

April 16, 2019

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, April 16, 2019.

Board Members

Present Afternoon / 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 / Evening Session: None

County Staff Present

David L. Ash, Len Capelli, Cathy Kuehner, Brian Lichty, Brandon Stidham, Lora B. Walburn

Constitutional / State Offices / Other Agencies

Ed Carter, Donna Peake, Tony Roper, Brian Rosenberry, Travis Sumption, Tom Judge

Press

Mickey Powell – The Winchester Star

Others Present

George Archibald, Robina Rich Bouffault, Timothy Johnson, Richard Marks, Janel Melgaud, Bill Waite, Paul Waldo

1) Call to Order

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

2) Adoption of Agenda

- Conduct Closed Session Pursuant to 2.2-3711- A29 and hold immediately following Agenda Item 4. VDOT

Vice Chair McKay moved to adopt the agenda as amended. 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

3) Citizens Comment Period

George Archibald, West Main Street, Berryville: Made a statement pertaining to the budget and distributed for inclusion in the public record.

Richard Marks, Blue Ridge Mountain Road: Expressed concern regarding Bears Chase, an Airbnb on the mountain. He asked that the Board and its staff diligently address Airbnb issues.

Paul Waldo, 20769 Blue Ridge Mountain Road: Expressed concern about large-truck traffic on Route 601 siting speeding and safety. Requested the Board consider restricting large-truck traffic on Route 601.

Janel Melgaard, Blue Ridge Mountain Road: Thanked Supervisor Catlett and Sheriff Roper for listening to concerns raised specific to Bears Chase, an Airbnb in Loudoun County that is also operating as a brewery. She further noted increased traffic and litter on the roads, as well as the large parking area at Bears Chase. She asked the Supervisors to address Airbnb issues.

Timothy Johnson, Holly Lane, Berryville: Expressed concern about the Rockwool facility in Jefferson County, West Virginia and the potential environmental impact. He recommended that the Supervisors draft a resolution in condemnation. He further recommended that the Supervisors look at securing state funding for purchase of an air monitoring system to aide in establishing baseline data.

A.R. "Pete" Dunning, Jr., 1939 to 2019; White Post District Supervisor 1979 through 2011

Chairman Weiss stated that Board members were deeply aware of Pete's passing. He opined that Pete was a unique man, who always put Clarke County first; and, while he may have been brash or rude at time, his comments and actions were always heartfelt and

deeply believed. He remarked that his passing left a big hole in the community. On behalf of the Supervisors, he wished to express condolence to the Dunning family.

For the record, Chairman Weiss stated, "we salute Pete Dunning and miss him."

Vice Chair McKay commented that he definitely missed him.

4) Virginia Department of Transportation [VDOT]

Ed Carter, Residency Administrator, commented that VDOT received many spirited comments from Mr. Dunning, who would be missed. Highlights of the monthly update include:

Maintenance:

- Continued with brush/debris clean up on Rt. 601 from ice storm and will complete by end of month.
 - o Traffic engineering studied and determined that road is not suitable for truck traffic and concerns expressed during Citizen Comment Period were valid.
 - o Mr. Carter suggested that the Supervisors conduct a public hearing on prohibiting through-truck traffic on Route 601. He explained the process noting that if the Board approved, it would pass a resolution requesting VDOT to conduct an engineering study. Mr. Carter suggested restricting trucks over 30 feet.
 - Supervisor Byrd asked if the same issue existed on Triple J Road. Mr. Carter responded that Triple J was wider, straighter, and flatter than Route 601.

Supervisor Catlett moved to conduct public hearing on restricting through-truck traffic on Va Route 601 at 6:30 pm, May 21, 2019, 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

- Graded applied stone on non-hard surfaced routes throughout the County and will continue as needed next month.
- Picked up litter on all primary and secondary routes. Cleaned out pipes on various routes in the County.
- Responded to potholes on primary and secondary routes and will continue this month. Began curb & gutter sweeping and will complete this month.

- Used new remote control mower to mow slopes on Rt. 7.
- VDOT will begin asphalt and skin patching next month as weather permits.
- VDOT will also begin primary mowing and shoulder repair.

Board Issues:

- Rt. 7 Safety Audit - Awaiting Traffic Engineering report.
- Appalachian Trail Head Rt. 605 - Working with Park Service. New Ranger has been appointed and there is some concern as to whether or not an ADA facility needs to be included.
- Tree Removal North Hill Lane - Complete

Supervisor Comments:

- Supervisor Byrd:
 - o Allen Road: Needs attention.
 - o Route 611 Summit Point Road: Significant drop offs
- Supervisor Catlett:
 - o Route 601: Picked up most of the downed limbs.
 - o Striping: VDOT must wait until warmer, dryer weather.
- Chairman Weiss:
 - o 608 South Parshall Road: Erosion issues on edges.
 - o SSYP: Set review for May 13 Work Session. **Vice Chair McKay moved to conduct public hearing in conjunction with VDOT on VDOT's SSYP 2019/2020 through 2024/2025 and FY2020 Construction Budget at 6:30 pm, May 21, 2019, 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

5) Economic Development and Tourism Director Update

Len Capelli, Director Economic Development and Tourism, presented the bi-monthly update. Highlights include:

- C2M:
 - Met at 2 pm to discuss a program that helps develop Department of Defense businesses; C2M may apply for program, which should help it develop more business.
 - Moving from American Woodmark facility to First Street.
- Third Annual Farm Tour, April 27: Harvue Farm, Oak Hart Farm, Hunt Club Farm, J-Bit Ranch
- Travel Writers Visiting on May 7: Smithfield Farm, Veramar Winery, Mackintosh Fruit Farm
- Working with Local Business to secure Greenedge Grant
- Working with Local Farmer to secure AFID Value Added Grant.
- Pursuing Local Farm to School Sales under new direction; meeting April 24 in Harrisonburg
- Shenandoah Valley Tourism Partnership, Valley Wide Event May 10th 10:00 am, New Madison Hotel and Conference Center in Harrisonburg
- VEDP FAM Tour Wednesday May 8, Noon to 2:00
- VEDP Business Development and Food and Beverage
- Choosing Consultant for GoVirginia Grant Opportunity
- GoVirginia Region 8 Meeting Edinburgh 4/23
- Pursuing new Digital Campaign with Shenandoah Spirits Trail
- Continuing Community activities: Housing Coalition
- Steering Committee; Chamber Public Policies Committee
- Working with Local Real Estate Sales for properties in Clarke County.

