

December 17, 2019

Clarke County Board of Supervisors
Regular Meeting
Main Meeting Room

1:00 pm

At a regular meeting of the Board of Supervisors of Clarke County, Virginia, held in the Berryville Clarke County Government Center, 101 Chalmers Court, 2nd Floor, Berryville, Virginia conducted on Tuesday, December 17, 2019.

Board Members

Present Afternoon Session: Barbara J. Byrd – Russell District; Mary L.C. Daniel – Berryville District; David S. Weiss – Buckmarsh / Blue Ridge District; Terri T. Catlett - Millwood / Pine Grove District; Bev B. McKay – White Post District

Absent Afternoon Session: None

County Staff Present

Chris Boies, Tom Judge, Cathy Kuehner, Brian Lichty, Robert Mitchell, Janine Rose, Travis Sumption, Brianna Taylor, Lora Walburn, April Wilkerson

Constitutional / State Offices / Other Agencies

Barbara Bosserman, Ed Carter, Chief Keith Hartman – Buena Vista Police Department, Dave LaRock - 33rd District House Delegate, Tony Roper, Matt Smith, Roger Tapscott, Neil White, Anne Williams

Press

Mickey Powell – The Winchester Star

Others Present

Craig Anderson, Robert Armstrong, Harry “Jay” Arnold, Warren Arthur, Wayne Armbrust, Doug Aylestock, Joe Bailey, Daniel Bailey, William Bigelow, Chuck Bishop, Leslie Blackburn, Jay Blevins, Richard Blick, Shane Boswell, Robina Rich Bouffault,

Greg Brennen, Grant Brennen, Clay Brumback, Tom Caldwell, Sharon Caldwell, Bryant Condrey, Jay Corbalis, Jason Crahn, Adam Crider, Keith Crider, Britt de Cormier, Lauren Farrell, Brian Ferrell, Steve Fertig, Benjamin Findley, Mike Flagg, Alan Frederickson, Jay Garver, James Gennaro, Amanda Gray, Charlie Gray, Dawn Gray, Doug Hackworth, Sara Hartsell, Randy Hash, Joaquin Heard, Mike Herbaugh, Matt Hoff, Catherine Hott, Tim Johnson, Todd Johnson, Dan Jones, Anne Judge, Doug Kruhm, Scott Kreider, Doug Lawrence, Jesse Lepinsky, Barry Lewis, Darlene Lacey, Peter Lacey, Mark Louthan, Gwen Malone, Patrick Marsden, Mary Martin, Samuel Matrich, Pete Maynard, Joshua Miller, John Myer, David Nalls, Tim Olinger, ty Ortiz, Tony Parrot, Keith Patterson, Paul Pennington, Michael Perough, Denny Pierce, Glenn Poe, Billy Poston, Dennis Poston, Chris Quasebarth, Neil Raper, Shawn Reynolds, Carolyn Roberts, Craig Rucker, Jesse Russell, John Rutherford, Mary Rutherford, Phil Schenk, Ruth Shatkowski, Tommy Shepherd, Monica Sing-Smith, Scott Smith, Scottie Smith, Joanne Spano, Andrew Surface, Rob Swain, Amanda Tavenner, Kenny Tavenner, Nick Thiel, Bill Waite, Brenda Waugh, Barry Wells, Faith White, Pat Wiley, Paul Williams, Tim Williamson, Michael Wilson, Jim Wink, Michelle Worthington, Jeremy Wright, and other citizens.

1) Call to Order

Chairman Weiss called the afternoon session to order at 1:05 pm.

2) Adoption of Agenda

Supervisor McKay moved to adopt the agenda 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

3) Closed Session

At 1:06 pm, **Supervisor Daniel moved to enter closed session pursuant to §2.2-3711-A8 Consultation with legal counsel employed or retained by a public body regarding specific legal matters requiring the provision of legal advice by such 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

County Attorney, Robert Mitchell, and Doug Lawrence joined the Board in Closed Session.

At 1:28 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 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

No action was taken following Closed Session.

4) Law Enforcement Accreditation Presentation

Keith Hartman, Chief of Police for the Buena Vista Police Department presented the following to Sheriff Anthony “Tony” Roper, Travis Sumption, and Janine Rose.

I am Keith Hartman from the Buena Vista Police Department and I bring you greetings and congratulations from the Executive Board of the Virginia Law Enforcement Professional Standards Commission.

We are here to recognize the Clarke County Sheriff’s Office for their commitment to law enforcement excellence, as evidenced by their successful completion of the recertification process of the Virginia Law Enforcement Accreditation Program.

All accreditation programs are designed to measure and confirm the compliance of the participating organization with the professional standards in the profession that they serve. It is one of the only means by which citizens and government leaders can be assured that an agency is maintaining ethical standards and benchmarks of performance to which the community has a right to expect.

Your community’s law enforcement agency had previously made the commitment to pursue the goal of attaining state accreditation. This process involves bringing the administrative, operational, training, and personnel policies and practices of the department into compliance with the 190 professional standards of the Commission. The awarding of accreditation to a law enforcement agency is infinitely more than a paper exercise. An agency must first develop the policies and procedures that comply with the Commissions standards, but what is more important, it must put those policy statements into practice and prove over a period of years that the agency is in compliance with those standards. It is not just saying that you will meet the standards, but actually doing what you have said that you would do. That is the commitment of this process and the essence of a professionally accredited agency. The Clarke County Sheriff’s Office has maintained that commitment as we are here tonight

to officially recognize them for successfully completing the re-accreditation process.

The attainment of accreditation by a law enforcement agency has many advantages. It instills confidence in the public that the law enforcement agency it serves complies with established professional benchmarks. Secondly, the process assures public officials that the law enforcement agency they oversee is in compliance with established state of the art policies and procedures. The established protocols of an accredited department reduce the potential for liability issues resulting from the daily services it provides to its citizens. Fourth, compliance with established standards of professional operations reduces the probability that a lawsuit alleging a transgression by department personnel will be successful. Fifth, an agency recognized for, and discharging its duties as an accredited organization, instills pride among its members. Furthermore, while not ensuring that a community will be crime free, it requires that an agency conduct its investigative efforts in such a manner as to bring about as successful a resolution to an incident as possible given those circumstances. The existence of an accredited department in a community is a positive factor when a municipality markets itself for economic development. Eighth, the commission's standards assist agencies in effective and efficient policy development. Ninth, the process provides the framework for the professional self-inspection of agency policies and operations. Finally, an accredited agency is not only doing the right things within the community it serves but is also doing those things right.

The pursuit of accredited status by a law enforcement agency is a voluntary process. It is a commitment on the part the agency's chief executive, and the members of the department, that they will serve their community beyond the minimal requirements established by state law. Equally important, the process involves the assessment and evaluation of the agency by trained law enforcement professionals from outside of the organization. A department is critically judged by its peers, who not only know what is required to comply with the standards, but who also bring to the table, the knowledge and expertise to critically evaluate an organization's policies and practices. The result is a comprehensive and fair assessment of an agency and a final recommendation as to whether it should be approved to receive accreditation from the Commission.

Sheriff Roper and the members of the Clarke County Sheriff's Office have again successfully met those standards. We congratulate them on their accomplishment and are proud to present them with their certificate of accreditation from the Virginia Law Enforcement Professional Standards Commission.

Sheriff Tony Roper thanked the Board of Supervisors and the community for their support, adding that his staff did all of the hard work.

Supervisor Byrd asked how many years has this award been in his office, Tony stated that it has been ten years.

Supervisor Catlett asked what percentage of Law Enforcement Agencies receives this recognition; Chief Hartman answered that about 100 agencies out of 230 throughout the state.

Chairman Weiss opined that the Board is very proud of all of the hard work that you do, please pass along our good wishes to the rest of staff, and keep up the hard work.

Sheriff Tony Roper took a moment to present Supervisor Byrd with a gift from the Clarke County Sheriff's Office, in token of appreciation. Opining that Supervisor Byrd is a great example of constituent service, appreciate everything about you, and you will be missed terribly.

5) VDOT

Chairman Weiss clarified that VDOT representative Ed Carter comes to the Regular meeting every month to update the Board on all of the activities and projects.

Ed Carter, Residency Administrator, joined the supervisors to provide the monthly update.

Mr. Carter congratulated the Clarke County Sheriff's Office on their achievement.

Maintenance:

- Completed our fence-to-fence mowing on primary routes.
- Completed shoulder repairs on Rt. 50 and started shoulder repairs on Rt. 7 and will continue this month and start same on Rt. 340, as weather allows.
- Completed brush trimming on routes 664 and 613 and will continue on other various routes this month.
- Performed grading operations on various non-hard surfaced routes and will continue this month as weather permits.
- VDOT have mobilized for three weather events to date.

- Conducted pothole patching on various routes and will continue as they are found this month.

Board Issues:

- Appalachian Trail Head Rt. 605 - No change
- Rt. 9 Hillsboro Project - Meeting in January to review contractor schedule with Law Enforcement.
- Speed Study Rt. 612 - Completed, speed limit is being lowered to 45 MPH.
- Speed Study Rt. 609 – Underway
- Rt. 9 commission did sign off on all code changes effective today, December 17, 2019
- Estimates on Rt. 7 Safety Audit
 - o Will proceed with the lower budget items.
 - o Summary: additional signage \$2,200, 6inch headlines and skiffs \$20,000, pavement markings \$7,000, optical speed bars at Rt. 612 \$2,200.
 - o With state forces that total is about \$30,000.
 - o If contract is needed the total would be \$87,000.
- Dynamic warning flashers at Rt. 601 are currently being designed, anticipate having that in within the first quarter, weather permitting. Cost is \$100,000.
- Item budgeted under safety funds: widening, pave shoulders, installing rumble strips, updating guardrails from Rt. 7 business to Rt. 709. Timeframe is 2023 and estimate is \$2.2 million.
- For the same thing from Rt. 709 to Rt. 601, timeframe 2025 and estimate \$1.2 million.

Chairman Weiss opined that the Rt. 7 Safety Audit was productive and these changes will make things better.

Ed Carter stated that it has been a privilege to work with Supervisor Byrd.

Supervisor Byrd:

- Speed Recording Device: pleased that this is being worked on and moving forward.

- Crums Church Rd: concerned constituent asked why there is no 35 mph limit for the short section on Crums Church that has many houses. Hopeful that Supervisor Lawrence, Sheriff Roper, and Ed Carter review this in the near future.
 - Ed Carter stated that they would look at Crums Church Rd and see if it meets the criteria to be considered residential.

Chairman Weiss:

- Castleman Rd. / Shepherd's Mill: several potholes.
 - Mr. Tapscott stated that it has already been graded.

Ed Carter introduced Matt Smith as his new assistant.

6) Citizens Comment Period

Chairman Weiss stated for the record that the Second Amendment Sanctuary Resolution is not on the agenda so the Board will not be taking any votes today, this includes both the afternoon and evening sessions.

In general, during the Citizen Comment Period, the Board does not interact with the speakers, simply here to listen. Then in the future, the Board may or may not take action on items that people discussed.

As a reminder, please come forward state your name and address, direct your comments to the Board and not to the audience, everyone will be given three minutes to speak.

County Administrator, Chris Boies stated that 16 speakers signed up to address the Board.

Shawn Reynolds, Boyce: addressed the Board concerning the Second Amendment Resolution. He put forth the following points:

- Request that the Board pass a resolution making Clarke County a Second Amendment Sanctuary.
- Livelihood is threatened by Richmond; by passing, these laws will make many people felons.
- Worked 20 years in public system and school system in a neighboring county, obviously these are two things that you cannot do as a felon.
- How is any citizen or local elected leader okay with these laws?

- Presented a sample resolution to the Board, stating that it was drafted from the resolution that Frederick County just passed.
- Request that the Board hold a special meeting the evening of January 1, 2020, to vote on a resolution.
- Counties are hesitant to pass a resolution due to the threats that are coming out of Richmond, for example withhold state funds and removal of law enforcement officers who refuse to enforce these new laws.
- When it comes to Richmond and their threats, we have your back; we are here to ask elected leadership to have our backs by passing a Second Amendment Sanctuary Resolution.

Robina Rich Bouffault, Boyce: addressed the Board concerning Schools FY19 Carryover. She put forth the following points:

- Today's agenda indicates that the Finance Committee is recommending the Schools Capital Carryover \$1,126,387 (packet page 139).
- Tom Judge included a new spreadsheet (packet page 125), not yet reviewed by the Finance Committee or seen by the full Board, it shows the breakdown of the 1.1 million the Schools want to carryover.
- Concerns with the spreadsheet:
 - The amount indicated as the original appropriation is shown as 850,618 dollars, when the FY19 Schools adopted Capital Budget approved on April 3, 2018 was only \$732,000.
 - On the bottom of packet page 125, seven items concerning technology and VPSA items for both classroom instruction and administration.
 - VPSA Technology Grant of \$154,000 is an annual grant, which according to the VPSA memo, May 24, 2019, is in order to, "improve the instructional, remedial, and testing capabilities of the SOL and local school systems."
 - The original appropriation to these seven major items was \$469,000, over the last 18 months, only about half of that, \$238,000 has actually been spent.
 - These ongoing annual grants with the ongoing SOL support expenditures should be under the schools operational budget, not listed under capital projects, being endlessly carried over year after year.
 - Painting item for \$135,167 listed as unspent and needed for 2021.

- This item was already a carryover from the prior year, with nothing else spent since then, even though the Superintendent in his narrative stated, “each summer staff schedules painting as needed in all schools.”
- Provided the Board with a document concerning the renovations of the Primary School, the superintendent in his narrative on packet page 127, at the bottom list under roof replacement \$119,547 for 2021 roof replacement at the Primary School, even though the renovation was completed in 2017.
- On December 2, sent two Code of Virginia Statutes that clearly state that all unexpended local school funds in any year are to return to the governing body for use in the next year’s budget. In addition, any current year budget amendments above 1% of the total budget require a public hearing; this carryover has not had that.

Barry Lewis, Boyce: addressed the Board concerning the Second Amendment Resolution. He put forth the following points:

- Focused specifically on SB16, SB64, and HB67, all target law-abiding citizens as well as law enforcement.
- Quoted Justice Scalia, who wrote the majority opinion of the Heller V. D.C Case.
- Concerned for Law Enforcement.
- Requested:
 - First, adoption of Second Amendment Sanctuary Resolution
 - Second, the Sheriff to “deputize” citizens “in the preservation of the peace”
 - Third, for the Board of Supervisors to restrict the Sheriff’s funding and use it in other areas for the Sheriff’s Office rather than enforcing these laws.
- These laws could make me be a Class 6 felon.
- The problem is the lack of knowledge of the legislators regarding firearms.
- Quoted George Washington, “A free people ought not only be armed and disciplined, but they should have sufficient arms and ammunition to maintain a status of independence from any who might attempt to abuse them, which would include their own government”.

