AGENDA
Board of Supervisors Meeting

January 5, 2021

9:00 AM

Moment of Silence

A. Call to Order and Pledge of Allegiance of the United States of America

B. Election of Officers

1. Chairman
2. Vice Chairman

C. Adoption of Agenda – Additions or Deletions

D. Public Comment Period (60-Minute Time Limit)

E. Report – Virginia Department of Transportation – Ed Carter

F. Report – Warren County Public Schools – Dr. Chris Ballenger

G. Reports – Board Members, Interim County Administrator, and Interim County Attorney

H. Approval of Minutes

1. Regular Meeting of October 20, 2020
2. Regular Meeting of November 4, 2020
3. Regular Meeting of November 17, 2020
4. Regular Meeting of December 8, 2020
5. Special Meeting of December 14, 2020

NEW BUSINESS

I. Consent Agenda

1. Road Naming Request of "Turkey Run Way" off Whitetail Lane – Emma Rusnak
2. Appointment of and Approval of Salary for Fire Chief – Jodi Saffelle
3. Re-Nomination of Marcus Robinson for Appointment by the Warren County Circuit Court to the Warren County Board of Zoning Appeals – Ed Daley
4. Amendment to Architectural and Engineering Services Contract with Moseley Architects – Caitlin Jordan
5. Amendment to Architectural Services Contract with Frazier Associates – Caitlin Jordan
6. Amendment to Architectural Services Contract with Frederick Andreae Architects – Caitlin Jordan

7. Amendment to Financial Advisory Services Contract with Davenport & Company, LLC – Caitlin Jordan
8. Amendment to Architectural Services Contract with Land Planning & Design Associates (LPDA) – Caitlin Jordan
9. Amendment to Hay Harvesting Contract with Walnut Hollow Farm – Caitlin Jordan
10. Authorization to Advertise for Public Hearing – Lease of County-Owned Property Located at 229 Stokes Airport Road – Doug Parsons
11. Authorization to Advertise for Public Hearing – Ordinance to Amend and Re-Ordain Sections 66-28 (Running at large restricted), 66-29 (Violations and penalties), 66-31 (Procedure upon observation of dog in violation), and 66-32 (Restricted areas enumerated) of the Warren County Code – Caitlin Jordan
12. Authorization to Advertise for Public Hearing – Ordinance to Repeal Section 66-34 (Bounties for coyotes) of the Warren County Code – Caitlin Jordan
13. Authorization to Advertise for Public Hearing – Conditional Use Permit 2020-10-01, David and Nita Sudlow for a Church – Matt Wendling
14. Authorization to Advertise for Public Hearing – Conditional Use Permit 2020-10-03, David and Nita Sudlow for a Guesthouse – Matt Wendling
15. Authorization to Advertise for Public Hearing – Conditional Use Permit 2020-12-01, Parallel Virginia, LLC for a Pharmaceutical Business – Taryn Logan
16. Coyote Bounties – Animal Control ($50.00 Each)
    - Douglas Boyd (2)
    - Steven Marshall (1)
    - Michael Mathias (1)
    - Cody Wolf (1)

J. Request – Meeting Policy and Procedures and Public Hearing Guidelines – Ed Daley

K. Request – Approval of Performance Agreement with Silent Falcon UAS Technologies – Doug Parsons

L. Request – Approval of Agreement for Use of the Health and Human Services Complex Gymnasium to the Virginia Department of Health for the Purpose of Administering Vaccinations – Caitlin Jordan

M. Request – Amend Advisory Committee's Name to "Front Royal Warren County Joint Tourism Committee" and Enter into a New Memorandum of Agreement – Caitlin Jordan

N. Closed Session – Sections 2.2-3711(A)(7) and (A)(8) Consultation with Legal Counsel Pertaining to Actual or Probable Litigation and for the Provision of Legal Advice re: Economic Development Authority Matters

O. Additional New Business (If Needed)

P. Adjournment

Maintenance:

- Conducted shoulder repairs on Route 55 West (Strasburg Road) and will continue with shoulder repairs on various other routes this month
- Cleaned pipes on various secondary routes
- Graded various non-hard surfaced routes and will continue to grade and apply stone as needed this month
- Mobilized for a snow event and a flooding event
- Will be conducting brush cutting/removal and slope mowing this month, weather permitting

Board Issues:

- CenturyLink has repaired the broken pole on Route 340
- Mr. Carter would like to set a meeting date at the Board's convenience in January to discuss the Six Year Plan; the meeting has to be limited to ten people, and VDOT will have two of those ten people

At a regular meeting of the Board of Supervisors of Warren County held in the Warren County Government Center on October 20, 2020 at 6:00 PM.

Present: Walter J. Mabe, Chairman (Shenandoah District); Cheryl L. Cullers, Vice Chair (South River District); Tony F. Carter (Happy Creek District); Archie A. Fox (Fork District); and Delores R. Oates (North River District); also present Edwin C. Daley, Interim County Administrator; Jason J. Ham, Interim County Attorney; David Beahm, Building Official; Mike Berry, Public Works Director; Caitlin Jordan, Assistant County Attorney; Taryn Logan, Planning Director; Jon Martz, Director of Social Services; Angela Moore, Circuit Court Clerk; Joe Petty, Zoning Administrator; Emily Ciarrocchi, Deputy Clerk of the Board; Roger Bianchini and Mark Williams, Royal Examiner

Closed Session – Virginia Freedom of Information Act

On a motion by Mrs. Oates, seconded by Mr. Fox, and by the following vote, the Board of Supervisors entered into a closed session under the provisions of Section 2.2-3711(A)(1) of the Virginia Freedom of Information Act for the discussion or consideration of the assignment, appointment, promotion, performance, demotion, salaries, and resignation of specific public officers, appointees, and employees of the public body; she further moved that discussion be limited to the Warren County Broadband Committee, the Warren County Board of Building Code Appeals, and the Economic Development Authority Board of Directors.

She also moved the Board enter into a closed session under the provisions of Section 2.2-3711(A)(8) of the Virginia Freedom of Information Act for consultation with legal counsel requiring the provision of legal advice; she further moved that discussion be limited to personal property assessments.

Finally, she moved the Board enter into a closed session under the provisions of Section 2.2-3711(A)(29) of the Virginia Freedom of Information Act for the discussion of the award of a public contract involving the expenditure of public funds, including interviews of bidders or offerors, and discussion of the terms or scope of such contract, where discussion in an open session would adversely affect the bargaining position or negotiating strategy of the public body; she further move that discussion be limited to the Front Royal Golf Club:

Oates, Aye; Mabe, Aye; Cullers, Aye; Fox, Aye; Carter, Aye

On a motion by Mrs. Oates, seconded by Mr. Fox, and by the following vote, the Board of Supervisors certified to the best of each member's knowledge only public business matters lawfully exempted from open meeting requirements under Sections 2.2-3711(A)(1), (A)(8), (A)(29) of the Virginia Freedom of Information Act and only such public business matters as were identified in the motion by which the closed meeting was convened were heard, discussed or considered in the meeting by the public body:

Carter, Aye; Fox, Aye; Cullers, Aye; Mabe, Aye; Oates, Aye

DRAFT

Call to Order and Pledge of Allegiance of the United States of America

Adoption of Agenda – Additions or Deletions

On a motion by Mr. Fox, seconded by Mrs. Oates, and by the following vote, the Board of Supervisors adopted the agenda as presented:

Aye: Carter, Cullers, Fox, Mabe, Oates

Public Comment Period (60 Minute Time Limit)

Miles Adkins, Gary Kushner, Paul Gabbert, Steve and Jill Grice, Chris North, Sam Haun, Don Broadway, Jeremiah Lucas, Mike Mayer, Tim Ratigan, and Randy Gardner spoke in favor of keeping the Confederate statue on the Courthouse lawn.

Craig Anderson, 110 Sunset Lane, thanked the Board of Supervisors for not "going gestapo" on the citizens of the County with restrictions in reaction to the COVID-19 pandemic. He believes the pandemic is political and about inciting fear.

Richard Hoover, Kristin Iden, Julie Chickery, Samuel Porter, and Laura Cascada spoke in favor of relocating the Confederate statue off the Courthouse lawn.

Paul Aldridge, 256 Orchard Street, said he is disturbed by the fact that people are spending so much time on this one subject (the Confederate statue); it was placed on the ballot for the citizens of Warren County and Front Royal to vote on, and the result should be clear either way. There are bigger problems than a statue in this town, such as drug addiction and overdoses, child abuse, and people in need of food, shelter, and medical care. He believes the citizens and the Board should devote their time to solving the problems of the community rather than arguing about a statue that has been there for 110 years.

Nancy Winn, 146 Lookout Point Way, reiterated her previous allegations that the Property Owners of Shenandoah Farms (POSF) is being illegally funded by public monies and said the Board should be paying closer attention.

Dale Orlowske, 146 Lookout Point Way, thinks it was unprofessional of Chairman Mabe to call the people who have been raising concerns about the POSF "gripers", and he is still waiting on a reply from an email he sent to Mr. Mabe. Mr. Orlowske claimed the Board is in violation of a court order by making Shenandoah Farms a sanitary district and funding the POSF. He told the Board to cease funding the POSF and to stop calling them a Property Owners Association.

Ralph Rinaldi, 4725 Howellsville Road, spoke as the Chairman of the POSF Board and said it seems like there is some confusion on the running of Shenandoah Farms. He asked the Board to schedule a work session with the POSF in order for the POSF to deliver a presentation to the Board and answer any questions the Board members may have. The

POSF wants to work with the Board as it has in the past in partnership for the continued success of Shenandoah Farms.

There were no further presentations from the public.

At this time, the Chairman called for a five minute recess, and the meeting was reconvened at 8:08 PM.

Public Hearing – Ordinance to Amend and Re-Ordain Section 150 of the Warren County Code re: Soil Erosion and Sedimentation Control – David Beahm

David Beahm, Building Official, reported since July 1, 2014 when the Department of Environmental Quality (DEQ) was officially designated by Virginia to oversee the Erosion and Sediment (E&S) Control Program along with the Stormwater Management Program, many changes have taken place. Many of the changes being proposed to the Warren County Code Chapter 150 Erosion and Sediment Control have come from this transition along with amendments that have taken place since that time.

The focus of this update is three-fold:

1. Replace outdated code sections that have changed;
2. Provide corrected terminology that changed as a result and new terminology to assist citizens; and
3. Correct information on submissions to reflect how business is being transacted with new technology.

Mr. Carter recalled in 2014, the State provided the option to the localities to handle decision to have the locality handle the stormwater management program or forward it to the State at additional cost and time. Mr. Beahm noted the State decided the locality had to opt in to do stormwater management; it was an unfunded mandate, but the locality could charge individuals for the service. However, those fees have been nowhere near covering the cost of what the County is doing for management.

Mr. Fox wanted to be sure contractors are being kept up to date on changes coming down from the legislature in Richmond, and Mr. Beahm confirmed the Department is informing contractors of any changes as they come into effect.

Mrs. Oates asked what the implications would be to citizens should the new changes be adopted, and Mr. Beahm said the Department is already enforcing the changes through its authority under the State Code even though the changes are not formally adopted in the County Code.

Mr. Mabe opened the public hearing. There being no comments from the public, Mr. Mabe closed the public hearing.

On a motion by Mr. Carter, seconded by Mr. Fox, and by the following vote, the Board of Supervisors approved the updated Code Sections, increased information and updated policies as related to new technology and re-ordained Chapter 150 of the Warren County Code:

Fox, Aye; Cullers, Aye; Mabe, Aye; Oates, Aye; Carter, Aye

AN ORDINANCE TO AMEND AND RE-ORDAIN CHAPTER 150 OF THE WARREN COUNTY CODE

BE IT ORDAINED BY THE WARREN COUNTY BOARD OF SUPERVISORS that Chapter 150 of the Warren County Code (Soil Erosion and Sedimentation Control) be added, amended, and re-ordained as follows:

Chapter 150. Soil Erosion and Sedimentation Control

§ 150-1 Definitions.

The following terms and definitions~~,~~ when used in this chapter~~,~~ shall have the following meanings **unless the context clearly indicates otherwise. In addition, some terms not defined herein are defined in § 62.1-44.15:51 of the Erosion and Sediment Control Law.**~~:~~

ACT

The Erosion and Sediment Control Law, Article ~~4~~ **2** (§ ~~10.1-560~~ **62.1-44.15:51** et seq.) of Chapter ~~5~~ **3.1** of Title ~~10~~**62**.1 of the Code of Virginia and any subsequent amendments to the law enacted after the effective date of this chapter.

…

BOARD

The ~~Virginia Soil and Water Conservation~~ **See State** Board.

…

CLEARING

Any activity which removes the vegetative ground cover, including but not limited to the removal of root material and/or the removal of top soil.

COMMON PLAN OF DEVELOPMENT

The contiguous area of a proposed residential, commercial, or industrial subdivision where the timing of the development of any one or multiple lots or parcels may result in separate and distinct construction activities taking place at different times on different schedules.

…

~~CONSERVATION~~ CONTROL MEASURES

Those standards and specifications contained in the current edition of the Virginia Erosion and Sediment Control Handbook.

~~CONSERVATION DISTRICT (ALSO DISTRICT)~~

~~The Lord Fairfax Soil and Water Conservation District or its successors.~~

~~CONSERVATION DISTRICT OFFICIAL~~

~~The Board of Directors of the Lord Fairfax Soil and Water Conservation District, members of its staff and its successors.~~

~~CONSERVATION PLAN~~

~~An Erosion and Sediment Control Plan.~~

~~CONSERVATION STANDARDS~~

~~The current edition of the Standards and Specifications adopted by the Virginia Soil and Water Conservation Board as contained in the most current edition of the Virginia Erosion and Sediment Control Handbook.~~

…

DEPARTMENT

The Department of ~~Conservation and Recreation.~~**Environmental Quality.**

DEVELOPMENT

A tract or parcel of land developed or to be developed as a single unit under single ownership or unified control which is to be used for any business or industrial purposes or is to contain three or more residential dwelling units. **Means land disturbance and the resulting landform associated with the construction of residential, commercial, industrial, institutional, recreation, transportation or utility facilities or structures or the clearing of land for non-agricultural or non-silvicultural purposes.**

…

DIRECTOR

The Director of the Department of ~~Conservation and Recreation.~~**Environmental Quality.**

~~DISTRICT (THE LORD FAIRFAX SOIL AND WATER CONSERVATION DISTRICT)~~

~~A political subdivision of the commonwealth organized in accordance with the provisions of Article 3 (§ 10.1-506 et seq.) of Chapter 5 of Title 10.1 of the Code of Virginia.~~

~~DISTRICT COMMITTEE~~

~~The Lord Fairfax Soil and Water Conservation District, Erosion and Sediment Control Plan Review Committee.~~

…

FLOODING

A volume of water that is too great to be confined within the banks or walls of the stream, water body or conveyance system and that overflows onto adjacent lands, causing or threatening damage.