Airbnb's and Similar Platforms

Discussion included questions and comments from the Board of Supervisors, Donna Peake – Commissioner of the Revenue, David Ash - County Administrator, Brandon Stidham - Director of Planning and Zoning, Ryan Fincham – Senior Planner and Zoning Administrator. Highlights include:

- Economic Development Director is working with Airbnb and has forwarded to the County Attorney for his review Airbnb's standard legal agreement for collection and payment of transient occupancy tax.

- Need to determine the number of businesses providing overnight accommodations of this type. Difficult to identify because no address is given.
- Need to contact and encourage compliance with business license and occupancy tax requirements.
- Registry:
 - One city in Virginia recently adopted an ordinance establishing a registry for all such businesses.
 - This concept is under review in other jurisdictions.
 - Would aid in identifying business location.
 - Would aid the Commissioner of the Revenue with business license and collection of transient occupancy tax.
- Issues:
 - Building Department: inspections fire safety, smoke detectors, carbon monoxide detectors, sprinkler systems, fire extinguishers, building, electric, plumbing, gas, etc.
 - Business license
 - Collection of transient occupancy tax
 - Fairness for those legally operating hospitality businesses that are properly permitted, inspected, and paying tax.
 - Health Department: septic, water
 - Law enforcement / public safety
 - Zoning: Special use permit, parking, etc.

In conclusion, Chairman Weiss instructed David Ash, County Administrator, to develop a list of pros and cons to developing a registry for review at a future Work Session.

6) Rockwool Status Update

David Ash, County Administrator, provided an update. Highlights include:

- Recent news articles prompted discussion.
- After packet distributed, received information from the Loudoun County Board of Supervisors. Items of note:
 - Comment period for the project is over and the facility is under construction in Jefferson County, West Virginia.
 - More than one year ago, the Loudoun County Board of Supervisors sent a letter requesting that the three responsible agencies, Environmental Protection Agency,

West Virginia Department of Environmental Protection, and the Virginia Department of Environmental Protection, work cooperatively in monitoring air quality.

- In response to Supervisor McKay's question on purchase of air monitoring equipment, as suggested by Timothy Johnson, David Ash remarked that the primary focus is on the main plume; and, his belief, at this time, is that the responsible agencies are already monitoring air quality to establish a baseline.

Chairman Weiss reminded those present of where Clarke County, Virginia stood in the hierarchy considering that the facility was in a different county, in a different state; and, while all shared concern, Virginia cannot monitor until after the facility is built and in operation.

Supervisor Daniel put forth for consideration tasking Alison Teetor, Natural Resources Planner, with researching the matter and making recommendation.

By consensus, the Board agreed to task Alison Teetor with researching the Rockwool matter.

7) Adoption of FY2020 Budget Resolution 2019-02R

Vice Chair McKay moved to adopt FY2020 Budget Resolution 2019-02R BE IT RESOLVED, by the Board of Supervisors of the County of Clarke, Virginia, in a meeting assembled this 16th day of April, 2019, a public hearing having been held on April 2, 2019, as required by statute, that the informative and fiscal planning budget for Clarke County for the fiscal year extending July 1, 2019 through June 30, 2020 be approved as follows:

Supervisor Daniel stated that a constituent had previously provided to the Supervisors a suggestion that the Board require competitive bidding for placement of any commercial antennas on space of any municipal water tower in Clarke County. She asked if a member of the Board cared to make that motion opining that she believed that it would be more appropriate in another time. She stated that the Board of Supervisors cannot control and has no authority over other municipalities in Clarke County. Supervisor Daniel advised that the towers were literally owned by the municipalities. She opined that the proposed motion had no place in the current budget. She put forth that the County could review structures it owns that could be used for such purposes.

Vice Chair McKay added that Clarke's water towers belong to the Clarke County Sanitary Authority, which pursues very aggressively antenna contracts. He, too, noted that the Supervisors have no authority to control Berryville Town Council.

Chairman Weiss expressed agreement with Supervisors Daniel and McKay noting that the motion was not a relevant matter to this particular budget.

BUDGET RESOLUTION

2019-02R

BE IT RESOLVED, by the Board of Supervisors of the County of Clarke, Virginia, in a meeting assembled this 16th day of April, 2019, a public hearing having been held on April 2, 2019, as required by statute, that the informative and fiscal planning budget for Clarke County for the fiscal year extending July 1, 2019 through June 30, 2020 be approved as follows:

	<i>FY18 Original Budget</i>	<i>FY18 Audited Actual</i>	<i>FY19 Adopted Budget</i>	<i>FY19 Revised Budget</i>	<i>FY20 Proposed Budget</i>	<i>Variance 2019 Adopted Proposed-</i>
EXPENDITURE						
Board of Supervisors	57,265	52,915	58,459	58,549	58,805	346
County Administrator	313,136	371,608	378,976	409,309	448,880	69,904
Public Information Services	-	7,927	-	52,765	57,316	57,316
Legal Services	35,000	20,596	35,000	35,000	30,000	(5,000)
Commissioner of Revenue	205,595	227,620	210,490	210,490	206,718	(3,772)
Assessor	3,500	4,500	4,500	4,500	4,500	-
Equilization Board	-	-	-	-	5,250	5,250
Treasurer	283,229	292,793	302,167	302,167	312,712	10,545
Information Technology	296,879	286,948	305,152	305,152	335,422	30,270
Electoral Board	44,003	33,590	44,503	44,503	56,974	12,471
General Registrar	78,482	78,629	82,638	82,638	87,449	4,811
Circuit Court	12,680	13,621	13,680	13,680	14,580	900
General District Court	4,420	3,774	4,320	4,320	4,320	-
Magistrate	100	-	40	40	50	10
Juvenile & Domestic Court	3,500	2,524	2,900	2,900	2,850	(50)
Clerk of the Circuit Court	254,374	267,044	264,897	264,897	258,857	(6,040)
Victim/Witness Coordinator	72,385	67,485	71,897	71,897	74,066	2,169
Blue Ridge Legal Services	1,500	1,500	1,500	1,500	1,500	-
Regional Court Services	6,179	6,179	6,500	6,500	6,180	(320)
Commonwealth Attorney	362,747	360,875	377,070	377,070	357,850	(19,220)
Sheriff	2,311,661	2,368,411	2,477,880	2,586,285	2,672,042	194,162
Criminal Justice Training Center	20,000	18,720	19,593	19,593	19,593	-
Drug Task Force	12,500	10,499	12,500	12,500	12,500	-
Fire and Rescue Services	804,646	850,075	993,830	995,830	1,145,364	151,534
Volunteer Fire Companies	118,153	155,778	172,200	172,200	188,155	15,955
Blue Ridge Volunteer Fire Company	51,200	51,177	66,250	66,250	66,236	(14)
Boyce Volunteer Fire Company	51,600	51,570	66,700	66,700	66,648	(52)
Enders Volunteer Fire Company	77,800	77,747	93,300	93,300	92,884	(416)
Lord Fairfax Emergency Medical Services	6,282	6,282	6,262	6,262	6,262	-
Forestry Service	2,712	2,712	2,874	2,874	2,874	-
Regional Jail	551,259	551,262	547,984	547,984	479,467	(68,517)
Juvenile Detention Service	16,254	16,093	13,179	13,179	17,219	4,040
Probation Office	800	48	500	500	400	(100)
Building Inspections	211,515	192,149	203,704	203,704	216,194	12,490
Animal Control	118,496	109,811	112,695	112,695	115,837	3,142
Medical Examiner & Indigent	500	1,040	200	200	200	-