Neil Raper, Boyce: addressed the Board concerning Second Amendment Resolution. He put forth the following points:

- Lived in Boyce since 1997
- Voiced support for any Clarke County Board of Supervisors Resolution that confirms that this County supports the Constitution of the United States, in particular the Second Amendment.
- Encourage that as a County we look into participating with other counties so that we can all move forward as one unit.
- Events happening around Richmond are disconcerting.
- Know fear but this is making me afraid because this will make me a felon at seventy years old and having my entire career in United States Government.
- Afraid for Law Enforcement.
- Another fear is the rederick on the idea to send out the National Guard.
- Sworn official for many years and I still believe in that Oath of Office.

David Jones, Paris: addressed the Board concerning Second Amendment Resolution. He put forth the following points:

- Served in the Army for 24 years with two years in combat, retired Army, and retired Department of Homeland security.
- Support a Resolution for the Second Amendment.
- Believe that the Second Amendment is second for a reason; it is to protect all of the other rights in the Bill of Rights.
- Do not know what the answer is but strongly believe that making law-abiding citizens criminals overnight is not the right thing.
- Any message that we can send now, to tell them that we are not for what they are suggesting is a good message.
- Mostly symbolic because if the laws pass than the laws pass but also know that this is just not right.

Richard Blick, Berryville: addressed the Board concerning the Second Amendment resolution. He put forth the following points:

- Resident of the Town of Berryville for 22 years.
- As a law abiding citizen and a lawful concealed weapons permit holder, my personal property and Constitutional rights will soon be infringed upon.

- Living on Main Street, being only 10 feet from the sidewalk protecting my family and property is paramount.
- This is my decision and not the States business.
- Youth hunting, target practicing, the right to gather while carrying, and more are under attack.
- A gun is not a weapon unless it is used as such just like a car, plane, knife, hammer, rope, bat, and more.
- Murder and terrorism are already illegal.
- Stand here as a victim of Emergency Protective Order system and process.
- State of Virginia already has a Red Flag law albeit dangerously flawed.
- To date 97 other localities in Virginia are standing up for the citizens.
- Urge the Board to immediately adopt a resolution sending a message to Richmond, that asserts that are natural born rights which are protected by the Second Amendment of the Constitution not be infringed on.
- We all heard you take your oath of office to protect the Constitution of the United States and Virginia.
- We need you to back us so that we can back you.

Brenda Waugh, Berryville: addressed the Board concerning agenda topics. She put forth the following points:

- Concerned that the Board might take up something that was not on the agenda, appreciate that the Board has restricted their actions to those their authorized to take to follow proper noticed.
- If the Board does decide to take up a resolution, request that the Board first determine if the subject should be considered. If so, that it is placed on the agenda pursuant to Code of Clarke County, Virginia Section 39-3, and a full copy of the proposed resolution be provided prior to public hearing on the enactment.
- Also, encourage that the Board work with legal counsel and with the public to fully study all issues to inform them in drafting a resolution.
- Board needs to examine the objectives and goals of any resolution and determine whether a proposal meets those goals.
- Board must consider the potential for unintended consequences.
- Board must may want to consider the following questions:
 - What are the implications of the resolution?
 - What are any potential costs associated with the resolution?

- How does the resolution impact existing code and ordinance provisions in Clarke County?
- How would a resolution be impacted by existing Constitutional provisions such as the preemption clause, U.S. Constitution, Article IV, or the Dillion Rule?
- How does this resolution promote the overriding mission of our county?
- Is there a way, consistent with federal and state law, to recognize the importance of the Second Amendment, alongside other Constitutional Articles and Amendments, and thereby avoid these potential unintended and adverse consequences?
- This is a big decision, given the procedural restrictions and the necessity to make sure that a decision does not create unintended consequences, we need to take our time.
- Need to make sure that what is presented is effective, cost-efficient, and furthers the values that our community in Clarke County shares.

Chris Quasebarth, Berryville: addressed the Board concerning agenda topics. He put forth the following points:

- Curious on why we are here for a Second Amendment resolution, since there is no language to discuss on this proposed resolution and there is no legislation that has been passed that it would effect.
- Proponents of this resolution use the word sanctuary. Sanctuary is a term that usually means place, historically a church, where people go to be safe.
- Curious on why the term sanctuary would be used for a place to hide deadly weapons.
- Board needs to consider what the effects of this resolution would be.
- Board also needs to study the relationships of Clarke County and the Commonwealth of Virginia.
- This relationship is entirely different compared the relationship between Federal and the States because Clarke County is not a separate sovereign from Virginia.
- With the Dillion Rule, Clarke County can only pass laws, ordinances, perhaps resolutions that they are enabled to pass by the Commonwealth.

Wayne Armbrust, Boyce: addressed the Board concerning protection of Second Amendment rights. He put forth the following points:

- Asking the Board to be careful where we go, you are our last line of defense, in defending our rights, and making a statement on behalf of defending our right with or without power.
- We are all sworn to uphold the Constitution of the United States above all.
- Vietnam Veteran, sworn police officer, and sworn for duties within the County of Clarke.
- All of those gave me the opportunity to pledge in support of the Constitution.

Shane Boswell, Berryville: addressed the Board concerning the Second Amendment resolution. He put forth the following points:

- Article I Section 4: “That no free government, nor the blessings of liberty, can be preserved to any people, but by a firm adherence to justice, moderation, temperance, frugality, and virtue; by frequent recurrence to fundamental principles; and by the recognition by all citizens that they have duties as well as rights, and that such rights cannot be enjoyed save in a society where law is respected and due process is observed”.
- There has not been a process yet, there are provisional bills that have not been reviewed.
- Do not believe that asking the Board to violate the Oath for something that we do not know what it will be yet is the right thing to be asking.
- No matter what not everyone will be happy; but, we are trusting you to do the right thing however your heart leads you.

Scott Kreider, Bluemont: addressed the Board concerning the Second Amendment resolution. He put forth the following points:

- Obvious that our state government has determined to restrict or remove our Second Amendment rights under the guides of safety measures.
- Quoted Benjamin Franklin, “Those who give up essential liberty, to purchase a little temporary safety, deserve neither liberty nor safety.”
- When the state government proposes to take away Constitutional rights from law abiding citizens, and make them criminals for owning something that they purchased legally, then it falls to local government to stand up for its residents rights.

Tim Williamson, Berryville: addressed the Board concerning the Second Amendment resolution. He put forth the following points:

- Current situation: “guns save lives” and “all guns are bad”.
- The truth lies in the middle and that is what I would like to argue.
- As a military officer, sworn to protect and defend the Constitution.
- Second Amendment is one sentence long, second and third words are “well regulated”.
- Believe that what is being proposed in Richmond there will be some good and there will be somethings that have to be objected too.
- NRA has told for many years “Guns don’t kill people, people kill people”.
- Believe that getting background checks before being able to get a firearm is appropriate, but in Virginia, there is a loophole.
- Do not believe that citizens need to have military weapons that are used for warfare.
- Also, believe that this is also not the right time to take away those weapons, but believe that it is the right time to talk about how we could have a safe society.
- Saddening that in 2017, 39,773 people were killed by guns, 23,854 were suicide, and most of those suicides were white males 18,759.
- The 408 deaths in this country this year in mass shootings many children and people in public places who did not know it was coming, that is wrong and we do need to look at that.
- Encourage the Board to not get too far out one way or the other.

Doug Kruhm, Berryville: addressed the Board concerning the Second Amendment resolution. He put forth the following points:

- Told his one life experience overlooking the Sea of Galilee, heard three vehicles approaching ended up being school buses. First person off was an adult with a gun then seven children got off the bus, then another adult and seven more children, etc.
- Learned that this is how they travel with their children in this country.
- Those guns were fully automatic firearms with high capacity magazines, and the adults were parents not soldiers.
- He was glad that our country was not at this point, at that time.
- Now we are at that point in our country we hate each other, the election cycle that is coming will prove this.
- Thirty years in law enforcement and 20 years after that as a chair for a Board of a memorial for law enforcement officers.

- Opposed to this Second Amendment proposal, we do not get to choose the laws that we want to obey.
- We have sanctuary cities in Virginia, for larger cities that harbor people who are in our country illegally.
- We have to stop this stupidity of only seeing one way here and another there.
- We cannot pick the laws that we want to follow, we have to follow all of them.

Mark Louthan, Berryville addressed the Board concerning the Second Amendment resolution. He put forth the following points:

- We are about to have some very tough times.
- We have a governor that wants to take all of our guns, firing law enforcement that does not follow, and then use National Guard against us.
- People will not put up with this, this is treason.

Samuel Matrich, Berryville: addressed the Board concerning the Second Amendment resolution. He put forth the following points:

- Across Virginia, there are counties, cities, and towns considering themselves Second Amendment sanctuaries.
- This movement sends the message to Richmond that the right to keep and bear arms will be defended by local government.
- Twenty-two bills have been proposed to enact gun control legislation.
- These bills are not the solution to gun violence.
- Never known a car alone to kill someone but have known of a texting driver to experience a deadly crash.
- Most acts of violence occur in gun free zones like churches, schools, and military bases just think how many could have been stopped if someone else had a gun.
- If people are restricted in their choice of weapon then criminals gain the advantage.
- Our founding fathers knew this and codified the right to keep and bear arms.
- The Board of Supervisors and the Sheriff are sworn in to support the Constitution and have the duty and right to use the capacity of your office to protect the citizens that you represent from an overreach of power from the state of federal government.

- You should not obey the unconstitutional laws or court decisions; this means that Sheriff Roper should refuse to enforce certain law that violates the Constitution.
- Encourage the Board to pass some form of the Second Amendment resolution and support the Sheriff in defending the Constitution.

Faith White, Front Royal: addressed the Board concerning the Second Amendment resolution. She put forth the following points:

- As a stay at home mom who lives on the mountain, I do have a concealed carry permit.
- Conceal carry is my Constitutional right and it is my God given right to protect my family, and I will not give that up.
- Have been around guns all my life and want to be able to teach my children about guns and target practice, but with the proposed laws that could also make me a felon.
- Feel safe when carrying my weapon; living on the mountain, I never know when I will encounter a bear or a coyote.
- Encourage the Board to vote to become a Second Amendment sanctuary county.

Chairman Weiss thanked everyone for coming and sharing their thoughts. Stated that if the Board moves forward we will have consultation with our legal counsel and have staff work on this issue, and it will be advertised in the appropriate fashion.

At 2:50 pm, Chair Weiss called for a break to allow the crowd to exit the meeting room.

At 2:58 pm, Chair Weiss reconvened the meeting.

- 7) Set 2020 Board of Supervisors' Organizational Meeting Date, Time, and Location.
Staff recommendation: 10 am, Monday, January 13, 2020, Meeting Room AB

Chair Weiss suggested changing to January 6, 2020 at 10am.

By consensus, the Board set the 2020 Organizational Meeting for Monday, January 6, 2020, at 10 am, in Meeting Room AB, Berryville Clarke County Government Center.

8) Approval of Minutes

Supervisor Catlett made the following amendments:

Book 23 Page 968 Committee Status Reports by Supervisor Byrd – Town of Berryville
Will be changing street signs. Strike names replace with signs.

Book 23 Page 969 Committee Status Reports by Supervisor Catlett – School Board
Dorothy Davis, Josephine School Museum, thanked the Schools for working with
the museum. Strike her replace with the museum.

Book 23 Page 971 Committee Status Reports by Vice Chair McKay – VACo
Attended Solar Panel Presentation. Strike Alison Teetor.

**Supervisor Byrd moved to accept the minutes for October 29, 2019, and November
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

9) Consent Agenda

FY2020 Agreement Between The Virginia Department of Health And The Clarke
County Board of Supervisors For Funding And Services Of The Clarke County Health
Department

**Supervisor McKay moved to adopt the items on the Consent Agenda. 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

**AGREEMENT BETWEEN THE VIRGINIA DEPARTMENT OF HEALTH AND
THE CLARKE COUNTY BOARD OF SUPERVISORS FOR FUNDING AND
SERVICES OF THE CLARKE COUNTY HEALTH DEPARTMENT**

This agreement ("Agreement") for the services to be provided by the Clarke County Health Department and the funding therefore is by and between the Virginia Department of Health ("VDH") and the Clarke County Board of Supervisors (collectively "the Parties").

The Agreement is created in satisfaction of the requirements of § 32.1-31 of the Code of Virginia (1950), as amended, in order to operate the Clarke County Health Department under the terms of this Agreement.

NOW, THEREFORE, in consideration of the covenants and agreements in this Agreement, the sufficiency of which is acknowledged, the Parties agree as follows.

§ 1. VDH, over the course of one fiscal year, will pay an amount not to exceed \$278,382.00, from the state general fund to support the cooperative budget in accordance with, and dependent upon, appropriations by the General Assembly, and in like time frame, the Board of Supervisors of Clarke County will provide by appropriation and in equal quarterly payments a sum of \$182,623 local matching funds and \$10,000.00 one-hundred percent local funds for a total of \$192,623.00 local funds for this fiscal year.

In addition, the Board of Supervisors has approved the Clarke County Health Department to carry forward \$0.00 in local matching funds for a total of \$0.00 matching funds and an additional \$0.00 in one-hundred percent local funds from the prior fiscal year closing locality balance.

These joint funds will be distributed in timely installments, as services are rendered in the operation of the Clarke County Health Department, which shall perform public health services in Clarke County as indicated in Attachment A(1.), and will perform services required by local ordinances as indicated in Attachment A(2.). Payments from the local government are due on the third Monday of each fiscal quarter.

§ 2. The term of the agreement begins July 1, 2019. This Agreement will be automatically extended on a state fiscal year to year renewal basis under the existing terms and conditions of the Agreement unless timely written notice of termination is provided by either party. Such written notice shall be given at least 60 days prior to the beginning of the fiscal year in which the termination is to be effective.

§ 3. The Commonwealth of Virginia ("Commonwealth") and VDH shall be responsible for providing liability insurance coverage and will provide legal defense for state employees of the local health department for acts or occurrences arising from performance of activities conducted pursuant to state statutes and regulations.