FLOODPLAIN

The area adjacent to a channel, river, stream, or other water body that is susceptible to being inundated by water normally associated with the 100-year flood or storm event. This includes, but is not limited to, the floodplain designated by the Federal Emergency Management Agency.

FLOOD-PRONE AREA

The component of a natural or restored stormwater conveyance system that is outside the main channel. Flood-prone areas may include, but are not limited to, the floodplain, the floodway, the flood fringe, wetlands, riparian buffers, or other areas adjacent to the main channel.

…

HANDBOOK (ALSO E & S HANDBOOK)

The current edition of the Virginia Erosion and Sediment Control Handbook with such amendments, modifications and supplements as may be adopted by the Virginia Department of ~~Conservation and Recreation's Division of Soil and Water Conservation.~~**Environmental Quality.**

…

LAND-DISTURBING ACTIVITY

…

D. Septic tank lines or drainage fields unless included in an overall plan for land-disturbing activity relating to construction of the building to be served by the septic tank system.

E. ~~S~~**Permitted s**urface or deep mining.

F. ~~E~~**Permitted e**xploration or drilling for oil and gas, including the well site, roads, feeder lines and off-site disposal areas.

…

PEAK DISCHARGE

The maximum discharge ~~instantanious~~**instantaneous** flow from a given storm event at a specific location.

…

PERSON

Any individual, partnership, firm, joint venture, public or private corporation, trust, estate, commission, board, public or private institution, utility, cooperative, County, city, town or other political subdivision of the commonwealth, any interstate body or any other legal entity.

PLAN

An Erosion and Sediment Control Plan.

PLAN APPROVING AUTHORITY

The County of Warren. ~~The Lord Fairfax Soil and Water Conservation District Plan Review Committee may serve as plan review consultant to the County for all erosion and sediment control plans for projects involving one acre and greater disturbed area.~~

…

PROGRAM ADMINISTRATOR

The Building Official for the County of Warren, **who shall be properly** certified**.** ~~by the Virginia Soil and Water Conservation Board in accordance with the Virginia Erosion and Sediment Control Certification Regulations as a "Program Administrator."~~

…

REGIONAL PLAN

A document containing material describing how runoff from predevelopment land, subdivisions and future planned development areas within a watershed will be controlled by coordinated design and implementation of regional stormwater management facilities.

REGULATIONS

The Virginia Erosion and Sediment Control Regulations 9VAC25-840-10, et seq, as amended.

RESPONSIBLE LAND DISTURBER (RLD)

An individual from the project or development team, who will be in charge and responsible for carrying out a land disturbing activity covered by an agreement in lieu of a plan, when applicable, or an approved erosion and sediment control plan , who (i) holds a certificate of competence as a responsible land disturber, or (ii) holds a current certificate of competence from the board in the area of inspection, or (iii) holds a current contractor certificate of competence for erosion and sediment control, or (iv) is licensed in Virginia as a professional engineer, architect, certified landscape architect or land surveyor pursuant to Section 54.1-400 et seq. of Chapter 4 of Title 54.1 of the Code of Virginia.

…

SINGLE-FAMILY DWELLING

A noncommercial detached structure when occupied as a dwelling unit exclusively by one family in accordance with the County Zoning Ordinance ~~[1]~~**Ch. 180 and/**~~-~~or the Virginia Uniform Statewide Building Code.

…

SPECIFICATIONS

The written procedures, requirements or plans to control erosion and sedimentation as officially adopted by the Department of ~~Conservation and Recreation's Division of Soil and Water Conservation.~~**Environmental Quality.**

…

STABILIZED

An area that has been treated to withstand normal exposure to natural forces of atmospheric conditions without incurring erosion damage.

STANDARDS

The current edition of the Standards and Specifications adopted by the Virginia Soil and Water Conservation Board as contained in the most current edition of the Virginia Erosion and Sediment Control Handbook.

STATE BOARD (OR BOARD)

State Water Control Board.

STATE EROSION AND SEDIMENT CONTROL PROGRAM

~~The program administered by the Department of Conservation and Recreation's Division of Soil and Water Conservation Board, pursuant to Title 10.1, Chapter 5, Article 4 of the Code of Virginia and any subsequent amendments to such article, including regulations designed to minimize erosion and sedimentation.~~ **Environmental Quality, pursuant to Title 62.1, of the Code of Virginia and any subsequent amendments to such article, including regulations designed to minimize erosion and sedimentation.**

STATE PERMIT

An approval to conduct a land-disturbing activity issued by the State Board in the form of a state stormwater individual permit or coverage issued under a state general permit or an approval issued by the State Board for stormwater discharges from an MS4. Under these state permits, the Commonwealth imposes and enforces requirements pursuant to the federal Clean Water Act and regulations, the Virginia Stormwater Management Act and the Regulations.

STATE PROJECTS

The construction of any facility or expansion of an existing facility which is hereafter undertaken by any state agency, board, commission, authority or any branch of state government, including state-supported institutions of higher learning, including any land-disturbance activity in connection therewith.

STATE WATER CONTROL LAW

Chapter 3.1 (§62.1-44.2 et seq.) of Title 62.1 of the Code of Virginia.

STATE WATERS

All waters on the surface and under the ground wholly or partially within or bordering the commonwealth or within its jurisdiction~~.~~**, including wetlands.**

STORM FREQUENCY

TWO-YEAR-FREQUENCY STORM

A storm event that is capable of producing rainfall expected to be equaled or exceeded on the average of once in two years. It may also be expressed as an exceedance probability with a fifty-percent chance of being equaled or exceeded in any given year.

TEN-YEAR FREQUENCY STORM

A storm event that is capable of producing rainfall expected to be equaled or exceeded on the average of once in 10 years. It may also be expressed as an exceedance of probability with a ten-percent chance of being equaled or exceeded in any given year.

TWENTY-FIVE-YEAR FREQUENCY STORM

A storm event that is capable of producing rainfall expected to be equaled or exceeded on the average of once in 25 years. It may also be expressed as an exceedance of probability with a four-percent chance of being equaled or exceeded in any given year.

…

~~TEN-YEAR FREQUENCY STORM~~

~~A storm event that is capable of producing rainfall expected to be equaled or exceeded on the average of once in 10 years. It may also be expressed as an exceedence of probability with a ten-percent chance of being equaled or exceeded in any given year.~~

…

~~TWENTY-FIVE-YEAR-FREQUENCY STORM~~

~~A storm event that is capable of producing rainfall expected to be equaled or exceeded on the average of once in 25 years. It may also be expressed as an exceedence probability with a four-percent chance of being equaled or exceeded in any given year.~~

~~TWO-YEAR-FREQUENCY STORM~~

~~A storm event that is capable of producing rainfall expected to be equaled or exceeded on the average of once in two years. It may also be expressed as an exceedence probability with a fifty-percent chance of being equaled or exceeded in any given year.~~

…

§ 150-2 Purpose.

The Warren County Board of Supervisors has determined that the land and waters comprising the watersheds of the County of Warren**, including the Town of Front Royal which lies within the county,** are a great natural resource; that, as a result of erosion of lands and sediment deposits in waters within the watershed, said waters are being polluted and despoiled to such a degree that fish, aquatic life, recreation and other uses of lands and waters are adversely affected; that the rapid shift in land use from agriculture to nonagricultural uses has accelerated the process of soil erosion and sedimentation; and, further, that it is necessary to form the basis for the administration, implementation and enforcement of this chapter and the Virginia Erosion and Sediment Control Regulations as so provided under § ~~10.1-562~~ **62.1-44.15:54** of the Code of Virginia~~, in cooperation with the Virginia Department of Conservation and Recreation and the Lord Fairfax Soil and Water Conservation District~~ to conserve and protect the lands, waters and other natural resources of the commonwealth. The intent is to establish the framework for compliance with the Act while at the same time providing flexibility for innovative solutions to erosion and sediment control concerns.

…

§ 150-5 Plan and permit required.

It shall be unlawful for any person to engage in any regulated land-disturbing activity, as defined in §§ 150-1 and 150-4 of this chapter until he has submitted an erosion and sediment control plan to the County for the land-disturbing activity, the plan has been reviewed, approved and a land-disturbing permit has been issued by the County authorizing the land-disturbing activity to commence. No permits for grading, building or other activities involving a land-disturbing activity shall be issued by the County unless the applicant submits with his application an approved erosion and sediment control plan, certification that the plan will be followed and an approved security for performance. A land-disturbing permit application may be submitted with an erosion control plan being submitted for review and approval; however, no permit will be issued until the plan is approved and provided all other requirements for permit approval have been met.

…

C. Multijurisdictional. When a land-disturbing activity involves land under the jurisdiction of more than one local control program, the owner may ~~option to submit his plan to the Virginia Soil and Water Conservation Board for review and approval rather than submittal to each jurisdiction concerned.~~ **request that one jurisdiction review and administer the authority. Both jurisdictions must agree to this.**

…

§ 150-6 Minimum standards.

The minimum standards for the effective control of soil erosion, sedimentation deposition and nonagricultural runoff shall be those standards and specifications contained in the most current edition of the Virginia Erosion and Sediment Control Regulations (~~4VAC50-30-40~~**9VAC25-840**~~, adopted by the Virginia Soil and Water Conservation Board, located in the Appendix of this chapter~~.

§ 150-7 Erosion and sediment control plans; minimum requirements.

A. Plan submittal. Any landowner applying for a land-disturbing permit, when required by this chapter, shall submit with his application a minimum of ~~three~~ **two** complete sets **(or one digital and one complete set)** of an erosion and sediment control plan to the County. The plan shall be a two-part document comprised of a narrative description and detailed site plan drawings for the proposed land-disturbing activity. Each part shall contain the following information as a minimum requirement for approval:

…

B. Plan review approval. The Plan Approving Authority shall review all erosion and sediment control plans submitted to the County. The Plan Approving Authority shall grant ~~written~~ approval within 45 days of receipt of ~~the~~ **a complete** plan after the Plan Approving Authority has determined that the plan meets the requirements of this chapter and if the individual, person, firm or corporation responsible for carrying out the plan certifies that they will properly perform the conservation measures included in the plan. Any land-disturbing activity, authorized under an agreement in lieu of a plan, when determined by the Program Administrator to be an erosion impact area, may require an erosion and sediment control plan be submitted for approval by the County.

(1) Approved plan. All erosion and sediment control plans shall be approved and granted ~~written~~ approval within 45 days from receipt of ~~the~~ **a complete** plan if it is determined that the plan meets the requirements of the Board's regulations and this chapter and provided the person responsible for carrying out the plan certifies that he will properly perform the conservation measures included in the plan. A copy of approved plans stamped by the County must be maintained on the site at all times during construction for review by the County inspectors.

(2) Disapproved plan. When a plan is determined to be inadequate, the applicant shall be provided written notice of disapproval of a plan, stating the specific reasons for disapproval, within 45 days from receipt of ~~the~~ **a complete** plan. The notice shall specify the modifications, terms and conditions that will permit approval of the plan. If no action is taken within the time specified above, the plan shall be deemed approved and the person authorized to proceed with the proposed activity.

…

(5) Utilities and railroad. Electric and telephone utility companies and railroad companies are exempt from local jurisdiction ~~and shall file general erosion and sediment control specifications with the Board~~.

…

§ 150-10 Fees.

A. Permit fees. As so provided under ~~Title 10.1~~ **§ 62.1-44.15:54** of the Code of Virginia~~, § 10.1-562-I~~, there shall be a fee charged for each land-disturbing permit issued as compensation to the County for its services of administrative processing, plan review, inspections and permit renewals, according to the fees set by the Warren County Board of Supervisors, a copy of which is listed in the Appendix of this chapter, and including, in addition thereto, an additional fee as established by the plan review consultant (Lord Fairfax Soil and Water Conservation District Plan Review Committee, or other designated consultant) if the plans are forwarded to the plan review consultant. Such fees shall be payable to the Treasurer of Warren County, delivered to the permit issuing authority at the time application is made.

…

§ 150-12 Violation-correction notices, stop-work orders.

…

B. Stop-work order.

…

(5) Any person violating or failing, neglecting or refusing to obey an order issued by the Program Administrator may be compelled in a proceeding instituted in the circuit court of the jurisdiction wherein the violation was alleged to have occurred to obey same and to comply therewith by injunction, mandamus or other appropriate remedy. Upon completion and approval of corrective action or obtaining an approved plan or any required permits, the order shall immediately be lifted. Nothing in this section shall prevent the Administrator or the Administrator's designee from taking any other action as specified in this chapter or as provided under § ~~10.1-569~~ **62.1-44.15:64** of the Code of Virginia, or its successor statute.

§ 150-13 Appeals.

…

C. Final decisions of the Board either upon its own action or upon the review of the action of a district shall be subject to judicial review in accordance with the provisions of the Administrative Process Act (§ ~~9-6.14:1~~ **2.2-4000** et seq.~~ of the Code of Virginia, 1950 as amended~~).

§ 150-14 Violations and penalties; injunctions.

In accordance with Subsection ~~J~~ **K** of § ~~10.1-562 and § 10.0-569~~ **62.1-44.15:54,** ~~of the Code of Virginia, 1950 as amended or its successor statute,~~ any person who violates any regulation or order of the ~~Virginia Soil and Water Conservation~~ Board or the County, any condition of a permit issued by the County or any provision of this chapter shall, upon a finding of an appropriate general district court, be assessed a civil penalty in accordance with the schedule. The Program Administrator, Deputy to the Administrator or a certified inspector for the County may issue a summons for the collection of the civil penalty, and

the action may be prosecuted by the County. In any trial for a scheduled violation, it shall be the burden of the County to show the liability of the violator by a preponderance of the evidence. An admission or finding of liability shall not be a criminal conviction for any purposes. Any civil penalties assessed by a court shall be paid into the Treasury of Warren County; except, where the violator is the County, the court shall direct the penalty to be paid into the State Treasury.
…

§ 150-15 Certification requirements.

A. As so provided in the Code of Virginia, § ~~10.1-561.1~~**62.1-44.15:53**, Certification of Local Program Personnel:

(1) A ~~conservation~~ plan shall not be approved by the County and/or the district until it is reviewed by a certified plan reviewer.
…

B. In accordance with the Virginia Erosion and Sediment Control Certification Regulations ~~4VAC-50-50~~**9VAC25-850-50** and the most current amendments by the Virginia Soil and Water Conservation Board or its successor regulations:
…

THIS ORDINANCE SHALL BE EFFECTIVE UPON ADOPTION

Language proposed to be deleted is lined through.
Language proposed to be added is **underlined**.

Public Hearing – Ordinance to Establish the Shannon Woods Sanitary District – Mike Berry

Mike Berry, Public Works Director, reported the Warren County Board of Supervisors has received a petition signed by over 50% of the qualified voters requesting that a sanitary district be created for the Shannon Woods Subdivision located off Morgan Ford Road. The proposed district includes a total of 12 homes and 14 lots as depicted on the map provided to the Board.

