

October 18, 2016

Clarke County Board Of Supervisors
Regular Meeting
Main Meeting Room

1:00 p.m.

At a regular meeting of the Board of Supervisors of Clarke County, Virginia, held in the Berryville Clarke County Government Center, 101 Chalmers Court, 2nd Floor, Berryville, Virginia conducted on Tuesday, October 18, 2016.

Board Members

Present Afternoon and Evening Session Mary L.C. Daniel – Berryville District; David S. Weiss - Buckmarsh / Blue Ridge District; Terri T. Catlett - Millwood / Pine Grove District; Barbara J. Byrd – Russell District; Bev B. McKay – White Post District; Absent Afternoon and Evening None

County Staff Present

David Ash, Ryan Fincham, Tom Judge, Gordon Russell, Brandon Stidham, Lora Walburn

Constitutional / State Offices

Tony Roper, Travis Sumption, Barbara Bosserman

Press

Cathy Kuehner - The Winchester Star

Others Present

Matthew C. Ames, Hubacher & Ames, Paul Coumes, ComCast Governmental Community Affairs; Steven and Barbara Soechtig, Tom Dunning, Allan Frederickson and other citizens

1) Call to Order

Chairman Weiss called the afternoon session to order at 1:00 p.m.

2) Adoption of Agenda

David Ash requested the addition of the following items:

- Closed Session Pursuant to §2.2-3711-A7 Consultation with legal counsel and briefings by staff members or consultants pertaining to actual or probable litigation, where such consultation or briefing in open meeting would adversely affect the negotiating or litigating posture of the public body; and consultation with legal counsel employed or retained by a public body regarding specific legal matters requiring the provision of legal advice by such counsel.

Supervisor Byrd moved to adopt the agenda as modified. The motion carried by the following vote:

Barbara J. Byrd	- Aye
Terri T. Catlett	- Aye
Mary L.C. Daniel	- Absent
Beverly B. McKay	- Absent
David S. Weiss	- Aye

3) Citizens Comment Period

Charles "Peanut" Wright, Berryville resident, Little League coach, distributed a flyer titled Purchase and Installation of Lights for One Ball Field. He presented an historic overview of the Chet Hobert Park ballfield lighting project on Field Three at Chet Hobert Park.

At 1:07 pm, Supervisor Mary Daniel joined the meeting.

4) VDOT Update

Ed Carter, Assistant Residency Administrator, with Charlie Monroe and Cliff Balderson, appeared before the Board to provide the monthly update.

Maintenance:

- Completed skin patching on Rt. 761 and repaired shoulders on Frederick County end;
- Cleaned bridge on Rt. 761 and marked centerline for striping;
- Performed skin patching on Rt. 659 and cleaned ditches on Rt. 655;
- VDOT all skin patching this month weather permitting;
- Conducted grading operations on non-hard surfaced roads in September and continue this month;
- Cleaned up tree debris from recent storms and held dry runs to ready equipment for upcoming winter season;

- Begin ditching on various secondary roads and pothole patching truck on Rt. 632;

Board issues:

- Lake Frederick Signal: VDOT has concluded its study of signal warrants at this location. The results were close enough to one warrant to justify Traffic Engineering recommending activating the signal. There are some associated items and materials that need to be ordered and installed. The goal is to have it completed as soon as possible.
 - o Chairman Weiss thanked VDOT for its efforts on this matter.

Supervisor Byrd

- Stringtown Road: Expressed thanks to VDOT for its speedy response to constituent concerns.

At 1:13 pm, Vice Chair McKay joined the meeting.

Supervisor Catlett

- Millwood Crosswalk Painting: Expressed thanks. VDOT explained that the crosswalk closest to the post office required traffic-engineering review.

Supervisor Daniel

- Erecting Flagpole in Roundabout: VDOT has been very helpful. Hope to find an Eagle Scout seeking a project.

5) Shenandoah Farms Sanitary District Update.

David Ash informed the Supervisors that the matter was set for public hearing in the Clarke County Circuit Court at 1:00 pm, Wednesday, November 16, 2016. Further Bob Mitchell would be contacting, as necessary, individual Board members regarding testimony.

6) Discussion Christ Church formal request for Clarke County Sanitary Authority to consider extending the Millwood Sewer District from its current position on Bishop Meade Road to the Christ Church's property at 797 Bishop Meade Road

Chairman Weiss asked Tom Dunning, member Christ Church, to address the Board regarding the church's desire to connect to public utilities. Highlights include:

- Christ Church would like to add a handicap bathroom that would be housed in a new building constructed for that purpose.
- The church and parish septic fields are not plotted.
- Church contacted the Clarke County Sanitary Authority about expanding the sewer district to include the church property.
- Church, parish and food pantry are connected to municipal water.
- Linden property includes a house and a small building that is being rented.
- Affects five acres and is zoned rural residential.
- A maximum of seven potential lots would be possible for the adjoining affected property.

Vice Chair McKay advised that the CCSA spoke about the matter today and believed it had the capacity to accommodate the request. Mr. McKay did disclose that he attends Christ Church.

David Weiss recommended that the matter be referred to staff, Mike Legge, Brandon Stidham and David Ash, to address questions raised and to develop the requisite amendment to County Code Chapter 180 Article VII Millwood Service Area. He asked that the matter be placed on the November 3, 2016 Regular Meeting Agenda for further review and to set public hearing if the matter was ready to move forward.

7) Set Public Hearing on Text Amendment CC-2016-06 to the Clarke County Code §143-9 "Septic Ordinance"

Ryan Fincham briefed the Board on the proposed amendment.

Supervisor Byrd moved to set public hearing for Tuesday, December 20, 2016, at 6:30 pm or as soon thereafter as the matter may be heard. The motion carried by the following vote:

Barbara J. Byrd	- Aye
Terri T. Catlett	- Aye
Mary L.C. Daniel	- Aye
Beverly B. McKay	- Aye
David S. Weiss	- Aye

8) Set Public Hearing AFD-16-01 – Riley

Ryan Fincham reviewed the application to join the agricultural and forestal district noting that the Agricultural and Forestal District Committee unanimously recommended acceptance.