- A. The responsibility of the Commonwealth and VDH to provide liability insurance coverage shall be limited to and governed by the Commonwealth of Virginia Public Liability Risk Management Plan, established under § 2.2-1837 of the Code of Virginia (1950), as amended. Such insurance coverage shall extend to the services specified in Attachments A(1.) and A(2.), unless the locality has opted to provide coverage for the employee under the Public Officials Liability Self-Insurance Plan, established under § 2.2-1839 of the Code of Virginia (1950), as amended, or under a policy procured by the locality.
- B. The Commonwealth and VDH will be responsible for providing legal defense for those acts or occurrences arising from the performance of those services listed in Attachment A(1.), conducted in the performance of this contract, as provided for under the Code of Virginia and as provided for under the terms and conditions of the Commonwealth of Virginia Public Liability Risk Management Plan.

LGA-Revised July 2018

- C. Services listed in Attachment A(2.), any services performed pursuant to a local ordinance, and any services authorized solely by Title 15.2 of the Code of Virginia (1950), as amended, when performed by a state employee, are herewith expressly exempted from any requirements of legal defense or representation by the Attorney General or the Commonwealth. For purposes of assuring the eligibility of a state employee performing such services for liability coverage under the Commonwealth of Virginia Public Liability Risk Management Plan , the Attorney General has approved, pursuant to § 2.2-507 of the Code of Virginia (1950), as amended, and the Commonwealth of Virginia Public Liability Risk Management Plan , the legal representation of said employee by the city or county attorney, and, the Board of Supervisors of Clarke County hereby expressly agrees to provide the legal defense or representation at its sole expense in such cases by its local attorney.
- D. In no event shall the Commonwealth or VDH be responsible for providing legal defense or insurance coverage for local government employees.

§ 4. Title to equipment purchased with funds appropriated by the local government and transferred to the Commonwealth, either as match for state dollars or as a purchase under appropriated funds expressly allocated to support the activities of the local health department, will be retained by the Commonwealth and will be entered into the Virginia Fixed Asset Accounting and Control System. Local appropriations for equipment to be locally owned and controlled should not be remitted to the Commonwealth, and the local government's procurement procedures shall apply in the purchase. The locality assumes the responsibility to maintain the equipment and all records thereon.

§ 5. This Agreement may only be amended or otherwise modified by an instrument in writing signed by the Parties.

Robert W. Hicks
Deputy Commissioner for Community Health Services
Virginia Department of Health

Local authorizing officer signature

Date

Authorizing officer printed name

Colin M. Greene, MD, MPH
District Health Director
Lord Fairfax Health District

Authorizing officer title

Date

Date

Approved as to form by the Office of the Attorney General on July 23, 2018

Attachments: Local Government Agreement, Attachment A(1.)
Local Government Agreement, Attachment A(2.)

CLARKE COUNTY LOCAL GOVERNMENT AGREEMENT, ATTACHMENT A(1.)

VIRGINIA DEPARTMENT OF HEALTH
COMMUNITY HEALTH SERVICES

BASIC PUBLIC HEALTH SERVICES TO BE ASSURED BY LOCAL HEALTH DEPARTMENTS
INCOME LEVEL A IS DEFINED BY THE BOARD OF HEALTH TO BE MEDICALLY INDIGENT (32.1-11)

For Each Service Provided, Check Block for Highest Income Level Served			
	Income A only	Defined by Federal Regulations	All (specify income level if not ALL)
COLLABORATIVE COMMUNITY HEALTH IMPROVEMENT PROCESS			
Assure that ongoing collaborative community health assessment and strategic health improvement planning processes are established. To include public health, health care systems and community partners. As provided for in §32.1-122.03 Code Link- 32.1-122.03 ; State Health Plan Link Virginia Plan for Well-Being 2016-2020			X
COMMUNICABLE DISEASE SERVICES	Income A only	Defined by Federal Regulations	All (specify income level if not ALL)
Immunization of patients against certain diseases, including Childhood Immunizations As provided for in 32.1-46 Code Link- 32.1-46			X
Sexually transmitted disease screening, diagnosis, treatment, and surveillance 32.1-57, Districts may provide counseling Code Link- 32.1-57			X
Surveillance and investigation of disease 32.1-35 and 32.1-39 Code Links- 32.1-35 , 32.1-39 , 32.1-43			X
HIV/AIDS surveillance, investigation, and sero prevalence survey 32.1-36, 32.1-36.1, 32.1-39 Code Links- 32.1-36 , 32.1-36.1 , 32.1-39			X
Tuberculosis control screening, diagnosis, treatment, and surveillance 32.1-49, 32.1-50.1, and 32.1-54 Code Links- 32.1-49 , 32.1-50 , 32.1-50.1			X
FAMILY PLANING SERVICES	Income A only	Defined by Federal Regulations	All
Clinic services including drugs and Contraceptive supplies Family Planning Population Research Act of 1970, Title X Code Link- 32.1-77 , 42 U.S.C 300 et seq., and 42 CFR Part 59		X	
Pregnancy testing and counseling Family Planning Population Research Act of 1970, Title X Code Link- 32.1-77 , 42 U.S.C. 300 et seq., and 42 CFR Part 59\		X	

LOCAL GOVERNMENT AGREEMENT, ATTACHMENT A(1.)

VIRGINIA DEPARTMENT OF HEALTH
COMMUNITY HEALTH SERVICES

BASIC PUBLIC HEALTH SERVICES TO BE ASSURED BY LOCAL HEALTH DEPARTMENTS
INCOME LEVEL A IS DEFINED BY THE BOARD OF HEALTH TO BE MEDICALLY INDIGENT (32.1-11)

CHILD HEALTH SERVICES	Income A only	Defined by Federal Regulations	All
Children Specialty Services; diagnosis, treatment, follow-up, and parent teaching 32.1-77, 32.1-89 and 32.1-90 Code Links- 32.1-77 , 32.1-89 , 32.1-90			
Screening for genetic traits and inborn errors of metabolism, and provision of dietary supplements Code Links- 32.1-65 , 32.1-67 , 32.1-68			
Well child care up to age 19 Board of Health Code Link- 32.1-77			X
WIC : Federal grant requirement Public Law 108-265 as amended, Child Nutrition Act of 1966; Child Nutrition and WIC Reauthorization Act 2009 Code Link 42 U.S.C. § 1786; 7 C.F.R. Part 26		X	
EPSDT: DMAS MOA Social Security Act section 1905(r) (5) Code Link- 32.1-11			
Blood lead level testing Code Link- 32.1-46.1 , 32.1-46.2			X
Outreach, Patient and Community Health Education Code Link- 32.1-11 , 32.1-11.3			X
Community Education Code Link- 32.1-11 , 32.1-23			X
Pre-school Physicals for school entry Code Link- 22.1-270			X
Services for Children with Special health care needs Title V, Social Security Act Code Link- 32.1-77			
Child restraints in motor vehicles Code Link- 46.2-1095 , 46.2-1097		X	
Babycare, Child: DMAS MOA		X	
MATERNAL HEALTH SERVICES	Income A only	Defined by Federal Regulations	All
Prenatal and post partum care for low risk and intermediate risk women, Title V, Social Security Act Code Link- 32.1-77			
Babycare, Maternal: DMAS MOA		X	
WIC: Federal grant requirement Public Law 108-265 as amended, Child Nutrition Act of 1966; Child Nutrition and WIC Reauthorization Act 2009 Code Link 42 U.S.C §1786 and 7CFR Part 26		X	

LOCAL GOVERNMENT AGREEMENT, ATTACHMENT A(1.)

VIRGINIA DEPARTMENT OF HEALTH
COMMUNITY HEALTH SERVICES

ENVIRONMENTAL HEALTH SERVICES

BASIC PUBLIC HEALTH SERVICES TO BE ASSURED BY LOCAL HEALTH DEPARTMENTS

<p>The following services performed in accordance with the provisions of the Code of Virginia, the regulation of the Board of Health and/or VDH agreements with other state or federal agencies and VDH policies. Data regarding the below services shall be entered in, or exported to, the statewide environmental health database for all available data fields. Local health department staff shall be responsible for responding to all complaints, constituent responses, media inquiries, and Freedom of Information Act request related to the following services.</p>	
<p>Investigation of communicable diseases: Pursuant to §§ 32.1-35 and 32.1-39 of the Code of Virginia, the local health director and local staff are responsible for investigating any outbreak or unusual occurrence of a preventable disease that the Board of Health requires to be reported. Code Links-32.1-35, 32.1-39</p>	X
<p>Marinas: Pursuant to § 32.1-246 of the Code of Virginia, local health department staff are responsible for permitting marinas and other places where boats are moored and is responsible for inspecting them to ensure that their sanitary fixtures and sewage disposal facilities are in compliance with the Marina Regulations (12VAC5-570-10 et seq.) Code Link-32.1-246</p>	
<p>Migrant labor camps: Pursuant to §§ 32.1-203-32.1-211 of the Code of Virginia, local health departments are responsible for issuing, denying, suspending and revoking permits to operate migrant labor camps. Local health departments also must inspect migrant labor camps and ensure that the construction, operation and maintenance of such camps are in compliance with the Rules and Regulations Governing Migrant Labor Camps (12VAC5-501-10 et seq.). Code Links-32.1 Chapter 6 Article 6</p>	X
<p>Milk: Pursuant to §§ 3.2-5206, 3.2-5208 of the Code of Virginia and the agency's MOA with VDACS, the local health department is responsible for issuing, denying, suspending and revoking permits for Grade "A" milk processing plants which offer milk and or milk products for sale in Virginia. Local health departments are also responsible for the inspection of Grade "A" milk plants for compliance with the Regulations Governing Grade "A" Milk (2VAC5-490-10). Code Links- 3.2-5206, 3.2-5208</p>	
<p>Alternative discharging sewage systems: Pursuant to § 32.1-164(A) of the Code of Virginia, local health departments are responsible for issuing, denying and revoking construction and operation permits for alternative discharging systems serving individual family dwellings with flows less than or equal to 1,000 gallons per day on a monthly average. Local health departments are also required to conduct regular inspections of alternative discharging systems in order to ensure that their construction and operation are in compliance with the Alternative Discharging Sewage Treatment Regulations for Individual Family Dwellings (12VAC5-640-10 et seq.). Code Link-32.1-164</p>	X
<p>Onsite sewage systems: Pursuant to § 32.1-163 et seq. of the Code of Virginia, local health department staff is responsible for reviewing and processing site evaluations and designs of onsite sewage systems in accordance with applicable state regulations and may perform such evaluations and designs as allowed. Local health department staff is also responsible for issuing, denying and revoking construction and operation permits for conventional and alternative onsite sewage systems. Local health department staff are responsible for assuring that onsite sewage systems are inspected at time of construction for compliance with the Sewage Handling and Disposal Regulations (12VAC5-610-20 et seq.; "SHDR") and the Alternative Onsite Sewage System Regulations (12VAC5-613-10 et seq.; "AOSS Regulations"); local health department staff may perform such inspections as required. Local health department staff is also responsible for assuring the performance, operation, and maintenance of onsite sewage systems are in compliance with the SHDR and AOSS Regulations. Code Link-32.1-163</p>	X
<p>Rabies: Pursuant to § 3.2-6500 et seq. of the Code of Virginia, the local health department is responsible for investigating complaints and reports of suspected rabid animals exposing a person, companion animal, or livestock to rabies. Code Link- 3.2-6500</p>	X

LOCAL GOVERNMENT AGREEMENT, ATTACHMENT A(1.)

VIRGINIA DEPARTMENT OF HEALTH
COMMUNITY HEALTH SERVICES

ENVIRONMENTAL HEALTH SERVICES

BASIC PUBLIC HEALTH SERVICES TO BE ASSURED BY LOCAL HEALTH DEPARTMENTS

<p>Restaurants/eating establishments: Pursuant to § 35.1-14 of the Code of Virginia, local health departments are responsible for issuing, denying, renewing, revoking and suspending permits to operate food establishments. In addition, local health departments are required to conduct at least one annual inspection of each food establishment to ensure compliance with the requirements of the Food Regulations (12VAC5-421-10 et seq.). These regulations include requirements and standards for the safe preparation, handling, protection, and preservation of food; the sanitary maintenance and use of equipment and physical facilities; the safe and sanitary supply of water and disposal of waste and employee hygiene standards. Code Link- 35.1-14</p>	X
<p>Hotels/Motels: In accordance with § 35.1-13 of the Code of Virginia, local health department staff is responsible for issuing, denying, revoking and suspending permits to operate hotels. The local health department is responsible for conducting inspections of hotels to ensure compliance with the Hotel Regulations (12VAC5-431-10 et seq.). These regulations include requirements and standards for physical plant sanitation; safe and sanitary housekeeping and maintenance practices; safe and sanitary water supply and sewage disposal and vector and pest control. Code Link-35.1-13</p>	X
<p>Wells: Pursuant to § 32.1-176.4, and the resulting authority provided by the Board, local health departments are responsible for issuing, denying and revoking construction permits and inspection statements for private wells. Local health departments are also responsible for inspecting private wells to ensure that their construction and location are in compliance with the Private Well Regulations. (12VAC5-630-10 et seq.) Code Link-32.1-176.4</p>	X
<p>Homes for adults: The local health department, at the request of the Department of Social Services (DSS), will inspect DSS-permitted homes for adults to evaluate their food safety operations, wastewater disposal and general environmental health conditions. (22VAC40-80-160(B)(3))</p>	X
<p>Juvenile Justice Institutions: Pursuant to § 35.1-23 of the Code of Virginia and the agency's memorandum of understanding with the Department of Corrections, local health departments are responsible for conducting at least one annual unannounced inspection of juvenile justice institutions in order to evaluate their kitchen facilities, general sanitation and environmental health conditions. Code Link-35.1-23</p>	X
<p>Jail inspections: Pursuant to § 53.1-68 of the Code of Virginia and the agency's memorandum of understanding with the Department of Corrections, local health departments are responsible for conducting at least one annual unannounced inspection of correction facilities in order to evaluate their kitchen facilities, general sanitation and environmental health conditions. Code Link-53.1-68</p>	X
<p>Daycare centers: At the request of DSS will inspect DSS-permitted daycare centers to evaluate their food safety operations, wastewater disposal and general environmental health conditions. (22VAC40-80-160(B)(3))</p>	X
<p>Radon Pursuant to § 32.1-229, local health department may assist VDH Central Office with Radon testing and analysis. Code Link-32.1-229.</p>	X
<p>Summer camps/ Campgrounds: Pursuant to §§ 35.1-16 and 35.1-17 of the Code of Virginia and the corresponding regulations, local health departments are responsible for issuing, denying, and revoking permits to operate summer camps and campgrounds. The local health department is responsible for conducting inspections of summer camps and campgrounds not less than annually to ensure that their construction, operation and maintenance are in compliance with the Regulations for Summer Camps (12VAC5-440-10 et seq.) and the Rules and Regulations Governing Campgrounds (12VAC5-450-10 et seq.). Code Links-35.1-16, 35.1-17</p>	X

LOCAL GOVERNMENT AGREEMENT, ATTACHMENT A(1.)