If a sanitary district is established, the County will appoint an advisory board made up of residents of the district. The advisory board would submit a proposed budget and tax rate annually to the Board of Supervisors. The Board of Supervisors would review the request, hold a public hearing, and approve a budget and tax rate. The County would subsequently bill residents of the sanitary district as part of their semi-annual real estate tax bill. The County charges a rate of 5% + $350 in return for handling the collection of sanitary district taxes.

As proposed, the sanitary district operations would be managed by the County's Public Works Department. The Department currently maintains oversight of the Shenandoah Farms, Lake Front Royal, Osprey Lane, Linden Heights, and Wildcat Drive Sanitary Districts.

As part of the legal process to establish the district, the County is required to make a finding of fact of whether creation of the district is necessary, practical, fiscally responsible, and supported by at least 50% of those persons who own real estate property in the proposed district. As mentioned, the proposed sanitary district includes 14 lots but 13 property owners. In order to determine whether the petition is supported by the majority of property owners, County staff mailed the attached survey to determine if the landowner was in favor of the request. Out of the 13 property owners, a total of 9 responded that they were in favor of the proposed district and 3 against with 1 no responses. Based on the responses, we can say that a majority of the property owners (69%) support the request.

Mr. Carter asked if the subdivision currently has a Property Owners Association (POA), and Mr. Berry confirmed it does. This means the Board can appoint the POA as the Advisory Committee, as it has done so in the past.

Mr. Mabe asked if the POA is legitimate and has the proper paperwork, and Bryony Powell with the Shannon Woods POA confirmed the POA has its necessary paperwork and tax ID number. It is a small POA since there are only 14 lots on a 0.5 mile stretch of road.

Mrs. Cullers said she had received a letter of concern earlier in the day from a property owner in the subdivision who alleged that the POA has no tax ID and that the POA uses several different names, which causes confusion. Ms. Powell reiterated that the POA does in fact have a tax ID number and only uses one name – the Shannon Woods Property Owners Association. The author of the letter was one of the three responses against the creation of the Sanitary District and also has not paid POA dues in over four years.

Mr. Mabe stated the Board still needs resolution for the questions raised in the letter of concern.

Mr. Mabe opened the public hearing.

Gary Kushner, 1106 Fetchett Road, said although he does not live in this subdivision, nor anywhere near it, he opposes the creation of the sanitary district. It is inappropriate for the government to take over responsibility of maintaining private roads, and it should not be the duty of Warren County citizens to accept administration responsibility of this private subdivision. Why should County citizens assume the cost of road improvements in a private area?

Brian Blodgett, 704 Shannon Woods Drive, believes there may be some confusion regarding the maintenance of sanitary district roads. The County would not be paying for the maintenance and upkeep of Shannon Woods Drive; the residents of the subdivision pay for the maintenance themselves through annual dues. He also said the property owner who

sent the letter of concern had the chance to come and speak before the Board, but she is not here. The majority of the residents in the subdivision are in favor of creating the sanitary district, and he urged the Board to adopt the ordinance.

Bryony Powell, 568 Shannon Woods Drive, also noted the property owner who sent the letter of concern to Mrs. Cullers is not a resident of the subdivision, but rather the representative of a contracting company who owns vacant land in the subdivision.

On a motion by Mr. Carter, seconded by Mr. Fox, and by the following vote, the Board of Supervisors recessed this public hearing until its regular meeting on Wednesday, November 4, 2020:

Carter, Aye; Oates, Aye; Mabe, Aye; Cullers, Aye; Fox, Aye

Public Hearing – Conditional Use Permit 2020-08-02, Luis and Tamara Feliciano for a Short-Term Tourist Rental – Taryn Logan

Ms. Logan reported the applicants are requesting a conditional use permit for a Short-Term Tourist Rental. They would like to offer their home for tourists to enjoy the area, and they intend to hire a local management company to manage all aspects of operations for the short-term rental. The property is five (5) acres in size, has a duck/goose pond, and borders the Shenandoah River. The applicants purchased this home earlier this year and own property adjacent to the home.

The Planning Commission forwarded this application to the Board recommending approval with the following conditions:

1. The applicant shall comply with all Warren County Health Department regulations and requirements and the maximum number of occupants shall not exceed (8) as determined according to the Health Department conditional permit for a four (4) bedroom dwelling.
2. The applicant shall have the well water tested annually for e-coli and coliform bacteria and a copy of the results shall be submitted to the Planning and Health Departments by the end of each calendar year.

Mr. Carter asked if there were any speakers at the Planning Commission public hearing for this application, and Ms. Logan responded there were none.

Mrs. Oates wanted to know if there was a Property Owners Association (POA) or Homeowners Association (HOA) that would have been asked about this application, and Ms. Logan said there was no POA or HOA in this community.

Mr. Mabe opened the public hearing. There being no comments from the public, Mr. Mabe closed the public hearing.

On a motion by Mrs. Oates, seconded by Mrs. Cullers, and by the following vote, the Board of Supervisors approved the conditional use permit request of Luis and Tamara Feliciano for a short-term tourist rental with the conditions as recommended by the Planning Commission and listed below:

Fox, Aye; Cullers, Aye; Mabe, Aye; Oates, Aye; Carter, Aye

1. The applicant shall comply with all Warren County Health Department regulations and requirements and the maximum number of occupants shall not exceed (8) as determined according to the Health Department conditional permit for a four (4) bedroom dwelling.
2. The applicant shall have the well water tested annually for e-coli and coliform bacteria and a copy of the results shall be submitted to the Planning and Health Departments by the end of each calendar year.

Public Hearing – Modification Request for Conditional Use Permit 2016-10-03, Gregory and Mary S. Huson to Add Conditions Related to Indoor Classes/Seminars and Seasonal Agricultural Activities – Joe Petty

Joe Petty, Zoning Administrator, reported the applicants are requesting that the existing conditional use permit for a Rural Events Facility be modified to add seasonal agricultural programs and indoor classes/seminars, such as flower arranging and wreath making. The current zoning ordinance defines Rural Events Facility as, "*A facility located on rural residential zoned land of 20 acres or larger that has an ongoing viable agricultural use that provides a facility for any type of social gathering, available for use by various private groups for such activities as meetings, weddings, and/or receptions*."

Warren County Code Section §180-63 states that the Board of Supervisors may modify previously imposed conditions or permitted uses on conditional use permits. No material changes in permit conditions or uses shall be approved until a public hearing is held on the proposal. It is the opinion of Planning Department staff that the applicants' request is not of such a nature that it should be treated as a new application since it is the same type of use. While there will be an increase in small scale programs, it does not appear there will be a substantial impact on the health, safety, or general welfare of the public, which is why a public hearing is being held so the public and adjoining property owners are notified of the request.

The Planning Department reached out to the Building Inspections Department and the Warren County Health Department to receive comments on this modification request and just today received comments back. Due to the comments being received earlier today, the Planning Department is recommending the Board forward this request to the Planning Commission for further discussion.

Greg Huson, 62 Ashby Lane, applicant and owner of the property, said he did not think this modification request would be controversial. The comments received back from the Health Department included calculations based on an eight-hour class with 15 people and recommended hiring an expert to come out and do soil samples to expand the existing well and septic system to accommodate the additional people. He does not believe there is a need to expand the system if there is no one in the house at the time of the classes. He also believes the email with comments from the Building Inspections Department is more of a form letter than actual comments. He is upset with the Department's recommendation to refer it to the Planning Commission because he has done everything by the rules and does not appreciate the obstruction. He said he would prefer the Board to vote on this now.

Mrs. Oates asked about the comments from the Health Department, and Mr. Petty replied the calculations made were based on the statement of justification provided by the applicant. Referring the modification request to the Planning Commission will allow the applicants to work with the Health Department and Building Inspections Department to make sure the requirements and regulations are met.

Mr. Mabe asked who will be the advocates for the applicants, and Mr. Petty said the Planning Department believes it is a viable use and is in support of the modification request. However, when classes are being conducted and an additional 15 people are being let into a residential home, it becomes life safety component that the Building Inspections Department must take into account.

Mrs. Cullers asked the applicant what sort of rural events they host currently, and Mr. Huson responded they host weddings and other private events. She followed up with a question on restroom facilities during these events, and Mr. Huson said they rent porta-potties for the events.

Ms. Logan noted the only reason this modification request is before the Board is because the property is zoned Rural Residential and not Agricultural.

Mr. Mabe opened the public hearing.

Todd Lewis, 358 Ashby Lane, said the Huson farm backs up to his property and complimented the Husons on the work they have done to improve the property, which is incredible. He also wants to see the Board vote on this request tonight.

There being no further comments from the public, Mr. Mabe closed the public hearing.

On a motion by Mr. Carter, seconded by Mr. Fox, and by the following vote, the Board of Supervisors tabled this item for further consideration until its regular meeting on Wednesday, November 4, 2020:

Carter, Aye; Oates, Aye; Mabe, Aye; Cullers, Aye; Fox, Aye

Public Hearing – Modification Request for Conditional Use Permit 2017-07-02, Warren County Fair Association/Frank Brugh to Add One (1) Parcel and Modify One (1) Existing Condition – Joe Petty

Mr. Petty reported Frank Brugh was issued a conditional use permit on September 19, 2017 for a Contractor's Storage Yard. The property is located at 274 Fairground Road in the North River District, zoned Industrial (I), and identified on Tax Map 5, as lot 11A. The Warren County Fair Association is currently leasing the property from the owner, Frank Brugh, and they are proposing to sublease the property to use for the storage of new motor vehicles. They are requesting this modification to add the adjoining property (lot 11) to this permit. Lot 11 is owned by Mr. Brugh and is 4.16 acres in size. The applicant is also requesting to modify the existing conditions on the permit regarding screening. The zoning ordinance does not specifically define a contractor's storage yard, but the Planning Department has determined that the proposed use of parking vehicles for a commercial business would meet the intent of the existing CUP. The vehicles to be parked on the property shall be operable and under the ownership of a single business entity; it is not to be used for the storage/lease for individual's personal property.

It is the opinion of Planning Department staff that the applicants' request is not of such a nature that it should be treated as a new application since it is the same type of use. It does not appear there will be a substantial impact on the health, safety, or general welfare of the public, which is why a public hearing is being held so the public and adjoining property owners are notified of the request.

Mr. Carter asked who will be parking there, and Mr. Petty said a local vehicle dealership who needs additional storage for surplus new vehicles would be using the lot.

Mr. Mabe opened the public hearing. There being no comments from the public, Mr. Mabe closed the public hearing.

On a motion by Mr. Carter, seconded by Mr. Fox, and by the following vote, the Board of Supervisors approved the modification to conditional use permit #2017-07-02 Frank Brugh – Contractor's Storage Yard, to add tax map #5, lot 11 and to modify the existing conditions on the permit as listed below:

Fox, Aye; Cullers, Aye; Mabe, Aye; Oates, Aye; Carter, Aye

1. The applicant shall comply with all Virginia Department of Transportation, Warren County Building Inspections, Town of Front Royal and applicable environmental regulations and requirements.
2. The applicant shall submit a formal site plan to the County before the building or land disturbing permit is issued showing improvements in compliance with the Warren County Zoning Ordinance.
3. The storage yard shall be totally screened from view with a full screen, pursuant to Warren County Code Section 180-18. This full screen shall include a ~~minimum eight~~

~~(8) feet high~~ privacy fence ~~and~~ **or** landscaping as required by Section 180-18 and as approved by the Warren County Planning Department. The fence will need to be installed and maintained in good condition.

4. No inoperable vehicles/equipment shall be located on the site.
5. All light fixtures shall be full cut-off fixtures and comply with the Zoning Ordinance requirements.

Public Hearing – Z2020-08-01, Frank Barnett, Jr., for an Ordinance to Amend and Re-Ordain Section 180-28 (Industrial Zoning District) to add "Commercial Repair Garage" to the List of Uses Permitted By-Right in the Industrial Zoning District – Joe Petty

Mr. Petty reported the Planning Department frequently meets with citizens looking to start their own commercial garage repair service, which may potentially grow into a larger operation. This addition will allow for by-right use within the Industrial Zoning District that provides appropriate screening and operations that do not adversely affect nearby properties. The existing supplemental regulations are included, and the Department feels this is an appropriate addition to the Industrial Zoning District. The Planning Commission forwarded this ordinance amendment to the Board recommending approval.

Mr. Mabe opened the public hearing.

Bill Barnett, 1115 Buck Mountain Road, applicant, said that Warren County is pretty much the only locality in this part of Virginia that does not allow automotive repair to be done in an Industrial Zoning District. It is currently only allowed in the Commercial Zoning District or by conditional use permit in the Agricultural Zoning District. He encouraged the Board to adopt this ordinance.

There being no further comments from the public, Mr. Mabe closed the public hearing.

On a motion by Mr. Carter, seconded by Mrs. Oates, and by the following vote, the Board of Supervisors, finding that the proposed zoning ordinance amendment is appropriate for the public necessity, convenience, and general welfare and good zoning practice, approved the proposed amendments to Section 180-28 of the Warren County Code:

Carter, Aye; Oates, Aye; Mabe, Aye; Cullers, Aye; Fox, Aye

AN ORDINANCE TO AMEND AND RE-ORDAIN SECTION 180-28 OF THE WARREN COUNTY CODE TO PERMIT THE USE OF A COMMERCIAL REPAIR GARAGE BY-RIGHT WITHIN THE INDUSTRIAL (I) ZONING DISTRICT

BE IT ORDAINED BY THE WARREN COUNTY BOARD OF SUPERVISORS that Section 180-28(B) of the Warren County Code (Zoning) be added, and re-ordained as follows:

Chapter 180. Zoning

Article IV. District Regulations

§180-28. Industrial (I) District.

A) Statement of intent. This district is for a variety of industrial uses which, with appropriate screening and without the emission of noise, dust, smoke, odor, toxic gases or hazardous substances, can be conducted in such a manner as to not adversely affect nearby properties.

B) Uses permitted by right. Subject to the requirements and limitations of these regulations, any of the following uses is permitted as a matter of right on each lot:

1) Building supply sales.

…

20) Landscaping and horticultural services.
[Added 11-19-2019]

21) Commercial (repair) garage.
[Added 10-20-2020]

THIS ORDINANCE SHALL BE EFFECTIVE UPON ADOPTION

Language proposed to be deleted is lined through.
Language proposed to be added is **underlined**.

Report – COVID-19 (Coronavirus) Expenditures for Warren County – Taryn Logan

Taryn Logan, Planning Director, reported the Planning Department has been tasked with the collection and submittal of the County's COVID-19 related expenditures for federal reimbursement. The President declared a National Emergency on March 13, 2020. This authorized for the reimbursement of Category B (emergency protective measures) under the Federal Emergency Management Agency's (FEMA's) Public Assistance grant program and permits the Commonwealth to request direct federal assistance to fill a specific gap or need related to COVID-19 at a 75% federal cost share.

