As the Director of the Clarke County Historical Association and the person who oversees the operations of the Burwell-Morgan Mill, I'd like to speak about some of the issues I see on Millwood Road, between the Mill and Locke Store every weekend. I'm specifically talking about Millwood Road from where it intersects with Bishop Meade, down to where it comes out on Route 255 going to Route 50. We have been able to expand our marketing efforts and getting more visitation to the Mill for more programs and events than ever before. Heritage Day was very very popular earlier this month. The Buttery and Locke Store are also seeing increased business. On certain days of the year, the blacksmith shop is open across the street from the Mill, adding even more foot traffic crossing Millwood Road. So, looking at these increases, we are seeing more and more foot traffic year after year.

One thing that has not changed, however, is any signage to help slow people down or even get people to pay attention to the crosswalks, or even the speed limit signs. Every Saturday, I'm always seeing people—at least several times a day—in cars flying through there. There are no stop signs, there's nothing to encourage them to slow down and watch out for pedestrians crossing the road.

During an event at the Mill in the fall, I hired a crew of people to direct foot traffic, for those walking from the Methodist church parking lot to the Mill. As Joe attested to at our meeting in Millwood, vehicles frequently zipped past him while he was in the crosswalk trying to guide foot traffic. In that designated area, cars still were just zipping past him and completely ignoring him. When it was getting a little dark, it was also hard to see that crosswalk. There is just nothing to deter those drivers from barreling on through.

Foot traffic, as I mentioned, is only going to increase in Millwood. Especially as soon as Carter Hall reopens and starts bringing in more business. Now, that's good for businesses in Millwood: more people means more business. But, if nothing is done to address those speeding drivers, then we're looking at something catastrophic happening. It is not a matter of if something happens, it is a matter of when something is going to happen. It's just the law of averages. When you get more foot traffic, more people in the pedestrian crosswalk at a place where there are no stop signs to even encourage drivers to slow down. At some point, somebody with a fast car or motorcycle is just going to come speeding through and an accident is going to happen. Especially as we are getting a lot of families that come out here, too.

Speaking on behalf of CCHA, all of our volunteers and for the safety of those who cross the street every weekend, I'd like to encourage the Board of Supervisors and VDOT to work together to install stop signs right there on Millwood Road where it meets Bishop Meade Road. I also feel there should be signs alerting drivers that a stop sign is coming up. It is a simple fix and I think that it's one that would really

deter drivers from speeding and make it a lot safer for the foot traffic coming across.

#### 4) VDOT Update

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

- Started fence-to-fence final mowing on primary routes, which should be finished this week.
- Completed a grading cycle on all the non-hard surface routes.
- Storm debris cleanup on various routes.
- Pothole repairs on various routes.
- Starting tree-trimming operations on various routes.

Ed Carter provided the following update on Board issues:

- Millwood: VDOT have collected the speed and crash data on Routes 255 & 723. Traffic engineers are in the process of compiling this information and a preliminary report is expected sometime in December. They are also planning to review the existing signs and speed zones in the field this week as well as collect field information. They are still working toward a draft report around late December. VDOT will meet with the citizens out there to hear suggestions and to discuss what the data reveals and what, if any, standards are not met.
- Morgan Mill Road (Route 605): VDOT has reviewed the situation with our hired equipment contractor, who has given an estimate of approximately \$40,000-\$50,000 to make improvements. VDOT is planning to give the contractor notice to proceed. These improvements should fix drainage and soft spot issues and the shoulder drop off, hopefully before any bad weather. Right now, there is not enough room to place guardrails.
- Town of Boyce Drainage Issues: VDOT met on-site with the District Hydraulic Engineer to explore possible mitigation options. By allowing the Town to tie into VDOT's system, they might help to alleviate but not eliminate some of the flooding issues behind town hall. VDOT is working with Norfolk Southern Railroad to secure a contact for coordinating excavation on the Railroad right-of-way to repair the drainage pipe, which seems to contain a communications cable. VDOT will probably be installing a flush-surface drop inlet in that location.

#### Supervisor Lawrence

- Asked if that drainage pipe runs under or parallel to the tracks.
  - Ed Carter answered yes; the pipe actually runs under the tracks diagonally.

- Thanked VDOT for marking the Kimble Road/Crums Church intersection, adding that it is safer now with the passing zone.
  - Ed Carter responded that there is still some marking to do in the town of Berryville, for Fairfax Street, at the transitions for the Route 7 eastbound off-ramp, and the new ADA ramps and crosswalks in the town of Boyce. There is also some lane confusion on Buckmarsh Street at Crow Street, so that also needs to be re-marked.

#### Vice Chair Catlett

- Inquired if stop signs and other suggestions could be discussed when the data from the Millwood study is presented in December.
  - Ed Carter replied that the data will reflect what the best practice for that situation is, adding that there are no pedestrian facilities in that community. If Millwood wants pedestrian facilities, the county will need to address that through a different process.

#### Chairman Weiss

- Requested the definition of “pedestrian facilities”.
  - Ed Carter answered that it is a walkway out of the road.
- Further advised that the Bristow historical marker at the intersection of Castleman Road and Wickliffe Road was supposed to be moved but it has not been.
  - Ed Carter advised that he would call the agency responsible and try to get an update.

### 5) *Clarke County Library Update*

Todd Strader presented the following:

- Laurine Kennedy recently retired and he filled her position as Clarke County Branch Manager. He has been involved in the Handley Library System for over a decade and has worked in each of the four branches.
- It is a privilege to serve Clarke County and its communities and his intention is to continue providing the very best service possible.
- Relationships are one of the library’s strengths. Much of library work is transactional, but the important work is relational. The staff knows and is a part of the community, so when people come in they are familiar and can help.
- The goal is to foster those relationships by making the space and services as approachable, accessible, and community-oriented as possible. Partnering with the government, non-profit organizations, and the community as a whole is how the library plans to achieve that goal.

#### Supervisor Lawrence

- Inquired about participation in the Dolly Parton Imagination Library.

- John Huddy advised that the Handley Library System is already a part of the campaign for grade-level reading, which will be expanded into Clarke County in the upcoming year. Winchester City is already trialling the program. Participating in the Imagination Library is need-based, according to educational background and income. If the Imagination Library can be expanded into Clarke County, it will.
- Added that the library could work with the Department of Social Services to sign clients up for library cards or literacy programs when they apply for benefits.
  - John Huddy agreed, adding that the Clarke County Library can provide library card applications to DSS, pick up and process the completed applications, then deliver library cards to DSS for their clients.

6) *Approval of Minutes*

**Supervisor McKay moved to approve the minutes of the October 18, 2022 Regular Meeting and the October 25, 2022 Legislative Session as presented. The motion carried by the following vote:**

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

8) *Consent Agenda*

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

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

- 2022-15R Concurring Resolution Regarding a Financing by the Northwestern Community Services Board

### Clarke County Board of Supervisors



<b>Berryville Voting District</b> Matthew E. Bass (540) 955-5175	<b>Millwood Voting District</b> Terri T. Catlett – Vice Chair (540) 837-2328	<b>Russell Voting District</b> Doug Lawrence (540) 955-2144
<b>Buckmarsh Voting District</b> David S. Weiss – Chair (540) 955-2151	<b>White Post Voting District</b> Bev B. McKay (540) 837-1331	<b>County Administrator</b> Chris Boies (540) 955-5175

#### Concurring Resolution Regarding a Financing by the Northwestern Community Services Board 2022-15R

**WHEREAS** the Northwestern Community Services Board (“the NWCSB”) was created pursuant to Chapter 5, Title 37.2 of the Code of Virginia (1950), as amended, by resolutions of the Common Council of the City of Winchester (“The City”) and the Boards of Supervisors of Frederick, Clarke, Shenandoah, Page and Warren Counties (collectively “The Counties”); and

**WHEREAS** the NWCSB has represented to the City and the Counties that it desires to borrow up to One Million Seven Hundred Thousand Dollars (\$1,700,000) through a low-interest, 40-year loan with the United States Department of Agriculture (USDA) to fund the acquisition of a certain property (136 General Drive, Luray, Virginia 22835) located in Page County, Virginia, to be used for an outpatient behavioral health clinic and the payment of the financing costs therefore; and

**WHEREAS** approval for the NWCSB to borrow funds described herein by the City and the Counties shall be provided with the concurrence of each of the Member Jurisdictions; and

**WHEREAS** Virginia Code Section 37.2-504(11) requires the authorization of the City and the Counties before the NWCSB may borrow money.

**NOW, THEREFORE, BE IT RESOLVED** by the Clarke County Board of Supervisors as follows:

1. The Clarke County Board of Supervisors endorses the financing plans of the NWCSB; and,
2. To the extent required by law, if at all, the Clarke County Board of Supervisors hereby endorses and further approves any necessary and appropriate actions of the NWCSB to effect such financing; and,
3. Under no circumstances shall this Resolution, or the loan, financing, or payment of debt service on the funding secured by the NWCSB described herein be deemed to be a lending of the County, or constitute a general obligation indebtedness or a pledge of the full faith and credit or taxing power of any of the Member Jurisdictions, nor shall anything herein to therein contained legally bind or obligate the County to appropriate funds for the purposes described herein; and,
4. This Resolution shall be effective immediately.

**APPROVED AND ORDERED ENTERED** in the official records by the unanimous vote of the Clarke County Board of Supervisors’ members assembled on the 22<sup>nd</sup> day of November 2022.