Supervisor Byrd moved to set public hearing for Tuesday, December 20, 2016, at 6:30 pm or as soon thereafter as the matter may be heard. The motion carried by the following vote:

Barbara J. Byrd	- Aye
Terri T. Catlett	- Aye
Mary L.C. Daniel	- Aye
Beverly B. McKay	- Aye
David S. Weiss	- Aye

9) Set Public Hearing 2016 Revised Waterloo Area Plan and Double Tollgate Area Plan

Brandon Stidham briefly covered the plan review history noting that the Planning Commission unanimously recommended adoption of both plans.

In response to Supervisor Byrd’s query, Mr. Stidham explained that white outlines depict parcel boundaries and red lines depict area plan boundaries.

In response to Supervisor Byrd’s query about the road accessing the former correctional facility at Double Tollgate, Chairman Weiss and Vice Chair McKay confirmed that Ray of Hope Lane is a state-maintained road.

In response to Supervisor Daniel’s query about the state-owned property at Double Tollgate, Mr. Stidham explained that the State typically tries to follow local regulations when filing land use applications. Supervisor Daniel noted that since the State is sovereign following local regulation is a courtesy. Mr. Stidham opined that it would be best to wait until State had a solid plan for the property before adding the parcel to the plan.

In response to Chairman Weiss’ query about possible impact of deferred status, Mr. Stidham explained that the County would have an opportunity to review when the Comprehensive Plan came up for review within the next two to two and half years. Supervisor Daniel added that the Planning Commission received significant public comment on the Double Tollgate Plan. Mr. Stidham further added that Frederick County Sanitary Authority advised that its plans for sewer capacity and all the resources in that area are currently committed to the Lake Frederick development and FCSA does not have the capacity to expand the district beyond the development in its own county.

Supervisor Daniel moved to set public hearing for Tuesday, December 20, 2016, at 6:30 pm or as soon thereafter as the matters may be heard. The motion carried by the following vote:

Barbara J. Byrd	- Aye
Terri T. Catlett	- Aye
Mary L.C. Daniel	- Aye

Beverly B. McKay - Aye
David S. Weiss - Aye

10) Approval of Minutes

Supervisor Byrd requested the minutes reflect detail of comments from the September 23, 2016 Continued meeting.

Supervisor Byrd moved to approve the September 20, 2016 Regular Meeting as presented. The motion carried by the following vote:

Barbara J. Byrd - Aye
Terri T. Catlett - Aye
Mary L.C. Daniel - Aye
Beverly B. McKay - Abstain
David S. Weiss - Aye

11) Consent Agenda

No items.

12) Board of Supervisors Personnel Item

A. Expiration of Term for appointments expiring through December 2016

10/11/2016 Summary: The Personnel Committee recommends appointment of the following:

- Tom McFillen, Berryville Area Development Authority, to complete the unexpired term of Wingate Mackay-Smith. Term expires March 31, 2018
- Gerald Dodson, Board of Social Services, to a term expiring July 15, 2020. Mr. Dotson replaces Robert Ferrebee.
- Jeff Butcher, Board of Social Services, to complete the unexpired term of Dwight Brown. Term expires July 15, 2017
- Elizabeth "Beth" Leffel, Fire and EMS Commission – Citizen-at-large, to a term expiring August 31, 2020.
- George Hoff, Fire and EMS Commission – Boyce Volunteer Fire and Rescue Company representative, to a term expiring August 31, 2017.
- Van Armacost, Fire and EMS Commission – John H. Enders Volunteer Fire and Rescue Company representative, to a term expiring August 31, 2017.
- Jacob White, Fire and EMS Commission – Blue Ridge Volunteer Fire and Rescue Company representative, to a term expiring August 31, 2017.

- Rodney Pierce, Industrial Development Authority of the Clarke County, Virginia, to a term expiring October 30, 2020.

10/18/2016 Action: Supervisor Byrd moved to approve the appointment as recommended by the Personnel Committee. The motion carried by the following vote:

Barbara J. Byrd	-	Aye
Terri T. Catlett	-	Aye
Mary L.C. Daniel	-	Aye
Beverly B. McKay	-	Aye
David S. Weiss	-	Aye

B. Personnel Policy Update

10/11/2016 Summary: The Personnel Committee discussed the current status of the Personnel Policy revision. David Ash, County Administrator, was asked to provide the most current draft by the end of November as time allowed.

10/18/2016 Summary: Chairman Weiss advised that the Personnel Committee, with its budget implications, hoped to have the revised policy ready for approval by February 2017.

13) Board of Supervisors Work Session

- A. §2.2-3711-A7 Consultation with legal counsel and briefings by staff members or consultants pertaining to actual or probable litigation, where such consultation or briefing in open meeting would adversely affect the negotiating or litigating posture of the public body; and consultation with legal counsel employed or retained by a public body regarding specific legal matters requiring the provision of legal advice by such counsel.

- 1) Continued Discussion of Soechtig Appeal
- 2) Shenandoah Farms Sanitary District
- 3) FY2016 Audit Issue

10/11/2016 Summary: Supervisor Daniel moved to convene into Closed Session pursuant to §2.2-3711-A7. The motion carried as follows:

Barbara J. Byrd	-	Aye
Terri T. Catlett	-	Aye
Mary L.C. Daniel	-	Aye
Beverly B. McKay	-	Aye
David S. Weiss	-	Aye

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

Barbara J. Byrd	- Aye
Terri T. Catlett	- Aye
Mary L.C. Daniel	- Aye
Beverly B. McKay	- Aye
David S. Weiss	- Aye

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

CERTIFICATION OF CLOSED SESSION

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

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

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

The motion was approved by the following roll-call vote:

Barbara J. Byrd	- Aye
Terri T. Catlett	- Aye
Mary L.C. Daniel	- Aye
Beverly B. McKay	- Aye
David S. Weiss	- Aye

The Board took no action on matters discussed in Closed Session.

10/18/2016 Summary: No action taken.