Each Department has been tracking their expenses and providing information to the Department to coordinate and submit to the Virginia Department of Emergency Management (VDEM). The submittal periods are quarterly. Most of the expenses did not

start occurring until late February, and Departments are still gathering their related documentation (which must include receipts, credit card statements, check copies, timesheets, pay rates, contracts, etc.). The estimated total through the beginning of October is $458,479.26 spent towards the COVID-19 pandemic.

Reports – Board Members, Interim County Administrator, Interim County Attorney

Mr. Carter reported the following:

- Reminded everyone to get out and vote on November 3rd

Mrs. Oates reported the following:

- Attended the Economic Development Authority's Strategic Planning Retreat on Friday, October 9th and Saturday, October 10th where a lot of good information exchanged; the participants spoke about the future of the community and working cooperatively. It was a very positive event, and the Board is planning to have one of its own in November
- Attended the formation of community interest group to look into potential opportunities to resource the community against the drug addiction and overdoses; this community has so many hurting people, and this Board needs to build up instead of tear down and stop contentious exchanges

Mr. Mabe reported the following:

- Also attended the community interest group meeting regarding drug addiction and overdoses

Mrs. Cullers reported the following:

- Looking for applicants to be part of the Warren County Broadband Committee
- Reminded everyone to get out and vote on November 3rd
- Encouraged citizens to trick-or-treat as safely as they can and to also try to have as much fun as they can

Mr. Fox reported the following:

- Attended an Airport Commission meeting where a citizen concern was raised about noise from low-flying aircraft; he recommended holding a work session if the noise continues to see what they can do to limit the noise at certain hours

Dr. Daley reported the following:

- Warren County School Board will be meeting with a consultant at Diversified Minds on October 21st at 5:00 PM to speak about health insurance, and Board members are welcome to attend
- Rappahannock County has looked at proposed agreement regarding funding for Chester Gap Volunteer Fire Department and will forward to Mr. Ham to review; the agreement will be on the November 4th agenda for consideration
- Major Driskill with the Warren County Sheriff's Office has drafted a permit process for the use of County resources for future events like the recent march over the South Fork Bridge
- The Board has tentatively scheduled a Strategic Planning Advance on Friday, November 13th and Saturday, November 14th to include administration in the County as well as representatives from key boards and commissions
- Coronavirus Update – County staff continue to monitor the situation and take the necessary precautions. The County is still under the Governor's "Phase Three" of Virginia's "Path Forward".

  The Town and County have been fortunate, relative to the number of COVID-19 cases, however, the County is now experiencing COVID-19 outbreaks in three congregate living facilities. As such, everyone must remain vigilant and continue to implement social distancing measures that allow County staff to safely interact with their extended family, friends and the public. All County offices and most services are open and remain available to the public.

  Last week, the Warren County CARES Act Committee began accepting a "second round" of applications for the local distribution of Coronavirus Relief Funds, and will continue the distribution through early next week. This will benefit the County's small businesses, County and Town non-profits, and provide County and Town individual utility grants to enable the continuation of essential services. It will also provide payroll and hazard duty expenses for public safety employees to enable them to continue to respond to the COVID-19 public health emergency, and State Supreme Court mandated upgrades to the Courthouse before resuming jury trials. Additionally, the County has received the majority of documentation required from the Town regarding the first round CARES Act fund distribution to Town small businesses. Staff is in the process of receiving the final documentation, and expect to complete reimbursement to the Town by Thanksgiving for "Round 1" receipts received. Staff also expects to begin receiving "Round 2" documentation required from the Town this week. It is the goal to complete reimbursement to the Town by Christmas, for "Round 2" receipts received.

  Finally, staff expects to make the next mandatory quarterly report of related expenditures to the Commonwealth's Department of Accounts in early January 2021.

- Coronavirus Vulnerable Revenue – For the month of September, the County's share of local sales tax revenue was $434,440.75. This amount is up $114,467.34 (36%) over the $319,973.41 collected in September 2019. The increase for the first quarter of the budget year is $321,362.50 (32%). The year to date total for Business Licenses is $906,871.68 - $60,057.13 (7.1%) more than last year's $846,814.55.

- Coronavirus Employee Recognition – Warren County has been highlighting employees/teams who have gone above and beyond the call of duty to help during the COVID-19 pandemic, who are helping to make sure that the County is prepared to meet the challenges presented by the Coronavirus, and who are ensuring that essential services are being provided to citizens. This week, the County would like to highlight the work of the Chamber of Commerce and the Warren County CARES Act Committee.

  Over the last two months, committee members have reviewed and processed approximately 200 applications and approved over $2 million in CARES Act funding for local business, non-profits, and individuals needing utility assistance.

  Ray Bramble, Jeff Browne, Tony Carter, Cheryl Cullers, Niki Foster, Jon Martz, Jackie McGinnis, Herb Melrath, Rebecca Moore, Mike Noble, Beth Reavis, Allison Ross, Jamie Spiker, Sherry Sours, and Jim Wolfe have put in many volunteer hours to make this happen for the community. Thank you to the Chamber of Commerce and the Warren County CARES Act Committee!

- Tourism Committee – The Town Council and Board of Supervisors voted in June to outsource tourism services moving forward. A Request for Proposals for a Destination Marketing Organization for Tourism Services for the Town and County was issued in August. Requests have been received and ranked by an Evaluation Committee. The Committee interviewed one firm on Friday, October 9th, and interviewed two additional firms on Friday, October 16th.

- Wayfinding Signage – The Design Phase has been completed by Frazier Associates. The final plan has been sent to VDOT addressing their remaining comments. The construction intent documents have been completed for the bidding process.

- Development Review Committee – The Development Review Committee met on September 23, 2020. The Committee discussed County projects including:

  - A proposed Rural Events Facility on Lee Burke Road. A public hearing will be held by the Planning Commission in October.
  - Several pending short-term rental conditional use permits.
  - A proposed Chapel on Strasburg Road. This will go to the Planning Commission at its October meeting.
  - The Equus warehouse facility site plan is still under review with DEQ.

  The Committee also discussed Town projects including:

  - The Thermal Shelter at the Health and Human Services building is scheduled to open on November 1st.
  - A request for 60 apartments on East Main Street.

- A proposed Gas Station/Convenience Store at the former site of Joe's Steakhouse.
- A proposed Comprehensive Plan amendment on the Happy Creek area property that was annexed into the Town from the County.

The Committee will meet again on September 23, 2020.

- Building Inspections – In review of the new construction for 2020, there were a total of 133 new home starts through September 30th. Of that number, 30 were located in Town limits and the remaining 103 outside of Town limits. As a comparison, in 2019 there were a total of 150 new home starts for the year and 115 through September 30th. Based on recent permits the projected annual total is now up to 175 new starts, it represents an annual growth rate in housing stock of 0.90%. As projected, 2020 would now remain the same as last year and would stop the decline shown in the previous two years.

  The growth rate is well below the 2-3% maximum outlined in the Warren County Comprehensive Plan, but is level at 0.90% average experienced since January 1, 2009.

  In September the permits are trending higher with an increase in September from 202 to 261 (29.2%) and the total number of inspections are up from 1,029 to 1,209 (17.5%).

- Park System Drone Film Project – The Warren County Parks and Recreation staff previously discussed having a drone film company take an aerial view of the County's park system this past spring for the purpose of notifying the Warren County community residents and visitors of what the park system offers. The video would also be used as a promotional tool for the Department's park system. Parks and Recreation Administration staff prepared cost options quote/cost comparisons for the Warren County Parks and Recreation Department Park System Drone Film Project Scope of Work in order to contact area drone project companies for an aerial view of the park system. Staff prepared a Solicitation of Quotations Form and Purchase Order, and Charles King of C. King Photography was informed that he was awarded the County of Warren Parks and Recreation Department Park System Drone Film Project. Mr. King completed filming of the aerial view of the park system with his drone on October 14th with the assistance of Brad Kresge, Park Supervisor. The Department plans on showing the video at the Board of Supervisors work session scheduled for November 4th.

- Department of Fire and Rescue Services – Since the Board approved the acceptance of the SAFER Grant Award from FEMA, the Department has been rapidly moving forward with the hiring process. On October 15th, written tests and physical agility evaluations were conducted on fifteen potential employees, and on October 16th, the Department conducted employee interviews as well as interviews with the Fire Chief. Consults between Fire Chief and those on interview panel were necessary in order to be ready for the conditional offers of employment, which were sent out on Monday, October 19th. Staff then moved forward on October 20th with sizing for uniforms and PPE of new employees, finger printing, criminal history and driving

records done. On November 1st, the Department will start its Recruit School for these new hires. (Reporting date for new hires to Department assignments is tentative at November 23rd)

During this time, the Department will also close out the application period for the Fire Captain promotional process (fill three vacancies) and Lieutenant promotional process (fill three vacancies).

Staff is working on annual Ladder Truck testing, pump tests on engines, ground ladder testing, hose testing on all apparatus in Department. Additionally, SCBAs have been ordered, delivered and were inventoried and marked. After marking, the SCBAs were exchanged with all stations/apparatus. All Department firefighters fit tested for new masks.

- Rivermont Fire Station – The project is nearing completion. An open house is tentatively scheduled for Saturday, November 14th. Activities may also be scheduled at the airport.
- Commercial/Industrial Projects – Work continues on the following projects:
    - The new Warren Memorial Hospital is starting to coordinate with the Building Inspections Department for a schedule to start phased final inspections as well as a phased opening schedule.
    - Chipotle continues to move forward on a steady pace. The Five Guys restaurant has begun work and requesting inspections from the Building Inspections Department.
    - Equus Warehouse facility – They continue to work with DEQ and the County and are moving forward.

Approval of Minutes

On a motion by Mr. Carter, seconded by Mrs. Oates, and by the following vote, the Board of Supervisors approved the minutes of its special meeting of October 1, 2020 and its regular meeting of October 6, 2020:

Fox, Aye; Cullers, Aye; Mabe, Aye; Oates, Aye; Carter, Aye

Appropriations and Transfers

On a motion by Mr. Carter, seconded by Mr. Fox, and by the following vote, the Board of Supervisors approved the additional appropriations and transfers as presented and shown below for October 2020:

Carter, Aye; Oates, Aye; Mabe, Aye; Cullers, Aye; Fox, Aye

APPROPRIATIONS

	31900-3005	Skyline Crim Justice - Contractual Services	1,800.00
	31900-5410	Skyline Crim Justice - Uniforms & Wearing Apparel	5,693.00
	71010-5203	Parks & Rec. Administration - Telephone	39.45
	91000-5899	Non-Departmental - Reserve For Contingencies	864,631.00
	92000-7011	Capital Outlay - Central Telephone System	25,607.12
	92000-7112	Capital Outlay - Health & Human Services Complex	125.00
	92000-7115	Capital Outlay - Thompson Kiss-and-Ride	3,000.00

TRANSFERS

FROM:	35001-1001	CRF First Responder Compensation	(100,000.00)
TO:	85001-5604	Chamber Support/Small Business Grants	100,000.00
FROM:	55001-5604	CRF Utility Fee Grants	(13,593.00)
TO:	35001-1001	CRF First Responder Compensation	13,593.00
FROM:	55002-5604	CRF 2 - Utility Fee Grants	(200,000.00)
	55001-5604	CRF Utility Fee Grants	(20,000.00)
	55001-5604	CRF Utility Fee Grants	(93,020.00)
	55002-5604	CRF 2 - Utility Fee Grants	(260.00)
TO:	35002-1001	CRF 2 - First Responder Compensation	200,000.00
	25002-5604	CRF 2 - Jury Trial Upgrades	20,000.00
	35002-1001	CRF 2 - First Responder Compensation	93,020.00
	55001-5604	CRF Utility Fee Grants	260.00
FROM:	85002-5604	CRF 2 - Chamber Support/Small Business Grants	(1,201,558.00)
	85002-5604	CRF 2 - Chamber Support/Small Business Grants	(112,760.00)
TO:	35002-1001	CRF 2 - First Responder Compensation	120,000.00
	85002-5604	CRF 2 - Chamber Support/Small Business Grants	50,000.00
	35002-1001	CRF 2 - First Responder Compensation	1,031,558.00
	85001-5604	Chamber Support/Small Business Grants	112,760.00

Approval of Accounts

On a motion by Mr. Carter, seconded by Mrs. Cullers, and by the following vote, the Board of Supervisors approved the list of October 2020 accounts as presented:

Fox, Aye; Cullers, Aye; Mabe, Aye; Oates, Aye; Carter, Aye

Check Numbers 293252 to 293547 Total: $1,760,292.38

Consent Agenda

1. Refund Request for Phi Air Medical – Sherry Sours
2. Request – Proposed FY 2021-2022 Budget Agenda and Departmental Request Forms – Ed Daley
3. Use of Courthouse Grounds for the Veterans Day Presentation, American Legion Post 53 – Jennifer Campbell/Emily Ciarrocchi
4. Removed for further discussion
5. Contract Renewal with B&B Excavating, LLC Snow Removal – Caitlin Jordan
6. Contract Renewal with H B Henry Construction, LLC for Snow Removal – Caitlin Jordan
7. Coyote Bounty – David Jenkins, III (1) – $50.00 Each – Animal Control

Mrs. Cullers requested the removal of item 4 for further discussion.

On a motion by Mrs. Oates, seconded by Mr. Carter, and by the following vote, the Board of Supervisors approved the Consent Agenda as presented with the removal of item 4 for further discussion:

Carter, Aye; Oates, Aye; Mabe, Aye; Cullers, Aye; Fox, Aye

Request – Closure of Warren County Circuit Court Clerk's Office on December 31, 2020 – Angie Moore

Mrs. Cullers said she pulled this item off the Consent Agenda because she believes it is important to consider the rest of the County employees for this additional holiday, especially this year.

Mrs. Cullers made a motion to approve the request of the Clerk of Circuit Court to close Warren County Circuit Court on December 31st (New Year's Eve) for any year the Supreme Court of Virginia declares this day a holiday, but the Governor of Virginia does not and to further declare December 31st (New Year's Eve) a holiday for all Warren County government offices as well, which was seconded by Mrs. Oates for further discussion.

Mrs. Cullers amended her previous motion to approve the closing of Warren County government facilities on December 31, 2020 (New Year's Eve) with consideration for future December 31st closures in subsequent years, which was seconded by Mr. Fox and approved by the following vote:

Fox, Aye; Cullers, Aye; Mabe, Aye; Oates, Aye; Carter, Aye

Adjournment

Mr. Mabe adjourned the meeting at 9:35 PM.

At a regular meeting of the Board of Supervisors of Warren County held in the Warren County Government Center on November 4, 2020 at 9:00 AM.