ATTEST 2022-15R

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

[www.clarkecounty.gov](http://www.clarkecounty.gov)

101 Chalmers Court, Suite B  
Berryville, VA 22611

Telephone: [540] 955-5175



– Application for Easement Donation – Hunter Property

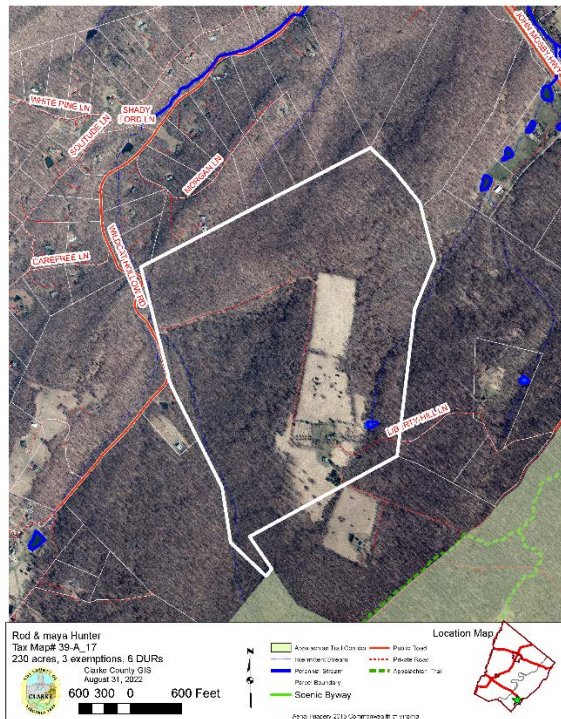
MEMORANDUM

TO: Board of Supervisors  
FROM: Alison Teetor, Conservation Easement Authority  
DATE: November 2, 2022  
SUBJECT: Application for easement donation – Rod & Maria Hunter – TM# 39-A-17

Rod and Maria Hunter have applied to the easement authority for approval of an easement donation. The property consists of 230 acres with 3 exemptions (pre-1980 houses) 2 of which exist, 1 burned down, and 6 remaining DURs. The address is 1118 Liberty Hill Lane and it is located approximately 1 mile south of the intersection of Liberty Hill Lane and Route 50/17. The property consists primarily of forest land with approximately 34 acres in open field. The views to the west and south are amazing. There are several intermittent streams on the property. There is also a second access from Wildcat Hollow. Mr. Hunter explained that this was originally built as a subsistence farm with cattle and other livestock in addition to an apple orchard. There is a barn on the property that also dates to the 1700's. The Hunter's purchased the property in 2015. They would like to enlarge the existing house, rebuild the burned out exemption, and potentially turn the existing barn into a residence. This would allow use of the exemptions and still allow retirement of all 6 of the remaining DURs.

The property meets 3 of the 4 criteria by scoring over 35, being over 40 acres, and giving up 6 DURs. It is not next to an adjacent easement. The property resource score is 95.3, points were given for retiring 6 DURs, having a perennial spring, having 25 acres of slopes > 25%, and having historic structures that are potentially contributing in a future historic district. Ms. Kalbian completed the Historic Survey of the Property and considered the structures eligible for the National Registrar. A site visit was conducted September 30<sup>th</sup>. The easement authority gave final approval for the easement donation at their October 13<sup>th</sup> meeting.

**Recommendation:** Give final approval for the easement donation.



– Application for Easement Donation – Stoneridge Investments LLC

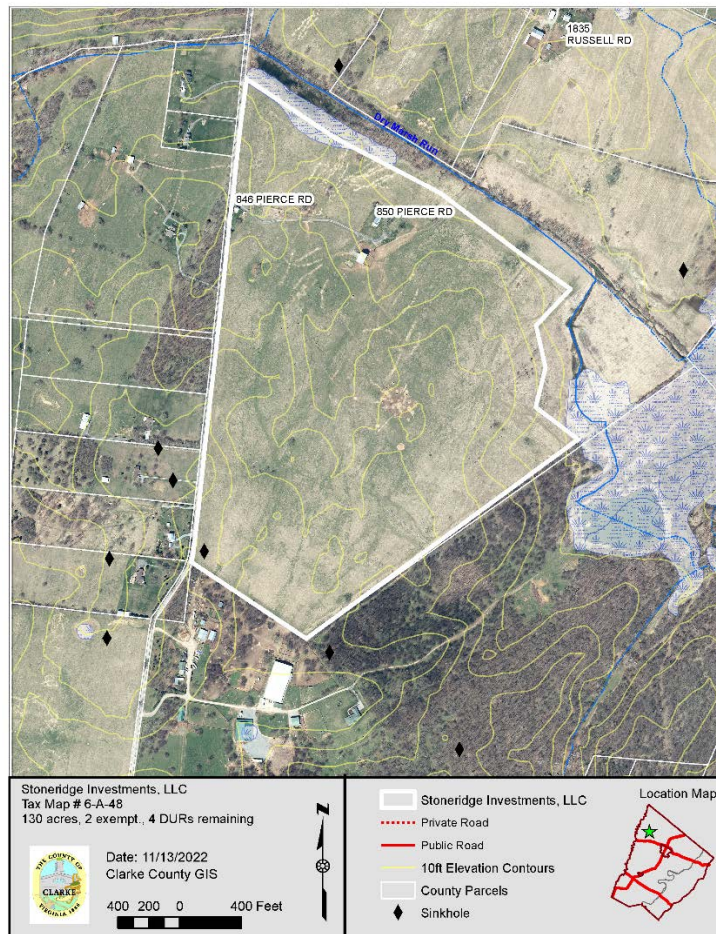
MEMORANDUM

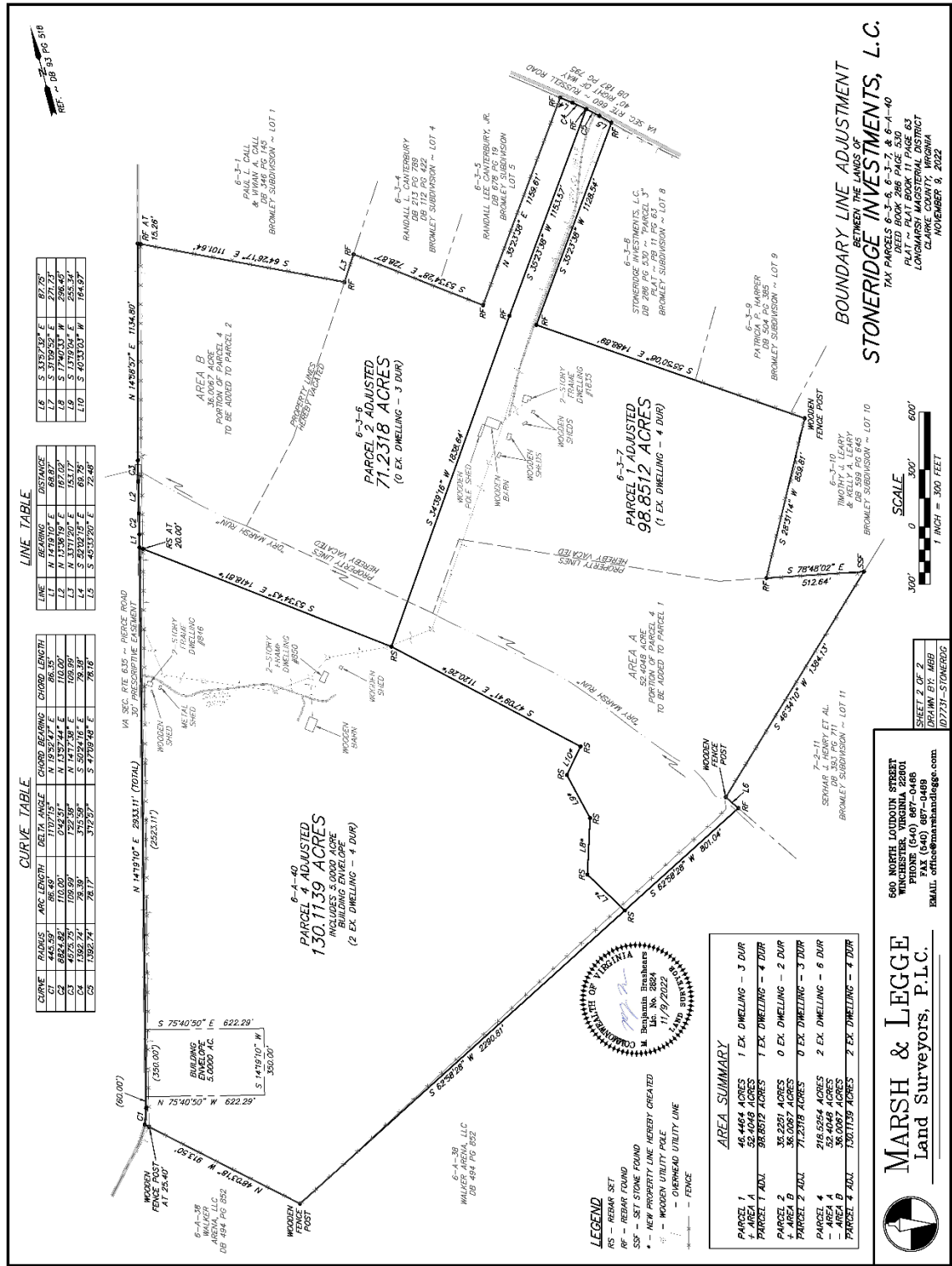
TO: Board of Supervisors, Chris Boies  
FROM: Alison Teetor  
DATE: November 13, 2022  
SUBJECT: Application for donation – Stoneridge Investments, LLC – TM# 6-A-40

Stoneridge Investments, LLC, Elaine Cain, agent, has applied to the easement authority for approval of an easement donation. The property is located at 846 Pierce Road approximately 8/10 of a mile north of Route 7. The Vandewoude family owns 4 properties and are completing a boundary line adjustment (BLA) and DUR transfer so that the final parcel boundary for the easement will be approximately 130 acres with 2 existing houses, built in 1900, and 4 remaining DURs. The applicant intends to retire 3 of the 4 remaining DURs and establish a building envelope for the remaining DUR.