14) Board of Supervisors Finance Items

1. FY 16 Year-End Appropriation Adjustments.

The Committee should consider the following action: *"Be it resolved that FY 16 budgeted expenditure, appropriation, and revenue be adjusted as follows:"*

From	To	Amount	Reason
Contingency	Assessor	100	Contract more than budget
DMV Stop Fee Rev	Treasurer	1,624	Credit Card Merchant Fees
Circuit Court Clerk	Circuit Court	905	Joint Operations (Video Link)
GD Court	Juvenile Court	1,578	New Copier
Contingency	GD Court	1,108	Public Defender
Drug Task Force	Criminal Justice Training Center	486	Increased Center Costs
Fire Programs Rev	Fire Programs Exp	3,834	Actual grant increase
Contingency	Boyce VDF	1.00	LODA estimate variance
Contingency	Fire & Rescue Serv	62,080	Personnel, Purch Serv, Supplies
Contingency	Refuse Disposal	35,559	Rate Increase
Contingency	Litter Control	271	Dumpster rental cost
Contingency	Sanitation	451	FCSA rate increase
Economic Dev	Planning Admin	7,283	Purchased Services
Contingency	Brd of Septic Appeals	1,315	Purchased Services
Soc Services Rev	Social Services Exp	12,940	Rent Cost covered by revenue
School Debt Rev	School Debt Exp	1.00	Estimation variance
Conserv Ease FB	Conserv Ease Exp	18,362	Purchase ancillary costs

10/18/2016 Action: Supervisor Catlett moved that the FY2016 budgeted expenditure, appropriation, and revenue be adjusted. The motion carried by the following vote:

Barbara J. Byrd - Aye
 Terri T. Catlett - Aye
 Mary L.C. Daniel - Aye
 Beverly B. McKay - Aye
 David S. Weiss - Aye

2. FY2017 Supplemental Requests and Potential Requests.

The FY 16 year end General Fund balance will be available next month. The disposition of any unspent funds can be determined at that time. The following is a list of potential candidates for appropriation or designation:

a. *EMS Uniforms.*

There is a request for \$6,500 carryover funds for EMS uniforms. However, the final accounting shows no carryover available. The Finance Committee recommends no action at this time.

10/18/2016 Summary: Tom Judge reviewed. No action was taken.

b. *Equine Alliance Economic Development Funding Request.*

The Equine Alliance requests funding of \$10,043 to perform a census of equine groups in Clarke County. The Finance Committee offers no recommendation and refers this matter to the full Board of Supervisors for discussion.

10/18/2016 Summary: Supervisor Byrd read the following prepared statement:

Equine Survey- BOS meeting -10/18/16

The question was asked by our Board Chairman at an earlier BOS work session of how we would use the findings of a countywide Equine Survey and what purpose would it serve the citizens of Clarke County.

First I will endeavor to list the different categories this Survey would cover and then I will answer our Chairman's question.

- 1. Recreation - Trail Riding, Blandy Horse Trails, Blue Ride Hunt Summer Trail Rides, Dressage lessons, riding lessons(both English and western), Fox Hunting, 4-H and FFA projects, Pony Club Activities, Clarke County Fair participation and showing in local shows in and out of the County that go on throughout the year.*
- 2. Breeding - Thoroughbreds, Connemara Ponies, Dartmoor ponies, Welsh ponies, crossbred horses and ponies, Gaited Horses, Arabians, Warm Bloods, Quarter Horses, Hunters, Cleveland Bays, Draft and Sport Horses are a part of our county's agriculture businesses.*
- 3. Competitions - Eventing, Combined Training, Dressage, Hunter Shows, Jumper Shows, Timber and Brush racing, Thoroughbred Racing, Competitive Trail Riding, Endurance Riding, Ride and Tie, Western Pleasure Classes, Cutting Horse Competitions, Barrel Racing, Team Penning, Roping, Gymkhana Events, 4 local monthly shows for points, the Blue Ridge Hunt Show, the 3 Clarke County Fair Shows, Paper Chase Competitions, the Old Fashioned Point to Point and Horse Pulling.*
- 4. Services and Businesses - Boarding, Training, Retirement Farms, Rental Horses and Ponies for trail riding, Fox Hunting, pony parties - horseback lessons, several summer riding camps for children, dressage lessons, hunter and jumper lessons, western riding lessons, barrel racing lessons and a Cross Country Schooling facility. Feed stores, a nationally recognized Equine Nutrition Doctor, hay and bedding suppliers and a monthly Hay Auction. Farriers, equine dentists, an Equine Reproductive Veterinarian, General Veterinarians, a lameness and Surgical Veterinarian and a horse massage practitioner. Tack Sales, tack repair, farm machinery and repair, truck and trailer sales and repair, pasture*

management specialists, seed and fertilizer dealers, fence builders, barn, shed and facilities construction companies, horse ring and arena builders and maintenance drags and equipment. Gravel, sand, clay, shale and stone dust suppliers. A national Equine Auction company, a photographer, a printing company, a lawyer and a CPA.

This separate piece of agriculture brings in more money, jobs and involvement than any other part of our local agriculture. We need to nurture and encourage it to make sure that it continues to grow in a healthy way, so that the money continues to flow into our County's coffers and more local jobs will continue to be created.

In the Virginia Extension Agricultural Survey for Clarke County conducted in 2005, horses alone generated more than half of all agriculture revenue and jobs. Today there are far more horses in our county than in 2005.

The proposed county-wide survey, conducted by Weldon Cooper, would give us the information and tools to accomplish this end.

Vice Chair McKay's comments include:

- Supports conducting the equine survey.
- Supports survey of all agricultural business.
- Need to make a commitment to use the information provided in the survey.
- Need to develop a direction for agricultural economic development.
- Explore ways to integrate agriculture with local citizens.

Supervisor Daniel's comments include:

- Promoting agriculture is important.
- The Town of Berryville does care what happens in the County.
- County has a younger demographic of farmers than in the 90's – have new generation, a new industry and the County needs to be active to make it economically feasible.
- Agriculture is a county-wide concern.
- Would not favor a \$10,000 appropriation in this cycle – the timing is wrong in this budget year.
- Would favor an agricultural survey.

Chairman Weiss' comments include:

- Economic Development office assists all local businesses.