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Burial						
Refuse Disposal	162,000	141,202	150,000	150,000	150,000	-
Convenience Center	50,000	-	100,000	61,104	82,835	(17,165)
Litter Control	5,310	5,298	5,310	5,310	6,207	897
Sanitation	240,750	235,781	242,000	242,000	235,000	(7,000)
Maintenance/Buildings & Grounds	853,854	730,414	880,222	880,222	854,279	(25,943)
Local Health Department	221,909	221,909	154,126	191,362	192,623	38,497
Our Health	6,500	6,500	6,500	6,500	6,500	-
N Shen Valley Subs Abuse Coalition	15,000	15,000	15,000	15,000	15,000	-
Northwestern Community Services	90,000	90,000	92,000	92,000	94,000	2,000
Concern Hotline	750	750	750	750	1,000	250
NW Works (Disabilities)	1,000	1,000	1,000	1,000	1,500	500
Shenandoah Area Agency on Aging	40,000	40,000	40,000	40,000	40,000	-
Virginia Regional Transit	19,302	19,302	19,302	19,302	19,302	-
FISH (human services)	1,000	1,000	1,000	1,000	1,000	-
Laurel Center (Women's Shelter)	2,500	2,500	3,000	3,000	3,500	500
Access Independence (Disabilities)	1,000	1,000	1,000	1,000	1,000	-
Tax Relief for the Elderly	212,501	151,384	213,396	213,396	225,000	11,604
Lord Fairfax Community College	15,788	15,788	18,441	18,441	17,796	(645)
Parks Administration	440,606	420,431	449,034	457,533	463,993	14,959
Recreation Center	109,130	100,548	114,384	114,384	118,025	3,641
Swimming Pool	84,214	58,573	84,934	87,858	85,509	575
Concession Stand	15,330	13,541	16,130	16,130	16,436	306
Parks Programs	241,427	190,202	244,301	244,301	248,684	4,383
Barns of Rose Hill (arts)	5,000	5,000	5,000	10,000	6,750	1,750
Virginia Commission for Arts	10,000	9,000	9,000	9,000	9,000	-
Regional Library	223,757	223,757	232,000	232,000	241,150	9,150
Planning Administration	398,684	420,417	426,498	452,856	445,404	18,906
Housing Services	2,500	2,500	2,500	2,500	2,500	-
Board of Zoning Appeals	3,519	6,434	3,520	3,520	3,519	(1)
Office of Economic Development	61,575	47,104	64,100	64,100	68,100	4,000
Berryville Development Authority	2,300	150	900	900	900	-
Small Business Development Center	1,500	1,500	1,500	1,500	1,500	-
Berryville Main Street	2,500	2,500	2,500	2,500	2,500	-
Blandy Experimental Farm	3,000	3,000	3,000	3,000	3,000	-
Planning Commission	14,388	10,422	14,389	14,389	14,388	(1)
Board of Septic Appeals	1,565	812	1,566	1,566	1,565	(1)
Historic Preservation Commission	7,900	7,633	9,900	10,900	29,150	19,250
NSV Regional Planning District Commission	10,273	10,273	10,273	10,273	10,776	503

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Regional Airport	2,500	2,500	2,500	2,500	2,500	-
Friends of the Shenandoah	3,000	3,000	3,000	3,000	8,000	5,000
Water Quality Monitoring	30,000	30,000	30,000	30,000	30,000	-
Lord Fairfax Soil & Water Conservation	5,000	5,000	5,000	5,000	5,000	-
Biosolids Application	6,990	1,231	1,001	1,001	1,168	167
Cooperative Extension	43,712	39,996	50,443	50,443	52,011	1,568
Northern Virginia 4-H Center Non-Departmental	2,300	2,300	2,300	2,300	2,300	-
Legal/Prof. Contingency	112,000	22,980	138,000	66,728	78,000	(60,000)
Social Services	1,613,733	1,472,905	1,555,824	1,555,824	1,672,332	116,508
School Operations	22,535,741	21,843,312	23,270,676	23,323,689	23,833,352	562,676
School Food Service Fund Comprehensive Services	832,408	799,629	844,773	844,773	811,452	(33,321)
Act	478,689	361,895	269,499	269,499	303,818	34,319
Public Safety Fund	-	42,580	-	-	-	-
Conservation Easement	45,000	64,442	45,000	422,625	45,000	-
Shenandoah Farms Sanitary District	-	-	-	-	-	-
General Capital Improvements	947,589	737,190	597,000	2,287,714	1,120,537	523,537
School Capital Improvements	842,000	2,913,217	732,000	2,449,989	676,750	(55,250)
General Debt Service	251,700	251,700	251,700	251,700	251,700	-
School Debt Service	2,972,014	2,972,089	2,942,715	2,942,715	2,519,632	(423,083)
Joint Administrative Services	619,461	618,343	793,131	793,131	805,385	12,254
Unemployment Compensation	13,000	6,359	10,000	10,000	10,000	-
TOTAL EXPENDITURE	41,325,521	41,966,796	42,137,378	46,141,161	43,374,482	1,237,104
<i>Local Funds for Schools</i>	<i>15,886,734</i>	<i>17,838,510</i>	<i>16,439,311</i>	<i>18,134,751</i>	<i>16,184,838</i>	<i>(254,473)</i>
ESTIMATED REVENUE						
LOCAL REVENUE						
Current Real Estate Taxes	14,693,827	14,569,498	14,854,902	14,854,902	14,712,603	(142,299)
Delinquent Real Estate Taxes	42,639	133,360	114,041	114,041	94,028	(20,013)
Land Redemptions	-	-	-	-	-	-
Public Service Corporation Real Estate	475,887	496,356	496,356	496,356	492,984	(3,372)
Current Personal Property Taxes	4,610,712	4,807,321	4,823,300	4,823,300	5,189,685	366,385
Delinquent Personal Property Taxes	15,430	90,960	105,966	105,966	50,000	(55,966)
Mobile Home Taxes	1,183	991	1,131	1,131	1,172	41
Machinery and Tools Taxes	220,167	167,647	166,593	166,593	185,912	19,319
Penalties (All Property Taxes)	134,147	164,753	140,576	140,576	141,324	748
Interest (All Property Taxes)	133,477	122,298	147,371	147,371	133,859	(13,512)
Administrative Costs Delinq	11,406	13,809	11,406	11,406	11,494	88
DMV Stop Fee	2,340	8,129	3,460	3,460	8,129	4,669