The property meets 3 of the 4 criteria by scoring over 35, being over 40 acres, and giving up 3 DURs. It is not next to an adjacent easement. The property resource score is 68.1, points were given for retiring 3 DURs, having a sinkhole and being owned by the same family for between 30 and 50 years. A site visit was conducted on September 30<sup>th</sup>. The Easement Authority recommended approval to the Board of Supervisors at their November 10<sup>th</sup> meeting.

**Recommendation:** Approve the easement donation for Stoneridge Investments, LLC, Tax Map# 6-A-40.





– Abstract of Votes: 2022 November General Election

# ABSTRACT of VOTES

Cast in CLARKE COUNTY, VIRGINIA  
at the 2022 November General Election held on November 08, 2022 for,

## Member House of Representatives

District: 06

NAMES OF CANDIDATES ON THE BALLOT	TOTAL VOTES RECEIVED (IN FIGURES)
Ben L. Cline - Republican	4270
Jennifer Lynn Lewis - Democratic	2902
Total Write-In votes [From Write-Ins Certifications] [Valid Write-Ins + Invalid Write_ins = Total Write In Votes]	7
Total Number of Overvotes for Office	0

We, the undersigned Electoral Board, upon examination of the official records deposited with the Clerk of the Circuit Court of the election held on November 08, 2022, do hereby certify that the above is a true and correct Abstract of Votes cast at said election for the Member House of Representatives.

Given under our hands this 14<sup>th</sup> day of NOVEMBER, 2022



Daryl Glenney, Chairman  
Kellyanne Johnson, Vice Chairman  
Carolee Hester, Secretary  
Carolee Hester, Acting Secretary

# ABSTRACT of VOTES

Cast in CLARKE COUNTY, VIRGINIA  
at the 2022 November General Election held on November 08, 2022 for,

## Member School Board

District: RUSSELL DISTRICT

NAMES OF CANDIDATES ON THE BALLOT	TOTAL VOTES RECEIVED (IN FIGURES)
Andrew J. MacDonald	938
Leigh Cheatham Carley	593
Total Write-In votes [From Write-Ins Certifications] [Valid Write-Ins + Invalid Write_ins = Total Write In Votes]	2
Total Number of Overvotes for Office	0

We, the undersigned Electoral Board, upon examination of the official records deposited with the Clerk of the Circuit Court of the election held on November 08, 2022, do hereby certify that the above is a true and correct Abstract of Votes at the said election and do, therefore, determine and declare that the following person(s) has received the greatest number of votes cast for the Member School Board.

Andrew J. MacDonald

Given under our hands this 14<sup>th</sup> day of NOVEMBER, 2022



Daryl Stearns, Chairman

Kelly Anne Johnson, Vice Chairman

Carroll Heston, Secretary

Carroll Heston, Acting Secretary

# ABSTRACT of VOTES

Cast in CLARKE COUNTY, VIRGINIA  
at the 2022 November General Election held on November 08, 2022 for,

## Member Town Council

District: BERRYVILLE WARD 2

NAMES OF CANDIDATES ON THE BALLOT	TOTAL VOTES RECEIVED (IN FIGURES)
Diane M. Harrison	316
Total Write-In votes [From Write-Ins Certifications] [Valid Write-Ins + Invalid Write_ins = Total Write In Votes]	8
Total Number of Overvotes for Office	0

We, the undersigned Electoral Board, upon examination of the official records deposited with the Clerk of the Circuit Court of the election held on November 08, 2022, do hereby certify that the above is a true and correct Abstract of Votes at the said election and do, therefore, determine and declare that the following person(s) has received the greatest number of votes cast for the Member Town Council.

Diane M. Harrison

Given under our hands this 14<sup>th</sup> day of NOVEMBER, 2022



Daryl Stenney, Chairman  
Kelly Thompson, Vice Chairman  
Carroll Hesterfelt, Secretary  
Carroll Hesterfelt, Acting Secretary

# ABSTRACT of VOTES

Cast in CLARKE COUNTY, VIRGINIA  
at the 2022 November General Election held on November 08, 2022 for,

## Member Town Council

District: BERRYVILLE WARD 4

NAMES OF CANDIDATES ON THE BALLOT	TOTAL VOTES RECEIVED (IN FIGURES)
Ryan P. Tibbens	472
Total Write-In votes [From Write-Ins Certifications] [Valid Write-Ins + Invalid Write_ins = Total Write In Votes]	6
Total Number of Overvotes for Office	0

We, the undersigned Electoral Board, upon examination of the official records deposited with the Clerk of the Circuit Court of the election held on November 08, 2022, do hereby certify that the above is a true and correct Abstract of Votes at the said election and do, therefore, determine and declare that the following person(s) has received the greatest number of votes cast for the Member Town Council.

Ryan P. Tibbens

Given under our hands this 14<sup>th</sup> day of NOVEMBER, 2022



Daryl Tolson, Chairman  
Kelly James Johnson, Vice Chairman  
Carol S. Hesterwell, Secretary  
Carol S. Hesterwell, Acting Secretary

# ABSTRACT of VOTES

Cast in the Town of BOYCE in CLARKE COUNTY, VIRGINIA  
at the 2022 November General Election held on November 08, 2022 for,

## Member Town Council - Special

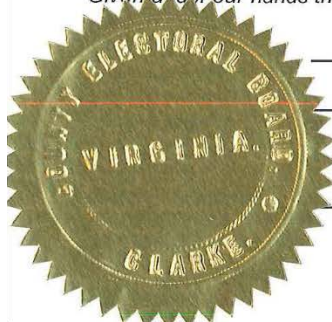
District: BOYCE

NAMES OF CANDIDATES ON THE BALLOT	TOTAL VOTES RECEIVED (IN FIGURES)
Berkeley H. Reynolds	246
Total Write-In votes [From Write-Ins Certifications] [Valid Write-Ins + Invalid Write_ins = Total Write In Votes]	6
Total Number of Overvotes for Office	0

We, the undersigned Electoral Board, upon examination of the official records deposited with the Clerk of the Circuit Court of the election held on November 08, 2022, do hereby certify that the above is a true and correct Abstract of Votes at the said election and do, therefore, determine and declare that the following person(s) has received the greatest number of votes cast for the Member Town Council - Special .

Berkeley H. Reynolds

Given under our hands this 14<sup>th</sup> day of NOVEMBER, 2022



Daryl J. Stanney, Chairman

Kelly Ann Johnson, Vice Chairman

Carol S. Hesterwell, Secretary

Carol S. Hesterwell, Acting Secretary



# ABSTRACT of VOTES

Cast in the Town of BERRYVILLE in CLARKE COUNTY, VIRGINIA  
at the 2022 November General Election held on November 08, 2022 for,

## Vice Mayor

District: BERRYVILLE

NAMES OF CANDIDATES ON THE BALLOT	TOTAL VOTES RECEIVED (IN FIGURES)
Erecka L. Gibson	1696
Total Write-In votes [From Write-Ins Certifications] [Valid Write-Ins + Invalid Write_ins = Total Write In Votes]	59
Total Number of Overvotes for Office	0

We, the undersigned Electoral Board, upon examination of the official records deposited with the Clerk of the Circuit Court of the election held on November 08, 2022, do hereby certify that the above is a true and correct Abstract of Votes at the said election and do, therefore, determine and declare that the following person(s) has received the greatest number of votes cast for the Vice Mayor.

Erecka L. Gibson

Given under our hands this 14<sup>th</sup> day of NOVEMBER, 2022



Daryl D. Hester, Chairman

Kelly Jeanne Hinson, Vice Chairman

Carol S. Hester, Secretary

Carol S. Hester, Acting Secretary

9) *Set Public Hearing PH2022-20: TA22-05 Waterworks & Sewerage System & Treatment Works Regulations*

Director of Planning, Brandon Stidham, presented the following:

**TA-22-05, Waterworks and Sewerage System and Treatment Works Regulations**

**Proposed text amendment to amend Code of Clarke County Chapter 200:**

- **Zoning Ordinance (Article I) Sections:**
  - 7.4.5 (Waterworks and Sewerage System and Treatment Works)
  - 7.5 (RR District Design Standards and Development Regulations)
  - 7.2.3B (Public Water and Public Sewer Systems)
- **Subdivision Ordinance (Article II) Sections:**
  - 4.5.4A (Public Utilities)
  - 4.5.6 (Private Wells and Onsite Sewage Disposal Systems)

**TA-22-05, Waterworks and Sewerage System and Treatment Works Regulations**

- **Primary purpose is to remove the prohibition on the use of a waterworks or a sewerage system and treatment works for uses in the Agricultural-Open Space-Conservation (AOC) and Forestal-Open Space-Conservation (FOC) Districts.**
- **Additional changes include:**
  - Prohibiting uses and new subdivisions from being served by public water and public sewer without approval by the Board of Supervisors
  - Clarifying that private wells and onsite sewage disposal systems shall be designed in accordance with Chapter 184 (Wells), Chapter 143 (Septic Systems), Virginia Department of Health regulations, and any other applicable regulations
  - Requiring all public water distribution and public sewer collection systems to be designed to meet or exceed the regulations and specifications of the Clarke County Sanitary Authority and/or any other applicable federal, state, or local agency.