Present: Walter J. Mabe, Chairman (Shenandoah District); Cheryl L. Cullers, Vice Chair (South River District); Tony F. Carter (Happy Creek District); Archie A. Fox (Fork District); and Delores R. Oates (North River District); also present Edwin C. Daley, Interim County Administrator; Jason J. Ham, Interim County Attorney; Mark Butler, Sheriff; Rick Farrall, Emergency Coordinator; Caitlin Jordan, Assistant County Attorney; Gerry Maiatico, Fire Marshal; Jon Martz, Social Services Director; Keith McLiverty, Incoming Finance Director; Jodi Saffelle, Human Resources Manager; Emily Ciarrocchi, Deputy Clerk of the Board; and Roger Bianchini and Mark Williams, Royal Examiner

Call to Order and Pledge of Allegiance of the United States of America

Adoption of Agenda – Additions or Deletions

On a motion by Mrs. Oates, seconded by Mr. Fox, and by the following vote, the Board of Supervisors adopted the agenda as proposed with the following amendments:

1) Added a report from Dr. Chris Ballenger with Warren County Public Schools;
2) Reordered the agenda to place all reports before the Public Comment Period, including Warren County Public Schools, the Virginia Department of Transportation, the Department of Social Services, and the Virginia Cooperative Extension Office;
3) Reordered the agenda to place the Unfinished Business item before the Public Comment Period;
4) Removed item K-6 from the agenda;
5) Added an item to the Consent Agenda as K-13 for the authorization to advertise for a public hearing an ordinance to add and ordain Section 30-6 of the Warren County Code to add a one-time Bonus for Compensation Board-Funded Sheriff and Sheriff's Deputies in FY 2020-2021; and
6) Amended the motion for item O to "an additional $500,000, for a total maximum appropriation of $1,000,000".

Carter, Aye; Oates, Aye; Mabe, Aye; Cullers, Aye; Fox, Aye

Report – Warren County Public Schools (WCPS) – Chris Ballenger

Dr. Chris Ballenger, Superintendent of WCPS, reported WCPS is in its ninth week of school, and while they have had some cases, they have been attributed to activities out in the community and not in the school. Staff has done a good job with monitoring and tracing the cases, and he attributed good mitigation procedures in the schools for the limited

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exposure. As WCPS moves forward, teachers and staff are concentrating on educating the entire child – not just education but emotional and mental wellbeing as well.

Presentation – Reaching Out Now – Samantha Barber

Samantha Barber, Founder/President of Reaching Out Now (RON), provided an overview of her non-profit organization. Through leadership and empowerment, RON supports and encourages under-served school-aged girls (6th through 12th grade), and young women to live victoriously and not defeated; to reach their full potential. RON serves by implementing mentoring and support programs and challenges students to rise above life's circumstances to become their best selves. They will challenge those they serve to build a bridge that reaches success and make confident decisions that will set them on a path to a successful future.

Their passion is to make an impact and support students in the public-school community who are struggling with life challenges and who are under-served. RON works in partnership with principals, counselors, teachers and the community to implement their mission and vision. This partnership will allow the organization to directly support students who demonstrate the need for our resources and programs. RON plans to implement programs that will serve the students and schools throughout the school year. RON will work in tandem with schools to fill the educational gap by empowering the next generation of students in public schools.

Ms. Barber also provided an overview of the programs currently offered by Reaching Out Now:

LEADERSHIP

Girl of Destiny and LOTUS Boys Programs
Through leadership and empowerment, Girl of Destiny supports female students and young women by empowering them to reach for success and rise up to life's challenges. The LOTUS program strengthens and develops the foundational skills and knowledge necessary for the emotional growth, development and academic success of male students.

End of Year Leadership Dinner
At the end of each school year we will bring together the students, their families, and members of our community to celebrate their accomplishments.

SERVICE

Giving to Give Back Meals Program
This supplemental meals program will provide additional support to families who are currently eligible for the Backpack Meals Program through a partnership with

the Warren County Public school systems, Blue Ridge Technical Center's Head Chef and Culinary Arts Teacher, Devin Smith. These families will have the opportunity to receive dinners twice a week. Chef Devin will head and facilitate the weekly meal preparation and engage students enrolled in the Culinary Art II, C.T.E. program to assist in cooking the meals.

Holiday Cheer n' Giving Community Project
This Holiday event will serve as an annual community service project where students in the Leadership Programs will support their peers and their families who need extra support by collecting gifts in the form of monetary donations, sponsorship or gift cards. Donations received will be used to support families chosen by the schools.

EMPOWERMENT

Education and Family Outreach Program
This program will work with the public school system to develop new initiatives and empower students to recognize that their true potential extends beyond the classroom. We will strive to support teachers in and outside the classroom through initiatives that foster an ongoing positive learning environment. Events throughout the school year include: Career Day, Teacher Appreciation events, Empowerment Day & the Educational Roundtable. Each of these events will have a central focus of empowering our students through partnership with the schools and the community.

Report – Virginia Department of Transportation (VDOT) – Ed Carter

Ed Carter introduced Dean Shillingburg, the Area Headquarters Superintendent for Front Royal Area Headquarters, and Charlie Monroe, Maintenance Operations Manager (MOM) for Edinburg Residency. He then provided the following monthly VDOT report:

Maintenance:

- Completed 95% of the fall mowing on primary routes and will complete the remainder this month and begin mowing slopes with robotic slope mower
- Swept all the bridges on primary routes and high volume secondary routes
- Performed skin patching on Route 613 (Panhandle Road) at the low water bridge and started on Route 603 (Oregon Hollow Road); will continue skin patching on Route 603 (Oregon Hollow Road) this month
- State forces completed Rural Rustic on Cauthorn Mill Road and will be extending the northbound right turn lane on Route 340 at Route 605 (Poor House Road) this month
- Will be repairing slope failure on Route 340 South at Hillbilly Salvage Yard

- Conducted grading operations and stone applications on various non-hard surfaced routes and will continue this month

Projects:

- All budgeted Rural Rustics in the County have been completed; will meet with the Board in an upcoming work session to discuss Rural Rustic projects for 2021, and VDOT will need to be less aggressive with these projects in 2021 due to budget constraints and overspending on this year's projects
- Temporary pavement repairs have been made to the southbound left turn lane onto eastbound Interstate 66 on Route 522 under the bridge; VDOT is trying to schedule permanent milling and pavement repairs before winter

Mr. Carter noted the Residency was fortunate over the summer to avoid COVID-19 exposures but has not been so lucky this fall. They are taking additional measures to keep people safe, such as taking 3-4 vehicles out now instead of putting 3-4 individuals in one vehicle. They are also trying to keep the same teams together if possible instead of rotating. Most exposure cases have come from outside VDOT, and there have only been two positive cases with mild symptoms in the Edinburg Residency. There have, however, been several people in the Residency who have self-quarantined due to a family member testing positive.

Mrs. Cullers mentioned a citizen call of concern she had received regarding trees near power lines that the power company had not trimmed and asked if VDOT would be responsible for trimming those trees. Mr. Carter replied VDOT grants the power company permission to use the right-of-way for electric lines, but nowhere in the agreement does it say that the power company has to trim trees. VDOT does trim trees twice per year (spring and fall), and if a tree has grown into the power line or if a tree is in danger of falling and damaging a power line, it will be referred back to the contractor for trimming.

Report – Department of Social Services (DSS) – Jon Martz

Jon Martz, Director of Social Services, provided an overview of the Pandemic Electronic Benefit Transfer (P-EBT) program, which was put in place under the umbrella of SNAP (Supplemental Nutrition Assistance Program) through the CARES Act program put in place through the CARES Act. The P-EBT program supplements existing nutrition programs for low-income households during the COVID-19 pandemic. P-EBT benefits are calculated at the rate of $5.86 per day per child for each day schools will be operating under a 100% virtual or hybrid model. Participating schools will provide information for all eligible students directly to the Department, and households do not have to apply for P-EBT. The program has been extended due to the ongoing nature of the pandemic, and money is automatically put on the EBT card.

Additionally, there is a new free resource available in Virginia for people to text "FOOD" to 877-877 to receive a list of food resources in their area, and it is also available in Spanish by texting "COMIDA" to 877-877. The Department's utility program has gone through two rounds of CARES Act funding; there were 17 applications received in the first round (14 approved), and 33 applications received in the second round (32 approved), totaling $23,926.69. The applications that were denied were denied due to being from Warren County, Ohio.

The Department, which normally does cooling assistance in the summer, fuel in the winter, and crisis assistance (November 1st through March 15th), is also participating in the COVID-19 Energy Assistance Program through the Virginia Department of Social Services. The program is designed to assist low-income households who are not eligible to receive assistance from the existing energy assistance programs because they do not meet either the financial criteria or the vulnerable individual criteria. Depending on the availability of funds, the program will provide a one-time payment of $300 to assist eligible households with payment of a heating or cooling expense.

Mr. Fox asked if the COVID-19 Energy Assistance Program was available to renters as well as property owners, and Mr. Martz confirmed it would be available whether an individual rents or owns the property.

Mr. Martz then introduced Paster Bobby Scott with the Thermal Shelter who reported to the Board that the Thermal Shelter has just started its fourth season in operation. For its first three years, the Shelter migrated from church to church, and twelve churches would host for one week each. Last year at the end of the season, the Shelter was approached by the Board to extend its services due to the COVID-19 pandemic and was provided the gym at the Health and Human Services Complex due to the host churches being concerned about the homeless coming in on a weekly basis during a pandemic. Now, in its fourth season, the Shelter has the use of a recently renovated cafeteria area at the Complex. Pastor Scott extended his personal thanks to Brandy Rosser, Donna Shackelford, Chuck Harper, Wes Kerns, Clark Moat, Monica Schermerhorn, Daryl Freeman, and the staff of the Parks and Recreation Department for their work on transforming the space. The County has also allowed the Shelter to put Wi-Fi and computers in the cafeteria, which assists the Shelter residents with job searches and benefits research. They were also able to install a washer and dryer for linens, bedding, and clothes.

At a question from Mr. Mabe, Pastor Scott said the Shelter can comfortable accommodate around 30 individuals, both men and women 18 years of age and older. Pastor Scott said the space at the Complex is tremendous blessing and thanked the Board for making it possible. The churches that had been hosting are now signing up and providing meals each week, and he said it is encouraging to see these organizations eager to be part of the solution instead of part of the problem.

Mr. Mabe asked if there was a secondary location the Shelter could use should the current space reach its maximum, and Pastor Scott replied there was no other space.

Dr. Daley also extended his thanks to Fire Marshal Gerry Maiatico and Building Official David Beahm for making sure all the renovations at the Complex were up to Building and Fire Codes.

Report – Virginia Cooperative Extension (VCE) Office – Stacy Swain

Stacy Swain, 4-H Youth Development Coordinator, presented the VCE Office report to the Board and highlighted the following points:

- Agriculture and Natural Resources agents have been working on the spotted lantern fly infestation and educating the public on this invasive species
- Continued with the Graze 300 program
- Collaborated with Old Dominion Livestock Producers, the Virginia Department of Agriculture and Consumer Services and Winchester Livestock Exchange to conduct State Graded Sheep and Goat Sales on July 27 and September 7 which allow producers to strategically market for various ethnic holidays and increased market demand (41 area producers participated this group marketing effort)
- Provided leadership, facilitation, and support of Youth Livestock Show and Sale events in the Clarke County, Frederick County, Page County, Shenandoah County, and Warren County and helped make sure the events were prepared to adhere to the COVID-19 guidelines set up by the State of Virginia and Virginia Tech
- Family and Consumer Sciences has continued hosting its Coping with the Money Crunch webinars, which are virtual and open to anyone, as well as its Managing Your Money series
- Organized logistics for and advertised Water Clinics program across five counties, alongside five colleagues, so homeowners with private water sources could test their water for 14 major contaminants
- Developed educational series of garden videos in collaboration with 4-H to educate public on how to properly store vegetables, vegetables' nutritional content, and how to use the vegetables in recipes since people have taken an increased interest during the pandemic
- The 4-H overnight summer camp was cancelled due to COVID-19, but the office was still able to host the Warren County Fair 4-H Livestock Shows, albeit non-traditionally; 13 youth exhibited 41 animals, and 38 animals were sold for a grand total of over $50,000
- Started a monarch butterfly growth watch virtual program

Reports – Board Members, Interim County Administrator, Interim County Attorney

Mr. Fox had nothing to report.

Mrs. Cullers reported the following:

- Attended a Sheriff's Citizen Advisory Committee
- The Tourism Committee has met and is moving forward with the approved option of a fully contracted-out joint Tourism program between the County and the Town
- The Warren County CARES Act Committee is working on getting the applications reviewed for CARES Act funding
- Finished the third budgeting session for the Supervisors' class

Mr. Mabe reported the following:

- Attended Shenandoah Shores Property Owners Association meeting
- Has been attending Emergency Management meetings every other Thursday

Mrs. Oates reported she had attended the initial organizational meeting of the joint Town and County Drug Prevention and Awareness Committee. The Committee is working to establish strategic priorities, educate themselves on the current problems and resources available, and increase awareness. She also congratulated the newly elected Town Council members and said she is looking forward to working with them cooperatively.

Mr. Carter reported the following:

- Attended the Linden Volunteer Fire Department's 30th anniversary celebration
- Camping for Hunger starts on November 16th, and due to COVID-19, the bus will be left in the parking lot of the radio station, located at 1106 Elm Street. Last year the food drive received 12 tons of food and nearly $8,000 in monetary donations; this year, the proceeds will be donated to C-CAP. Donations are accepted online as well, and citizens can call (540) 635-4121 for more information

Dr. Daley reported the following:

- Has started the initial review of applications received for the position of Fire Chief and is hoping to have interviews before Thanksgiving
- Completed interviews for the Sanitary District Manager position, and the final review should be complete this week
- Continuing to work with Valley Health and Anthem on the insurance concerns
- Rivermont Fire Station is finishing up punch list items, and staff is looking at November 21st for a ribbon cutting
- The Board has tentatively scheduled a Strategic Planning Advance for Friday, November 13th and Saturday, November 14th and the facilitator Sharon Gromling will be reaching out to the Board members soon to learn their priorities

Approval of Accounts

On a motion by Mr. Carter, seconded by Mrs. Oates, and by the following vote, the Board of Supervisors approved the list of accounts as presented:

Fox, Aye; Cullers, Aye; Mabe, Aye; Oates, Aye; Carter, Aye

Unfinished Business – Modification Request for Conditional Use Permit 2016-10-03, Gregory and Mary Huson to Add Conditions Related to Indoor Classes/Seminars and Seasonal Agricultural Activities

Joe Petty, Zoning Administrator, reported on October 20th, the Board had tabled this matter to this meeting so the Planning Department, applicants, and other agencies could meet to discuss the comments received from the Building Inspections Department and the Warren County Health Department. At the Development Review Committee meeting on October 28, 2020, all parties were able to discuss the comments and get further clarification on the proposed modification.