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Credit Card Fees	11,364	13,207	11,916	11,916	18,000	6,084
Sales and Use Taxes	959,874	899,776	950,000	950,000	936,127	(13,873)
Consumer's Utility Taxes	340,856	352,974	346,094	346,094	346,094	(0)
Consumption Tax	35,165	36,269	34,516	34,516	34,516	(0)
Business License Tax	25,172	22,290	25,172	25,172	30,886	5,714
Motor Vehicle Licenses	301,924	355,922	325,439	325,439	355,923	30,484
Recordation Taxes	262,385	268,288	291,749	291,749	291,749	0
Taxes on Wills	4,053	6,984	6,775	6,775	6,775	0
Transient Occupancy Tax	23,564	16,882	23,564	23,564	23,564	-
Animal Licenses	8,440	6,960	8,440	8,440	8,440	0
Animal Shelter Fees - Dogs & Cats	8,525	8,360	8,525	8,525	8,525	-
Dangerous Dog Registration	200	245	200	200	200	-
Land Use Application Fees						
Penalties	3,450	4,600	3,450	3,450	5,450	2,000
Land Use Application Fees	400	200	300	300	250	(50)
Transfer Fees	461	541	485	485	485	0
Zoning and Subdivision						
Permits	90,490	104,551	90,490	90,490	89,960	(531)
Building Permits	200,000	191,084	196,245	196,245	196,245	(0)
Road Sign Fees	-	-	-	-	-	-
Sign Permits and Inspection Fees	488	120	1,927	1,927	1,807	(120)
Weapons Permits	5,959	8,075	7,000	7,000	7,000	-
New Dwelling Address Fee	3,380	3,250	3,055	3,055	3,575	520
Other permits, fees, and licenses	1,300	175	1,075	1,075	938	(138)
Court Fines and Forfeitures	310,095	356,594	310,095	310,095	356,594	46,499
Parking Fines	-	660	-	-	660	660
Courthouse Security Fees	41,285	57,572	47,088	47,088	57,000	9,912
E-Ticket Fee	25,000	28,421	30,000	30,000	30,000	-
Interest on Bank Deposits	20,071	40,449	78,808	78,808	62,924	(15,884)
Rental of Property	55,947	53,209	61,000	61,000	61,000	0
Sheriff's Fees	796	1,592	796	796	796	-
DNA Fees - Blood Test	235	245	235	235	235	(0)
Commonwealth's Attorney Fees	1,776	1,792	1,749	1,749	1,749	0
Court Appointed Attorney	1,032	319	947	947	802	(145)
Central Alarm - Berryville	2,000	2,000	2,000	2,000	5,000	3,000
Fees for Ambulance & Rescue Services	354,920	403,976	447,911	447,911	432,500	(15,411)
Jail Processing Fee	1,825	1,072	1,825	1,825	1,342	(483)
EMS- Berryville	33,000	33,000	16,500	16,500	8,250	(8,250)
Wireless E-911	42,038	44,366	44,700	44,700	47,400	2,700
Humane Foundation Contribution	20,000	-	20,000	20,000	15,000	(5,000)
Recycling Rebate	21,311	22,109	22,109	22,109	23,858	1,749
Recreation Center Fees	33,931	41,306	36,500	36,500	37,000	500
Swimming Pool Fees	83,963	74,486	82,519	82,519	72,280	(10,239)
Concession Stand Revenue	14,336	14,869	16,500	16,500	14,500	(2,000)
Parks Programs Fees	277,140	274,926	265,000	265,000	270,000	5,000

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Sale of Maps, Surveys, etc.	-	-	-	-	-	-
Sale of Publications	35	20	35	35	40	5
Mapping Fee	450	300	205	205	210	5
Engineer's Fees	10,000	13,078	10,000	10,000	10,000	-
Zoning Research Fee	-	-	-	-	-	-
Biosolids Application Fees	6,882	1,168	1,000	1,000	1,168	168
Payment in Lieu of Taxes	-	-	48,722	48,722	48,722	-
Rebates & Refunds	21,992	48,948	5,000	5,000	5,000	-
Miscellaneous Revenue	5,174	42,048	12,571	12,571	12,571	-
Gifts & Donations in Lieu of Taxes	31,645	46,235	2,750	6,383	7,000	4,250
Sale of Salvage & Surplus Property	3,680	51	3,697	3,697	2,775	(922)
Sale of Vehicles	4,433	696	4,433	4,433	4,433	(0)
Sale of Other Equipment	-	-	-	-	-	-
Insurance Adjustments	7,016	-	7,016	7,016	7,016	0
Cancelled Cks/NSF Fees	-	1,370	1,189	1,189	1,280	91
Loan Repayment	3,495	3,495	3,495	3,495	3,495	(0)
Insurance Recovery	13,002	20,625	13,002	13,002	13,002	0
Tsfr from Conservation Easement	-	-	-	-	-	-
Tsfr from Animal Trust	-	-	-	-	-	-
Welfare - Various	-	17,469	-	-	5,000	5,000
School Operations - Various	423,766	411,439	374,506	374,506	392,726	18,220
School Food Service Fund - Various	542,661	495,943	536,758	536,758	496,454	(40,304)
Public Safety Fund - Various	-	6,363	-	-	-	-
Conservation Easement Fund - Various	-	46,641	-	-	-	-
General Capital Projects - Various	-	4,955	-	-	-	-
School Capital Projects	-	-	-	-	-	-
Shenandoah Farms Sanitary District Fees	-	-	-	-	-	-
Parks Construction Fund - Donations	-	1,258	-	-	-	-
School Debt Service - Interest	104,231	104,231	107,731	107,731	98,035	(9,696)
Joint Administrative Services - Refunds	2,000	3,635	2,000	2,000	2,000	-
TOTAL LOCAL REVENUE	25,149,828	25,599,408	25,821,911	25,825,544	25,997,514	175,603
REVENUE FROM THE COMMONWEALTH OF VIRGINIA						
Motor Vehicles Carrier's Taxes	24,138	22,545	25,047	25,047	25,000	(47)
Mobile Home Titling Taxes	-	-	-	-	-	-
Tax on Deeds (Grantor's Tax)	66,820	58,528	55,440	55,440	66,820	11,380
Quarterly Rental Tax	2,796	1,129	2,404	2,404	1,129	(1,275)
Personal Property Tax	2,483,842	2,483,842	2,483,842	2,483,842	2,483,842	-