### Background

- **Zoning Ordinance Section 7.4.5 prohibits the use of a waterworks or a sewerage system and treatment works in the AOC and FOC Districts**
- **Waterworks** – System that serves piped drinking water for drinking/domestic use for:
  - The public, OR
  - At least 15 connections, OR
  - An average of 25 individuals for at least 60 days out of the year
- **Sewerage system** – Infrastructure used to collect/convey sewage to a treatment works or point of ultimate disposal
- **Treatment works** – Any device/system used in the storage, treatment, disposal, or reclamation of sewage; does NOT include subsurface drainfields smaller than mass drainfields (e.g., typical single-family residential onsite sewage disposal systems)

### Background (cont.)

- **Prohibition was added in 1997 likely to:**
  - Prevent AOC/FOC uses from connecting to public water/sewer
  - Limit the scope of some AOC/FOC uses by capping the volume of usage for a private well and by capping the maximum size of an onsite sewage disposal system – including preventing use of a mass drainfield
  - Prevent development of new privately-owned/operated water systems (e.g., Shenandoah Retreat water system) and new privately owned/operated sewage treatment systems for AOC/FOC uses
- **Section 7.4.5 was initially evaluated to address concerns that it could prevent AOC uses from being served by future public water/sewer from Frederick County in the Double Tollgate area**
- **Scope of the review was expanded to address related issues including need for zoning regulations with recent updates to the Septic Ordinance (County Code Chapter 143)**

### Background (cont.)

- **Current prohibition may also impact certain AOC/FOC uses that customarily serve water to the public**
- **Farm wineries/breweries/distilleries were exempted from Section 7.4.5 in 2016**
- **Additional uses that may serve water to the public:**
  - Home occupation bed-and-breakfast
  - Retail business, wholesale or retail sale of agricultural products
  - Community services facility, community center
  - Minor commercial public assembly
  - Country inn
  - Day care center
  - Campground, summer camp
  - Churches
  - Private club
- **Virginia Department of Health (VDH) requires a waterworks permit for uses that provide water to the public – current uses with VDH waterworks permits include:**
  - Berryville Moose Lodge
  - Calcagnini Contemplative Center/Georgetown University
  - Grafton School
  - LAuberger Provencale
  - Northern Virginia Lions Youth Camp
  - Watermelon Park campground
  - Private water systems – Shenandoah Retreat, River Park

### Supervisor Lawrence

- Requested the definition of ***‘private water system’***.
  - Brandon Stidham clarified that it is a system with 15 or more connections.

Brandon Stidham continued the presentation:

**Proposed Text Amendment**

---

**Section 7.4.5:**

- Prohibition on waterworks and sewerage system and treatment works would be eliminated
- Any AOC/FOC use served by a waterworks would be regulated by VDH and would have to maintain the VDH permit in good standing
- AOC/FOC uses would not be allowed to use mass drainfields per the Septic Ordinance (Chapter 143)
- Language added stating that private wells and onsite sewage disposal systems shall be designed in accordance with the Septic Ordinance (Chapter 143), Well Ordinance (Chapter 184), VDH regulations, and any other applicable regulations
- AOC and FOC uses would not be allowed to be served by public water/public sewer without approval by the Board of Supervisors

### Vice Chair Catlett

- Requested an example of a mass drain field.
  - Brandon Stidham advised that it starts at a minimum capacity of 1,200 gallons/day and there are some other technical requirements regarding piping length that are enumerated in the septic ordinance.

### Chairman Weiss

- Inquired if people would try to use a mass drain field if conventional drain fields could not handle the amount of effluent being output.
  - Brandon Stidham affirmed, adding they are typically seen in something more intensive than a single-family residential context, such as a hotel.

### **Proposed Text Amendment (cont.)**

- **Same rules proposed for Rural Residential (RR) District uses (Section 7.5):**
  - Private wells and onsite sewage disposal systems shall be designed in accordance with the Septic Ordinance (Chapter 143), Well Ordinance (Chapter 184), Virginia Department of Health (VDH) regulations, and any other applicable regulations
  - AOC and FOC uses would not be allowed to be served by public water/public sewer without approval by the Board of Supervisors
  - If served by a waterworks, a permit shall be obtained from VDH and maintained in good standing for the life of the use
- Site development plan regulations (Section 7.2.3) would prevent commercial uses from being served by public water/sewer systems which are not authorized by the Board of Supervisors to provide service
- Changes to Section 7.2.3 would also require all public water distribution and public sewer collection systems to be designed to meet/exceed the regulations/specifications of the Clarke County Sanitary Authority and/or any other applicable Federal, State, or local agency

### **Proposed Text Amendment (cont.)**

#### **Subdivision Ordinance – Section 4.5.4:**

- No new subdivision (approved after text amendment adoption date) can be served by a waterworks or by a sewerage system and treatment works that is not owned/operated by a governmental entity authorized to provide service by the Board of Supervisors
- Would allow for existing private waterworks to continue serving existing lots
- Changes to Section 4.5.6B and C would require private wells and onsite sewage disposal systems serving subdivisions to be constructed in accordance with Chapter 184, VDH regulations, and any other applicable regulations

### **Planning Commission Recommendation**

- Planning Commission voted unanimously to initiate consideration of the text amendment at their October 7 meeting.
- Commission voted 9-0-2 to recommend adoption following a duly-advertised public hearing on November 4.
- 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 December 20, 2022 meeting.**

**Chairman Weiss**

- Inquired if there is specific criteria that the Board would follow when they consider authorizing the extension of public water/sewer service.
  - Brandon Stidham responded that the Board would first take guidance from the Comprehensive Plan and then, if indicated, would have to establish a service district.

**Supervisor Lawrence moved to set public hearing PH2022-20: TA22-05 Waterworks & Sewerage System & Treatment Works Regulations for Tuesday, December 20, 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

**10) Set Public Hearing PH2022-21: CC2022-08 Chapter 184 Wells**

Director of Planning, Brandon Stidham, presented the following:

**CC-22-08, Chapter 184 (Wells)**

- Proposed text amendment to amend Code of Clarke County Chapter 184 (Wells), Sections 184-9 (Location of Water Supplies) and 184-15 (Appeals and Variances).
- **Purpose:**
  - To require all wells to be located within the boundaries of the lot that they are intended to serve unless a variance is obtained from the Board of Septic and Well Appeals.
  - To incorporate detailed language regarding the review of appeals and variances which is currently referenced in the appeals and variances section of Chapter 143 (Septic Systems).

**CC-22-08, Chapter 184 (Wells)**

- Current Section 184-9 limits new wells from being used to serve structures on a different lot.
- Proposed text amendment would delete the word “new,” requiring new and existing wells to be located on the same lot as the structures they serve.
- Policy justification is to ensure that the water source for structures is under the full control of the lot owners who use it.
- Language would be added to state that an easement for use of an off-site well may be approved if a variance to Section 184-9 is approved by the Board of Septic and Well Appeals.

**Vice Chair Catlett**

- Asked if applying for a variance for an off-site well is something that happens often.
  - Brandon Stidham replied that it is very uncommon, there has only been one instance since 2012. As a matter of practice, it is best to make sure that a well is located on the property that it intends to serve. If a well is on an adjacent property under an easement agreement, it increases the likelihood of disputes as the properties change ownership over time.

**Supervisor Lawrence**

- Inquired if agricultural wells were recognized as different from residential wells in Clarke County.
  - Brandon Stidham responded that the Well Ordinance does not apply to agricultural wells.

**CC-22-08, Chapter 184 (Wells)**

- More detailed language regarding the review of appeals and variances by the Board of Septic and Well Appeals would be added to Section 184-15.
- Section 184-15 currently directs to the appeals and variances section of the Septic Ordinance (Chapter 143).
- This language would be modified to address Well Ordinance appeals and variances and incorporated into Section 184-15.

**Staff Recommendation**

- Staff has no outstanding concerns with the adoption of this text amendment.
- Recommend scheduling public hearing for the Board's December 20, 2022 meeting.

**Vice Chair Catlett moved to set public hearing PH2022-21: CC2022-08 Chapter 184 Wells for Tuesday, December 20, 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



11) *Set Public Hearing PH2022-22: TA22-06 Structures or Portions of Structures Permitted in Setback Areas*

Director of Planning, Brandon Stidham, presented the following:

**TA-22-06, Structures or Portions of Structures Permitted in Required Setback Areas**

- **Proposed text amendment to amend Code of Clarke County Chapter 200, Zoning Ordinance (Article I) Section 7.1.2C (Uses and Structures Permitted in Required Setback Areas).**
- **Purpose:**
  - To specify the types of "architectural features" and "mechanical equipment" which may be located in a setback area
  - To remove "swimming pools (above or in ground)" from the list of building elements that may be located within a setback area by up to 50%.