VIRGINIA DEPARTMENT OF HEALTH
COMMUNITY HEALTH SERVICES

OTHER PUBLIC HEALTH SERVICES

BASIC PUBLIC HEALTH SERVICES TO BE ASSURED BY LOCAL HEALTH DEPARTMENTS

The following services performed in accordance with the provisions of the Code of Virginia, the regulations of the Board of Health and/or the policies and procedures of the State Department of Health	
Pre-Admission Screenings (PAS) DMAS MOA Code Link- 32.1-330	X
Comprehensive Services Act Community Policy and Management Teams (CPMT) 2.2-5201-2.2-5211 Code Link- 2.2-5201 , 2.2-5211	X
Interagency Coordinating Council (Infants/Toddlers) Early Intervention Services Code Link- 2.2-5305 , 2.2-5306	
Vital Records Code Link- 32.1-254 , 32.1-255 , 32.1-272	X
Immunizations for maternity and post-partum patients Code Link- 32.1-11 , 32.1-325 , 54.1-3408 .	X
AIDS Drug Assistance Program (ADAP) Code Link- 32.1-11 .	X
Emergency Preparedness and Response Code Link- 32.1-42 , 32.1-43 et seq., 32.1-229 .	X
HIV Counseling, Testing and Referral Code Link- 32.1-37.2	X

LOCAL GOVERNMENT AGREEMENT, ATTACHMENT A(1.)

VIRGINIA DEPARTMENT OF HEALTH
COMMUNITY HEALTH SERVICES

OPTIONAL PUBLIC HEALTH SERVICES

For Each Service Provided, Check Block for Highest Income Level Served			
	Income A only	Defined by Federal Regulations	All
COMMUNICABLE DISEASE SERVICES			
Foreign Travel Immunizations			X
Other:			
CHILD HEALTH SERVICES			
Disabled disability Waiver Screenings DMAS MOA Code Link- 32.1-330 Other:			
Other: Community Education			X
Other: ECD Waiver			X
MATERNAL HEALTH SERVICES	Income A only	Defined by Federal Regulations	All
Other: Community Education			X
FAMILY PLANNING SERVICES	Income A only	Defined by Federal Regulations	All
Nutrition Education		X	
Preventive Health Services		X	
Pre-Conception Health Care		X	
Other: Community Education			X
MEDICAL SERVICES - Please identify services	Income A only	Defined by Federal Regulations	All
Community Education			X
Pharmacy services-Alternate Drug Delivery Site			X
Hypertension screening, referral, and counseling			X
Other			

LOCAL GOVERNMENT AGREEMENT, ATTACHMENT A(1.)

VIRGINIA DEPARTMENT OF HEALTH
COMMUNITY HEALTH SERVICES

OPTIONAL PUBLIC HEALTH SERVICES

For Each Service Provided, Check Block for Highest Income Level Served			
SPECIALTY CLINIC SERVICES - Please identify services	Income A only	Defined by Federal Regulations	All
N/A			
DENTAL HEALTH SERVICES - Please identify services	Income A only	Defined by Federal Regulations	All
WIC Dental Varnish		X	

LOCAL GOVERNMENT AGREEMENT, ATTACHMENT A(2.)

VIRGINIA DEPARTMENT OF HEALTH
COMMUNITY HEALTH SERVICES

PUBLIC HEALTH ENVIRONMENTAL SERVICES PROVIDED
UNDER LOCAL ORDINANCE OR CONTRACT

Neither the Code of Virginia nor Regulations of the Board of Health requires the following services to be provided by the local health department	Place an X in this column if service is provided for locality	Local ordinance code cite	Provide a brief description of local ordinance requirements
Water supply sanitation-Inspection of Water Supplies. Code Link- 15.2-2144 on local regulation	X		
Other Environmental – identify services below			
General Environmental	X	Chapter 81,124,137	Animals, Nuisances, and Property Maintenance – Investigate Complaints
Housing - BOCA & local building codes	X	Chapter 124, 137	Nuisance and Property Maintenance-Investigate Complaints
Insect control	X	Chapter 124, 137	Nuisance and Property Maintenance-Investigate Complaints
Rodent Control	X	Chapter 124, 137	Nuisance and Property Maintenance-Investigate Complaints
Solid Waste	X	Chapter 137	Property Maintenance-Investigate Complaints
Weeds	X	Chapter 137	Property Maintenance-Investigate Complaints
Building Permit Walkover	X	Chapter 143 / Code of VA 32.1-165	Safe, Adequate, and Proper Review per Code
Local Septic Ordinance	X	Chapter 143	Determination of adequate site requirements and proper documentation per Ordinance
Local Well ordinance	X	Chapter 184	Determination of adequate site requirements and proper documentation per Ordinance

Approval of Leave Pay-out Agreement

10) Board of Supervisors Personnel Committee Items

A. Closed Session Pursuant to §2.2-3711(A1)

- a. Deputy Clerk Considerations.
- b. Leave Pay-out Agreement.

2019-12-09 Summary: At 9:38 am, **Supervisor McKay moved to convene into Closed Session pursuant to §2.2-3711-A1. The motion carried as follows:**

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

At 10:00 am, the members of the Board of Supervisors Personnel Committee 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 McKay moved to reconvene in open session. The motion carried as follows:**

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

Supervisor 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, Personnel Committee 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 Personnel Committee 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, Personnel Committee 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:

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

No action was taken following Closed Session.

2019-12-17 Action: See Consent Agenda

B. Expiration of term for appointments expiring through February 2020.

2019-12-09 Summary: The Personnel Committee recommends the following:

- Appoint David Beatty to the Fire & EMS Commission, assumes the seat previously held by Jay Grimm, to serve a one-year term expiring August 31, 2020.
- Reappoint Anthony Roper to the Fire & EMS Commission to serve a four-year term expiring December 31, 2023.
- Reappoint Christine Thompson to serve on the Family Assessment and Planning Team for an additional three-year term expiring December 31, 2022.
- Reappoint Erin Casarotti to serve on the Family Assessment and Planning Team for an additional three-year term expiring December 31, 2022.
- Reappoint Brittany Heine to serve on the Community Policy and Management Team for an additional three-year term expiring December 31, 2022.
- Reappoint Mark Legrys to serve on the Community Policy and Management Team for an additional three-year term expiring December 31, 2022.
- Appoint Abdus Samad to serve on the Community Policy and Management Team, assumes the seat previously held by Laura Obradovic, for an additional three-year term expiring December 31, 2022.
- Reappoint Michelle Jones to serve on the Conservation Easement Authority for an additional three-year term expiring December 31, 2022.

- Reappoint Randy Buckley to serve on the Conservation Easement Authority for an additional three-year term expiring December 31, 2022.
- Reappoint Rives Bacon to serve on the Conservation Easement Authority for an additional three-year term expiring December 31, 2022.
- Appoint Chris Boies to the Northwestern Regional Jail Authority, assumes the seat previously held by David Ash, to serve a one-year term expiring December 31, 2020.
- Reappoint Anthony Roper to the Northwestern Regional Jail Authority to serve a four-year term expiring December 31, 2023.
- Reappoint Jimmy Wyatt to the Northwestern Regional Jail Authority to serve a four-year term expiring December 31, 2023.
- Reappoint Anthony Roper to the Old Dominion Alcohol Safety Action Policy Board & Division of Court Services to serve a three-year term expiring December 31, 2022.
- Reappoint Anthony Roper to the Old Dominion Community Criminal Justice Board to serve a three-year term expiring December 31, 2022.
- Reappoint Gary Lichliter to the Parks & Recreation Advisory Board to serve a four-year term expiring December 31, 2023.
- Reappoint Dennis Heflin to the Parks & Recreation Advisory Board to serve a four-year term expiring December 31, 2023.
- Reappoint Emily Rhodes to the Parks & Recreation Advisory Board to serve a four-year term expiring December 31, 2023.
- Appoint Barbara Byrd to the Board of Social Services, as a citizen member, to serve a four-year term expiring December 31, 2023.
- Appoint Margaret LaGard to the Board of Social Services, as a citizen member, to serve a four-year term expiring December 31, 2023.

2019-12-17 Action: Chris Boies reviewed the Personnel Committee recommendations.

Vice Chair McKay 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

C. Board of Equalization Appointment Review

2019-12-09 Summary: The Personnel Committee recommends the following to the Clarke County Circuit Court:

- Re-appointment of Joseph Blatz to the Board of Equalization to serve a full six month term expiring June 30, 2020.
- Re-appointment of Lindsay Hope to the Board of Equalization to serve a full six month term expiring June 30, 2020.
- Appointment of Thomas Cammack to the Board of Equalization to serve a full six month term expiring June 30, 2020.

2019-12-17 Action: David Weiss reviewed the Personnel Committee recommendations, adding:

- Appointment of Justin McKay-Smith to the Board of Equalization to serve a full six month term expiring June 30, 2020.
- Re-appointment of Thomas McFillen to the Board of Equalization to serve a full six month term expiring June 30, 2020.

Supervisor Byrd moved to approve the Personnel Committee recommendations, including the two mentioned in the Regular meeting. 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. Personnel Policy Review

2019-12-09 Summary: Continued meeting scheduled for 9 am Friday, December 13, 2019.

2019-12-13 Summary: Review proposed changes to the PD-121101-05 County of Clarke - Personnel Policy Revision 18. The Personnel Committee recommends the proposed changes.

2019-12-17 Action: Chris Boies reviewed the Personnel Committee recommendations, stating that the significant change dealt with Public Safety Personnel and Holiday.

Supervisor Daniel asked Deputy Sumption if these changes addressed the issue that we discussed previously. Deputy Sumption stated that employees worked hard with the Personnel Committee. Supervisor Daniel thanked Deputy Sumption for his hard work.

Chair Weiss stated that this is a complicated issue so if you need further clarification please ask. In the end, we are following the law.

Chair Weiss added that the other changes to the policy are updates and clarifications done by Chris and Brianna.

Supervisor Daniel thanked Chris and Brianna for their hard work and the easy to follow changes layout of the policy.

Vice Chair McKay moved to approve PD-121101-05 County of Clarke - Personnel Policy Revision 18 with the Personnel Committee recommendations 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

11) Board of Supervisors Work Session Items

2019-12-09 Summary: Board of Supervisors Work Session Agenda
Berryville/Clarke County Government Center, 2nd Floor
101 Chalmers Court, Berryville, Virginia 22611

December 9, 2019, 10:00 AM, Meeting Room AB

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

Staff Present: David Ash, Chris Boies, Tom Judge, Cathy Kuehner, Mike Legge, Brian Lichty, Brandon Stidham, Travis Sumption, Brianna Taylor

Also Present: Doug Lawrence – Russell District Supervisor Elect, Robina Rich Bouffault

Press Present: None

Call to Order

At 10:05 am, Chairman Weiss called the meeting to order.

A. Purchasing Presentation by Mike Legge

2019-12-09 Summary: Mike Legge presented the Purchasing Presentation to the Board.

2019-12-17 Action: Chris Boies summarized the presentation.

B. Closed Session Pursuant to §2.2-3711(A1)

2019-12-09 Summary: At 10:34 am, **Supervisor Byrd moved to convene into Closed Session pursuant to §2.2-3711-A1. 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

At 10:52 am, 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 Personnel Committee 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, Personnel Committee 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.

2019-12-17 Action: No action taken.

12) Finance Board of Supervisors Finance Committee Items for December 9, 2019

A. FY2020 Supplemental Appropriations

2019-12-09 Summary: The following will be considered at the evening session of the Regular Board meeting on December 17. The documentation for this action has been modified to provide further detail.

2019-12-17 Action: Evening Session: PH 19-11 CCPS Operating Expenditures: FY2020 School Capital budgeted expenditure and appropriations be increased \$480,884 for various capital needs specified by the School Board.