On a motion by Mrs. Cullers, seconded by Mr. Fox, and by the following vote, the Board of Supervisors approved the modification to conditional use permit #2016-10-03, Gregory and Mary S. Huson – Rural Events Facility to add classes/seminars and seasonal agricultural activities to the existing conditions on the permit as listed below:

Carter, Aye; Oates, Aye; Mabe, Aye; Cullers, Aye; Fox, Aye

1. The applicant shall comply with all Warren County Health Department, Virginia Department of Transportation, Warren County Building Inspections, and Warren County Fire and Rescue regulations and requirements;
2. The parking area for the events shall be in a location on site approved by the Planning Department;
3. The property shall be in compliance with the County's noise ordinance in Warren County Code Section 123;
4. All events shall occur within the hours of 9:00 AM and 11:00 PM;
5. No more than 150 people per event;
6. All outdoor lighting fixtures shall be full cut-off fixtures and must be pointed downward to prevent glare on adjacent properties;
7. All parking spaces, tents, and portable toilets shall be setback 100 feet from the property lines;
8. Any additional buildings constructed on the property for the purpose of the rural events facility shall take into account the aesthetic and historic nature of the Rockland area in the architectural design and receive approval from the Planning Department prior to being constructed;

9. The only access to the property for the events facility shall be located off of Rockland Road in a location approved by VDOT; and
10. A building permit shall be required for a tent over 900 square feet or for one where the occupancy of the tent will exceed 50 persons; and
11. Outdoor seasonal agricultural programs which include, but are not limited to, flower picking, fruit/vegetable picking, or a pumpkin patch shall be permitted. One (1) building on the property may be used to offer the sale of items produced on the property.

Public Comment Period (60 Minute Time Limit)

Laura Lee Cascada, 79 Magnolia Drive, read the following excerpt from a prepared statement by Front Royal Unites: "The results of Question 3 mark the beginning, not the end, of the debate on Front Royal's Confederate statue. They do not give us a decision; rather, they tell us what we knew all along upon founding Front Royal Unites: that the time is ripe for a challenging but crucial conversation about our grim history of racial inequality.

"And they remind us that what we need right now from our elected officials is for them to do their job: to serve as leaders for all of our residents, especially those most affected by this harrowing history and its devastating effects, which linger to this day. The Founding Fathers created a representative democracy, rather than a direct democracy, for a reason: for elected officials to exercise their wisdom and experience to legislate for the benefit of all citizens, even when those decisions conflict with the majority opinion; otherwise, why have elected officials like our Board of Supervisors at all? Let us note that this referendum was no consensus, and the Board has a duty not to turn its back on the almost one quarter of our citizens who are calling for change, many of whom have long been marginalized and ignored.

"At this moment, it is worth reflecting that our greatest moments of progress for justice and equality came not through 'nonbinding referendums,' but only after long struggles undertaken by committed groups of citizens, often in the minority, to hold their representatives accountable, from marching in the streets to testifying in Congress and, when all else failed, even litigating in the Supreme Court.

"Perhaps one might call these trailblazers 'troublemakers,' but we know that had Rosa Parks simply given up her bus seat that fateful day, or had Martin Luther King, Jr. wrung his hands instead of marching in the streets of Washington and sharing his Dream with the world, we might not have the Civil Rights Act of 1964, which prohibits discrimination based on race, color, religion, sex, national origin, and now sexual orientation. Had 300 people not gathered at the Seneca Falls Convention to kick off a decades-long crusade for women's right to vote in 1848, and then persisted despite failed congressional proposals, many of us might still be relegated to the kitchen instead of heading to the ballot box with the passage of the 19th Amendment to the Constitution. And after white leaders in the women's suffrage movement refused to incorporate Black women

into their fight, had Ida B. Wells just accepted her place at the back of the nation's first-ever women's suffrage parade, perhaps Black women would have been left behind."

Kristin Iden, 407 Washington Avenue, continued to read from the prepared statement: "Had these historical heroes acquiesced to a simple majority vote, we'd have quietly given in to the status quo - slavery, disenfranchisement, segregation - time and time again. Without such perseverance by the few to keep the government working for all, democracy 'of the people, by the people, and for the people' will fail.

"We know from our own harrowing history that Warren County has left its Black citizens behind before, being one of the last localities in the entire state to desegregate during Massive Resistance. When one searches online for 'Massive Resistance,' Warren County appears at the top of the Wikipedia page, forever cementing our reputation for the world. Across the country, more than 100 Confederate statues have been taken down or moved since the 2015 Charleston church massacre. In another 50 years, does Warren County want to be remembered as a champion of civil rights, or yet again as the lone holdout that refused to recognize the damage inflicted by the institution of slavery and the Civil War?

"Proponents of the statue remaining in place have attempted to rewrite history to conform to their idyllic fantasies of the Confederacy. However, there is no denying the true history of the Confederate States, which waged their war against the United States for the express purpose of preserving slavery. This disturbing truth resounds in the words of Vice President of the Confederacy Alexander Stephens in his Cornerstone speech: 'Our new Government is founded upon exactly the opposite ideas; its foundations are laid, its cornerstone rests, upon the great truth that the negro is not equal to the white man; that slavery, subordination to the superior race, is his natural and moral condition.'

"Like hundreds of other Confederate monuments located on public property such as town squares and courthouse lawns throughout the South, Warren County's statue was erected by the United Daughters of the Confederacy (UDC). Despite its assertions that it has 'stayed quietly in the background,' the UDC has a long history of promulgating the dangerous 'Lost Cause' ideology that downplays slavery as the primary cause of the Civil War, leaving more than 42 percent of Americans believing this false narrative. The UDC's disinformation campaigning played a major role in thwarting even meager protections for Black Americans during Reconstruction."

Gerry Maiatico, Fire Marshal, provided the Board with an update on staffing in the Department of Fire and Rescue Services thanks to the award of the 2019 Staffing for Adequate Fire and Emergency Response (SAFER) Grant. He introduced six new Firefighter/EMTs and Firefighter/Medics (three promoted from part-time to full-time and three hired from outside the Department) hired thanks to the grant award and further reported five new part-time hires will also begin in the coming weeks. He thanked Chief Richard Mabie, Dr. Daley, and Jodi Saffelle on their hard work throughout the recruiting and hiring process.

Avery Harper, 1147 Wetzel Road, Woodstock, continued to read from the prepared statement from Front Royal Unites: "In the early 1900s, the UDC continued to assert white supremacy and terrorize Black people during the Jim Crow era through the construction of Confederate statues and, dissatisfied with their success, actually put up a monument to commemorate the KKK in 1926.

"Thus, despite claims to the contrary, Front Royal's statue isn't serving to enlighten anyone on the Confederacy's dark history. In its more than 100 years of existence, it has only further obfuscated the reality that the Civil War was fought for the South's quest to uphold the institution of slavery.

"Further, our courthouse is our County's seat of justice, yet the statue celebrates the so- called patriotism of the Confederacy - whose existence, by its very nature, was an act of treachery through the lettering on its base. The statue supposedly honors veterans, yet its prominence at our courthouse insults the memory of the other veterans honored there, who fought for the United States of America while the Confederacy fought against it. Though many of the names on the statue were unlikely slave owners themselves, America's unique outlook is one of aspiration. Countless soldiers fought for the Confederacy not because they owned slaves, but because they supported the institution of chattel slavery, hoping one day to be prosperous enough to have their own plantation that would have required slave labor.

"Importantly, advocates for the statue remaining in place have failed to demonstrate that they would face real harm from its relocation to a more suitable location, such as a museum or Confederate graveyard, where they could continue to visit it as often as they desire. Rather, they have relied on the *argumentum ad antiquitatem* fallacy that the statue has stood at our courthouse for over 100 years and therefore should remain, which is not an argument at all, but the absence of one. Would they say the same of slavery?

"The costs of the statue remaining on public land, on the other hand, are clear. Every day that it stands, it serves as a perpetual reminder to Black folks that they were once considered mere property themselves. Just recently, a Richmond circuit court even declared that efforts to stop the removal of the Robert E. Lee monument there actually conflict with our state's current public policy, recognizing that, 'testimony overwhelmingly established the need of the southern citizenry to establish a monument to their "Lost Cause," and to some degree their whole way of life, including slavery.' Yet Virginia continues to spend up to 9 million in taxpayer dollars maintaining Confederate graves, including hundreds of thousands being funneled directly to the UDC. The danger of the UDC, and our government's funding of them, are elucidated by Professor Jalane Schmidt of the University of Virginia: 'They created an ideology which glorified the "Old South," and dressed this up in seemingly harmless cotillion balls and bake sales. What is harmful about them is that for generations, they vetted textbooks, which were adopted into Southern public schools. These books promoted a false Lost Cause version of history to impressionable young white students, who then grew up to enforce segregation.'

"We now turn to present-day Warren County to address the false notion that racism, like slavery, is a relic of our past. Take, for example, the case of former Warren- Page NAACP President Suetta Freeman who, even after surmounting being locked out of schooling by Massive Resistance at Warren County High in 1958, went on to graduate here and embark on a career in auditing, yet had to commute for decades to Northern Virginia because she was unable to secure fair and equal employment in Front Royal. Her experience illustrates the racial inequality that is endemic nationally: on average, Black people only make 62 percent of white people's salary. Or this year, when a truck drove past the home of a prominent member of our Black community and its driver shouted, 'White power!' Or this summer, when a mixed- race child accidentally dropped a hand wipe at Applebee' s and her mother found it returned to their car with the writing, 'You asked for this wipe, then left it laying (sic) right where that little peckerhead half-breed dropped it so everyone else could step on it. Though I'm sure your home is filthy and cluttered, we try to keep our town clean.' Or the people of color who visited our town for a work retreat in 2017 and awoke to an effigy of a lynching in their rental's yard. Or the possibility that if we don't take action to address injustice now, a name like George Floyd's could someday be ringing from our own Blue Ridge Mountains."

Samuel Porter, 216 Fletcher Street, forewent reading the remainder of the prepared statement to instead comment on how he was not surprised with the results of the referendum vote, 76% voting in favor of leaving the Confederate monument on the Courthouse lawn and the remaining 24% in favor of relocation. He was disappointed that this issue turned into a "Democratic versus Republican" issue when it should not have been.

Tim Ratigan, 6079 Stonewall Jackson Highway, said the citizens have voted and hopes the Board will honor the majority and leave the Confederate statue on the Courthouse lawn.

There were no further comments from the public.

At this time, Mr. Mabe called for a five minute recess, and the Board meeting was reconvened at 10:54 AM.

Consent Agenda

1. Approval of Salary for Finance Director Position – Jodi Saffelle
2. Road Naming Request – Access Road off "Oregon Hollow Road" as "Camp David Court" – Emma Rusnak
3. Use of Courthouse Grounds for a Nativity Scene, Little Chapel Baptist Church – Emily Ciarrocchi
4. Use of Courthouse Grounds for Holiday Panels, Shenandoah Area Secular Humanists – Waller Wilson/Emily Ciarrocchi

5. Conditional Use Permit 2000-02-03, Modification Request to Change the Name, Modify Condition #7, and Delete Conditions #6 and #8 – Matt Wendling

~~6. Request – Adoption of a Resolution for Hazard Duty Pay – Jodi Saffelle~~

7. Authorization to Advertise for Public Hearing – Ordinance to Add and Ordain Section 30-5 of the Warren County Code to add a one-time Acknowledgement Pay for Non-Hazardous Duty Warren County Employees in FY 2020-2021 – Jodi Saffelle

8. Authorization to Advertise for Public Hearing – Conditional Use Permit 2020-09-01, Kevin and Renee Roig, Daniel and Samantha Nobles for a Short-Term Tourist Rental – Matt Wendling

9. Authorization to Advertise for Public Hearing – Z2020-09-01, Shelly Cook for an Ordinance to Amend and Re-Ordain Section 180 of the Warren County Code regarding the Definition of, Use as, and Supplemental Regulations for a "Rural Events Facility" – Joe Petty

10. Authorization to Advertise for Public Hearing – Conditional Use Permit 2020-09-02, Shelly Cook for a Rural Events Facility – Taryn Logan

11. Authorization to Advertise for Public Hearing – Review and Renewal of the Rockland, South River, and Limeton Agricultural and Forestal Districts – Taryn Logan

12. Coyote Bounty – Arthur Grove (1) – $50.00 Each – Animal Control

13. Authorization to Advertise for Public Hearing – Ordinance to Add and Ordain Section 30-6 of the Warren County Code to add a one-time Bonus for Compensation Board-Funded Sheriff and Sheriff's Deputies in FY 2020-2021 – Jodi Saffelle

On a motion by Mrs. Oates, seconded by Mr. Fox, and by the following vote, the Board of Supervisors approved the Consent Agenda as presented:

Fox, Aye; Cullers, Aye; Mabe, Aye; Oates, Aye; Carter, Aye

Public Hearing (Recessed) – Ordinance to Establish the Shannon Woods Sanitary District – Mike Berry

There being no comments from the public, Mr. Mabe closed the public hearing.

On a motion by Mrs. Cullers, seconded by Mr. Fox, and by the following vote, the Board of Supervisors approved the proposed ordinance to establish the Shannon Woods Sanitary District as identified and described in Exhibit A:

Carter, Aye; Oates, Aye; Mabe, Aye; Cullers, Aye; Fox, Aye

ORDINANCE OF THE BOARD OF SUPERVISORS OF WARREN COUNTY ESTABLISHING THE SHANNON WOODS SANITARY DISTRICT PURSUANT TO SECTION 21-113 OF THE CODE OF VIRGINIA

WHEREAS, Section 21-113 of the Code of Virginia was amended by the General Assembly in 2017 to designate the governing body as the entity responsible for establishing new sanitary districts by adoption of an ordinance upon petition of 50 qualified voters of a proposed district or, if the district contains less than 100 qualified voters, upon petition of 50 percent of the qualified voters of the proposed district; and

WHEREAS, Section 21-114 of the Code of Virginia was also amended in 2017 and requires that the governing body shall fix a day for a hearing on the question of the proposed sanitary district, which hearing shall embrace a finding of fact of whether creation of the proposed district is necessary, practical, fiscally responsible, and supported by at least 50 percent of persons who own real property in the proposed district; and

WHEREAS, on August 28, 2020, the County received a petition signed by seventeen (17) residents representing nine (9) properties off Shannon Woods Drive for the creation of a sanitary district; and

WHEREAS, Carol L. Tobin, Director of Elections and General Registrar for Warren County reviewed the petition and certified all seventeen (17) signatures as being qualified registered voters who reside in the proposed district; and

WHEREAS, the seventeen (17) qualified registered voters represent more than 50 percent of the twenty (20) qualified registered voters in the district; and

WHEREAS, on August 31, 2020, Warren County Administration staff surveyed the thirteen (13) real estate property owners of record in the proposed Shannon Woods Sanitary District to ask whether they supported the establishment of the district as proposed; and

WHEREAS, Warren County Administration received a total of twelve (12) responses to the survey with sixteen (16) property owners representing nine (9) lots indicating they supported the request and three (3) property owners and one (1) corporation representing three (3) lots indicating their opposition; and

WHEREAS, the support from sixteen (16) persons who own real property in the proposed district meets the threshold of the finding of fact that the proposed Shannon Woods Sanitary District is supported by at least 50 percent of persons who own real property in the proposed district; and

WHEREAS, Section 21-114 of the Code of Virginia requires the holding of a public hearing to allow all interested persons who reside in or who own real property in the proposed district to have the right to appear and show cause why the property under consideration should or should not be included in the proposed district; and

WHEREAS, the Warren County Board of Supervisors is supportive of the establishment of the Shannon Woods Sanitary District as proposed and has properly advertised the public hearing and notified the affected property owners.