**Background**

- **Section 7.1.2C allows certain structures and building features to be located in a setback area subject to or without restriction**
- **Without restriction:**
  - Driveways/patios no more than 24" above grade
  - Fences/walls up to 7 feet in height (over 7 feet requires building permit)
  - Hedges
- **Special limitation – Gasoline pump canopies no closer than 10 feet from property line or right of way**
- **Up to 50% of required setback:**
  - Porches/balconies/decks without roofs and not more than 36 square feet in area
  - Steps without roofs
  - Bay/bow windows
  - Projecting roof elements without columns
  - Chimneys
  - Eaves
  - **Mechanical equipment**
  - **Architectural features**
  - **Swimming pools (above ground or in ground)**

### Background (cont.)

- **Mechanical equipment** – Not defined, can apply to any of a building's mechanical systems located in close proximity to the building:
  - Heating/cooling (e.g., outdoor heat pump or window A/C unit)
  - Electrical (e.g., transformer box)
  - Water (e.g., well head, meter)
  - Sewer/sewage disposal (e.g., above-ground septic system equipment)
  - Telecommunications (e.g., telephone pedestal)
- Could be applied to mechanical equipment located away from the building it serves, e.g., freestanding solar panels, outdoor wood furnace
- Could also be applied to above-ground well and septic system equipment, electrical or telecommunications equipment – Staff has not interpreted these features to be subject to setback requirements

### Proposed Text Amendment

- New proposed language:
  - Mechanical equipment essential to a building's heating, cooling, electrical, water or sewer/sewage disposal systems except for mechanical equipment housed within or supported on a separate, freestanding structure
  - **Allowed in Setback Without Restriction:**
    - Freestanding structures associated with a private well or onsite sewage disposal system may be located within a setback area subject to compliance with any other State or local ordinance requirements which govern installation of such features
    - Structures owned/provided by a public utility company or telecommunications service provider for operation of an electrical, telephone, or internet system (e.g., transformer, equipment box, meter, dish antenna, utility pole) may be located within a setback area subject to compliance with any other State or local ordinance requirements which govern installation of such features -- does not apply to wireless communication facilities (WCFs)

### Proposed Text Amendment (cont.)

- **Architectural features** – Not defined, interpreted to mean parts of a building that are purely decorative in nature and not required structural elements
- Interpretation is consistent with other features on the list of "building elements"
- Concern – with no definition, term could be interpreted more broadly by applicants or future Staff
- **Proposed change** – *"Decorative architectural features which are not required structural elements of the building"*

Supervisor Lawrence

- Opined that a setback is designed to prevent encroaching on a neighbor’s property so it does not seem like any exemptions should be allowed.
  - Brandon Stidham advised that it is a common feature of zoning ordinances to allow decorative or non-essential things such as bay windows or window units to jut into the setback area.

David Weiss

- Added that a criticism of setback areas is that they take land away from the owner, so exemptions create some necessary flexibility.

**Proposed Text Amendment (cont.)**

- **Swimming pools (above or in ground)** – proposed for deletion
- A swimming pool is not a “building element” but a separate structure
- Can be located a significant distance from and with no connection to the main building and have a greater visual impact depending on size, decking, and mechanical equipment
- Swimming pools would be required to be located fully within the required setback area – applicant may be eligible to apply for a variance

**Proposed Text Amendment (cont.)**

- **Other minor changes:**
  - Section title is modified to clarify that the section applies to structures/portions of and not to uses
  - Add “freestanding” to “walls” to clarify that the section does not apply to the walls of a building
  - Delete “hedges”
    - Only context in the Zoning Ordinance in which “hedges” are specifically regulated
    - Could conflict with Section 7.1.1F which prohibits allowing any vegetation (including hedges) to cause a sight distance impediment
    - Hedges are not considered “structures” and would be allowed in setback areas (subject to Section 7.1.1F) regardless of whether they are referenced in Section 7.1.2C

**Planning Commission Recommendation**

- **Planning Commission voted unanimously to initiate consideration of the text amendment at their October 7 meeting.**
- **Commission voted 9-0-2 to recommend adoption following a duly-advertised public hearing on November 4.**
- **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 December 20, 2022 meeting.**

**Supervisor Lawrence moved to set public hearing PH2022-22: TA22-06 Structures or Portions of Structures Permitted in Setback Areas for Tuesday, December 20, 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

12) *Set Public Hearing PH2022-23: 2022 Double Tollgate Area Plan*

Director of Planning, Brandon Stidham, presented the following:

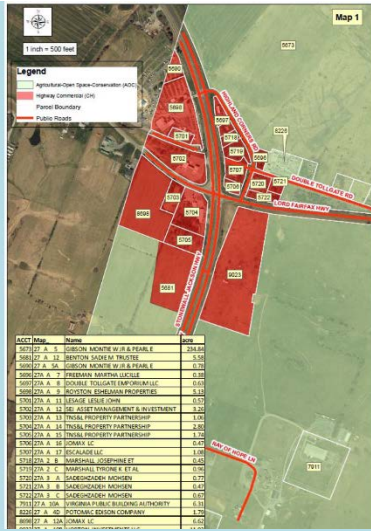
**2022 Double Tollgate Area Plan**

- The 2022 Double Tollgate Area Plan is the third iteration of this Clarke County Comprehensive Plan implementing component plan.
- The Area Plan provides guidance and recommendations on land use and public infrastructure decision-making for the Double Tollgate business intersection area.
- The Area Plan helps to ensure that appropriate land is provided to support highway commercial uses, that necessary public utilities and a safe transportation network are available to support these uses, and that the character of development enhances the overall character of the County.
- Current plan was adopted on December 20, 2016.

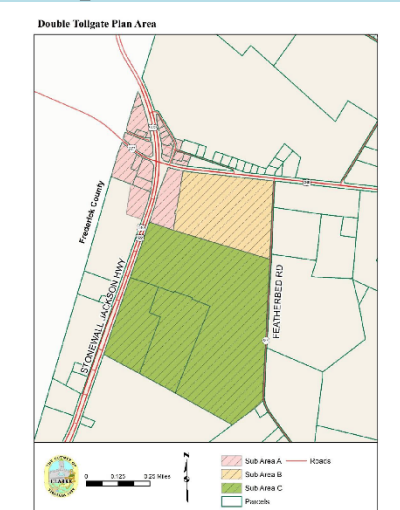
**2022 Double Tollgate Area Plan**

- The 2022 revision:
  - Strengthens and updates the Area Plan's goals, objectives, and strategies using guidance from the 2022 Comprehensive Plan
  - Replaces the current deferred growth status with development strategies based on serving the plan area with public water and sewer
  - Expands the plan area to include State-owned properties to the southeast of the current plan area
  - Adds amendments throughout the Plan for clarity and consistency purposes

## Current Plan Area



## Proposed Plan Area



### Proposed "Sub-Areas"

---

- **Sub-Area A**
  - Contains all properties in current Plan Area
  - All properties are currently zoned Highway Commercial (CH) and Highway Access Corridor Overlay District (HAC)
  
- **Sub-Area B**
  - Contains one 65-acre lot with frontage on U.S. 340 and Featherbed Road
  - Zoned Agricultural-Open Space-Conservation (AOC) but exempt from local zoning regulations as a State-owned property
  - Owned by Virginia Port Authority; transferred by General Assembly in 2019 – work with Clarke County “to promote the use of the land for economic development purposes”
  - Policies include recommended parameters by which rezoning for compatible commercial development projects could be achieved

### Proposed "Sub-Areas"

---

- **Sub-Area C**
  - Includes remaining State properties currently owned by Department of Military Affairs, Department of Corrections (DOC), and Virginia Department of Transportation (VDOT)
  - Zoned AOC but exempt from local zoning regulations as State-owned properties
  - DOC property is served by a 12-inch waterline from Frederick County and a small sewage treatment facility with permitted capacity of 37,000 gallons per day – previously served the “Camp 7” correctional facility
  - Recommended for uses on State-owned properties served by public water and public sewer
  - Policy included to evaluate this Sub-Area every five years to determine whether all or a portion should be re-designated to Sub-Area B

### Changes to Goals

---

- Remove “deferred growth area” status added in 2016 – maintain current Plan Area boundaries and defer investment until development triggers occur
  
- Replace with approach to develop Plan Area in partnership with government agencies, landowners, and developers to be served by:
  - Public water and public sewer
  - Safe and efficient public road network
  - Business-class broadband internet service
  
- Limit commercial development to Sub-Areas A and B until both areas achieve substantial build-out and new public infrastructure is identified to support an expanded plan area
  
- Evaluate the Area Plan every five years to ensure recommendations are relevant and address current needs and impacts

### **Changes to Objectives/Strategies**

---

- **Invest County resources in a fiscally-responsible manner to support development/re-development in the Plan Area**
  - Continue working with Frederick County to extend water/sewer
  - Quantify the need for future public infrastructure investments including transportation and water/sewer
  - Provide economic development resources and programs to support growth in the Plan Area
- **Pursue partnerships and funding opportunities to support public infrastructure expansion**
  - Explore various funding models; ensure that the cost of providing services are paid predominately by the potential system users
  - Ensure transportation impacts from new development projects are mitigated by the developers of those projects.

### **Changes to Objectives/Strategies (Cont.)**

---

- **Establish/maintain regulations to ensure quality and efficient site development standards and compatible uses at the County's southwestern gateway**
  - Includes requiring any rezoning to Highway Commercial (CH) to also include rezoning to Highway Access Corridor Overlay District (HAC)



### **Planning Commission Recommendation**

---

- **Planning Commission voted unanimously to initiate consideration of the text amendment at their October 7 meeting.**
- **Commission voted 9-0-2 to recommend adoption following a duly-advertised public hearing on November 4.**
- **No one spoke for or against the text amendment at the public hearing.**

### **Staff Recommendation**

---

- **Staff has no outstanding concerns with the adoption of the draft Area Plan.**
- **Recommend scheduling public hearing for the Board's December 20, 2022 meeting.**

#### Chairman Weiss

- Shared that reviewing Sub-Area C every five years is the Board's general practice to avoid piecemeal plan amendments, but that could be problematic from an economic development perspective.
- Inquired if a different methodology was available.
  - Brandon Stidham advised that staff could edit the language to allow more flexibility over time, adding that if the Board anticipates something to occur within the five-year period, then it would be best to address it in the plan.

#### Chris Boies

- Added that the National Guard was hoping to get funding for their portion of the plan area for FY23-FY24, so they are planning to move more quickly than originally thought.

Chairman Weiss

- Opined that the goal is to stay within parameters, but that the Board also does not want to limit future conversations.

Supervisor McKay

- Questioned if and when the state might be funding improvements on Route 522 from the Frederick County/Clarke County line to the Clarke County/Warren County line.
  - Brandon Stidham answered that the onus is on localities to have VDOT look at areas and then for the localities to file their own Smart Scale applications.