	<i>FY18 Original Budget</i>	<i>FY18 Audited Actual</i>	<i>FY19 Adopted Budget</i>	<i>FY19 Revised Budget</i>	<i>FY20 Proposed Budget</i>	<i>Variance 2019 Adopted Proposed-</i>
Relief						
Communications Tax	415,390	392,631	415,390	415,390	411,650	(3,740)
Commonwealth's Attorney	195,575	192,834	194,140	194,140	199,967	5,827
Sheriff	771,856	779,609	782,973	814,300	806,538	23,565
Commissioner of Revenue	77,529	78,504	78,658	78,658	81,236	2,578
Treasurer	94,888	94,707	96,457	96,457	99,608	3,151
Registrar	36,601	37,399	37,700	37,700	39,433	1,733
Clerk of the Circuit Court	157,091	168,467	159,249	159,249	163,797	4,548
Spay & Neuter Fund						
Distribution	99	14	24	24	14	(10)
Fire Programs Fund	47,153	48,103	46,142	46,142	49,198	3,056
Litter Control	5,310	5,222	4,500	4,500	6,207	1,707
Virginia Commission for the Arts	5,000	4,500	4,500	4,500	4,500	-
Other Categorical Aid	-	10,519	973	18,558	973	(0)
Welfare - Various	1,072,068	288,377	970,388	970,388	1,065,369	94,981
School Operations - Various	8,939,299	8,661,929	9,107,288	9,160,301	9,166,087	58,799
School Lunch Program - State Match	10,862	12,121	12,015	12,015	14,998	2,983
Comprehensive Services Act - Various	239,688	140,586	138,977	138,977	156,675	17,698
Public Safety Fund - Asset Forfeiture	-	7,935	-	-	-	-
Conservation Easement - Grants	30,000	36,968	12,000	371,687	30,000	18,000
General Capital Projects - Various	147,792	86,809	-	31,380	241,452	241,452
School Capital Projects - Technology Bond	154,000	-	154,000	176,549	154,000	-
School Debt Service	-	-	-	-	-	-
TOTAL COMMONWEALTH REVENUE	14,977,797	13,613,278	14,782,107	15,297,648	15,268,492	486,385
FEDERAL REVENUE						
Payment in Lieu of Taxes	6,464	6,342	6,697	6,697	6,697	-
Emergency Management Assistance	-	-	-	-	-	-
State Criminal Alien Assistance Program	775	-	775	775	650	(125)
Crime Victims Assistance	70,775	67,260	72,191	72,191	72,191	-
Violence Against Women Grant	28,053	28,635	28,053	28,053	28,053	-
DMV Alcohol Enforcement	11,859	8,575	10,000	10,000	9,625	(375)
DMV Speed Enforcement	5,005	4,281	5,000	5,000	5,000	-
Internet Crimes Against Children Task Force	4,000	-	4,000	4,000	4,000	-
Dept of Historic Resources	-	-	-	-	11,500	11,500
DOJ Vest Grant	-	-	500	500	4,000	3,500
ARRA Byrne Justice Assistance Grant	-	998	-	-	-	-
DOJ Local Law Enforcement	1,118	2,590	500	500	500	-

	<i>FY18 Original Budget</i>	<i>FY18 Audited Actual</i>	<i>FY19 Adopted Budget</i>	<i>FY19 Revised Budget</i>	<i>FY20 Proposed Budget</i>	<i>Variance 2019 Adopted Proposed-</i>
Block Grant						
Fire & Emergency Response Grant	-	32,882	7,500	7,500	7,500	-
Comprehensive Services Act	-	4,239	-	-	-	-
Conservation Easement - Federal Grants	-	-	-	-	-	-
School Operations - Various	723,071	587,690	649,259	649,259	919,611	270,352
School Food Service Fund - NSLP	278,885	300,056	296,000	296,000	300,000	4,000
General Capital Projects - Various	-	848	-	-	34,000	34,000
Sch Debt Svc - Build America Bond Subsidy	118,654	116,328	113,296	113,296	114,437	1,141
TOTAL FEDERAL REVENUE	1,248,659	1,160,724	1,193,771	1,193,771	1,517,764	323,993
TOTAL EXPENDITURES	41,325,521	41,966,796	42,137,378	46,141,161	43,374,482	1,237,104
TOTAL REVENUE	41,376,285	40,373,410	41,797,789	42,316,964	42,783,771	985,982
SURPLUS (DEFICIT)	50,764	(1,593,386)	(339,589)	(3,824,197)	(590,711)	(251,122)
		1,593,38				
FROM FUND BALANCE	(50,764)	6	339,589	3,824,197	590,711	251,122
NET	-	-	-	-	-	-

Adopted this 16th day of April 2019.

Attest

David L. Ash, County Administrator

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) Adoption of FY2020 Appropriations Resolutions 2019-03R

Vice Chair McKay moved to adopt the FY2020 Appropriations Resolutions as follows:

**APPROPRIATIONS RESOLUTIONS
2019-03R**

1. **BE IT RESOLVED**, by the Board of Supervisors of the County of Clarke, Virginia, that the following appropriations are hereby made for the period of July 1, 2019 through June 30, 2020, for the functions and purposes indicated:

General Fund

To be expended only on order of the Board of Supervisors except that grants are only to be expended to the extent of available revenue:

<i>Direct Revenue to the General Fund</i>	\$11,324,524
<i>Total Appropriation</i>	\$11,324,524

Social Services Fund

To be expended only on order of the Board of Social Services:

<i>Direct Revenue to Social Services Fund</i>	\$1,070,369
<i>Transfer from General Fund</i>	\$601,963
<i>Total Appropriation</i>	\$1,672,332

School Operating Fund

To be expended only on order of the School Board:

<i>Direct Revenue to School Operating Fund</i>	\$10,478,424
<i>Transfer from General Fund</i>	\$13,354,928
<i>Total Appropriation</i>	\$23,833,352