NOW, THEREFORE, BE IT RESOLVED, that the Warren County Board of Supervisors does hereby establish the Shannon Woods Sanitary District as proposed.

Request – Memorandum of Agreement with Chester Gap Volunteer Fire Department (VFD) – Ed Daley

Dr. Daley reported part of the cost of this item will be paid through CARES Act funding and part will not due to the expenditures deadline. The Memorandum of Agreement (MOA) will fully fund one position 24/7 at $5,000 per month for a period of one year for a total cost of $60,000.

Mrs. Oates sought clarification that the total cost is $10,000 per month divided between the Warren County and Rappahannock County, and Dr. Daley confirmed.

Mr. Carter wanted to be sure the County would not be paying $120,000 for only one individual, and Dr. Daley reiterated that the MOA is for one full-time position (three shifts for 24/7 coverage), not one full-time individual.

Mrs. Cullers noted Chester Gap VFD has lost staff due to the COVID-19 pandemic and has been supplementing with part-time help to not have to include benefits out of its fundraising budget. 57% of their calls are run in Warren County, and she has received emails of support for this MOA from Point O' Woods and Lake Front Royal subdivisions.

Mr. Mabe asked how many calls had been missed due to lack of staffing, and Kevin Williams with Chester Gap VFD reported no calls have been missed as they are supplementing their decreased staffing with part-time help.

On a motion by Mrs. Oates, seconded by Mrs. Cullers, and by the following vote, the Board of Supervisors approved the proposed agreement with Chester Gap Volunteer Fire Department:

Fox, Aye; Cullers, Aye; Mabe, Aye; Oates, Aye; Carter, Aye

Request – Twelve (12) Additional Deputy Positions for the Warren County Sheriff's Office – Sheriff Mark Butler

Sheriff Butler said he was not actually requesting twelve additional Deputy positions from the Board today but instead was providing the Board with advance notice that the Sheriff's Office will need twelve additional positions over the next five years. He will, however, be requesting three new positions in the FY 2021-2022 budget. Mrs. Oates said she was hesitant about the request for twelve positions due to not knowing where the current service gaps and limitations are within the Sheriff's Office.

Request – Increase Spending Authorization in Order to Respond to COVID-19 – Ed Daley/Walt Mabe/Rick Farrall

Rick Farrall, Emergency Coordinator, reported in the Declaration of Local Emergency by the Local Director of Emergency Management due to Coronavirus (COVID-19) and Consent of the Board of Supervisors of Warren County, dated March 17, 2020, on page 2, paragraph D, authorizes a maximum of $200,000 in County funds for County and local government mission assignments and County/local response and recovery operations authorized and coordinated through the County Administrator, and directs staff to seek to recover such funds pursuant to the Stafford Act, 42 U.S.C. § 5121 et seq. This amount was increased to $300,000 by action of the Board of Supervisors on August 4, 2020 and subsequently increased to $500,000 by action of the Board of Supervisors on September 1, 2020. As the current authorization has almost been spent, it is recommended that this amount be increased to one million ($1,000,000). This will allow, among other things, an increase in related expenditures due to the reopening of Warren County Public Schools and resumption of jury trials.

On a motion by Mrs. Oates, seconded by Mr. Carter, and by the following vote, the Board of Supervisors authorized and appropriated an additional $500,000, for a total maximum appropriation of $1,000,000, in funds for COVID-19 response and recovery operations authorized and coordinated through the County Administrator, and further directed the County Administrator to seek to recover such funds pursuant to the Stafford Act, 42 U.S.C. Section 5121, *et seq.*, or any other appropriate funding source:

Carter, Aye; Oates, Aye; Mabe, Aye; Cullers, Aye; Fox, Aye

Warren County CARES Act Coronavirus Relief Funds (CRF) Update – Rick Farrall

Mr. Farrall reported at the conclusion of the County's "Round 2" CRF Small Business/Non-Profit and Individual Utility Assistance application process, approximately $430,500 and $61,000, respectively, was not expended. With regards to the Small Business/Non-Profit category, several Warren County CARES Act Committee members and/or the Interim County Administrator informally discussed any adjustments that should be made as a result of "Round 2" lessons learned. To be consistent across the board, the County/Town small business type that was not served during the "Round 2" process is the Town's small businesses that are exempt from business license requirements.

As such, it is recommended that the County offer a "Round 3", on a "first come, first served basis", to address:

(a) Small Business Grants, and

(b) Town business applicants only, inside the corporate limits of the Town of Front Royal, that are not required by law or local ordinance to have a business license, such as:

- Manufacturers selling at wholesale
- Agricultural - selling their own product (i.e., eggs, beef, chicken, grapes, etc.)
- Insurance companies subject to State license taxes
- Publishing (e.g. newspapers or magazines), and

(c) That "Round 3" does not include County or Town non-profits, and

(d) All other "Round 1" and "Round 2" small business requirements remain in effect, and

(e) Amount of assistance allocated to "Round 3" is not to exceed $100,000.

All other funds not expended from the "Round 2" Small Business/Non-Profit and Individual Utility Assistance categories will be allocated to County Public Safety Payroll, as previously approved by the Board on October 6, 2020.

At the end of "Round 3", the Interim County Administrator recommends any remaining CRF funds not expended be further re-allocated and appropriated for expenditure to Public Safety Payroll (not to exceed $500,000, includes the balance of November and December costs, not previously BOS approved) until all such funds have been expended.

On a motion by Mr. Carter, seconded by Mrs. Oates, and by the following vote, the Board of Supervisors authorized and modified its prior allocations as follows:

1. A "Round 3" of CRF expenditures to re-allocate and appropriate $100,000 of the remaining "Round 2" small business/non-profit CRF funds as follows: (a) open "Round 3" to "Town" small businesses that are not required by law or local ordinance to have a business license, (b) "Round 3" does not include County or Town non-profits, (c) all other "Round 1 and Round 2" requirements remain in effect; and
2. All other funds not expended from the "Round 2" Small Business/Non-Profit and Individual Utility Assistance categories will be allocated to County Public Safety Payroll, as previously approved by the Board on October 6, 2020; and
3. At the end of "Round 3", any remaining CRF funds not expended be further re-allocated and appropriated for expenditure to Public Safety Payroll (not to exceed $500,000, includes the balance of November and December costs, not previously BOS approved) until all such funds have been expended; and
4. The execution by the Chairman of the Board of Supervisors of a Second Addendum to the Agreement with the Chamber of Commerce of Front Royal and Warren County for the use of Federal CARES Act Coronavirus Relief Funds.

Fox, Aye; Cullers, Aye; Mabe, Aye; Oates, Aye; Carter, Aye

Closed Session – Virginia Freedom of Information Act

On a motion by Mrs. Cullers, seconded by Mr. Fox, and by the following vote, the Board of Supervisors entered into a closed meeting under the provisions of Section 2.2-3711(A)(3) of the Virginia Freedom of Information Act for the discussion or consideration of the acquisition of real property for a public purpose where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the public body; she further moved that discussion be limited to property located in the South River Magisterial District outside the limits of the Town of Front Royal.

She also moved the Board enter into a closed meeting under the provisions of Section 2.2-3711(A)(3) of the Virginia Freedom of Information Act for the discussion or consideration of the disposition of publicly held real property where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the public body; she further moved that discussion be limited to property located in the Fork Magisterial District outside the limits of the Town of Front Royal.

Finally, she moved the Board enter into a closed meeting under the provisions of Sections 2.2-3711(A)(7) and (A)(8) of the Virginia Freedom of Information Act for consultation with legal counsel pertaining to actual or probable litigation and the provision of legal advice regarding the Industrial Development Authority of the Town of Front Royal and the County of Warren, Virginia (the "EDA"), the Town of Front Royal, the EDA vs. Jennifer McDonald, et al., the Town of Front Royal vs. the EDA, et al., and other potential claims and litigation relating to other possible liabilities of the EDA and the recovery of EDA funds and assets:

Carter, Aye; Oates, Aye; Mabe, Aye; Cullers, Aye; Fox, Aye

On a motion by Mrs. Cullers, seconded by Mrs. Oates, and by the following vote, the Board of Supervisors certified to the best of each member's knowledge only public business matters lawfully exempted from open meeting requirements under Sections 2.2-3711(A)(3), (A)(7), and (A)(8) of the Virginia Freedom of Information Act and only such public business matters as were identified in the motion by which the closed meeting was convened were heard, discussed or considered in the meeting by the public body:

Fox, Aye; Cullers, Aye; Mabe, Aye; Oates, Aye; Carter, Aye

There were no motions to come out of this closed session.

On a motion by Mrs. Cullers, seconded by Mrs. Oates, and by the following vote, the Board of Supervisors entered into a closed meeting under the provisions of Section 2.2-3711(A)(3) of the Virginia Freedom of Information Act for the discussion or consideration of the disposition of publicly held real property where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the public body; she further moved that discussion be limited to property located in the North River Magisterial District outside the limits of the Town of Front Royal:

Carter, Aye; Oates, Aye; Mabe, Aye; Cullers, Aye; Fox, Aye

On a motion by Mrs. Oates, seconded by Mr. Fox, and by the following vote, the Board of Supervisors certified to the best of each member's knowledge only public business matters lawfully exempted from open meeting requirements under Sections 2.2-3711(A)(3) of the Virginia Freedom of Information Act and only such public business matters as were identified in the motion by which the closed meeting was convened were heard, discussed or considered in the meeting by the public body:

Fox, Aye; Cullers, Aye; Mabe, Aye; Oates, Aye; Carter, Aye

There were no motions to come out of this closed session.

Adjournment

Mr. Mabe adjourned the meeting at 2:52 PM.

At a regular meeting of the Board of Supervisors of Warren County held in the Warren County Government Center on November 17, 2020 at 7:00 PM.

Present: Walter J. Mabe, Chairman (Shenandoah District); Cheryl L. Cullers, Vice Chair (South River District); Archie A. Fox (Fork District); and Delores R. Oates (North River District); also present Edwin C. Daley, Interim County Administrator; Jason J. Ham, Interim County Attorney; Rick Farrall, Emergency Coordinator; Taryn Logan, Planning Director; Richard Mabie, Chief of Fire and Rescue Services; Gerry Maiatico, Fire Marshal; Joe Petty, Zoning Administrator; Jodi Saffelle, Human Resources Manager; Matt Wendling, Planner II; Shelley Hayes, Senior Office Associate; Roger Bianchini and Mark Williams, Royal Examiner

Absent: Tony F. Carter (Happy Creek District)

Call to Order and Pledge of Allegiance of the United States of America

Adoption of Agenda – Additions or Deletions

On a motion by Mr. Fox, seconded by Mrs. Oates, and by the following vote, the Board of Supervisors adopted the agenda as presented:

Aye: Cullers, Fox, Mabe, Oates

Public Comment Period (60 Minute Time Limit)

There were no presentations from the public.

Report – COVID-19 (Coronavirus) Expenditures for Warren County – Taryn Logan

Taryn Logan, Planning Director, reported the Planning Department has been tasked with the collection and submittal of the County's COVID-19 related expenditures for federal reimbursement. The President declared a National Emergency on March 13, 2020. This authorized for the reimbursement of Category B (emergency protective measures) under the Federal Emergency Management Agency's (FEMA's) Public Assistance grant program and permits the Commonwealth to request direct federal assistance to fill a specific gap or need related to COVID-19 at a 75% federal cost share.

Each Department has been tracking their expenses and providing information to the Department to coordinate and submit to the Virginia Department of Emergency Management (VDEM). The submittal periods are quarterly. Most of the expenses did not start occurring until late February, and Departments are still gathering their related documentation (which must include receipts, credit card statements, check copies, timesheets, pay rates, contracts, etc.). The estimated total through the beginning of November is $484,437.33 spent towards the COVID-19 pandemic.

DRAFT

Reports – Board Members, Interim County Administrator, Interim County Attorney

Mrs. Oates reported the following:

- Participated in the Strategic Planning Advance held by the Board on November 13th and 14th

Mr. Mabe reported the following:

- Attended a meeting of the Blue Mountain Homeowners Association
- Participated in the Strategic Planning Advance on November 13th and 14th

Mrs. Cullers reported the following:

- Attended a meeting of the Lake Front Royal Sanitary District Advisory Committee/ Property Owners Association
- Reiterated the need for citizen representatives from each Magisterial District for the Warren County Broadband Committee
- Would like to establish a Review Committee to look into concerns raised about the Property Owners of Shenandoah Farms

Mr. Fox reported the following:

- Participated in the Strategic Planning Advance on November 13th and 14th

Dr. Daley reported the following:

- Will be conducting first round Fire Chief interviews and second round interviews for the Sanitary District Manager position this week
- Coronavirus Update – County staff continue to monitor the situation and take the necessary precautions. The County is still in the Governor's "Phase Three" of Virginia's "Path Forward".

  The relative the number of COVID-19 cases in the County continues to increase, more so than it has this past summer. There are currently COVID-19 outbreaks in three congregate living facilities, and a general rise in case numbers across the County and surrounding Lord Fairfax Health District. As such, everyone must remain vigilant and continue to implement measures that will allow staff to safely interact with extended family, friends and the public. All County offices and most services are open and remain available to the public.

  Last week, the Warren County CARES Act Committee began accepting a "third and final round" of applications for the local distribution of Coronavirus Relief Funds. Warren County realized that one group of businesses, those located within Front Royal that are not required to have a business license, had not been eligible to receive relief funds so far from either the County or the Town of Front Royal. This

third round program was intended to provide funds to such businesses, and continued through 5:00 PM on November 17th.

Additionally, the County has received the majority of documentation required from the Town regarding the first round CARES Act fund distribution to Town small businesses. Staff is in the process of receiving the final documentation, and expects to complete reimbursement to the Town by Thanksgiving for "Round 1" receipts received. Staff also received the initial "Round 2" documentation required from the Town last week. It is the goal to complete "Round 2" reimbursement to the Town by Christmas, for receipts received.

The County has also submitted a mandatory Coronavirus Relief Funds survey to the Commonwealth's Department of Accounts last week, will submit its next mandatory quarterly report of related expenditures to the Department in early January 2021, and plan to conduct an independent audit of the related CRF expenditures next fiscal quarter.