B. FY2019 to FY2020 Capital Carryover

2019-12-09 Summary: The documentation for this action has been modified to provide further detail. The Finance Committee recommends the following:

Clarke County Capital Projects Fund 301							
FY19 Year End							
10/29/2019							
<i>WORK IN PROGRESS</i>							
FY19 CAPITAL CARRYFORWARD							
ACCOUNT DESCRIPTION	ORIGINAL APPROP	REVISED TRANFRS/ADJ BUDGET	YTD EXPENDED	Proposed Adjstmnts	AVAILABLE BUDGET	Notes	
94110 HVAC System Replacement	0	131,216	131,216	11,936		119,280	
94120 Roofing	0	76,039	76,039	23,305		52,734	
94140 Landscaping	0	10,375	10,375	0		10,375	
94150 Asphalt, Sidewalk, Path	0	3,136	3,136	0		3,136	
94180 Courthouse Complex Repai	0	66,373	66,373	38,692		27,681	\$12,500 spent/encumbered in FY20 so far
94310 Sheriff's Equipment	10,000	0	10,000	10,000		0	
94320 Auto Replacement	30,000	6,475	36,475	36,229		246	
94331 Sheriff's Vehicles	135,000	1,685	136,685	133,200		3,485	
94409 Citizen's Convenience Ce	0	734,006	734,006	730,994		3,012	\$942.50 spent in FY20 so far
94502 Southeastern Coll. Trans	0	42,900	42,900	0		42,900	spending in FY20
94508 Josephine School Museum	0	18,785	18,785	17,933		852	will complete in FY20
94601 Technology Improvements	65,000	79,339	144,339	126,268	4,058	22,129	
94602 Systems Integration	0	13,440	13,440	9,382	-4,058	0	
94603 Mobile Radio System	0	414,045	414,045	102,492		311,554	
94702 Swimming Pool	0	53,378	53,378	0	1,822	55,200	
94703 Park Fencing	10,000	71,036	81,036	2,029		79,007	
94706 Park Sitework and Parkin	20,000	4,101	24,101	24,000	-101	0	
94707 Recreation Center Additi	0	1,220	1,220	0	-1,220	0	
94708 Park-Kohn Prpty Developm	15,000	0	15,000	0		15,000	
94709 New Park Shelter	0	57,964	57,964	37,241		20,723	
94710 Park Trash Cans	0	501	501	0	-501	0	
94802 Reassessment	312,000	-112,000	200,000	90,086		109,915	
94803 Tourism Signs	0	6,698	6,698	6,697			complete
Expense Total	597,000	1,680,712	2,277,712	1,400,485		877,227	
Revenue							
94508 Dept Historic Resources-Josephine Roof		-17,785.00	-17,785.00	-17,255		-530	will complete in FY20
94328 RSAF-EMS Intubation Equi		-13,595.00	-13,595.00	-12,716			this project is complete
Gov Capital donations				-885			donation for a bench (not appropriated)
Transfer from General Fund		-2,246,332.00	-2,246,332.00	-1,369,628		-876,697	
	0.00	-2,277,712.00	-2,277,712.00	-1,400,485	0	-877,227	
Revenue Total	0	-2,277,712	-2,277,712	-1,400,485	0	-877,227	
Expense Total	597,000	1,680,712	2,277,712	1,400,485	0	877,227	
Grand Total	597,000	-597,000	0	0	0	0	

Clarke County Capital Projects Fund 302
FY19 Year End
12/10/2019

FY19 SCHOOL CAPITAL CARRYFORWARD

ACCOUNT DESCRIPTION	ORIGINAL		REVISED	YTD	Proposed	AVAILABLE BUDGET	Notes
	APPROP	TRANFRS/ADJ	BUDGET	EXPENDED	Adjstmnts		
61100 Classroom Instruction (Dorsch Schirshp)	0	22,851	22,851	22,851			0 complete
61110 School Furniture Replace	35,000	40,102	75,102	64,729		10,373	
61130 Uniform Repl & Band Inst	0	77,413	77,413	66,276		11,137	
61140 Athletics Equipment & Un	16,000	22,330	38,330	38,330		0	
63500 School Bus Purchases	170,000	142,603	312,603	312,603		0	
63700 Other Veh & Equip Purcha	0	60,650	60,650	60,649		0	
65100 School Food Services	0	32,723	32,723	18,317		14,407	
66223 Fencing	0	7,980	7,980	7,980		0	
66233 School Signage	0	5,879	5,879	492	-3,387	2,000	move \$3,387 to roofing acct
66250 Fields and Playgrounds	0	61,472	61,472	58,765		2,707	
66253 Asphalt/Sidewalk/Track/C	40,000	51,560	91,560	50,544		41,016	
66612 Painting	0	135,167	135,167	0		135,167	
66616 Heating, Ventilation & A	75,000	247,519	322,519	250,589		71,930	
66625 Cooley Lower Campus Reno	0	24,917	24,917	24,886	-31	0	move \$31 to roofing acct
66627 Cooley Upper Campus Reno	10,000	-1,283	8,717	0	-8,717	0	move \$8,717 to roofing acct
66636 Roof Replacements	0	129,923	129,923	10,376	12,135	131,682	
66644 Flooring	0	34,876	34,876	34,875		0	
66645 Security Improvements	35,000	277,348	312,348	288,842		23,506	
66646 Boyce School Repairs	0	59,440	59,440	59,439		0	
66648 Johnson Wms Middle Sch R	0	2,381	2,381	2,380		0	
68200 Technology Inst Support	146,000	358,573	504,573	0		504,573	
68300 Technology Administratio	0	158,769	158,769	158,769		0	
68301 ERP System	200	-200	0	0		0	
68700 Tech Fd Svc & Other Non-	10,000	-486	9,514	9,514		0	
68100 Technology Classroom Ins	23,075	48,416	71,491	42,604		28,887	
115-68100 Technology Classroom Ins (VPSA)	270,343	-93,794	176,549	27,549		149,000	
115-68300 Technology Administratio (VPSA)	20,000	-20,000	0	0		0	
Expense Total	850,618	1,887,129	2,737,747	1,611,360	0	1,126,387	
Revenue							
115-68800 VPSA Technology Grant	-154,000	-22,549	-176,549	-27,549		-149,000	
Transfer from General Fund		-2,561,198	-2,561,198	-1,583,811		-977,387	
	-154,000	-2,583,747	-2,737,747	-1,611,360	0	-1,126,387	
Revenue Total	-154,000	-2,583,747	-2,737,747	-1,611,360	0	-1,126,387	
Expense Total	850,618	1,887,129	2,737,747	1,611,360	0	1,126,387	
Grand Total	696,618	-696,618	0	0	0	0	

ACCOUNT DESCRIPTION	AVAILABLE BUDGET	DESCRIPTION	Targeted Completion Date
EXPENDITURE			
61110 School Furniture Replace	10,373	Furniture replacement and redesign of school libraries. An additional appropriation of \$50,000 is requested from the FY19 operating fund balance to address this need. Meeting will be held with a vendor on 12/4/19 to develop layouts of each space.	6/30/20
61130 Uniform Repl & Band Inst	11,137	Need to replace a sousaphone, french horn, and purchase a new drumline floor cover and equipment for flag corps. Quotes have been received and order is ready to place pending action by the BOS.	2/28/20
65100 School Food Services	14,407	Carryover requested to fund repair and replacement of food service equipment. Currently, need to replace a milk cooler at JWMS at approx \$3000. All repairs and replacements are the responsibility of the school division in the contract with Sodexo.	1/31/20
66233 School Signage	5,387	Carryover requested in the amount of \$2000 for signage with \$3387 being applied to roofing account.	6/30/20
66250 Fields and Playgrounds	2,707	Working with Boyce PTO to replace the playground equipment adjacent to the main parking area in the back of the building. Also requesting an appropriation of \$15,000 from FY19 operating fund balance to address this need.	6/30/20

66253 Asphalt/Sidewalk/Track/C	41,016	Reconfigure the front entrance to Boyce Elem School. Planned to complete the work during Summer 2019, but engineered plans weren't completed in time to get the project finished prior to the start of the school year. Estimated cost of replacement \$18,000. Need also exists to resurface the tennis courts at JWMS with a quote of between \$50,000-\$145,000 depending on the degree to which courts are repaired.	6/30/20
66612 Painting	135,167	Carryover is requested to address painting at Cooley Elementary. Each summer staff schedules painting as needed in all schools, parking lot lines and curb painting is also completed when needed. \$20,441 will be used to offset expenses that occurred in FY20 which were not able to be completed prior to June 30, 2019.	6/30/20
66616 Heating, Ventilation & A	71,930	Continue to address HVAC needs in all schools. During FY19, HVAC work cost the division \$250,589. To date in FY20, HVAC repairs have cost the division \$15,960.	6/30/20
66625 Cooley Lower Campus Reno	31	Requested that this amount be added to roofing account	Roof 6/30/21
66627 Cooley Upper Campus Reno	8,717	Requested that this amount be added to the roofing account.	Roof 6/30/21
66636 Roof Replacements	119,547	During the renovation of the Primary School, it was estimated that the roof had approximately 5 years before replacement would be required. Carryover is requested for the roof replacement prior to June 30, 2021. It is requested that \$8730 be added from 66625 and 66627. Also request that \$3387 be moved from signage to roofing. Estimated roof cost for Primary Building is \$150,000.	6/30/21

66645 Security Improvements	23,506	Carryover is requested to offset the cost of a unified door access system. Although it was planned for installation prior to June 30, the final work was not completed until after July 1 thus categorizing it as a FY20 expense.	1/31/20
68100 Technology Classroom Ins	177,887	Balance in this account is associated with the VDOE's VPSA Technology Bond initiative. Allowable expenses are well defined and must support the SOL testing program. Revenue is provided to school division on a reimbursement basis.	6/30/20
68200 Technology Inst Support	504,573	\$19,513 is requested to offset an expense which occurred in FY20. Based on our Comprehensive Tech refresh plan, the following expenses will be incurred in FY 20- (1) network refresh (switches and related hardware) at JWMS and the Admin Office (\$250,000), replacement staff computers at CCHS and BES(\$30,000), replacement classroom display panels at across all schools (\$60,000), and the replacement of classroom telephones (\$12,000) which is a county initiative. The remainder of the funds will be used to offset expenses that were initially scheduled to be incurred during FY19, but due to scheduling of vendors did not occur until FY20.	6/30/20
EXPENDITURE TOTAL	1,126,387		
REVENUE			
68800 State Technology Bond	-149,000		
LOCAL TAX FUNDING	977,387		

2019-12-17 Afternoon Session Action: Tom Judge summarized: There was an error from the original to the new, Judge asked to defer the carry over until the error is fixed.

Supervisor Byrd asked if Tom could answer anything on the roof replacement on the Primary Building.

Tom Judge opined that it was held off because the roof was still under warranty; therefore, the amount was deferred until the roof needed replaced.

Chair Weiss opined that Maintenance Director, Joe Braithwaite is in charge of all of these projects for both Government and Schools.

Supervisor Byrd thanked Tom for the more detailed report.

By consensus, the Board deferred FY2019 to FY2020 Capital Carryover for both the Government and Schools until the error was addressed and fixed.

2019-12-17 Evening Session Action: The error that was found had no net effect on the Capital Carryover that was under discussion.

Supervisor Byrd stated that some of the items would not be replaced until 2021, asking why the money is here now.

Tom Judge stated that it is typical with Capital budgets to accumulate funds toward a given expense, amounts left over are added together to take care of the known future projects. Some of these projects are not as fixed as thought because we may be able to get another year out of the roof but at the same time in these Capital budgets we provisions in case those items do not last that long.

Supervisor Byrd added that she appreciated having more information on how the taxpayers' money is spent, thanked Tom for getting the extra figures.

Supervisor Catlett moved to accept "Be it resolved that budgeted expenditure, appropriations, and revenue of the School Capital and Government Capital Project Funds be carried forward from FY 19 to FY 20 as stated by the fund totals in the documents attached." (Documents under 2019-12-09 Summary)

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

C. FY 19 Year – End Fund Balance Designation

2019-12-09 Summary: The Finance Committee recommends approval of the Fund Balance Designations detailed in the attached document.

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

12/10/2019

<u>Prior Titles</u>	<u>Current</u>	<u>Notes</u>
General Fund Balance Year End 17/18	11,595,889	Exhibit 3 General Fund Balance less inventory
Expenditure FY 18/19	(\$30,167,156)	
Revenue FY 18/19	29,439,735	
General Fund Balance Year End FY 18/19	10,868,468	

	<u>CURRENT</u>
General Fund Balance (as of 6/30/2019)	10,868,468

<u>Designations</u>	
Liquidity Designation @ 12% of FY 20 Budgeted Operating Revenue	(\$3,551,151)
Stabilization Designation @ 3% of FY 20 Budgeted Operating Revenue	(887,788)
Continuing Local GF Appropriations for Capital Projects	(1,854,084)
Conservation Easements from Government Savings	(150,000) \$142,000 increased to \$150K
School Operating Savings	(480,884)
Comprehensive Services Act Shortfall	(300,000)
Parks Master Plan	(130,000) Includes use for Kohn
Emergency Vehicles	(100,000) General use
Government Savings (GenGov, JAS, DSS)	(500,000) \$664,023 reduced to \$500K
Data and Communications Technology	(600,000) Final phase of communications upgrade
Leave Liability	(269,667) Source for Public Safety holiday pay retro
Community Facilities	(319,667) General Use (ex. CCSA)
Economic Development	(150,000) General use for new opportunities
Jack Enders Blvd Project	(102,434) From Business Park sale proceeds
Human Services space	(237,811) DSS, NWCS, VDH
School Construction	(79,270) BES or JWMS
Real Estate Assessment Software	(130,000) May request FY 20 supplement
FY 19/20 Original Budget Surplus (Deficit)	(590,712)
TOTAL Designations	(10,433,468)
Undesignated	435,000



12/03/2019 10:39
2600tjudge

Clarke County
YEAR-TO-DATE BUDGET REPORT

P 1
glytdbud

FOR 2020 05

	ORIGINAL APPROP	TRANFRS/ ADJUSTMTS	REVISED BUDGET	YTD EXPENDED	ENCUMBRANCES	AVAILABLE BUDGET	PCT USED
301 General Govt Capital Proj Fund							
94130 Painting and Flooring	25,000	0	25,000	.00	.00	25,000.00	.0%
94150 Asphalt, Sidewalk, Path	25,000	0	25,000	.00	.00	25,000.00	.0%
94180 Courthouse Complex Repairs	0	0	0	5,312.50	7,187.50	-12,500.00	100.0%
94310 Sheriff's Equipment	10,000	0	10,000	.00	9,660.86	339.14	96.6%
94320 Auto Replacement	30,000	0	30,000	.00	.00	30,000.00	.0%
94331 Sheriff's Vehicles	159,000	0	159,000	44,372.10	111,148.60	3,479.30	97.8%
94409 Citizen's Convenience Center	0	0	0	4,105.00	.00	-4,105.00	100.0%
94502 Southeastern Coll. Trans Stud	0	0	0	19,584.32	.00	-19,584.32	100.0%
94601 Technology Improvements	40,000	0	40,000	10,754.61	8,512.50	20,732.89	48.2%
94603 Mobile Radio System	590,085	0	590,085	273,192.50	71,240.00	245,652.50	58.4%
94604 911 Phone System	241,452	0	241,452	.00	.00	241,452.00	.0%
94702 Swimming Pool	0	0	0	.00	5,404.00	-5,404.00	100.0%
94802 Reassessment	0	0	0	34,114.50	53,665.50	-87,780.00	100.0%
TOTAL General Govt Capital Proj Fund	1,120,537	0	1,120,537	391,435.53	266,818.96	462,282.51	58.7%
GRAND TOTAL	1,120,537	0	1,120,537	391,435.53	266,818.96	462,282.51	58.7%

** END OF REPORT - Generated by Thomas Judge **

2019-12-17 Afternoon Session Action: Tom Judge stated that this would also be affected by the Capital Carryover error. He then summarized line by line:

By consensus, the Board deferred FY 19 Year-end Fund Balance Designation until the School Capital Carryover error was addressed and fixed.

Chair Weiss asked the Board to review these line items and funds, and to take any questions to Tom.

Supervisor Daniel asked for clarification on which number was under review for the error. Tom Judge stated that the Appropriations for Capital Projects (third line down) for 1.8 million, that might be over stated by \$100,000.

2019-12-17 Evening Session Action: Since the Capital Carryover was not changed the Fund Balance had no error so it is correct as recommended by the Finance Committee and as reviewed by the Board this afternoon.