Chairman Weiss

- Offered the Board’s compliments to the planning commission and to staff for their work, especially in removing the deferred status.

**By consensus, the Board decided not to set a public hearing and instead request that staff revise language in the 2022 Double Toll Gate Area Plan for presentation at the December Work Session.**

13) *Consideration of the 2023-2028 Capital Improvements Plan*

County Administrator Chris Boies presented the following:

- Staff presented the Capital Improvements Plan (CIP) to the Planning Commission, who recommends approval. The CIP does not obligate the Board to fund the items described, but it is a helpful tool for planning.
- The only item that did not fit neatly into the Comprehensive Plan is the Route 7 pedestrian overpass, as it is not included in the Transportation Plan. Formal review and update of the Transportation Plan is expected to begin in early 2023 and will include evaluating the pedestrian overpass for inclusion.

Chairman Weiss

- Shared that the Clarke County Sanitary Authority, at a recent meeting, were glad to see that the County’s CIP included CCSA needs as well and thought it was helpful.

Supervisor Lawrence

- Asked if the Health & Human Services building project currently listed as \$1.5 million in Year 3 would move to Year 2 next year and if additional funds could be designated for that purpose.

Chairman Weiss

- Answered that the project will move to Year 2 next year and that designating additional funds will be considered during the Finance Committee items later in the meeting.

- o Chris Boies added that the cost estimates are rough right now and that specific funds will be requested prior to the project’s plan year in order to refine those estimates and design.

Supervisor Bass

- Queried if there could be any grant opportunities available for that project.
  - o Chris Boies answered that staff has done some preliminary searching but has not found anything yet.

**Vice Chair Catlett moved to adopt the 2023-2028 Capital Improvements Plan 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

14) *Board of Supervisors Personnel Committee Items from November 7, 2022:*

A. Expiration of Term for Appointments Expiring through January 2023:

2022-11-07 Summary: Following review, the Personnel Committee recommends the following:

- Appoint John Staelin to fill the unexpired term of Anne Caldwell as the Planning Commission citizen alternate on the Board of Septic & Well Appeals, the term expiring January 31, 2023.
- Appoint John Staelin to fill the unexpired term of Anne Caldwell on the Board of Zoning Appeals, the term expiring on February 15, 2025.
- Reappoint Tavan Mair, of Connected Communities, Inc., to the Community Policy and Management Team for a three-year term expiring December 31, 2025.
- Reappoint Jerry Stollings to the Community Policy and Management Team for a three-year term expiring December 31, 2025.
- Reappoint Randy Buckley to the Conservation Easement Authority for a three-year term expiring December 31, 2025.
- Reappoint Michelle Jones to the Conservation Easement Authority for a three-year term expiring December 31, 2025.
- Reappoint Rives Bacon to the Conservation Easement Authority for a three-year term expiring December 31, 2025.
- Reappoint Mark Gribble to the Economic Development Advisory Committee for a four-year term expiring December 31, 2026.

- Reappoint John Milleson to the Economic Development Advisory Committee for a four-year term expiring December 31, 2026.
- Reappoint Chris Boies to the Northwestern Regional Jail Authority for a one-year term expiring December 31, 2023.
- Reappoint Sheriff Anthony Roper to the Old Dominion Alcohol Safety Action Policy Board for a three-year term expiring December 31, 2025.
- Reappoint Sheriff Anthony Roper to the Old Dominion Community Criminal Justice Board for a three-year term expiring on December 31, 2025.
- Reappoint Eric Voelkel to the Parks & Recreation Advisory Board for a four-year term expiring December 31, 2026.

2022-11-22 Action: Chris Boies reviewed the above summary.

- The Board makes appointments to the Board of Septic & Well Appeals every January, which is why Mr. Staelin’s term is so short.
- For the Board of Zoning Appeals, the Circuit Court makes the official appointment, after recommendation by the Board of Supervisors.

**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 November 7, 2022*

Board of Supervisors Work Session Items  
Berryville/Clarke County Government Center, 2nd Floor  
101 Chalmers Court, Berryville, Virginia 22611  
November 7, 2022, 10:00 AM, Meeting Room AB

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

Board Members Absent: Doug M. Lawrence

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

Others Present: Mickey Powell, The Winchester Star

Press Present: None

2022-11-07 Summary: At 10:02 am, Chairman Weiss called the meeting to order.

- A. Budget Priorities: The Board discussed general budget priorities for the Fiscal Year 2024 Budget including the Broadband project, taking care of staff, and possible reductions to the real estate and/or personal property taxes due to ongoing inflation impacts on the citizenry.
- B. Capital Improvements Plan: The Board heard an update from staff on the proposed Capital Improvements Plan and asked questions about various projects within the plan. The plan will be presented to the Board at the November 22 meeting with a recommendation from the Planning Commission.

At 10:28 am, Supervisor Bass moved to enter closed session as permitted by VA Code §2.2-3711(A)(7), to receive a briefing by staff members pertaining to actual or probable litigation where such briefing in open meeting would adversely affect the negotiating or litigating posture of the Board of Supervisors. The motion carried unanimously with Supervisor Lawrence absent.

At 11:07 am, with the members of the Board of Supervisors being assembled in the designated meeting place, with open doors and in the presence of members of the public and/or the media desiring to attend, Vice Chair Catlett moved to reconvene in open session. The motion carried unanimously with Supervisor Lawrence absent.

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 November 7, 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 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
Terri T. Catlett	-	Aye
Doug M. Lawrence	-	Absent
Beverly B. McKay	-	Aye
David S. Weiss	-	Aye

At 11:08 am, Chairman Weiss adjourned the meeting.

2022-11-22 Action: Chris Boies reviewed the above summary.

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

- A. FY23 Deed Book Restoration Grant Request: During the previous fiscal year (FY22), the Clerk of the Circuit Court was awarded a Deed Book Restoration Grant in the amount of \$31,666 from the Commonwealth of Virginia. At that time, the Board of Supervisors approved a supplemental appropriation request for the project. Due to the extended time it took for the restoration process, the project was not completed during FY22 and no funds were expended or received during FY22. Because the project has crossed fiscal years, an FY23 supplemental expenditure and revenue appropriation to the capital projects fund in the same amount of \$31,666 is being requested again, with no local funds required. In September 2022, all eight books were restored and returned to the Clerk of the Circuit Court and this project is now complete.

2022-11-07 Summary: Following review, the Finance Committee recommends, "Be it resolved that the FY23 Government Capital Projects fund budgeted expenditure and appropriation be increased \$31,666, and that revenue appropriation be increased by the same amount, for the purpose of receiving revenue from the State for the Deed Book Restoration Grant."

2022-11-22 Action: Brenda Bennett reviewed the above summary:

- Future one-time projects will be requested in Capital Projects Fund, so that if they do cross fiscal years they will be easier to manage.

**Supervisor Bass moved, be it resolved that the FY23 Government Capital Projects fund budgeted expenditure and appropriation be increased \$31,666, and that revenue appropriation be increased by the same amount, for the purpose of receiving revenue from the State for the Deed Book Restoration Grant. 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. FY23 Local Assistance and Tribal Consistency Funds: Clarke County has been awarded \$100,000 in ARPA funds from the U.S. Department of the Treasury, Local Assistance and Tribal Consistency Fund. These funds will be disbursed in two tranches of \$50,000 each, with the first one being received in FY23. These are federal funds with no local match required. Recipients under this program have a broad discretion on uses of the funds. All recipients will be responsible for submitting an annual project and expenditure report to the Treasury. This request is for a supplemental expenditure appropriation in the amount of \$50,000 to the general fund contingency account with a revenue appropriation to the general fund in the same amount.

2022-11-07 Summary: Following review, the Finance Committee recommends:  
“Be it resolved that the FY23 General Operating fund contingency account budgeted expenditure and appropriation be increased \$50,000, and that revenue appropriation be increased by the same amount, for the purpose of accepting federal funds from the Local Assistance and Tribal Consistency Fund.”

2022-11-22 Action: Brenda Bennett reviewed the above summary:

- These funds are made available to counties that contain federal land in order to offset the loss of tax revenue. Federal land in Clarke County includes the Appalachian Trail.

**Supervisor Bass moved, be it resolved that the FY23 General Operating fund contingency account budgeted expenditure and appropriation be increased \$50,000, and that revenue appropriation be increased by the same amount, for the purpose of accepting federal funds from the Local Assistance and Tribal Consistency Fund. 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. FY23 ARPA Tourism Recovery Program Supplemental Request: Earlier this year, Clarke County was allocated \$30,000 of ARPA State and Local Fiscal Recovery Funds to address negative economic impacts as a result of Covid-19. The funds are being awarded through the Virginia Tourism Corporation (VTC). Clarke’s Economic Development Director has worked closely with the VTC over the last several months to complete the application submission and recently received notification of this award. The Board of Supervisors previously appropriated these funds in FY22; however, due to the delayed application process, the project has crossed fiscal years and a new FY23 supplemental appropriation is needed. There is no local match required. This request is for supplemental expenditure and revenue appropriation to the capital projects fund in the amount of \$30,000 for this project.

2022-11-07 Summary: Following review, the Finance Committee recommends:  
 “Be it resolved that the FY23 Government Capital Projects fund budgeted expenditure and appropriation be increased \$30,000 and that revenue appropriation be increased by the same amount, for the purpose of receiving federal flow through funds from the Virginia Tourism Commission, for the ARPA Tourism Recovery Program Grant.”

2022-11-22 Action: Brenda Bennett reviewed the above summary:  
 – The Board approved the spending plan last year, which has since been approved by the Virginia Tourism Corporation. This request just puts the appropriation into this fiscal year.