Comprehensive Services Fund

To be expended only on order of the Comprehensive Services Board:

<i>Direct Revenue to Comprehensive Services Fund</i>	\$156,675
<i>Transfer from General Fund</i>	\$147,143
<i>Total Appropriation</i>	\$303,818

Conservation Easement Fund

For projects under Conservation Easement Budget to be added to continuing appropriations in the Conservation Easement Fund and to be expended only on order of the Board of Supervisors:

<i>Direct Revenue to Conservation Easement Fund</i>	\$30,000
<i>Transfer from General Fund</i>	\$15,000
<i>Total Appropriation</i>	\$45,000

General Capital Projects Fund

For projects under General Government Capital Projects Budget to be added to continuing appropriations in the General Government Capital Projects Fund and to be expended only on order of the Board of Supervisors:

<i>Direct Revenue to General Capital Projects Fund</i>	\$275,452
<i>Transfer from General Fund</i>	\$845,085

Total Appropriation **\$1,120,537**
School Capital Projects Fund

For projects under the School Capital Projects Budget to be added to continuing appropriations in the School Capital Projects Fund and to be expended only on order of the School Board:

<i>Direct Revenue to the School Capital Projects Fund</i>	\$154,000
<i>Transfer from General Fund</i>	\$522,750
Total Appropriation	\$676,750

School Debt Service Fund

To be expended only on order of the Board of Supervisors or School Board:

<i>Direct Revenue to the School Debt Service Fund</i>	\$212,472
<i>Transfer from General Fund</i>	\$2,307,160
Total Appropriation	\$2,519,632

Government Debt Service Fund

To be expended only on order of the Board of Supervisors:

<i>Transfer from General Fund</i>	\$251,700
Total Appropriation	\$251,700

Joint Administrative Services Fund

To be expended only on order of the Joint Administrative Services Board:

<i>Direct Revenue to the Joint Administrative Services Fund</i>	\$2,000
<i>Transfer from General Fund</i>	\$803,385
Total Appropriation	\$805,385

Unemployment Compensation Fund

To be expended only on order of the Board of Supervisors or School Board:

<i>Transfer from General Fund</i>	\$10,000
Total Appropriation	\$10,000

TESTE:

David L. Ash, County Administrator

- 2. **BE IT RESOLVED**, by the Board of Supervisors of the County of Clarke, Virginia, that the Treasurer of Clarke County, Virginia is hereby authorized to honor Food Service warrants drawn by the School Board of Clarke County for the fiscal year 2019-2020 to the extent of the balance in such Food Service Fund as of 30, June, 2019, plus such receipts as may be deposited during the Fiscal Year 2019-2020.

TESTE:

David L. Ash, County Administrator

- 3. **BE IT RESOLVED**, by the Board of Supervisors of the County of Clarke, Virginia, that the Treasurer of Clarke County, Virginia, be and hereby is authorized to honor Public Safety Fund warrants drawn by the County of Clarke for the Fiscal Year 2019-2020 to the extent of the balance in such Drug Enforcement Fund as of 30, June, 2019, plus such receipts as may be deposited during the Fiscal Year 2019-2020.

TESTE:

David L. Ash, County Administrator

- 4. **BE IT RESOLVED**, by the Board of Supervisors of the County of Clarke, Virginia, that the Treasurer of Clarke County, Virginia, be and hereby is authorized to honor Joint Government Center Fund warrants drawn by the County of Clarke for the Fiscal Year 2019-2020 to the extent of the balance in such Joint Government Center Fund as of 30, June, 2019, plus such receipts as may be deposited during the Fiscal Year 2019-2020.

TESTE:

David L. Ash, County Administrator

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) Adoption of CY2019 Tax Rate Resolution 2019-04R

Vice Chair McKay moved to adopt the CY2019 Tax Rate Resolution as follows:

**TAX RATE RESOLUTION
2019-04R**

BE IT RESOLVED, by the Board of Supervisors of the County of Clarke, Virginia in meeting assembled this 16th day of April, 2019, a public hearing having been held on April 2, 2019, as

required by statute, that the tax rates for calendar year 2019, to support the budget for Clarke County for the fiscal year July 1, 2019 through June 30, 2020, be and hereby are fixed at:

ALL TAX RATES ARE BASED ON EACH \$100 OF ASSESSED VALUATION

	<u>2019</u>
1. Real Estate, including the real estate of public service corporations**	\$0.710
2. Tangible personal property except machinery and tools and qualified Fire and Rescue Vehicles	\$4.496
3. Tangible Machinery and tools	\$1.250
4. Tangible personal property of qualified Fire & Rescue Vehicles	\$2.248

** Mobile Homes will be assessed as personal property, but taxed at the same rate as real estate.

Adopted this 16th day of April 2019.

Attest

David L. Ash, County Administrator

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 department heads and staff for their diligence opining that their stewardship helped the County maintain the current tax rate.

10) Approval of Minutes

Vice Chair McKay requested that Book 23 Page 659 be amended as follows: He further opined that the proposed adjustment ~~gives~~ **puts** people what they thought they were.

Vice Chair McKay moved to accept the minutes for March 19, 2019, as amended. 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

11) Board of Supervisors Personnel Item

A. Expiration of Term for appointments expiring through May 2019

Note 04-02-2019: Awaiting notice of action from the Clarke County Circuit Court. Recommendations for reappointment of Clay Brumback and Alain Borel forwarded from County Administration to the Clarke County Circuit Court on or about March 21

2019-04-08 Summary: Following discussion, the Personnel Committee recommends:

- Berryville Area Development Authority:
 - o Appoint David Weiss to the unexpired term of Tom McFillen expiring March 31, 2022.
 - o Reappoint George Ohrstrom to a three-year term expiring March 31, 2022.
- Clarke County Library Advisory Council: Reappoint the following to three-year terms expiring April 15, 2022
 - o Adeela Al-Khalilli
 - o Bette Brondstater
 - o Maral Kalbian
- Fire & EMS Commission: Appoint Jay Grim to the unexpired term of Jacob White expiring August 31, 2019
- Our Health: Reappoint Diane Shipe to a three-year term expiring March 15, 2022
- Clarke County Planning Commission
 - o Appoint Pete Maynard to fill the unexpired term of Clifford Nelson expiring April 30, 2021
 - o Reappoint: Robert Glover and George Ohrstrom to four-year terms expiring April 30, 2023
- Conservation Easement Authority: Reappoint George Ohrstrom to a three-year term expiring April 30, 2022
- Clarke County Historic Preservation Commission: Appoint Billy Thompson to the unexpired term of Anne Caldwell expiring May 31, 2021.