- Agriculture saves the County a tremendous amount of money through its land use policy.
- Agrees with Supervisor Byrd's prepared statement.
- The Board of Supervisors facilitates economic development through zoning and policies.
- Agrees that a survey of the entire agricultural industry is needed.

Vice Chair McKay moved to spend \$10,000 to perform an equine study and request involvement of the Economic Development Director. The motion failed on the following vote:

- | | |
|------------------|-----------|
| Barbara J. Byrd | - Aye |
| Terri T. Catlett | - Abstain |
| Mary L.C. Daniel | - Nay |
| Beverly B. McKay | - Aye |
| David S. Weiss | - Nay |

c. Certified Planning Commissioner program.

The Planning Director requests, and the Finance Committee recommends, reappropriation of \$1,750 for training of two Planning Commission members. These funds are available. *"Be it resolved that the FY 17 Planning Commission budgeted expenditure and appropriation be increased \$1,750, and be it further resolved that the designation for government savings be reduced in the same amount."*

10/18/2016 Summary: Tom Judge reviewed.

Vice Chair McKay moved to approve. The motion carried by the following vote:

- | | |
|------------------|-------|
| Barbara J. Byrd | - Aye |
| Terri T. Catlett | - Aye |
| Mary L.C. Daniel | - Aye |
| Beverly B. McKay | - Aye |
| David S. Weiss | - Aye |

d. Ball Field Lighting.

A firm price for this project is being sought. Bids will be opened October 13, and the goal is to present an appropriation action at the October Regular Board of Supervisors meeting.

10/18/2016 Summary: Tom Judge distributed the ballfield lighting appropriation.

Ball Field Lighting Appropriation 10/18/2016

Source: Joint Administrative Services

SOURCES

Parks Westside/Parking project (currently appropriated)	20,969
General Fund Balance Designation for Government Savings	44,949
TOTAL SOURCES	65,918

USES

Existing Engineering Deficit*	2,886
Quad Contracting Bid (includes permits, site conditions, insurance, final calibration).	36,650
Rock Allowance @\$200 per cubic yard	25,000
Third Party Testing Allowance	1,382
TOTAL USES	65,918

44,949 "Be it resolved that \$20,969 of existing budget and appropriations for Parks Parking be transferred to the Ball Field Lighting project, and be it further resolved that FY 17 General Government Capital Projects budgeted expenditure and appropriation be increased ~~\$45,567~~, and that the FY 17 designation for Government Savings be decreased in the same amount, at such time as that designation is established."

*Total Engineering and Survey cost (feasibility study through September 2016) 27,786.55

Total County Commitment (total expenditure less \$5K donation) 85,818.55

Supervisor Daniel asked if the Park Advisory Board support the project.

Chairman Weiss stated that at its September 9, 2013 meeting the Clarke County Parks and Recreation Advisory Board agree to fund \$25,000 of the project from its master plan.

David Ash stated that the County's contract engineering firm, Anderson and Associates, conducted a survey and developed the estimates.

Supervisor Byrd put forth that the study cost \$28,000.

Tom Judge commented that the project began in FY2014.

David Ash added that the project had changed several times to accommodate changes made by Little League.

Chairman Weiss reminded that former Supervisor J. Michael Hobert had moved approval for the project study on October 20, 2015. : He further noted that the material handed out was the final analysis developed by Tom Judge and Mike Legge.

Supervisor Catlett noted that the donated poles and the amount raised by Little League were not included in the hand out.

Tom Judge remarked that additional engineering costs would add to the budget.

Supervisor Daniel asked about oversight of volunteer / in kind services.

Chairman Weiss noted that the County's Maintenance Director would oversee the project.

Supervisor Byrd as for the original project cost.

Chairman Weiss responded that former Supervisor J. Michael Hobert was the project's champion and the County had never been given a firm number.

Supervisor Catlett opined that lighting would result in a higher usage of the field; and with Little League funds, the County saves money.

Tom Judge explained the funding source advising that there would be sufficient funds to cover the project cost.

Lisa Cooke, Director Parks and Recreation, informed the Board that it would use portable mounds and bases, postponing well into the future the need for new fields. She opined that all age groups would be able to use this field.

Supervisor Daniel moved "Be it resolved that \$20,969 of existing budget and appropriations for Parks Parking be transferred to the ballfield lighting project, and be it further resolved that FY2017 general government capital projects budgeted expenditure and appropriation be increased \$44,949, and that the FY2017 designation for Government savings be decreased in the same amount, at such time as that designation is established." The motion carried by the following vote:

Barbara J. Byrd	-	Aye
Terri T. Catlett	-	Aye
Mary L.C. Daniel	-	Aye
Beverly B. McKay	-	Aye
David S. Weiss	-	Aye

Chairman Weiss thanked staff for their efforts.

e. *General District Court Renovation.*

Additional renovations may be needed. There is no estimate, but this matter should be taken into account when considering designations.

10/18/2016 Summary: Tom Judge briefly reviewed. No action taken.

f. *Recreation Center structural issue.*

An issue at the Recreation Center is being investigated. There is no estimate, but this matter should be taken into account when considering fund balance designations.

10/18/2016 Summary: Tom Judge briefly reviewed. No action taken.

g. *Handsome Brook Grant.*

The following action is recommended: *"Be it resolved that the FY 17 General Capital Projects Fund expenditure and appropriation be increased \$200,000, and that revenue from the Commonwealth be recognized in the same amount, and that this sum be subsequently transferred to the Industrial Development Authority, all to provide an Economic Development Incentive for Handsome Brook LLC to locate an egg processing facility in Clarke County."*

10/18/2016 Summary: Tom Judge reviewed.

Vice Chair McKay moved "Be it resolved that the FY 17 General Capital Projects Fund expenditure and appropriation be increased \$200,000, and that revenue from the Commonwealth be recognized in the same amount, and that this sum be subsequently transferred to the Industrial Development Authority, all to provide an Economic Development Incentive for Handsome Brook LLC to locate an egg processing facility in Clarke County." The motion carried by the following vote:

Barbara J. Byrd	- Abstain
Terri T. Catlett	- Aye
Mary L.C. Daniel	- Aye
Beverly B. McKay	- Aye
David S. Weiss	- Aye

3. FY 16 Capital Projects Carryovers.

Please see the attached calculation. "Be it resolved that FY 16 Budgets and Appropriations for Capital Projects for Government and Schools be carried over to FY 17 according to the attached calculation."