**Supervisor Lawrence moved, be it resolved that the FY23 Government Capital Projects fund budgeted expenditure and appropriation be increased \$30,000 and that revenue appropriation be increased by the same amount, for the purpose of receiving federal flow through funds from the Virginia Tourism Commission, for the ARPA Tourism Recovery Program Grant. 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. FY23 CCPS Recruitment and Retention Support Grant: The Clarke County School Division has been awarded a \$30,000 Recruitment and Retention Grant. This grant would provide funds for continuing education support for provisionally licensed teachers and teachers needing to add a specific certification. Employees will be offered participation if they are currently serving or are seeking initial endorsement in a critical shortage area, as identified by the Department of Education during the 2019-2020, 2020-2021, or 2021-2022 school years. Clarke has approximately 15 employees who are not fully licensed in the area in which they are assigned. This grant would allow 100% of their tuition and fees to be paid for courses toward certification. These grant funds must be obligated by June 30, 2023 and expended by August 31, 2023. This request is for a supplemental expenditure and revenue appropriation of \$30,000 for the Recruitment and Retention Support Grant.

2022-11-07 Summary: Following review, the Finance Committee recommends:

“Be it resolved that the FY23 School Operating fund budgeted expenditure and appropriation be increased \$30,000, and revenue appropriation be increased in the same amount, for the purpose of receiving federal revenue for the Recruitment and Retention Support Grant.”

2022-11-22 Action: Brenda Bennett reviewed the above summary.

**Supervisor Lawrence moved, be it resolved that the FY23 School Operating fund budgeted expenditure and appropriation be increased \$30,000, and revenue appropriation be increased in the same amount, for the purpose of receiving federal revenue for the Recruitment and Retention Support Grant. 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. FY23 Clarke County Department of Social Services Refugee Cash Assistance Program: The Clarke County Department of Social Services has received \$3,720 in additional federal revenue for the Refugee Cash Assistance program. There is no local match required for these funds.

2022-11-07 Summary: Following review, the Finance Committee recommends:  
“Be it resolved that the FY23 Clarke County Department of Social Services fund budgeted expenditure and appropriation be increased by \$3,720 and that revenue appropriation be increased by the same amount, for the purpose of receiving federal revenue for the Refugee Cash Assistance Program.”

2022-11-22 Action: Brenda Bennett reviewed the above summary:

Chairman Weiss

- Advised that these are separate funds designated specifically for refugee assistance and do not pull funds from any other programs. Similar assistance is available for citizens, should they require it.

**Vice Chair Catlett moved, be it resolved that the FY23 Clarke County Department of Social Services fund budgeted expenditure and appropriation be increased by \$3,720 and that revenue appropriation be increased by the same amount, for the purpose of receiving federal revenue for the Refugee Cash Assistance Program. The motion carried by the following vote:**

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

- F. FY23 1<sup>st</sup> Quarter Expenditures Review:

2022-11-07 Summary: The Finance Committee reviewed the expenditures report, no action was taken.

2022-11-22 Action: Chris Boies reviewed the above summary:

- It is still very early in the fiscal year, but initial review of first quarter expenditures did not show anything concerning. No action is required.

G. FY23 1<sup>st</sup> Quarter Revenue Review:

2022-11-07 Summary: The Finance Committee reviewed the revenue report, no action was taken.

2022-11-22 Action: Chris Boies reviewed the above summary:

- Reviewing first quarter revenue is difficult, as the county does not collect any real estate or personal property taxes in the 1<sup>st</sup> quarter.
- Many of these revenue sources are accrued back such as sales tax from the state, which is always two months behind and therefore missing from the first quarter report.
- Comparing this to reports from the same time in previous years, no concerns were identified.

H. Avenity Tax Software:

2022-11-07 Summary: Following review, the Finance Committee recommends moving forward with a contract with Avenity for tax software services and the following language: “Be it resolved that the FY23 Capital Projects fund budgeted expenditure and appropriation be increased \$259,000 and that fund balance designation for Avenity Tax Software be reduced in the same amount, all for the purpose of contracting with Avenity, Inc. to acquire new tax software that will replace the existing MUNIS tax software.”

2022-11-22 Action: Chris Boies reviewed the above summary:

- A workgroup was established last year with staff from the offices of the Treasurer and the Commissioner of the Revenue, as well as Joint Administrative Services and Information Technology.
- The group’s focus was to evaluate and adjust the existing taxing software (Munis) in order to produce more understandable tax bills. After several meetings, the group could not find a way to meet that goal.
- After speaking with other localities who are experiencing similar issues with the Munis tax software, the group recommends moving forward with a different software, Avenity. The group received a demonstration of the Avenity product and staff was very impressed with the system.
- The county would only be removing the taxing module from Munis, but all other Munis modules currently in use would remain.
- The primary driver of this change is that the bills are difficult to create and difficult for citizens to read, especially for prorations.

- The Treasurer should be able to run the tax bills, which she currently cannot do with Munis without significant time and support of the IT Director.
- The up-front project cost is \$259,000, which covers all necessary training and licensing. The county currently pays \$17,000 per year to Munis for the taxing module and the annual cost for Avenity will be \$87,000, an increase of \$70,000.
- The Finance Committee designated fund balance from last year towards this project to pay for the implementation, and the Treasurer and Commissioner of the Revenue are in agreement.

Supervisor Bass

- Asked if there was any recourse available to the county, as Tyler Technology was consistently unresponsive regarding fixing issues.
  - Chris Boies advised that staff will consult legal counsel.

Supervisor Lawrence

- Asked if the annual \$17,000 payment to Munis would be eliminated.
  - Chris Boies affirmed, adding that staff is still trying to determine if Munis would still charge the county to have access to the data in that module.

Vice Chair Catlett

- Opined that taxes are the most important source of revenue, so it is critically important that the taxpayers receive accurate and understandable bills.

Chairman Weiss

- Added that the functionality and day-to-day operation within the offices is negatively affected by the current software. The Finance Committee was impressed at both number of other localities using Avenity and the length of time each one has used it. The Board is hesitant to recommend supplemental appropriations but the situation is near crisis and there is high confidence that this will solve existing problems.

**Vice Chair Catlett moved, be it resolved that the FY23 Capital Projects fund budgeted expenditure and appropriation be increased \$259,000 and that fund balance designation for Avenity Tax Software be reduced in the same amount, all for the purpose of contracting with Avenity, Inc. to acquire new tax software that will replace the existing MUNIS tax software. 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. FY23 Sheriff's Office Mobile Radio Project: The Clarke County Sheriff's Office is requesting a supplemental expenditure appropriation of \$372,000 for the Mobile Radio Project, per the attached proposal. The Finance Committee should consider approval of this request.

2022-11-07 Summary: Following review, the Finance Committee recommends:  
"Be it resolved that the FY23 Capital Projects fund budgeted expenditure and appropriation be increased \$372,000, and that fund balance designation for Data and Communications Technology be reduced in the same amount, all for the purpose of contracting with Motorola Solutions for the Public Safety Radio System Westwood Site Radio Project."

2022-11-22 Action: Chief Deputy Sheriff Travis Sumption reviewed the above summary:

- The Sheriff's Office has worked with a consultant and with Motorola to come up with a solution to the current mobile radio coverage problem in the county.
- There were mistakes made on the first project, which have spurred changes in this project to ensure that all bases are covered and that there is potential recourse if things do not go well.
- Preliminary noise board testing results for Mount Weather and Westwood were used to generate mobile coverage maps. These maps from Motorola show full coverage for the county, while the maps for the previous proposal did not.
- Motorola offered some discounts if the proposal is signed by a certain date, as well as additional discounts given by working with an account representative, so the price is much better than the quote that was previously given.
- The maps show full mobile (in-vehicle) radio coverage for the county, but there are gaps in portable (handheld) radio coverage. The Sheriff's Office in-building radio coverage issues have been solved through the use of vehicle repeaters.

Director of Fire, EMS & Emergency Management, Wayne Whetsell, presented the following:

- Purchasing vehicle repeaters is included in the Capital Improvements Plan, in order to help existing Fire & Rescue coverage issues.
- The plan is to put two repeaters on apparatus per station, as well as one on the ALS-1 vehicle and the Director's vehicle.
- If the repeaters are successful, the plan will be to put repeaters on all the vehicles. Future plans also include a possible antenna in Millwood, if feasible.

Supervisor McKay

- Asked how much a vehicle repeater costs.
  - Travis Sumption responded that the in-vehicle radios that Fire & Rescue currently have are not able to be connected to a repeater so they need to purchase a new radio and repeater. The combined cost is approximately \$22,000.
- Further asked if any other manufacturers could supply repeaters.
  - Travis Sumption replied that the vehicle repeaters are not actually made by Motorola; they are made by a company called Futurecom, who partners exclusively with Motorola for repeaters.

Supervisor Lawrence

- Inquired if the vehicle repeaters would interfere with the simulcast between the two towers.
  - Travis Sumption clarified that there are already repeaters at each tower site. The in-vehicle repeaters being discussed will not interfere.
- Further asked which channels would be used for testing.
  - Travis Sumption advised they picked two channels for testing that are not normally used day-to-day, in order to limit operational interruptions.

Chairman Weiss

- Advised that Director Whetsell worked intensively in radio communications at his previous job.
  - Travis Sumption added that, through Director Whetsell's connections, Fairfax County recently conducted testing in Clarke County that proved to be very valuable.

Chairman Weiss

- Stated that this project needs to be done, due to the interference problems at the current location. If any issues arise after this installation at Westwood, the county will have to undertake another project to solve them.

Supervisor Lawrence

- Questioned if the county would be able to hire a different company or consultant for future issues and projects or if contractual language requires the county to continue using Motorola.
  - Travis Sumption responded that the county can always do an RFP for another consultant. The county will continue to use Motorola in order to maintain compatibility, unless the entire radio system is replaced.