For the audience Chair Weiss stated that these are fund balance designations. The Board designates funds for future uses from our savings and we place them into a variety of places that are thought to be needed in the future. Again, it is a method to save money over years so we do not have to ask citizens to have a tax increase. These funds are designated not appropriated so a future Board can change where funds are needed as needs arise and priorities change.

Supervisor Daniel moved to approve the fund balance designations as detailed in the documents. (Documents under 2019-12-09 Summary)

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

D. Speed Recording Device

2019-12-09 Summary: The committee considered costs and advantages of different models. The Committee directed that this item be brought forward by the Sheriff in the context of the FY 21 budget development that is underway.

2019-12-17 Action: Tom Judge summarized.

Chair Weiss stated that instead of the signs, a speed trailer with a message board would be researched. At this time, no action required but the discussion and decision will come up in the FY2021 budget process.

E. Public Safety Holiday Pay Financial Impact

2019-12-09 Summary: The Finance Committee discussed dependent on Personnel Policy review by Personnel committee.

2019-12-17 Action: Tom Judge briefly summarized giving the figures for both the Fire and EMS department and the Sheriff's department.

a) Supervisor Catlett moved to accept: "Be it resolved that FY 20 budgeted and appropriations of the Fire and EMS department be increased \$17,131, and that the fund balance designation for leave liability be decreased in the same amount, all for the purpose of making payment for holidays retroactive to July 1, 2018."

Barbara J. Byrd	-	Aye
Terri T. Catlett	-	Aye

Mary L.C. Daniel - Aye
Beverly B. McKay - Aye
David S. Weiss - Aye

b) Supervisor Catlett moved to accept: “Be it resolved that FY 20 budgeted and appropriations of the Sheriff’s department be increased \$36,487, and that the fund balance designation for leave liability be decreased in the same amount, all for the purpose of making payment for holidays retroactive to January 1, 2019.”

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

F. Bills and Claims.

2019-12-09 Summary: The Finance Committee recommends acceptance.

2019-12-17 Action: Following review, **Supervisor Catlett moved to accept the November 2019 Invoice History Report. 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

G. Standing Reports. FYI: Reconciliation of Appropriation, Expenditure Summary

FYI: Reconciliation of Appropriation

13) Joint Administrative Services Board Update

Highlights of review include:

- Closed Session No action taken

14) Government Projects Update

Chris Boies provided the monthly project update.

- VATI Comcast
 - Received an update that they have completed their infrastructure project in White Post, which included line extensions totaling approximately five mile.
 - Over the next month, staff will work to confirm completion of this work.
 - Once confirmed, will pay them for the work completed using grant funding received from the Commonwealth.
- Boundary Line Warren County
 - David Ash was able to get the finalized Warren County boundary line survey back from the surveyor last week.
 - Forwarded the document to Warren County.
 - Will work to set up a meeting with Warren County staff at the beginning of the year to discuss the next steps in this process.
- Government Website
 - Cathy Kuehner and Gordon Russell have been working very hard on the county website update.
 - Hope to make it live in January.
 - If possible, will do a preview for the Board at the January work session.
 - Working out next steps with the vendor.
- Old courthouse HVAC
 - Joey Braithwaite continues to have the design on a new HVAC system in the old courthouse developed in order to provide a long-term solution to issues within the building.

15) Miscellaneous Items

Chair Weiss presented Supervisor Byrd with a Plaque from the Virginia Association of Counties, Supervisor service award. For over 20 years of dedicated service to county government.

Chris Boies presented a signed picture from staff, framed with the Clarke Courier Picture from when she was first elected.

Supervisor Byrd stated that it started out as just making comments and then Jack Hardesty tapped her on the shoulder and the rest is history.

16) Summary of Required Action

<u>Item</u>	<u>Description</u>	<u>Responsibility</u>
1.	Coordinate calendar update to reflect 2020 Organizational meeting January 6, 2020.	Brianna R. Taylor
2.	Process, archive, and post approved minutes.	Brianna R. Taylor
3.	Execute FY2020 Agreement Between The Virginia Department Of Health And The Clarke County Board Of Supervisors For Funding And Services Of The Clarke County Health Department	Chris Boies
4.	Process FY2020 Agreement Between The Virginia Department Of Health And The Clarke County Board Of Supervisors For Funding And Services Of The Clarke County Health Department	Brianna R. Taylor
5.	Execute Leave Pay-out Agreement	David Weiss
6.	Process appointments and update database.	Brianna R. Taylor
7.	Execute notice of appointments.	David Weiss
8.	Execute Notice to Clarke County Circuit Court –Board of Equalization	Chris Boies
9.	Process Personnel Policy Rev 18	Brianna R. Taylor
10.	Process Code of Clarke County for CC-2019-02.	Brianna R. Taylor Lora B. Walburn
11.	Provide Code of Clarke Notice of update	Brianna R. Taylor

17) Board Member Committee Status Reports

Supervisor Barbara J. Byrd

- Community Policy and Management Team: down in clients so funding will be down.
- Board of Social Services: meeting tomorrow, the Board had a tour of Cooley and most of the Board was there and are excited for what they saw.

By Consensus, the remainder of the Board Member Committee Status Reports was suspended.

At 3:48 pm, Chairman Weiss recessed the meeting.

At 6:30 pm, Chairman Weiss reconvened the meeting.

18) PH 19-11 CCPS Operating Expenditures: FY2020 School Capital budgeted expenditures and appropriations be increased \$480,884 for various capital needs specified by the School Board.

Chair Weiss thanked the School Board Chair and Superintendent for attending.

Tom Judge summarized by line item.

**School Operating Carryover Request
FY19 - FY20**

Account Number	Re-allocation Amount from FY19 Fund Balance	Notes	Targeted Completion Date
30201110/Furniture	\$50,000	Furniture replacements and additions in each building. Focus on libraries throughout the division.	6/30/2020
30201140/Athletics	\$10,884	Equipment reconditioning costs (safety of student athletes)	3/30/2020
30203700/Vehicles	\$25,000	Replacement passenger vehicle (van) for Transportation Department	2/28/2020
30206250/Fields and Playgrounds	\$15,000	Partner with PTO at Boyce to replace the playground near the parking area. PTO is planning to raise an additional \$40,000	6/30/2020
30206616/HVAC	\$360,000	For the past 3 years, we have kept the current chiller running. During the Fall 2019, it was operating at approximately 60% capacity. Order of magnitude cost for the engineering services and equipment cost to replace the chiller at Cooley Elementary. Bid documents are in the final phase of preparation.	4/1/2020
30206645/Security	\$20,000	Funds to purchase crisis management equipment (To Go Buckets), repair and replace cameras, electronic door hardware	6/30/2020

\$480,884

Amounts will be adjusted based on final audit

Public hearing opened at 6:36 pm

Robina Rich Bouffault, Boyce: addressed the Board concerning the Public Hearing. She put forth the following points:

- School requesting that their unspent FY19 Operating Funds be carried over to the current FY20 budget.
- Pointed out the \$360,000 for HVAC to replace the chiller at the Lower Cooley Campus, complete renovation was complete in 2015, the chiller was included in the total estimate.
- Questioned why the chiller needed to be replaced after only five years, especially if the chiller was still under warranty.
- Also asked for clarification if the chiller was not replaced then what was the 1.5 million spent on.
- Believes the Board needs to get clarification on these various questions prior to approving any School carryovers.
- Asked that both the carryovers, be deferred and integrated into the FY 2021 Budget process for complete clarification of the questions raised this afternoon and tonight.

At 6:38 pm Chair Weiss closed the Public Hearing.

Board Discussion:

Vice Chair McKay asked for clarification on the chiller, Tom Judge stated:

- Cooley renovation was done.
- There were funds left over from the Cooley renovation.
- Those funds were utilized to do the renovations to the Primary School
- Then there were funds from that, which were returned back to the Board of Supervisors.
- Adding that some work was done to the HVAC System at Cooley but during the renovation, the decision was made that there was not sufficient funds to complete the whole HVAC and that it would disrupt the rest of the project.
- The chiller was not replaced at that time.
- The hope was that it would last a few more years.

Chair Weiss added that chillers have had to be rented in last few years to keep the building cool, so this is a long ongoing project that has reached the end of its life and we got everything out of it that we could.

Supervisor Catlett moved to carry over the \$480,884 from operating expenses into the FY2020 School Capital Budget per the description provided by the School Board. 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

19) PH 19-12 CC2019-02 Chapter 106, Chapter 120; The Clarke County Board of Supervisors shall consider amending Clarke County Code Chapter 106 Hunting and Firearms so that penalties cannot be interpreted to exceed what is authorized by the Virginia Code §15.2-915.2 and 15.2-1209.1. Further, it shall consider amending Clarke County Code Chapter 120 Noise so that penalties are not more stringent than its enabling statute Virginia Code §15.2-980.

Chris Boies explained that the Code of Clarke County was interpreted to conflict with State Code. In Virginia, localities cannot exceed the penalties allowed by State Code, our code was currently interpreted to do that, so the County Attorney has drafted amendments to correct that issue. This should solve that problem and it would lower those penalties in the current Code to match what the State statute allows.

Chair Weiss opened the Public Hearing at 6:43 pm, being no persons desiring to speak; he closed the Public Hearing at 6:44 pm.

Chair Weiss explained further that we thought that we were in compliance and the court has pointed out that we are not in compliance so it was sent to our County Attorney who created language that puts us in compliance, which lowers the penalty and matches the State as we are supposed to.

Supervisor Byrd moved to amend the Code of Clarke County Chapter 106 Hunting and Firearms so that penalties cannot be interpreted to exceed what is authorized by Virginia Code §15.2-915.2 and 15.2-1209.1, and amend Clarke County Code Chapter 120 Noise so that penalties are not

more stringent than its enabling statute Virginia Code §15.2-980 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

The Board then discussed and took action on Items 12 B: FY2019 to FY 2020 Capital Carryover and 12 C: FY 19 Year – End Fund Balance Designation. See discussion and action in Finance Committee under 2019-12-17 Evening Session Action, page 42 for Item 12 B and page 44 for item 12 C.

Chair Weiss stated the Barbara Byrd is finishing her twentieth year on the Board of Supervisors and is retiring. She has asked to make a statement to citizens about the Second Amendment issue prior to the citizen comment period. Adding that Delegate Dave LaRock would also like to make a statement prior to the citizen comment period, once those messages are stated then we will move to the citizen comment period.

Supervisor Byrd read the following statement:

In 1950, my family moved from Cleveland, Ohio, which – at that time—was not the nicest or safest place to raise a family. After settling in Clarke County, my father enrolled my younger brother and me in a rifle course offered at the Winchester Guard Armory. We learned how to handle guns safely and practiced target shooting. Unfortunately for all the young boys, I beat them at target shooting.

I am a firm supporter of the Second Amendment and support Virginia’s existing gun laws.

I do not like the word “sanctuary”, as I associate it with sanctuary cities. Therefore, I prefer the word “support” in place of “sanctuary”.

We, in the hinterlands, need to send a well written, legal message to Richmond stating that we support the 2nd Amendment and Virginia’s existing gun laws and oppose any proposed laws that would infringe on our 2nd Amendment rights and place unnecessary restrictions on law-abiding citizens.

Richmond must be careful not to make changes to existing laws that would negatively impact the right to bear arms for self-defense and hunting. We live in a dangerous world with an opioid crisis and desperate and sometimes unhinged individuals. If law-abiding citizens wish, they should have access to a gun and a dog with a big bark to protect themselves and their families.

Our Founding Fathers recognized that men are flawed, corruptible and can become tyrants who need to have their hands tied when given power over the rest of us. As a result, they wrote the 2nd Amendment, which protects all the other Amendments in the Constitution.

Chair Weiss and Delegate Dave LaRock thanked Supervisor Byrd for her 20 years of service.

Delegate Dave LaRock read the following statement:



COMMONWEALTH OF VIRGINIA
HOUSE OF DELEGATES
RICHMOND

DAVE LAROCK
POST OFFICE BOX 6
HAMILTON, VIRGINIA 20159
THIRTYTHIRD DISTRICT

COMMITTEE ASSIGNMENTS:
EDUCATION
TRANSPORTATION
SCIENCE AND TECHNOLOGY

Clarke County Board of Supervisors
Berryville-Clarke County Government Center
101 Chalmers Ct.
Berryville, VA 22611

December 17, 2019

Members of the Board,

I am writing to respectfully encourage you to make a strong statement regarding the Board's position on the bills coming before the state legislature which are threatening our fundamental rights.

While all who are entrusted to be public servants swear an oath to uphold the Virginia and United States Constitutions, sadly, not all take that oath literally.

The Virginia and United States Constitutions clearly acknowledge our God-given rights, including the right to keep and bear arms. As we approach the 2020 session of the Virginia General Assembly, some state legislators and our governor are communicating that they intend to pass bad laws which will violate our God-given right to keep and bear arms.

The Second Amendment is clear, not at all ambiguous; quoting our Constitution, our supreme law of the land, "A well-regulated Militia, being necessary to the security of a free State, the right of the people to keep and bear Arms, shall not be infringed." Our highest courts have upheld the plain meaning of these words; specifically, that they reference an individual right.

After six years serving as Delegate, I know there is a will among some to keep campaign promises heavily influenced by out-of-state anti-gun lobby groups. The will of these legislators is now coupled with the power to follow through by passing bad laws.

The very bright side to this is that people across Virginia are speaking up in a very peaceful, orderly and proper outcry, asserting the need for Virginia government to respect the rights of the people of Virginia. Likewise, many governing bodies, much like this Board of Supervisors, are proactively rejecting the brazen overreach that is in the works. This is a message that will be heard in Richmond.

After you consider what action, if any, you are willing to take, I hope to go to Richmond in a couple weeks and, with your blessing, communicate to lawmakers that The Clarke County Board of Supervisors will not sit idle while our rights and freedoms are violated.



Dave LaRock
Delegate, VA District 33

Board Members

Mary C. Daniel, Berryville District

David Weiss, Buckmarsh District

Barbara Byrd, Russell District

Terri Catlett, Millwood District

Bev McKay, White Post District

20) Citizen's Comment Period

Chair Weiss clarified that the County Administrator will read names from the citizens comment period sign in sheets. Asked all to be respectful and courteous for all speakers, and direct all comments to the Board.

County Administrator, Chris Boies stated that 45 speakers signed up to address the Board.