Clarke County Government Capital Projects
FY2016 Proposed Capital Projects Carryforward
10/4/2016

<u>ACCOUNT DESCRIPTION</u>	<u>AVAILABLE BUDGET</u>	<u>PROPOSED CHANGE</u>	<u>PROPOSED FY16 CARRYFORWARD</u>
94110 HVAC System Replacement	10,300		10,300
94120 Roofing	136,633		136,633
94130 Painting and Flooring	20,787		20,787
94140 Landscaping	15,375		15,375
94150 Asphalt, Sidewalk, Path	72,500		72,500
94180 GenDist Court Bldg Repai	72,973		72,973
94310 Sheriff's Equipment	1,330		1,330
94320 Auto Replacement	1,483		1,483
94331 Sheriff's Vehicles	1,493		1,493
94340 Voting Equipment	742	-742	0
94401 Sheriff's Building Renov	9,343	-9,343	0
94409 Citizen's Convenience Ce	29,742		29,742
94502 Econ Development Constru	102,434		102,434
94601 Technology Improvements	75,100		75,100
94602 Systems Integration	168,346		168,346
94603 Mobile Radio System	120,353		120,353
94702 Swimming Pool	119,900		119,900
94703 Park Fencing	31,036		31,036
94704 Old Park Office	20,313		20,313
94705 Park Lighting	-20,335	20,335	0
94706 Park Sitework and Parkin	41,304	-20,335	20,969
94709 New Park Shelter	90,800		90,800
94802 Reassessment	5,085	-5,085	0
94803 Tourism Signs	20,000		20,000
94504 Spout Run Improvement EP	270,393		270,393
94503 Spout Run Improvement NF	35,214		35,214
94506 Greenway Court Preservat	53,227		53,227
94326 Fire/EMS Chase Vehicle	65,000	-65,000	0
94327 Fire/EMS Pers Protective	89,530	-89,530	0
Expense Totals	1,660,402	-169,700	1,490,702
94310 Sheriffs Equipment	1,500	0	1,500
94709 New Park Shelter (Rotary)	25,000	0	25,000
94803 Tourism Signs (Berryville)	10,000	0	10,000
94504 Spout Run Improvement EPA	270,763	0	270,763
94503 Spout Run Improvement NFWF	35,214	0	35,214
94506 Greenway Court (Fed)	43,227	0	43,227
660 FEMA Chase Vehicle Grant	59,800	-59,800	0
665 FEMA Protective Equipment Grant	85,267	-85,267	0
Revenue Totals	530,771	-145,067	385,704
Local Transfer			1,104,998

Clarke County Schools Capital Projects
FY2016 Proposed Capital Projects Carryforward
10/4/2016

ACCOUNT DESCRIPTION	AVAILABLE BUDGET	PROPOSED CHANGE	PROPOSED FY16 CARRYFORWARD
61100 Classroom Instruction (Dorsch Scholarship)	25,589		25,589
61110 School Furniture Replacement	46,378		46,378
61130 Uniform Repl & Band Inststruments	7,073		7,073
61140 Athletics Equipment & Uniforms	6,366		6,366
63500 School Bus Purchases	11,800		11,800
63700 Other Veh & Equip Purchases	5,391		5,391
65100 School Food Services	13,242		13,242
66223 Fencing	30	-30	0
66233 School Signage	8,440		8,440
66250 Fields and Playgrounds	15,000		15,000
66253 Asphalt/Sidewalk/Track/Court	59,767		59,767
66310 Space Needs Study	0		0
66501 Modular Classroom Removal	5,278		5,278
66612 Painting	39,697		39,697
66616 Heating, Ventilation & AC Rep	348,626		348,626
66625 Cooley Lower Campus Renovation	76,874		76,874
66627 Cooley Upper Campus Renovation	0		0
66628 Cooley Upper - Landscape	2,263		2,263
66629 Berryville Primary Renovation	504,374		504,374
66636 Roof Replacements	397,502		397,502
66637 School Security System Grant	0		0
66640 Radon Testing/Remediatio	17,725		17,725
66644 Flooring	18,291		18,291
66645 Security Improvements	206,561		206,561
68100 Technology Classroom Inst	21,099		21,099
68200 Technology Inst Support	118,533		118,533
68301 ERP System	52,359		52,359
68700 Tech Fd Svc & Other Non-Inst	0		0
<u>115- Technology Bond</u>			
68100 Technology Classroom Ins	274,127		274,127
68300 Technology Administratio	0		0
68800 Technology Facilities	0		0
<u>156 STEM-H Partnership</u>			
61100 Classroom Instruction	376	-376	0
Expense Totals	2,282,763	-406	2,282,357
Dorsch Scholarship	25,589		25,589
VPSA Technology Bond Proceeds	247,127		247,127
Reveue Totals	272,716		272,716
Local Transfer			2,009,641

10/18/2016 Summary: Tom Judge briefly reviewed.

Vice Chair McKay moved to "Be it resolved that FY 16 Budgets and Appropriations for Capital Projects for Government and Schools be carried over to FY 17 according to the attached calculation." The motion carried by the following vote:

Barbara J. Byrd - Aye
 Terri T. Catlett - Aye
 Mary L.C. Daniel - Aye
 Beverly B. McKay - Aye
 David S. Weiss - Aye

4. FY 16 Conservation Easement Carryover.

There is no carryover for this fund.

5. Fund Balance Designations.

The Committee should consider fund balance designations based on the final FY 16 General Fund Balance sheet attached. These designations can be adopted by the full board this month, or at their November 3 meeting. In addition to the items above, items the Committee should consider include: the Commonwealth shortfall, Berryville EMS contribution, Convenience Center Operating costs, and Communications upgrades.