2019-04-16 Action: David Ash summarized the Committee's recommendation.

**Supervisor Byrd moved to approve the Personnel Committee recommendations.
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

12) Board of Supervisors Work Session Items

Board of Supervisors Work Session Agenda
Berryville/Clarke County Government Center, 2nd Floor
101 Chalmers Court, Berryville, Virginia 22611

April 8, 2019, 10:00 AM, Meeting Room AB

Present: Barbara J. Byrd; Terri T. Catlett; Mary L.C. Daniel; Beverly B. McKay, David S. Weiss

A. Establishment of New Emergency Medical Services Organization - Tri-County Transport by Brian Lichty

2019-04-08 Summary: **Supervisor Daniel moved to approve the resolution 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

2019-04-16 Action: David Ash summarized the Board's action at its April 8 Work Session.
No action taken at regular meeting.

B. Clarke County Graphic and Editorial Guidelines by Cathy Kuehner

2019-04-08 Summary: Cathy Kuehner presented to the Board for comment. The Board requested an updated and expanded version at the May work session.

2019-04-16 Action: David Ash summarized the Board's action at its April 8 Work Session.
No action taken at regular meeting.

C. County Administrator Hiring Strategies and Priorities Discussion

2019-04-08 Summary: The Supervisors discussed establishing the hiring schedule and the process to be used in selecting a County Administrator. After considerable discussion, Board members authorized the Chair to review the state contract and to contact other facilitators, who might assist the Board in its search.

2019-04-16 Action: See Item 19 Closed Session. No action taken.

- D. 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

2019-04-08 Summary: Robert Mitchell joined the Supervisors for Closed Session. **Supervisor Byrd moved that the Clarke County Board of Supervisors enter Closed Session pursuant to 2.2-3711 A7. 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

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, Vice Chair McKay 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

Vice Chair McKay 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 following Closed Session.

2019-04-16 Action: No action taken.

E. Agenda Item Requests by Supervisor Byrd

2019-04-08 Summary: Supervisor Byrd requested additional discussion on the following items:

- Airbnb's and Similar Platforms: Add update to April 16 agenda
- Rockwool Plant, Ranson, West Virginia: Add update to April 16 agenda
- Tick Season: Staff instructed to conduct additional research.

2019-04-16 Action: See agenda Item 5 for Airbnb's and Similar Platforms update. See Item 6 for Rockwool Status Update.

13) Board of Supervisors Finance Committee Items

A. FY2020 Budget Request Fire / EMS / EM.

2019-04-08 Summary: Budget request from Fire/EMS/EM. The Committee will further consider this matter in May.

2019-04-16 Action: Tom Judge summarized stating that the Committee reviewed a request from the Director of Fire, EMS, and Emergency Operations to amend the FY2020 budget for advanced life support training. The Committee did not opt to include it in the FY2020 budget but will further consider the matter in May.

Chairman Weiss added that the Finance Committee did authorize out of the current budget a \$300 registration fee that holds the space if the Board should desire to fill it.

Vice Chair McKay requested inclusion of an employment requirement.

B. Broadband Extension

2019-04-08 Summary: There was brief discussion of a new project to extend broadband to White Post. No action was taken pending further information.

2019-04-16 Action: Tom Judge summarized noting that no action was taken to amend the FY2020 budget.

C. Bills and Claims

2019-04-08 Summary: The Finance Committee recommends approval of the March 2019 Invoice History Report.

2019-04-16 Action: Tom Judge informed the Supervisors that the March report included invoices from the Department of Social Services and assured that these particular documents did not violate confidentiality; however, these documents could, potentially, violate in future. Therefore, the report was reproduced without the Department of Social Services invoices.

Supervisor Catlett moved to accept the March 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

D. Standing Reports

FYI: Reconciliation of Appropriation, Capital Budget

14) Joint Administrative Services Board

March 25 meeting cancelled – no update provided.

15) Government Projects Update

David Ash provided the monthly project update.

- Kohn Property:
 - Toured property with Bev McKay.
 - No recommendation at this time for current or future uses.
 - Chairman Weiss asked for timeline development.
 - Vice Chair McKay offered to tour the property with other members of the Board to seek their ideas.
 - House:
 - The house is rentable.
 - Will require clean up and some repair.
 - Chairman Weiss instructed staff to get cost estimate for making the house rentable.
 - Contractor brush hogs the property.
- 309 West Main: Replacing roof today
- Warren County Survey:
 - Met with Warren County official.
 - Requested additional survey work from Stuart Dunn to address some uncertainty and lack of clarity. Currently, seeking update from Mr. Dunn.
 - Once clarified, will conduct public meetings to receive comment.
 - Process to follow will change after July 1.

16) Miscellaneous Items

No miscellaneous items identified.

17) Summary of Required Action

<u>Item</u>	<u>Description</u>	<u>Responsibility</u>
1.	Develop public hearing notice for through-truck restriction on VA Route 601.	Lora B. Walburn
2.	Develop public hearing notice for SSYP 2019/2020 through 2024/2025 and FY2020 Construction Budget.	Lora B. Walburn
3.	Add review of SSYP 2019/2020 through 2024/2025 and FY2020 Construction Budget to May 13 Work Session agenda.	Lora B. Walburn
4.	Research Rockwool facility and make recommendation to the Supervisors.	Alison Teetor
5.	Process and post approved minutes.	Lora B. Walburn
6.	Update appointments database, draft notice of appointment, and notify staff representatives.	Lora B. Walburn
7.	Execute letters of appointment and appreciation.	David S. Weiss
8.	Develop a list of pros and cons for creation of a registry for Airbnbs and similar platforms for review at a future Work Session.	David Ash

18) Board Member Committee Status Reports

Supervisor Barbara J. Byrd

- Board of Social Services: Had a very productive meeting.
- Clarke County Humane Foundation:
 - The Shelter is now clear of kennel cough so the group can again meet at the facility.
 - In process of exploring a facility addition and two projects.
- Community Policy and Management Team: Good meeting.
- Conservation Easement Authority: Meets April 25.
- Northwest Regional Adult Drug Treatment Court Advisory Committee: No update.