Jay Garver, Berryville: addressed the Board concerning the Second Amendment resolution. He put forth the following points:

- Grew up in Clarke County, learned how to shoot at the age of five.
- U.S. Air Force service on active duty for 22 years.
- Represent the Facebook group Clarke County Land of the free, have over 1,000 members and a majority agree with what I am asking tonight.
- There is a petition in the public that has over 1,000 signatures.
- Behind me is your taxpaying, law abiding, voting citizens of Clarke County; who come before you tonight to ask you to consider a resolution to make Clarke County a Second Amendment Sanctuary.
- Ask that the Board call a special meeting to adopt the resolution before January 19, 2020.
- Join the ranks of over 90 other counties and municipalities in the commonwealth who have already adopted a resolution.
- In order to send a unified message to Richmond, that message being that we oppose your Constitutional overreach

- This is the time for talk and reason.
- Now is not the time to respond emotionally, nor in anger. Now is the time to respond rationally.
- We come before you tonight to tell you that the citizens of Clarke County have your back.
- Our founding fathers risked everything to give us the freedoms that we enjoy today.
- We will not comply.

Steve Fertig, Stephenson: addressed the Board concerning the Second Amendment resolution. He put forth the following points:

- Lived in Clarke County for 16 years and during that time had many shooting events for example SWAT team and deputies training.
- Son is one of the most decorated police officer in the Commonwealth of Virginia history.
- He has won every award that Virginia has had to offer, broke all of the shooting records in Chesterfield County and those records still stand today.
- Youngest son is first lieutenant Army Ranger.
- Firearms have been a big part of my life, can say that it is not the firearm that is the problem; the problem is the mentally ill and the criminal element.
- Politicians, Liberal Democrats, who say we will not do anything with the criminal element, they will not increase the penalties or laws, they are going to attack us law-abiding citizens.
- We have to realize what our forefathers gave up to give us the second greatest document in the history of this country, the first one being the Bible.
- Have had to protect my life twice with a firearm and may not be here if I did not have a handgun.
- Stand for firearms and stand for the Second Amendment.

Joshua Miller, Paris: addressed the Board concerning the Second Amendment resolution. He put forth the following points:

- Support Clarke County to become a sanctuary for the Second Amendment.
- The legislation that is proposed will affect my life.

- If the sanctuary proposal passes, I will be able to continue to live in Clarke County with a piece of mind, knowing that when I do have a family, my right to defend them and my property will remain intact.
- These proposals are just the beginning.
- It is time to stand up to the tyranny of the state government, time to take action of the overreach that they have proposed, and it is time to ensure the freedom that our forefathers fought and died for will be secured for the generations to come.
- Not representing any political party, I am here representing my generation

Nick Thiel, Bluemont: addressed the Board concerning the Second Amendment resolution. He put forth the following points:

- If drunk driving related deaths were on the rise, what sane, rational person would propose 'common sense vehicle control' as a solution?
- Restricting the driving rights of the majority of drivers, who have no history of alcohol abuse or past DUIs, is absurd.
- If we really wanted to solve the problem, going after the gun in the hands of the law-abiding makes no more sense than restricting the car in the garage of a responsible driver.
- A drunk person choosing to get behind the wheel of a vehicle and killing someone with it is no different from an evil or crazy person picking up a gun and killing someone with it.
- Criminals, by definition, not only do not care about obeying laws -they are literally professionals at breaking them.
- If passing a few laws actually worked, then why are illegal drugs still a problem?
- Gun control is like a sheep farmer removing his sheep dog from the pasture, and replacing it with a sign that says 'Wolf Free Zone'. It does nothing to go after the wolves, and nothing to actually protect the sheep. If anything, the wolves will only become emboldened, knowing they will face less resistance from their victims.
- Many people are hung up on the language of the Second Amendment, primarily the "well-regulated militia" part.
- When translated into today's common language, the Second Amendment would read something like this: "A well-organized and effective force, comprised of everyday citizens independent of the government, shall possess the means necessary to protect themselves and their rights from

any form of tyranny that may threaten them. Any action by the government intending to restrict the ability of this group to do so, including restricting access to adequate weaponry, is illegal."

- It would break my heart to see this county side with Northern Virginia over the rest of the Valley-the real Virginia.
- Ask that Clarke County join the sanctuary counties and cities that have already taken the oath to refuse to use precious resources, and risk the safety of police officers and gun owners alike, to enforce any unconstitutional gun control laws.

Paul Pennington, Boyce: addressed the Board concerning the Second Amendment resolution. He put forth the following points:

- Have 22 years in law enforcement between patrol and corrections side.
- Believe strongly in the Second Amendment, the U.S. Constitution, and the Virginia Constitution.
- If I was still currently active as a police officer I would be very uncomfortable at this point because of my belief, I took an oath to uphold the Constitution. Feel like we would be infringing upon these citizens. Also would be concerned for my safety and the safety of my fellow officers.
- Currently a firearms instructor, some of these laws could make that a felony "teaching someone to shot a weapon of death".
- Encourage the Board to consider making Clarke a sanctuary county.

Todd Johnson, Berryville: addressed the Board concerning the Second Amendment resolution. He put forth the following points:

- Speaking in favor of adopting a Second Amendment sanctuary resolution.
- We realize that this resolution is mostly symbolic, realize that adopting a resolution would not nullify or negotiate any legislation that Richmond may pass into law.
- The adoption of this resolution would unify us as a county, gives creditability to our voices when many of us go to Richmond in January stating that we will not tolerate abuse of our national Constitution or our state rights.
- Grandfather Clause will not be kind to us: registration always leads to confiscation.
- Scared our local law enforcement who we deeply appreciate will be forced to follow laws that they know that are wrong.

- Stated FBI statistics on AR style rifles and statistics on mass shootings.
- Proposed legislation operates on two extremely flawed assumptions: taking away firearms from law-abiding citizens will take them from the hands of criminals. In addition, if all the guns went away people would stop killing.
- Ask the Board to convene an early session and adopt this resolution, well in advance of January 20, 2020.

Paul Williams, Berryville: addressed the Board concerning the Second Amendment resolution. He put forth the following points:

- Lifelong shooter with thousands of hours in advanced training on the national and international level.
- Firearms instructor, coach of local youth shooting team, and own a gun store.
- All of these things give me a neat perspective inside all of these pending laws.
- “We have to do something” and “In politics both sides of the isle forget about the rights of the other side when it suits their needs”.
- Scared for where we are and where this legislation could take this county and the state.
- This will place law enforcement in a no win situation.
- These laws never affect criminals because by definition criminals do not obey the law.
- It not fair that my 80-year-old father could wake up next year a class 6 felon.
- The proposed laws are all based on emotion rather than the need to do something.
- We do not prosecute criminals who break our firearm laws today, so why would we make criminals out of law-abiding citizens.
- Straw purchases do occur meaning that a felon who is not allowed to possess a firearm gets someone else to purchase the firearm for them.
- We no longer teach children about firearm safety in school or in society.
- A firearm is a tool just like a hammer or a drill, no one firearm is more dangerous than the other is, so why one type should be singled out.
- We blame the drunk driver not the car, so why should we blame the firearms.

- To enforce laws we should suspend emotion and should embrace reason.
- Competition shooting is my daughters sport, it has boosted her confidence and no one can take that skill away from her.
- The legislation that is proposed is classifying several of the guns that my daughter uses as assault weapons.
- Implore the Board to vote to establish Clarke County as a Second Amendment sanctuary county.

Lauren Farrell, Berryville: addressed the Board concerning the Second Amendment resolution. She put forth the following points:

- Freedom is never more than one generation away from extinction.
- True today now more than ever.
- The Second Amendment plays a huge role in securing that freedom from a tyrannical government like the one we see before us now in Richmond.
- Virginia is made up of more than a few counties that continuously elect democrats who wish to strip us of our Constitutional rights.
- It is not a question of whether Clarke County should or not become a gun sanctuary county, we must.

Bryant Condrey, Boyce: addressed the Board concerning the Second Amendment resolution. He put forth the following points:

- Represent the Facebook group called Clarke County Second Amendment Sanctuary.
- Vast majority of counties in Virginia are passing resolutions because these proposed laws seek to ban extremely common firearms that most of us tend to own.
- AR 15 platform is chosen often because it is ergonomic and they have many safety features.
- These laws seek to make these guns illegal for law-abiding citizens.
- Asking the Board to pass a resolution, we are all here willing to stand with our Board of Supervisors, Sheriff, and Town Police, so please stand with us by passing this resolution.

Jay Corbalis, Berryville: addressed the Board concerning the Second Amendment resolution. He put forth the following points:

- Family has lived in Virginia for seven generations.
- Veteran

- Registered engineer in Virginia.
- As an engineer, believe that I have little bit of common sense along with a logical mind, also guilty of hating waste and loving efficiency.
- That parking lot is full of cars of all colors and sizes. Each one of those cars has the mechanical capability of running over someone. What is the difference; it is the driver not the car. If someone tonight in a green car kills someone, does that mean we should ban all green cars, the answer is no, it will not solve anything.
- Waste – Let us not waste time, money, and resources jacking around with citizens that are law abiding and be more efficient with our efforts on the real problem i.e. mental health, drug abuse, and family values.
- Let us not have the word assault scare anyone.
- Again, it is not the weapon; it is the person behind the wheel and the person behind the trigger.

Joaquin Heard, Boyce: addressed the Board concerning the Second Amendment resolution. He put forth the following points:

- Since the age of three, I have been shooting firearms.
- Would appreciate it if the Board of Supervisors would put forth a Second Amendment sanctuary resolution.
- At some point, the laws become intolerable we would have to revert to civil disobedience.
- For these particular proposed laws, I will not obey the law.

Patrick Marsden, Berryville: addressed the Board concerning the Second Amendment resolution. He put forth the following points:

- The proposed laws are unconstitutional, tyrannical, and break with historic American and Western *juris prudence*.
- Bill HB9 penalizes the reporting of a stolen firearm, if done greater than 24 hours after the event it is discovered.
- Clarified that if your gun is stolen and it is not reported to law enforcement in a day, you are guilty of a civil offense. You are no longer the victim of a crime, by fiat you become the criminal.
- If this precedent were applied to rape, if the rape victim did not report in time would the victim be put into jail?
- It is ironic that at the local level we must reassert our Constitutional rights in the state where American liberty was first codified.

- Look for the Boards support in matters pertaining to this. These issues have become the issue on which all of my future votes will be decided.

Tony Parrot, Boyce: addressed the Board concerning the Second Amendment resolution. He put forth the following points:

- Here to speak in support of making Clarke a Second Amendment sanctuary county.
- Personally, what is proposed in Richmond attacks our freedoms, which I cannot stand for.
- Thirty-three years ago, took an oath to defend the Constitution from enemies both foreign and domestic, and have never been relieved of that duty.
- We are for sanctuaries because we are talking about law-abiding citizens.
- The Second Amendment only has 27 words in it ending in “shall not be infringed”
- Nothing in this amendment states for hunting purposes, skeet shooting, or for home protection; our founders knew that without the right to bear arms and the Second Amendment, nothing would stop a radical government from taking over and taking those rights away.
- These rights are not given but they were guaranteed by the Constitution.
- See the sanctuary county, as an opportunity to exercise our first amendment right of free speech, sending a clear message to Richmond that “shall not be infringed,” means something.
- Encourage the Board to join in with all of the other counties and send that clear message to Richmond and beyond the borders of the great state of Virginia.

Peter Lacey, White Post: addressed the Board concerning the Second Amendment resolution. He put forth the following points:

- Huge supporter of the Second Amendment grew up hunting and enjoying the outdoors.
- Clarke is a unique county it is not just the fine law enforcement, that keeps us safe, it is also the citizens because we are a family, and we will protect each other.
- The Board has done a good job of preserving our way of life living in a rural county.

- Preserve our Second Amendment right to bear arms, let us keep our firearms so we can defend our neighbors if needed.

Jesse Russell, Berryville: addressed the Board concerning the Second Amendment resolution. He put forth the following points:

- Not anti-gun, I have always shot and own guns to this day.
- Disagree with the idea that passing the resolution to unify the county because not everyone tonight is here wanting to be a sanctuary.
- Concerned that this county will suddenly become divided, the Country and the State are already divided; but this county has never been divided.
- Citizens of Clarke County do not vote by party politics.
- This issue needs to be looked at closely in order to come up with a solution, rather than to divide.
- Seems redundant that we are going through this motion because the Board has already took the Oath of Office and pledged yourself to both the U.S. and Virginia Constitution.
- If in the future, if the Board does consider a resolution to please do so in the Constitutions entirety.

Dan Jones, Berryville: addressed the Board concerning the Second Amendment resolution. He put forth the following points

- The Second Amendment secures our right to defend not just ourselves and our family; it secures our right to defend our community, our state, and our country.
- The Second Amendment is the only thing we have to prevent tyranny.
- We need to stand together.
- As a priority, Clarke County needs to be adopted as a Second Amendment sanctuary status.
- Use sanctuary because it implies that my right and firearms will be safe here in Clarke County.

Billy Poston, Berryville: addressed the Board concerning the Second Amendment resolution. He put forth the following points:

- Residents of Clarke County are family.
- Personally, do have a large family five children who all graduated from Clarke and 13 grandchildren most who have or will graduate from Clarke.
- If harm comes to anyone in the county, I will protect him or her.

John Myer, Boyce: addressed the Board concerning the Second Amendment resolution. He put forth the following points:

- Have been in the gun business in Clarke County for 31 years.
- Encourage the Board to pass a resolution in support of the Second Amendment as well as other Constitutional rights.

Michael Perough, Berryville: addressed the Board concerning the Second Amendment resolution. He put forth the following points:

- Twenty-three years of service for this Country, 15 as a police officer and 8 in the marine corp.
- Every time after taking that oath to defend the Constitution, I did it without asking if it was right or not, it was just done.
- Not asking, demanding that the Board to do their job and protect the citizens' rights be the sheep dog and protect us.

Jay Blevins, Berryville: addressed the Board concerning the Second Amendment resolution. He put forth the following points:

- Served in law enforcement, have taken the oath twice to defend the Constitution.
- Carry a gun because I cannot carry a cop.
- It is obvious and overwhelming what the citizens of Clarke County here tonight wants.
- In the last ten days there was a mass shooting in Washington State, no one has heard of it because two armed citizens stepped up using their right of the Constitution to defend themselves and stopped that mass shooting.
- Thank all law enforcement.
- My children are the main reason I am here tonight, because they cannot stand up for themselves so I am here to stand up for them.
- Citizens of Clarke County need the Board to represent us in Richmond.
- Stated that there are two sides of this argument and the ones on the gun control side are names like Hitler, Stalin, King George, Cornwallis, and Northam.
- This is an emotional issue; with all due respect, when history looks back on this vote do you want your names to be besides Hitler and those others or do you want to be on the other side.