Title: General Fund Balance
Source: Clarke County Joint Administrative Services

<u>Prior Titles</u>	<u>Prior</u>	<u>Current</u>
General Fund Balance Year End FY 15/16	13,636,042	13,598,905
Expenditure FY 15/16	(27,155,570)	(26,981,867)
Revenue FY 15/16	27,118,433	27,311,595
General Fund Balance Year End FY 15/16	13,598,905	13,928,633
<u>Designations</u>		
Liquidity Designation @ 12% of FY 16/17 Budgeted Operating Revenue	(\$3,278,655)	(\$3,390,324)
Stabilization Designation @ 3% of FY 16/17 Budgeted Operating Revenue	(819,664)	(847,581)
Continuing Local GF Appropriations for Capital Projects	(2,497,453)	(3,114,639)
School Capital/Debt	(1,250,000)	
Government Construction/Debt	(600,578)	
Property Acquisition	(265,000)	
Conservation Easements from Government Savings	(153,462)	(153,462)
Community Facilities	(\$156,000)	
Comprehensive Services Act Shortfall	(240,724)	(166,866)
Parks Master Plan	(100,000)	(80,000)
School Operating Carryover	-	(878,708)
Government Savings (GenGov, JAS, DSS)	(500,000)	(367,823)
Energy Efficiency	(50,000)	
Data and Communications Technology	(128,000)	(128,000)
Recycling and Convenience Center	(814,336)	
Regional Jail Capital Needs	(100,000)	
Vehicle Replacements	(59,000)	
Landfill costs	(50,000)	
Leave Liability	(75,000)	(75,000)
Economic Development	(200,000)	
CCSA Sewer Fund Shortfall	(150,000)	
FY 16/17 Original Budget Surplus (Deficit)	(503,716)	(4,573,399)
TOTAL Designations	(11,991,588)	(13,775,802)
FY 16/17 Expenditure Supplemental	(1,553,655)	(370,604)
FY 16/17 Revenue Supplemental	446,338	361,304
Undesignated	500,000	143,531

10/18/2016 Summary: Tom Judge briefly reviewed. No action was taken.

6. Sheriff Items.

a. *Salary Discrepancies.*

See Springsted and current scales attached, along with analysis of discrepancies. This matter was discussed in light of the upcoming budget process. The percentage increase and dollar cost necessary to fund the Sheriffs request will be shared.

10/18/2016 Summary: Tom Judge reviewed and noted that a 2.85% increase just for the Sheriff's department would bring his employees up to the minimum. No action was taken.

b. *Technology Requests.*

Communications Study with two grant fund technology requests will be coming forward during the FY 18 budget process.

10/18/2016 Summary: Tom Judge briefly reviewed. No action was taken.

7. Vehicle Decals.

The Finance Committee recommended no action at this time.

10/18/2016 Summary: Tom Judge briefly reviewed. No action was taken.

8. VDOT Land Use Permits.

The Finance Committee recommended no action at this time.

10/18/2016 Summary: Tom Judge briefly reviewed. No action was taken.

9. Acceptance of Bills and Claims

The Finance Committee recommends acceptance of this report.

10/18/2016 Action: Supervisor Catlett moved to accept the September invoice history report as presented. The motion carried by the following vote:

- Barbara J. Byrd - Aye
- Terri T. Catlett - Aye
- Mary L.C. Daniel - Aye
- Beverly B. McKay - Aye
- David S. Weiss - Aye

10. Monthly Reports.

Reconciliation of Appropriations, Expenditure Summary.

15. Joint Administrative Service Board Update

Tom Judge briefly reviewed the September meeting.

15) Government Projects Update

David Ash provided the monthly project update.

- Ballfield lighting project: See action taken under Item 14. 2. d.
- Courthouse:
 - o The Maintenance Department is waiting for another rain to see if repair is holding; and if compromised, it will broaden repair area.
 - o Maintenance is finding that the court's schedule limits its ability to access the facility for the extended periods necessary to affect the repairs.

16) Miscellaneous Items

No miscellaneous items were identified.

17) Summary of Required Action

<u>Item</u>	<u>Description</u>	<u>Responsibility</u>
1.	Review Christ Church request and Chapter 180.	David Ash
2.	Add Christ Church discussion and potential set for public hearing to the November 3 Regular Meeting agenda.	Lora B. Walburn

<u>Item</u>	<u>Description</u>	<u>Responsibility</u>
3.	Develop public hearing notice for CC-2016-06	Ryan Fincham
4.	Process public hearing notice for CC-2016-06	Lora B. Walburn
5.	Develop public hearing notice for AFD-16-01	Ryan Fincham
6.	Process public hearing notice for AFD-16-01	Lora B. Walburn
7.	Develop public hearing notice for Waterloo and Double Tollgate Plans.	Brandon Stidham
8.	Process public hearing notice for Waterloo and Double Tollgate Plans.	Lora B. Walburn
9.	Revise September 23, 2016 to provide more detail.	Lora B. Walburn
10.	Process approved minutes for September 20.	Lora B. Walburn
11.	Update appointment database and process notice of appointment.	Lora B. Walburn
12.	Process letters of appointment and update database.	Lora B. Walburn
13.	Update personnel policy.	David Ash
14.	Add discussion of telecommunications study presentation to the November 3 Regular Meeting agenda.	Lora B. Walburn
15.	Write letter to Berryville Town Council re honoring its commitment.	David Ash
16.	Add ComCast Cable Franchise to the November 3 Regular Meeting agenda.	Lora B. Walburn

18) Board Member Committee Status Reports

Supervisor Barbara J. Byrd

- Northern Shenandoah Substance Abuse Coalition: Will meet at 3:30 pm tomorrow.

Supervisor Terri Catlett

- Parks and Recreation Advisory Board:
 - Discussed ballfield lighting project.
 - Discussed Kohn property. Consultant has viewed the property.
- School Board:

- Foreign Exchange Program: Continued discussion on foreign exchange, which the School Board has revisited and revised.
- Conducted several work sessions on curriculum.

Vice Chair Beverly McKay

- Clarke County Sanitary Authority:
 - Fixed leak on tower.
 - Have bermed the area to prevent flow on neighboring properties.
- NSVRC: Cancelled previous meeting. The next meeting is set for October 20 at the Inland Port.