Vice Chair Catlett

- Observed that staff has been able to utilize the consultants to work through issues and hold them more accountable than previously.

- Travis Sumption added that staff learned from the previous project, which likely needed more testing.

Chairman Weiss

- Summarized that the Finance Committee has recommended moving forward with this large supplemental request. The current system is insufficient and this is the solution.

**Supervisor Lawrence moved, be it resolved that the FY23 Capital Projects fund budgeted expenditure and appropriation be increased \$372,000, and that fund balance designation for Data and Communications Technology be reduced in the same amount, all for the purpose of contracting with Motorola Solutions for the Public Safety Radio System Westwood Site Radio Project. 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

J. FY23 Fund Balance Designations

2022-11-07 Summary: Following review, the Finance Committee recommends the fund balance designations as shown in the attachment. The Finance Committee further recommends appropriating some of the funds as follows:

“Be it resolved that the FY23 Capital Projects fund budgeted expenditure and appropriation be increased \$280,000, and that fund balance designation for Jack Enders Blvd Project be reduced in the same amount, all for the purpose of completing the punch list for Jack Enders Blvd in the industrial park.”

“Be it resolved that the FY23 Capital Projects fund budgeted expenditure and appropriation be increased \$150,000, and that fund balance designation for Government Capital Projects be reduced in the same amount, all for the purpose of completing a number of small capital projects.”

2022-11-22 Action: Chris Boies reviewed the above summary:

- Every fall, auditors provide final numbers from the previous fiscal year and the Board designates the available end-of-year funds through fund balance designations. These designations do not provide legal authority

to spend the funds; they just allow the Board to plan within its general savings account.

- The overall fund balance increased due to strong revenues and because it includes capital money that was not spent in the previous year.
- In previous years, the School Board has requested that their carryforward be converted to capital, but they did not do that this year. Instead, the school's operating budget carryforward was turned back to the county.
- Per policy, 15% of the operating budget is set aside as a rainy day fund.
- The Board already approved capital carryforward of \$794,000.
- \$150,000 is set aside for conservation easements, again according to policy.
- The Data and Communications Technology designation is increased by \$372,000 for the Motorola project. This leaves \$600,000 available to address potential coverage issues in the southern part of the county, if needed.
- Also included is a request to appropriate \$280,000 for the Jack Enders Blvd Project. The town of Berryville never fully accepted the road for the industrial park when it was built, so the town and county have been working together on a punch list for that road for a number of years and these funds will cover those costs.
- A new line item sets aside \$50,000 for the fifth year of the USGS contract, which is when the groundwater data analysis will occur.
- \$1.5 million is designated for the future Health and Human Services building project.
- Another new item is the Berryville Clarke County Joint Government Center Reserved Fund, which the town funds a portion of and which is also a covenant of the loan. It has always been a part of the designation amount but has not been specifically identified before. An additional \$150,000 is also set aside to be used in the event of a major building issue. The town of Berryville has done the same.
- Another appropriation request of \$150,000 for General Government Capital Projects is included. These funds will be used for a number of small projects necessary to protect the county's assets, such as painting the roof of the Historical Association building and the FISH building.

#### Chairman Weiss

- Advised that the undesignated portion is roughly \$112,000. The Finance Committee tried to prioritize needs in relation to the available savings while following previous guidance from this and previous Boards.
  - Chris Boies added that the Board's approach to capital projects has been to use cash as much as possible, so the only debt service



on the general government side is for the Joint Government Center.

- Further advised that the self-funded insurance account has been increased significantly, as a matter of prudence.

**Supervisor Lawrence moved that the Board accept the recommendations for fund balance designations and, be it resolved, that the FY23 Capital Projects fund budgeted expenditure and appropriation be increased \$280,000, and that fund balance designation for Jack Enders Blvd Project be reduced in the same amount, all for the purpose of completing the punch list for Jack Enders Blvd in the industrial park and, be it resolved, that the FY23 Capital Projects fund budgeted expenditure and appropriation be increased \$150,000, and that fund balance designation for Government Capital Projects be reduced in the same amount, all for the purpose of completing a number of small capital projects. 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

K. Bills and Claims

2022-11-07 Summary: Following review, the Finance Committee recommends approving the October 2022 Invoice History report.

2022-11-22 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

L. Standing Reports

- a. Year to Date Budget Report
- b. Reconciliation of Appropriations
- c. Capital Projects Report

2022-11-22 Action: Information Only.

13) *Joint Administrative Services Board Update*

Brenda Bennett provided the following update:

- The JAS Board did not meet last month, but will meet in November and have an update for the December meeting.

14) *Government Projects Update*

Chris Boies provided the following update:

- The soccer parking lot expansion was completed this past week, the Board had budgeted \$25,000 for that project and the Soccer League covered the rest. The contractor did a good job and the parking situation is improved.
- All Points Broadband will be speaking at the Board's December meeting, and the Board will also receive a presentation on the FY22 audit.
- I would like to thank Wayne Whetsell for coordinating with Fairfax County to conduct a radio drill this past week. Fairfax brought in their mobile tower unit, which could be used if we had a large-scale communications failure in the county.
- I would also like to thank Travis Sumption, Anne Williams, and April Wilkerson for their participation in the Citizen's Academy last week, we had a great session learning about the Sheriff's Office, the Commonwealth's Attorney's, and the Clerk's offices. Retired Judge Dev Morrison spoke at lunch and we toured the regional jail in the afternoon.

15) *Miscellaneous Items*

None presented.

16) *Summary of Required Actions*

<u>Item</u>	<u>Description</u>	<u>Responsibility</u>
1.	Arrange meeting with Jay Corbalis about monument concerns.	Chris Boies
2.	Schedule meeting for Millwood traffic study update.	Chris Boies
3.	Process approved minutes and resolutions.	Catherine Marsten
4.	Discuss Munis contract issue with County Attorney.	Chris Boies
5.	Execute appointment letters.	David Weiss
6.	Process appointments and update database.	Catherine Marsten
7.	Process applications for easement donations.	Alison Teetor
8.	Advertise public hearings PH2022-20, PH2022-21, & PH2022-22.	Catherine Marsten
9.	Process approved budget requests and action items.	Brenda Bennett
10.	Process bills and claims.	Brenda Bennett

17) *Board Member Committee Status Reports*

Supervisor Matthew Bass

Board of Septic and Well Appeals

- Has not met.

Library Advisory Council

- Update provided earlier in meeting.

Clarke County Litter Committee

- Discussing ways to draw CCPS students into an Earth Day themed competition.

Planning Commission

- Double Toll Gate Area Plan already presented.

Josephine School Community Museum Board

- Nothing to report.

Legislative Updates

- Nothing to report.

Northwestern Regional Adult Drug Treatment Court Advisory Committee

- Has not met.

Northwestern Regional Juvenile Detention Center Commission

- Will meet December 15.

Sheriff's Office

- Three future deputies graduated from the academy today.

Town of Berryville

- Nothing to report.

Supervisor Bev McKay

Northern Shenandoah Valley Regional Commission

- Discussed the VATI grant, which is on schedule.
- Expecting a clean audit report.

Town of Boyce

- Did not attend last meeting.

Vice Chair Terri Catlett

Career and Technical Education

- Exploring possibility of sending welding and culinary students to nearby Blue Ridge Community & Technical College.

Clarke County Historic Preservation Commission

- Has not met.

Clarke County Humane Foundation

- Held a strategic planning session, discussed goals for the future.

Conservation Easement Authority

- Easement applications addressed earlier in meeting.

Parks & Recreation Advisory Board

- Has not met.

School Board

- No longer reading email submissions aloud during meetings.
- Discussed and approved a bonus for teachers.

Virginia Association of Counties

- Attended annual conference, they offer continuing education for Supervisors and recently adopted a new curriculum.
- Moderated a panel discussion with the Dept of Forestry and VADACS regarding solar facilities and green energy.

Supervisor Doug Lawrence

Board of Social Services

- Strategic Plan finished, will be included in December packet.

Regional Jail Authority

- Missed the last meeting.

Chairman David Weiss

Industrial Development Authority

- Has two new members: Cabell Williams and James George.
- Discussed opportunities for a commercial kitchen.

Fire & EMS Commission

- Planning for the upcoming budget process.

At 3:52 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) *PH2022-19: TA22-04 Boundary Line Adjustment Regulations*

Planning Director Brandon Stidham presented the following:



The slide features the Clarke County seal on the left, which includes the text 'THE COUNTY OF CLARKE VIRGINIA 1858'. To the right of the seal, the text reads 'Clarke County Board of Supervisors November 22, 2022 Meeting'. A horizontal line separates this header from the main content. Below the line, the text 'Public Hearing' is centered. A bulleted list follows, containing the item '• TA-22-04, Boundary Line Adjustment Regulations'. A small number '1' is located in the bottom right corner of the slide.

**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.**
- **Public hearing is scheduled for this evening.**

Chairman Weiss opened the public hearing at 6:33 pm.

No persons appeared to address the Board.

Chairman Weiss closed the public hearing at 6:33 pm.



**Supervisor McKay moved to adopt proposed Zoning Ordinance text amendment TA22-04 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

*20) Adjournment*

Chairman Weiss adjourned the meeting at 6:34 pm.

*21) Next Regular Meeting Date*

The next regular meeting of the Board of Supervisors is set for Tuesday, December 20, 2022, at 1:00 pm in the Berryville Clarke County Government Center, Main Meeting Room, 101 Chalmers Court, Berryville, Virginia.

ATTEST: November 22, 2022

---

David S. Weiss, Chairman

---

Chris Boies, County Administrator

---

Recorded and Transcribed by Catherine D. Marsten