Keith Patterson, Berryville: addressed the Board concerning the Second Amendment resolution. He put forth the following points:

- Have been moved by all that I have heard tonight, very pro Second Amendment.
- As a teacher in Loudoun County, everyday children ask me what we would do if someone came through the doors with a firearm.
- Asked to come here by some concerned citizens, this group would like to strengthen the Second Amendment as it is.
- A resolution would open up more issues because it puts one amendment in front of the others.
- Believe that the Second Amendment is needed in order to have freedom of speech.
- We need to do something and am proud to be in Clarke County.

William Bigelow, Berryville: addressed the Board concerning the Second Amendment resolution. He put forth the following points:

- Speaking as a pro Second Amendment person, who has never owned a firearm or never been hunting.
- We live in a very dangerous time and believe that in many ways we have a culture of death in this country and many other countries.
- Humbly request that the Board adopt a sanctuary proposal and hope that it is unanimous because a strong statement from the Board is more effective than a 4 to 1 or 3 to 2 vote.
- No one is anti-gun; left wings who preach anti-gun have personnel with guns to protect them. Government officials who preach anti-gun rules have personnel with guns to protect them also.
- Every amendment to the Constitution is important but there is no first amendment without the Second Amendment.

Michael Wilson, Bluemont: addressed the Board concerning the Second Amendment resolution. He put forth the following points:

- Seventy-nine years old who still works and pays taxes, only have had one speeding ticket many decades ago.
- May be deemed a felon because I will refuse to surrender my weapons.
- Have a concealed carry permit but have only had to use it once in the last 27 years.

- Concerned of these proposed laws.
- The reason we are in this position is that we have been gentle, civil, and polite for far too long.

Craig Anderson, Warren County: addressed the Board concerning the Second Amendment resolution. He put forth the following points:

- We all have tough decisions to make, law enforcement being the toughest.
- Be a patriot and lose their job, Sheriff is elected but his deputies could lose their jobs. Personally, I will always support the patriotic deputies.
- If we see citizens being picked off by the Red Flag Laws then some will die on the spot.
- Please support us in Richmond on January 20, 2020.

Ty Ortiz, Berryville: addressed the Board concerning the Second Amendment resolution. He put forth the following points:

- Have many years of service defending this country.
- Guns are just a tool, if the guns are taken away the tool become the knives, when the knives are taken, the tool becomes the car, etc.
- A weapon of opportunity is anywhere you look; guns really are not the issue here.
- Asking for common sense in the commonwealth, realistically need to take a stronger approach.
- Believe that the Board will do the right thing.

James Gennaro, Bluemont: addressed the Board concerning the Second Amendment resolution. He put forth the following points:

- Compelled to speak because I have known the feeling of being completely helpless, 4 am my dog was barking went downstairs and turned the corner in my house and two flashlights were pointing at me.
- In Virginia in 2018, there were 5,835 forcible sex acts, of those 1,184 committed by a stranger or unknown person. There were 925 aggravated assaults by strangers.
- On average 41 burglaries or attempted burglaries occurred every day, totaling 15,106.
- Last year, there were 89,701 crimes against the person, averaging one every 5 minutes and 52 seconds.

- These facts are why my choice and everyone's choice of weapons in common use shall not be infringed.

Jesse Lepinsky, Front Royal: addressed the Board concerning the Second Amendment resolution. He put forth the following points:

- Here to show my support for the law-abiding gun owners of this county and the entire commonwealth of Virginia.
- The unconstitutional laws currently pre filed in the state cannot be allowed to pass.
- The Second Amendment sanctuary resolution, although largely symbolic, would help send the message to Richmond that we as Virginians will not stand for the erosion of our Constitutional right to bear arms and our God given right to self-defense.
- We are concerned that we will be turned into criminals for owning an inanimate piece of property, something that has no will of its own.
- A gun is a tool; it can be neither inherently good nor evil.
- If firearms safety is truly a concern to the politicians in Richmond, we need to focus on real solutions. A few examples are re-implementing firearm trainings like hunters safety, opening public gun ranges, and medical trainings.
- Hope you make the right decision in declaring Clarke County a Second Amendment sanctuary.

Dennis Poston, Berryville: addressed the Board concerning the Second Amendment resolution. He put forth the following points:

- Have lived in Clarke whole life, was taught at a young age how to handle firearms.
- Do not let them take our right and the rights of the many generations to come.

Jason Crahn, Boyce: addressed the Board concerning the Second Amendment resolution. He put forth the following points:

- Quoted Saint Augustine, "An unjust law, is no law at all."
- In 1963, Dr. Martin Luther King Jr. wrote in his letter from Birmingham jail, that there are "two types of laws just laws and unjust laws", going onto say that "we have a legal and moral responsibility to obey just laws, conversely we a have a moral responsibility to disobey unjust laws".

- Senate Bill 16 and Senate Bill 64 will turn everyday law-abiding citizens into class 5 and class 6 felons overnight, this is an unjust law and immoral.
- Article VI Clause II of the Constitution is the “Supreme law of the land” and states that no state law shall supersede the Constitution.
- The Second Amendment states, “A well-regulated Militia, being necessary to the security of a Free State, the right of the people to keep and bear Arms shall not be infringed.”
- These two laws are not only unjust and immoral; but also, illegal.
- If we do not come together as a community to stand up for this then what are we really doing here.
- Here in support to stand up to this act and these laws.

Britt de Cormier, Berryville: addressed the Board concerning the Second Amendment resolution. He put forth the following points:

- Appalled that the far left Democrats that hold office would not support and defend the Constitution of the United States.
- Our elected officials are not following the oath and are trying to get rid of our Constitution by infringing on the Second Amendment.
- Senate Bill 16 and 64 will negate the Second Amendment.
- It goes further than that children’s jujitsu, karate, and any kind of self-defense class will not be allowed.
- No one will be able to get a concealed carry license.

Tim Johnson, Berryville: addressed the Board concerning the Second Amendment resolution. He put forth the following points:

- Support the Second Amendment Sanctuary Resolutions that are proposed.
- Grew up in New Jersey where the expectation was that only police had guns and no one else should have them.
- Clarke is not that type of community, liberal expectation is that our governor will take care of us.
- In our rural community, there are times when people need to rely upon defending themselves.
- Everyone in our community has a Second Amendment right, hope that the Board will pass a resolution that will support the Second Amendment rights.

Glenn Poe, Bluemont: addressed the Board concerning the Second Amendment resolution. He put forth the following points:

- Not asking the Board to defend his Second Amendment rights, if it comes to that I will be asking the citizens of Clarke County.
- Asking the Board to give this matter the serious duration, it has been asked that it be put on the agenda and to deal with it swiftly so that Richmond understands that this is serious.
- Give this the consideration and to move it forward quickly.

Tom Caldwell, Berryville: addressed the Board concerning the Second Amendment resolution. He put forth the following points:

- Here to add my voice to those urging the Board of Supervisors to immediately take up consideration of establishing Clarke County as a Second Amendment sanctuary county.
- The gun laws proposed violate the United States Constitution; therefore, they are illegal. Also, violate the Virginia State Constitution and put everyone in this county at risk.
- Virginia State Constitution states that any law or code that is contradictory to the U.S. Constitution is null and void.
- What is happening in Richmond scares me because gun laws are just the beginning.
- The Board must act, ask you to declare that you support the Constitution in its entirety and will not recognize or enforce laws that violate the Constitutional rights of the citizens of Clarke County.
- Ask that the Board move forward with drafting and approving a sanctuary resolution for the County of Clarke.
- A week and a half ago my 94 year old father asked if I was going to the meeting on December 17, he wanted to be here tonight but unfortunately he pass a few days ago.
- The other night as I sat there looking at all of his possessions, the metals he earned in the two wars he served, his wallet with his concealed carry permit, and his favorite pocket watch.
- As I held the pocket watch in my hand, I saw the inscription “the right of the people to keep and bear arms shall not be infringed.”
- Ask you to act in accordance with the oath that you swore, now is the time where history holds out its hand, where liberty holds out her hand, please take her hand and support the citizens of Clarke County.

Mary Martin, Boyce: addressed the Board concerning the Second Amendment resolution. She put forth the following points:

- Served four years in the Marine Corp, is a gun owner, and a member of the organization Veterans for Peace.
- Asked the Board what or who are you afraid of?
- The legislator has not met and a lot of fear is being generated by the rumor mills.
- If the legislature is proposing limiting ownership of military style weapons with large capacity magazines, that seems to be only common sense.
- These military guns are not used for hunting animals; they are used for killing people quickly, and in large numbers.
- If it is not for safety but entertainment that citizens are after, then you should consider the incredible carnage these weapons leave in their wake.
- The truth is no one knows when a mass shooting will occur; having fewer semi-automatic weapons in the hands of the general public would reduce the risk of these shootings happening.
- Believes that regulating gun ownership is both compatible with the Second Amendment and a lifesaving must. We can enjoy a gun hobby while we also respect the right of our neighbors and fellow Americans that live their lives feeling safe from uniquely extreme and deadly gun violence that comes from weapons designed for war.

Sharon Caldwell, Berryville: addressed the Board concerning the Second Amendment resolution. She put forth the following points:

- Strongly request that the Board take up the matter quickly and swiftly by passing a resolution that Clarke County will support Second Amendment rights.
- Request that you listen to all citizens, consider the matter, and call a special session if necessary to get this item on the agenda and state your intentions to protect the Second Amendment rights.
- It is time to take a stand , if I become a felon overnight then I will, this is the land of the free and the home of the brave so we all need to choose to be free, choose to be brave, and choose to take action that supports all of our Constitutional rights.

Robert Swain, White Post: addressed the Board concerning the Second Amendment resolution. He put forth the following points:

- If it were a gun issue or an AR 15 issue, then there would be more murders and other shootings in this country than there are.
- Do not believe that banning certain guns will not change anything. Personally, think that it is more the gun free zones that are causing these issues.
- Believe the youth need more education.
- Stand for the Second Amendment sanctuary county.

Ruth Shatkowski, Berryville: addressed the Board concerning the Second Amendment resolution. She put forth the following points:

- Previously lived in California and moved here many years ago, reason for the move was because we had three murders in front of our house.
- The proposed bills in Richmond are unacceptable.
- In Germany, the guns had to be registered before World War II, then government knew who had guns, the guns were then confiscated from people who they did not want to have guns so those people could no longer defend themselves.
- We do not want to repeat this history, if you think it cannot happen in America, look around yes it can.
- If you are on the wrong side of who is in control then you lose.
- Governor Northam said that a grandfather clause would be granted, that only protects the registered people today not our kids and grandkids.
- Quoted Ken Plum a democrat from Reston, “the notion that you can have a locality void a state law by declaring yourself a sanctuary simply is not going to hold up in court”. But isn’t the Constitution of the United States a higher law then what they are doing in Richmond.
- I disagree with the gun control laws because according to research Nations with gun control laws have substantially higher murder rates.
- FBI Crime stats found that states that adopted concealed carry laws reduced murder rates by 8.5 percent, rape by 5 percent, aggravated assault by 7 percent, and robberies by 3 percent.
- Please consider the rights of those who own guns now, those who want to own guns in the future, and pass a Second Amendment sanctuary resolution.

Joanne Spano, Bluemont: addressed the Board concerning the Second Amendment resolution. She put forth the following points:

- Represent the Tenth Congressional District Democratic Committee.
- Would like to give a different perspective, went to a rural caucus meeting where a third of those members were gun owners.
- Discussed not wanting to demonize gun owners, not messing with law-abiding people, and certainly do not want to make people into felons.
- There are bills in the hopper that will probably never get anywhere; the worst-case scenarios that people are worried about here may not get support.
- Spoke directly to Supervisor Byrd - know that you do not want change but change is coming.
- A vast majority do support these common sense guns laws.
- Believe that we can all work together, a lot of this emotional hyperbole and talk about takin your guns away, personally believe that those will not happen.
- If you are law-abiding then why are you worried about the background checks and the registration?
- Believe that the Board should urge citizens to follow the law and not encourage people to break it.

Dawn Gray, Berryville: addressed the Board concerning the Second Amendment resolution. She put forth the following points:

- Implore that the Board of Supervisors pass a resolution identifying Clarke County as a Second Amendment sanctuary county.
- Second Amendment rights were enacted to protect our inalienable rights – to life, liberty, and the pursuit of happiness.
- Concerned due to the influx in population in the urban areas in the state of Virginia, which many of our legislators in Richmond no longer understand or represent the needs of rural Virginia communities, like ours.
- Know that my neighbors have guns in their homes, guns that will be deemed as high capacity and illegal.
- Am not afraid that my neighbors have these types of guns, am grateful that my neighbors are willing to exercise their Second Amendment rights and bear the responsibility that comes with owning these types of guns.

- Apologize to my neighbors because I am not a gun owner and for not being able to protect them at the same level that they can protect me.
- In conclusion, this non-gun owning citizen comes before you to implore you to take action to protect the rights of my law abiding, gun-owning neighbors that I truly believe would come to my aid and defense if needed.
- Asked the Board to take action to declare Clarke County, Virginia a Second Amendment sanctuary county.

Citizens that signed up but did not come forth to speak: Robert Armstrong, Catherine Hott, Barry Wells, Jeremy Wright, Benjamin Findley, and Craig Rucker.

Chair Weiss thanked everyone for coming tonight. Stating that as individuals and as the Board, we support the Second Amendment. Staff and legal counsel are working on this for this Board. We will then inform all of what we will do, we will take things cautiously and carefully to protect both the citizens of Clarke County and us as the Board. Think that I speak for the entire Board that the composure and the passion in which you shared your thoughts this afternoon and this evening is another reason of why we serve for you. You are all good people and you have been heard, as always you can contact any of us, and we do consider this very serious situation.

21) Adjournment

At 8:57 pm, Chairman Weiss adjourned the meeting.

Next Regular Meeting Date

The next regular meeting of the Board of Supervisors is set for Tuesday, January 21, 2020, at 1:00 p.m. in the Berryville Clarke County Government Center, Main Meeting Room, 101 Chalmers Court, Berryville, Virginia.

ATTEST: December 17,
2019

David S. Weiss, Chair

Chris Boies, County
Administrator

Recorded and transcribed by Brianna R. Taylor, Deputy Clerk to the Board of Supervisors