Supervisor Mary L.C. Daniel

- Library Advisory Council:
 - Attended meeting.
 - Received the fiscal report.
 - Staff has safety concerns when closing after regular hours.
- Planning Commission:
- Telecommunications report update.
- Add to the BoS November 3 Regular Meeting agenda discussion of potential dates for presentation of the telecommunications study.

Chairman David S. Weiss

- Fire and EMS Commission:
 - Interviewed applicants for Director.
 - Interviews conducted by David Ash, Van Armacost and he.
 - David Ash checking references.
- Joint BoS and Town of Berryville Finance Committee Meeting:
 - Met with Town's Finance Committee to determine if the Town will honor its commitment to the County for services.
 - David Ash can provide copies of the presentation.
 - Town's Finance and Budget Committee will make recommendation to Town Council.

- Instructed David Ash to write letter from the BoS asking the Town to honor its commitment made by the previous board.
- As Berryville District representative, Supervisor Daniel expressed her interest in sending the Town a letter about the matter.

19) Closed Session Pursuant to 2.2-3711-A7 Consultation with legal counsel and briefings by staff members or consultants pertaining to actual or probable litigation, where such consultation or briefing in open meeting would adversely affect the negotiating or litigating posture of the public body; and consultation with legal counsel employed or retained by a public body regarding specific legal matters requiring the provision of legal advice by such counsel specific to FY2016 Audit.

At 3:50 p.m., **Supervisor Byrd moved that the Clarke County Board of Supervisors enter Closed Session pursuant to Section 2.2-3711-A7 Code of Virginia re consultation with legal counsel. The motion carried by the following vote:**

Barbara J. Byrd	- Aye
Terri T. Catlett	- Aye
Mary L.C. Daniel	- Aye
Beverly B. McKay	- Aye
David S. Weiss	- Aye

At 4:45 p.m., the members of the Board of Supervisors being assembled within the designated meeting place, with open doors and in the presence of members of the public and/or the media desiring to attend, **Supervisor Catlett moved to reconvene in open session. The motion carried as follows:**

Barbara J. Byrd	- Aye
Terri T. Catlett	- Aye
Mary L.C. Daniel	- Aye
Beverly B. McKay	- Absent
David S. Weiss	- Aye

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

CERTIFICATION OF CLOSED SESSION

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

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

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

The motion was approved by the following roll-call vote:

Barbara J. Byrd	- Aye
Terri T. Catlett	- Aye
Mary L.C. Daniel	- Aye
Beverly B. McKay	- Aye
David S. Weiss	- Aye

No action was taken on matters discussed in closed session.

Chairman Weiss recessed the meeting at 4:45 p.m.

Joint Public Hearing with Clarke County Board of Supervisors, Berryville Town Council and Boyce Town Council

Berryville Town Council

Present: Harry Lee Arnold, Jr. – Recorder; Pat Dickinson – Mayor; Erecka Gibson – Ward 3; Allen Kitselman – Ward 2; Donna McDonald – Ward 1; Absent: David Tollett – Ward 4

Town of Berryville Staff Present

Keith Dalton, Ann Phillips, Neal White

Boyce Town Council Members Present:

Carol Everly; Ruth Hayes - Recorder; Dr. Franklin Roberts - Mayor

20) PH 16-22 ComCast Franchise Agreement

At 6:30 pm, Mayor Dickinson called the Berryville Town Council meeting to order.

At 6:30 pm, Chairman Weiss called the Clarke County Board of Supervisors evening session to order.

At 6:30 pm, Mayor Roberts called the Boyce Town Council meeting to order.

Chairman Weiss asked Matt Ames, Hubacher and Ames, who negotiated with ComCast on behalf of the local governing bodies, to review the revised agreement.

Mr. Ames provided the information previously presented at the September 13, 2016 joint work session of the Clarke County Board of Supervisors and Berryville Town Council. Some highlights include:

- Financial, legal and technical abilities are sufficient to provide the services, facilities and equipment necessary to meet current and future cable-related needs.
- Cable television is regulated by federal and state law.
- There are fewer than 2,000 cable television subscribers in the locality.
- There is a separate franchise agreement for each political jurisdiction.
- Government and educational access channels are included in the agreement; however, the jurisdiction would be responsible for all operational costs.
- Cost to access the existing fiber network will be \$3,600 per year.

At 6:35 pm, Chairman Weiss opened the public comment portion of the public hearing.

At 6:35 pm, Mayor Dickinson opened the public comment portion of the public hearing.

At 6:35 pm, Mayor Roberts opened the public comment portion of the public hearing.

George Archibald, 27 West Main Street, Berryville resident, read from a prepared statement. He asked the joint bodies not to renew the agreement.

At 6:45 pm, Mayor Dickinson closed the public hearing.

At 6:45 pm, Chairman Weiss closed the public hearing.

At 6:45 pm, Mayor Roberts closed the public hearing.

Vice Chairman McKay asked Mr. Ames or Mr. Coumes to respond to issues raised by the Mr. Archibald.

Mr. Ames provided the following:

- Federal law prohibits monopolies therefore; the franchise agreement does not exclude others from providing service in the locality.
- The franchise agreement does not affect what is offered to persons using satellite systems.

Paul Coumes, ComCast Governmental Community Affairs, provided the following:

- The proposed agreement has been under review for over four years.
- ComCast is happy to serve residents and taxpayers.
- ComCast has competition from every angle.
- ComCast has a lot infrastructure in the area and routinely maintains its assets.
- The cable franchise covers the video franchise.
- ComCast routinely offers different sales packages and models its services on those provided in other jurisdictions by other carriers / competitors.
- Its rate structure, from low basic to high end, is competitive throughout Virginia and the United States.
- 15-year is the standard length for a franchise agreement.

While Mr. Ames and Mr. Coumes spoke, Mr. Archibald rose from his seat several times and interrupted the speaker. Chairman Weiss cautioned Mr. Archibald on his conduct. Following this, George Archibald left his seat, walked past the speaker and Boyce Town Council to speak with Supervisor Daniel at the dais. Again, Chairman Weiss cautioned Mr. Archibald on his conduct.

Gordon Russell, Clarke County's Director of Geographic Information Systems and Information Technology, commented that he could see no negatives for adopting the agreement.