- Northwestern Regional Jail Authority: Meets Thursday at 10:30 am.
- Northwestern Regional Juvenile Detention Center Commission: Did not meet.
- Town of Berryville:
 - Several speakers spoke about taxes.
 - No one in favor of tax hike.
 - Enders given \$150,000 proffer from A.C. Echols building project.
 - Signed a year extension with Republic for waste removal.
 - Having problem with persons continuing to try to recycle glass.
 - \$.01 increase real estate; no change in personal property.
 - Cara Rodriguez would like to the Supervisors to consider restructuring the Economic Development Memorandum of Understanding Committee.
- Horse event in Russell District
 - Conducted on Wilson Road.
 - One hundred and fifty [150] participants not including persons working the event or accompanying riders.
 - Event held without special event permit.

Supervisor Terri T. Catlett

- Conservation Easement: Discussed two properties.
- School Board: Voted 3-2 to move more funds to support staff.
- Historic Preservation Commission:
 - Conducted round table with several local historic groups.
 - Maral Kalbian provided update on her book.
- Parks and Recreation Advisory Committee: Project updates provided – no quorum.
- Village of Millwood: Meets Monday, April 22, 2019, at Carter Hall.

Supervisor Mary L.C. Daniel

- Broadband Implementation Committee: Will meet next month.
- Clarke County Library:
 - Will be painting and moving signage.
 - Changing filing system

- Josephine Community Museum: Doing great.
- Legislative Liaison / Coalition for High Growth: No activity
- Planning Commission: Piedmont Environmental Council [PEC] made a presentation, which the Supervisors should consider adding to a future agenda.
- Sheriff's Department: Doing fine.

Vice Chair Bev B. McKay

- Economic Development Advisory Committee: No update given. Minutes for March 20, 2019, included in packet.
- Sanitary Authority:
 - Met this morning.
 - All pleased with new plant operator.
 - Supervisors are invited to watch membrane replacement scheduled for June 10.
 - Secondary water source is recommended not required.
- Northern Shenandoah Valley Regional Commission: Meets this Thursday.

Chairman David S. Weiss

- Economic Development MOU Committee: Has not met individually. Economic Development Advisory Committee March 20, 2019, minutes are included in the report section of Board of Supervisors regular meeting materials.
- Fire & EMS Commission:
 - Continue part-time staffing – has lowered response times.
 - Achieved 15-minute response time for the past six months.
 - Incentive program working.
 - Many struggles that create problems for the future.
 - Many still place station needs before system needs.
- Industrial Development Authority:
 - Meets next week.
 - Hotel Feasibility Study: Berryville Main Street has chosen a firm.
- Joint Administrative Services Board: Meets April 22

19) Closed Session

At 1:33 pm, Supervisor Daniel moved to enter closed session pursuant to §2.2-3711-A29 Discussion of the award of a public contract involving the expenditure of public funds, including interviews of bidders or offerors, and discussion of the terms or scope of such contract, where discussion in an open session would adversely affect the bargaining position or negotiating strategy of the public body. 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 2:19 pm, The members of the Board of Supervisors being assembled within the designated meeting place, with open doors and in the presence of members of the public and/or the media desiring to attend, Supervisor Byrd 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 Byrd 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 following Closed Session.

At 3:57 pm, Chairman Weiss recessed the meeting.

At 6:35 pm, Chairman Weiss reconvened the meeting.

20) Citizens Comment Period

No citizens appeared to address the Board.

21) PH 19-06: CC-2019-01 Chapter 175 Vehicles and Traffic. The Clarke County Board of Supervisors shall consider amending Clarke County Code Chapter 175 to add Article IV Solicitation activities on public highways, roadways, and medians prohibited.

David Ash reviewed the proposed change noting that it was prompted by citizen complaints and safety concerns primarily at the Waterloo intersection.

Chief Deputy Sumption responded to questions from Supervisor Catlett stating that the Sheriff's Office would use the ordinance as a tool instead of punishment. He opined that the ordinance allowed the Sheriff's Office to establish consequences.

Vice Chair McKay added that as the White Post Supervisor he has received many complaints about panhandling at the Waterloo intersection. He said that while he did not like adding more rules and regulations this proposed amendment addressed safety concerns in a very dangerous situation. He also commented on the aggressiveness of some of the panhandlers.

Supervisor Daniel, in response to comments made about fire and rescue boot drives, stated that she was not aware of Clarke volunteers conducting boot drives within the county.

At 6:40 pm, Chairman Weiss opened the citizen comment portion of the public hearing. Being no persons desiring to speak, he closed the public hearing.

Vice Chair McKay moved to amend the Code of Clarke County Virginia Chapter 175 Vehicles and Traffic 175 to add Article IV Solicitation activities on public highways, roadways, and medians prohibited as presented.

Article IV Solicitation activities on public highways, roadways, and medians prohibited.

§ 175- 19. Code of Virginia References § 46.2-931. Localities may prohibit or regulate distribution of handbills, etc., solicitation of contributions, and sale of merchandise or services on highways within their boundaries or on public roadways and medians.

§ 175- 20. Solicitation activities on public highways, roadways, and medians

(a) For purposes of this section, "highway" shall mean the entire width between the boundary lines of every way or place open to the use of the public for purposes of vehicular travel in the county, including the streets and alleys, and, the entire width between the boundary lines of all private roads or private streets that have been specifically designated highways by ordinance.

(b) When any of the following activities interfere with the safe and free passage of pedestrian and/or vehicle traffic, it shall be unlawful for any person standing, sitting, walking, or otherwise located on a highway within the county to:

(1) Distribute handbills, leaflets, bulletins, literature, advertisements or similar material to the occupants of motor vehicles.

1)

(2) Solicit contributions of any nature from the occupants of motor vehicles.

(3) Sell or attempt to sell merchandise or services to the occupants of motor vehicles.

(c) Any person violating the provisions of this section shall, upon conviction, be guilty of a traffic infraction, punishable by a fine of:

- One hundred dollars (\$100.00) for the first offense; and,

- Two hundred fifty dollars (\$250.00) for any subsequent offense.

- Each separate violation shall be considered a new offense.

Supervisor Catlett asked Chief Deputy Sumption to provide a follow-up report to the Supervisors.

After the motion, Chairman Weiss expressed agreement with Vice Chair McKay opining that when persons will not regulate themselves others must.

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

22) Adjournment

At 6:42 pm, Chairman Weiss recessed the meeting until 10 am, Friday, April 19, 2019.

Next Regular Meeting Date

The next regular meeting of the Board of Supervisors is set for Tuesday, May 21, 2019, at 1:00 p.m. in the Berryville Clarke County Government Center, Main Meeting Room, 101 Chalmers Court, Berryville, Virginia.

ATTEST: April 16, 2019

David S. Weiss, Chair

David L. Ash, County Administrator

Recorded and transcribed by Lora B. Walburn, Deputy Clerk to the Board of Supervisors