Following discussion, the governing bodies agreed to vote on the issue at the next regular meeting of each respective body.

At 6:55 pm, Chairman Weiss recessed the evening session.

At 6:55 pm, Mayor Dickinson called for a motion to adjourn. Allen Kitselman, seconded by Donna McDonald, moved to adjourn the Berryville Town Council.

At 6:55 pm, Mayor Roberts adjourned the Boyce Town Council.

At 7:01 pm, Chairman Weiss reconvened the Board of Supervisors evening session.

21) Citizen Comment Period

No persons addressed the Board.

22) PH 16-23 TA-16-03 Addition of Farm Distilleries as a Permitted Use in the AOC and FOC Districts; Use of Waterworks by Farm Breweries, Farm Wineries, and Farm Distilleries

Brandon Stidham summarized the proposed text amendment.

In response to Chairman Weiss’s query about ingress and egress, Mr. Stidham explained that the applicant would deal directly with VDOT; and thus far, he had not heard that that the process would be any different than for other agricultural uses. He also noted that the business must comply with Virginia Health Department septic system requirements.

At 7:07 pm, Chairman Weiss opened the public comment portion of the public hearing. Being no persons desiring to address the Board, Chairman Weiss closed the public hearing.

Vice Chair McKay moved to approve TA-16-03 Addition of Farm Distilleries as a Permitted Use in the AOC and FOC Districts; Use of Waterworks by Farm Breweries, Farm Wineries, and Farm Distilleries as presented. The motion carried by the following vote:

- Barbara J. Byrd - Aye
- Terri T. Catlett - Aye
- Mary L.C. Daniel - Aye
- Beverly B. McKay - Aye
- David S. Weiss - Aye

Zoning Ordinance Amendment Text (proposed changes in bold italics with strikethroughs where necessary):

FARM DISTILLERIES

3-A-1 Agricultural-Open Space-Conservation District -- AOC

- 3-A-1-a Permitted Uses and Structures
 - 1. Principal Uses and Structures
 - f. Wineries, Farm
 - g. Breweries, Farm
 - h. Distilleries, Farm**

3-A-2 Forestal-Open Space-Conservation District -- FOC

- 3-A-2-a Permitted Uses and Structures (FOC District)
 - 1. Principal Uses and Structures
 - f. Wineries, Farm

- g. Breweries, Farm
- h. Distilleries, Farm**

3-C Supplementary Regulations

3-C-2-pp Distilleries, Farm

1. Permitted Activities. A Farm Distillery may include the following activities:

a. The production and harvesting of agricultural products and the manufacturing of alcoholic beverages other than wine or beer;

b. The on-premises sale, tasting, or consumption of alcoholic beverages other than wine or beer during regular business hours in accordance with a contract between a distiller and the Alcoholic Beverage Control Board pursuant to the provisions of Subsection D of Code of Virginia §4.1-119;

c. The sale and shipment of alcoholic beverages other than wine or beer to licensed wholesalers and out-of-state purchasers in accordance with Title 4.1, regulations of the Alcoholic Beverage Control Board, and Federal law;

d. The storage and warehousing of alcoholic beverages other than wine or beer in accordance with Title 4.1, regulations of the Alcoholic Beverage Control Board, and Federal law; or

e. The sale of items related to alcoholic beverages other than wine or beer that are incidental to the sale of such alcoholic beverages.

2. Zoning Approval for Farm Distilleries. Prior to commencing operations, the owner of a farm distillery shall obtain zoning approval from the Department of Planning and a business license from the Commissioner of Revenue. As a prerequisite for zoning approval, the owner shall provide copies of approved private well and onsite septic system permits issued by the Virginia Department of Health for both domestic and process operations.

3. Special Events Conducted at Farm Distilleries. The owner or occupant of the property shall obtain such permit as required by Clarke County Code Chapter 57 (unless exempt under the provisions of §57.3.2) for an activity/event that is not primarily the on premises sale, tasting, or consumption of alcoholic beverages other than wine or beer during regular business hours within the normal course of business of the farm distillery, but which constitutes a Special Event as defined in §57.2.

9-B Definitions

DISTILLERY, FARM: An establishment that produces alcoholic beverages other than wine or beer and is licensed as a limited distiller by the Commonwealth of Virginia.

WATERWORKS REGULATIONS

Zoning Ordinance Amendment Text (proposed changes in bold italics with strikethroughs where necessary):

§3-A-1-e, Installation of Waterworks or Sewerage System & Treatment Works

No use in this District commencing operation after ~~4~~ July **1**, 1997 shall result in the installation of Waterworks or Sewerage System & Treatment Works. ***The prohibition on Waterworks usage shall not apply to farm breweries, farm wineries, and farm distilleries allowed as permitted uses by §3-A-1-a-1.***

§3-A-2-e, Installation of Waterworks or Sewerage System & Treatment Works

No use in this District commencing operation after July 1, 1997 shall result in the installation of Waterworks or Sewerage System & Treatment Works. ***The prohibition on Waterworks usage shall not apply to farm breweries, farm wineries, and farm distilleries allowed as permitted uses by §3-A-2-a-1.***

9-B Definitions

§9-B-193 Waterworks

A system that serves piped water for drinking or domestic use **for:**

- a. the public; **or**
- b. at least 15 connections; or
- c. an average of 25 individuals for at least 60 days out of the year, ~~and.~~

A waterworks shall include all structures, equipment, and appurtenances used in the storage, collection, purification, treatment, and distribution of pure water (except the piping and fixtures inside the building where such water is delivered).

Next Regular Meeting Date

The next regular meeting of the Board of Supervisors is set for Thursday, November 3, 2016 at 1:00 p.m. in the Berryville Clarke County Government Center, Main Meeting Room, 101 Chalmers Court, Berryville, Virginia.

23) Adjournment

At 7:08 pm, being no further business, Chairman Weiss adjourned the meeting.

ATTEST: October 18, 2016

David S. Weiss, Chair

David L. Ash, County Administrator

Minutes recorded and transcribed by: Lora B. Walburn, Deputy Clerk to the Board of Supervisors