- Coronavirus Vulnerable Revenue – For the month of October, the County's share of local sales tax revenue was $440,381.98. This amount is up $72,675.67 (19.8%) over the $367,706.31 collected in October 2019. The year-to-date total for Business Licenses is $947,725.19 - $100,910.64 (11.9%) more than last year's $846,814.55.
- Tourism Committee – The Town Council and Board of Supervisors voted in June to outsource tourism services moving forward. A Request for Proposals for a Destination Marketing Organization for Tourism Services for the Town and County was issued in August. Requests were received and ranked by an Evaluation Committee. After interviews, the Committee has agreed on a firm. The County and the Town are currently working on the necessary agreements to move forward with a joint tourism program.
- Wayfinding Signage – The Design Phase has been completed by Frazier Associates. The final plan has been sent to VDOT addressing their remaining comments. The construction intent documents have been completed for the bidding process.
- Development Review Committee – The Development Review Committee met on October 28, 2020. The Committee discussed County projects including:
    - A discussion with the applicants of 4022 Rockland Road for proposed indoor classes/seminars and seasonal agricultural activities.
    - A proposed Chapel on Strasburg Road. The public hearing was held by the Planning Commission in November.
    - The Equus warehouse facility site plan is still under review with DEQ.
    - Site plan review for the proposed warehouse facility on the corner of Baugh Drive and Fairground Road.
    - Site plan review for Manual Trucking located on Winners Court.

  The Committee also discussed Town projects including:

    - The Thermal Shelter at the Health and Human Services Complex opened on November 1st.
    - A request for 60 apartments on East Main Street.

- A proposed Gas Station/Convenience Store at the former site of Joe's Steakhouse.
- A proposed Comprehensive Plan amendment on the Happy Creek area property that was annexed into the Town from the County.

The Committee will meet again on November 18, 2020.

- Building Inspections – In review of the new construction for 2020, there have been a total of 157 new home starts through October 31st. Of that number, 31 were located in Town limits and the remaining 126 outside of Town limits. As a comparison, in 2019 there was a total of 150 new home starts for the year and 131 through October 31st. Based on recent permits the projected annual total is now up to 180 new starts, which represents an annual growth rate in housing stock of 0.92%. As projected, 2020 would now show an increase and stop the decline shown in the previous two years.

  The growth rate is well below the 2-3% maximum outlined in the Warren County Comprehensive Plan, but is level at 0.92% average experienced since January 1, 2009.

  In October, the permits are trending higher with an increase from 220 in 2019 to 275 this year (25.0%), and the total number of inspections are up from 1,180 to 1,230 (4.2%).

- Parks and Recreation – Administration staff sent out a Press Release announcing Winter park hours of operation are Sunday through Saturday (7 days per week) from 7:00 AM – Dusk, effective November 2, 2020 through March 8, 2021. (Daylight Savings time changed on November 1st).

  The County parks and school grounds were mowed and trimmed the first week in November for the season. Park staff inspected all County parks, facility grounds and WCPS grounds for mowing and trimming 1 final time for the season. Brad has determined the mowing and trimming concluded on November 6th weather permitting. Mowing crews will make one last inspection the week of November 9th. Park staff will be completing trimming and removing the weeds in the shrub beds and islands at several WCPS grounds at the conclusion of the mowing season.

  Park staff began closing park facilities the week of November 6th for the season. All facilities will be inspected and winterized.

- Department of Fire and Rescue Services – Staff is working on annual Ladder Truck testing, pump tests on engines, ground ladder testing, hose testing on all apparatus in Department over a period of October 26 through November 5th. Additionally, regarding FEMA grant for breathing apparatus, SCBAs have been ordered, delivered and were inventoried and marked. After marking, the SCBAs were exchanged with all stations/apparatus. All Department firefighters fit tested for new masks. All new SCBAs are now in service in all stations.

- Department of Fire and Rescue Services Promotional Process Results – The following are the results of the recent promotion process for Fire Captain and Fire Lieutenant. Presently, the effective dates are fluid and will be updated along with assignments in the near future.

  The following Fire Lieutenants were promoted to Fire Captain:

  - Zack Burrows
  - Tony Maiatico
  - Mickey Sirna

  The following Firefighters were promoted to Fire Lieutenant:

  - Austin Cucciardo
  - Tony Hitt
  - Andrew Levdahl
  - Tim Mawyer
  - Aaron Miller

  The following Part-Time Firefighters were promoted to Full-Time Firefighters:

  - Nick Bailey
  - Edward Hammack
  - Lisa Wilbanks

  The following individuals are new hires:

  - Bernard Gottholm
  - Matthew Hunt
  - Nicholas Loan

  Thanks to Captain Gerry Maiatico and his staff on getting us through these processes.

- Rivermont Fire Station – The project is nearing completion. A Ribbon Cutting will be scheduled for December. A spring Open House is also being discussed that would include activities with the Airport.

- Commercial/Industrial Projects – Work continues on the following projects:

  - The new Warren Memorial Hospital is starting to coordinate with the Inspections Department for a schedule to start phased final inspections as well as a phased opening schedule.

  - Chipotle continues to move forward at a steady pace. The Five Guys restaurant has begun work and is requesting inspections from the Building Inspections Department.

  - Equus Warehouse facility – They continue to work with DEQ and the County and are moving forward.

Appropriations and Transfers

On a motion by Mrs. Cullers, seconded by Mr. Fox, and by the following vote, the Board of Supervisors approved the additional appropriations and transfers as presented and shown below for November 2020:

Oates, Aye; Mabe, Aye; Cullers, Aye; Fox, Aye

APPROPRIATIONS

91000-5898	Non-Departmental - Contingency Reserve	431,077.00
91000-5898	Non-Departmental - Contingency Reserve	438,578.00
92000-7112	Capital Outlay - Health & Human Services Complex	125.00

TRANSFERS

FROM:	15001-3002	CARES Act Fund Audit	(40,000.00)
TO:	35002-1001	CRF 2 - First Responder Compensation	40,000.00
FROM:	85002-5604	CRF 2 - Chamber Support/Small Business Grants	(50,000.00)
	35002-1001	CRF 2 - First Responder Compensation	(120,000.00)
TO:	35002-1001	CRF 2 - First Responder Compensation	170,000.00
FROM:	91000-5898	Non-Departmental - Contingency Reserve	(1,734,286.00)
TO:	91000-8001	Non-Departmental - Comm Towers Upgrades	100,000.00
	91000-8002	Non-Departmental - Courthouse Records	100,000.00
	91000-8003	Non-Departmental - Appreciation Pay	200,000.00
	91000-8004	Non-Departmental - Chester Gap VFD	60,000.00
	91000-8005	Non-Departmental - FEMA-B Reserve	1,000,000.00
	91000-8006	Non-Departmental - COVID-19 Reserve	244,286.00
	64010-5604	Community College - LFCC COVID-19 Training	30,000.00
FROM:	91000-8006	Non-Departmental - COVID-19 Reserve	(25,000.00)
TO:	91000-8007	Non-Departmental - Airport Capital Project	25,000.00

Approval of Accounts

On a motion by Mrs. Oates, seconded by Mrs. Cullers, and by the following vote, the Board of Supervisors approved the list of November 2020 accounts as presented:

Oates, Aye; Mabe, Aye; Cullers, Aye; Fox, Aye

Check Numbers 293641 to 293978 Total: $1,409,740.61

Consent Agenda

1. Warren County Public Schools Additional Appropriation Request – Chris Ballenger
2. Request – Adoption of a Resolution for Hazard Duty Pay – Jodi Saffelle
3. Coyote Bounty – Matthew Presley (1) – $50.00 Each – Animal Control

On a motion by Mrs. Oates, seconded by Mrs. Cullers, and by the following vote, the Board of Supervisors approved the Consent Agenda as presented:

Oates, Aye; Mabe, Aye; Cullers, Aye; Fox, Aye

RESOLUTION OF THE BOARD OF SUPERVISORS OF WARREN COUNTY FOR THE PAYMENT OF A ONE-TIME HAZARD PAY IN FY 2020-2021

WHEREAS, Warren County public safety/hazardous duty-employees have continuously rendered a high level of service during the COVID-19 pandemic which began in March of 2020; and

WHEREAS, the Warren County Board of Supervisors desires to recognize the high level of dedication and devotion to duty of such public safety/hazardous duty employees; and

WHEREAS, funding for hazard pay in recognition of such service may be funded through the Coronavirus Aid, Relief, and Economic Security (CARES) Act of 2020, of which Warren County was allocated $7,008,308.00; and

WHEREAS, the Virginia General Assembly, in Special Session, approved a budget amendment which included funding for a one-time $500 bonus payment effective December 1, 2020 for Compensation Board-funded and filled sworn Sheriff and Sheriff's Deputies positions; and

WHEREAS, the Warren County Board of Supervisors deems it appropriate to authorize the payment of the proposed hazard pay to recognize the services rendered by eligible Warren County Sheriff's Office and Warren County Fire and Rescue employees during these difficult economic and environmental times and desires to make this payment to said employees in December of 2020; and

NOW, THEREFORE, BE IT RESOLVED that the County Administrator is authorized to pay hazard pay from previously-appropriated CARES Act funds based on the following criteria:

1. Hazardous Duty Employment. Employees must be Warren County Sheriff's Office (WCSO) or Warren County Fire and Rescue (WCFR) employees performing hazardous duties and in a Virginia Retirement System (VRS) designated "Enhanced

Benefits – Sheriff's Deputy" or "Enhanced Benefits – Fire" position. This designation also applies to part-time employees who are performing the same hazardous duties as full-time employees but are not included in the Virginia Retirement System.

2. Active Employment. Employees must have been employed by September 1, 2020 and be in an active pay status at the time the payment is made.

3. Amount of Payment for Full-Time Employees. $1,000 for each active full-time employee, except for Compensation Board-funded Sheriff and Sheriff's Deputies who are eligible to receive the one-time bonus payment of $500 as authorized by ordinance. For those employees, the amount of payment shall be $500.00.

4. Amount of Payment for Part-Time Employees. $500 for each active part-time employee who has worked 375 hours or more for the period of March 1, 2020 through November 30, 2020.

5. Members of boards and commissions are not eligible for the payment. Constitutional Officers are eligible for the payment.

Request – Purchase of All Band Radios for Stations 4, 5, 6, and 10 as well as the Fire Chief and Fire Marshal – Chief Richard Mabie

Chief Mabie reported for years, the Department of Fire and Rescue Services has been experiencing a communication gap with the units that routinely respond to Fauquier and other counties in resource to resource communications. In some cases, the Department loses communications with its units, sometimes for hours. This becomes a serious safety issue to lose contact with the responders for safety, updates, planning, and response back to Warren, etc. Presently, the Department's radio system fails to make contact with units in Fauquier. This purchase would allow the listed units to have operability with ALL jurisdictions for which the Department provides mutual aid (Fauquier, Rappahannock, Page, Shenandoah, Clarke, Frederick, and Winchester).

While this purchase will not outfit the entire Department at this time, there are plans to evaluate and change to these all band radios in the future (upwards of $1 million dollars, according to the Sheriff's Office). In any future plans and purchases of radios, this cost will not be needed for the future cost of the new plan. Again, this is an important safety issue for responders set in motion by the frequency of responses to these automatic and mutual aid jurisdictions.

The Department is under a time restraint to approve and enter a purchase order for this request in order to receive a trade-in for the old radios (a signed purchase order before January 2021). The cost for this request is $105,606.11, which includes a $5,600 credit for the traded in radios and a signed purchase order prior to January 2021.

On a motion by Mrs. Oates, seconded by Mrs. Cullers, and by the following vote, the Board of Supervisors approved the request to purchase and have installed Motorola/Solutions All Band radios at a cost of $105,606.11, such funds to be allocated from the General Fund/Non-Departmental Account:

Oates, Aye; Mabe, Aye; Cullers, Aye; Fox, Aye

Public Hearing – Ordinance to Add and Ordain Section 30-5 of the Warren County Code to add a one-time Acknowledgement Pay for Non-Hazardous Duty Warren County Employees in FY 2020-2021 – Jodi Saffelle

Jodi Saffelle, Human Resources Manager, reported due to the COVID-19 pandemic and the resulting potential economic impacts and concern with revenue projections for FY 2020-2021, the Warren County Board of Supervisors elected to delay previously-scheduled salary increases to employees. Warren County employees have continuously rendered a high level of service during the pandemic that began in March 2020. In order to recognize such service by Warren County employees during these difficult economic and environmental times, it is proposed that one-time payment of "Acknowledgement Pay" be made to eligible non-hazardous duty employees in December of 2020.

Constitutional Officers would be eligible for this payment. Board/Commission members would not be eligible, unless so desired by the Board of Supervisors. Please note that a one-time payment to hazardous duty employees was adopted by the Board earlier in this meeting by Resolution on the Consent Agenda.

Mr. Mabe opened the public hearing. There being no comments from the public, Mr. Mabe closed the public hearing.

On a motion by Mrs. Cullers, seconded by Mr. Fox, and by the following vote, the Board of Supervisors adopted the proposed ordinance to amend Warren County Code Section 30, Officers and Employees, to add Section 30-5, Payment of One-Time Acknowledgement in FY 2020-2021:

Oates, Aye; Mabe, Aye; Cullers, Aye; Fox, Aye

AN ORDINANCE TO AMEND CHAPTER 30 OF THE WARREN COUNTY CODE (OFFICERS AND EMPLOYEES) AND TO ADD AND ORDAIN SECTION 30-5 (PAYMENT OF ONE-TIME ACKNOWLEDGEMENT PAY IN FY 2020-2021)

BE IT ORDAINED BY THE WARREN COUNTY BOARD OF SUPERVISORS that Warren County Code Section 30-5 be added and ordained as follows:

§ 30-5 Payment of one-time acknowledgement pay in FY 2020-2021.

Due to the COVID-19 pandemic and the resulting potential economic impacts and concern with revenue projections for FY 2020-2021, Warren County elected to delay previously-scheduled salary increases to employees. In recognition of the services rendered by Warren County employees during these economic and environmentally-challenging times, a one-time payment will be paid in December of 2020 to all eligible non-hazardous duty County employees based on the following criteria:

A. **Acknowledgement Pay – Authorized to all eligible non-hazardous duty Warren County employees from the non-departmental account (91000-8003) as follows:**

(1) **Non-Hazardous Duty Employees Only. Employees must be employed in a non-hazardous position. Hazardous duty positions are those defined as Warren County Sheriff's Office (WCSO) or Warren County Fire and Rescue (WCFR) employees performing hazardous duties and in a Virginia Retirement System (VRS) designated "Enhanced Benefits – Sheriff's Deputy" or "Enhanced Benefits – Fire" position. The designation of hazardous duty also applies to part-time employees who are performing the same hazardous duties as full-time employees but are not included in the VRS.**

(2) **Active Employment. Employees must be employed with Warren County for a minimum of ninety (90) days and be in an active pay status at the time the payment is made.**

(3) **Employment Date. Employees must have been employed by September 1, 2020.**

(4) **Amount of Payment for Full-Time Employees. $1,000 for each full-time employee.**

(5) **Amount of Payment for Part-Time Employees. $500 for each part-time employee who has worked 375 hours or more for the period of March 1, 2020 through November 30, 2020.**

B. **Members of boards and commissions are not eligible for the payment. Constitutional Officers are eligible for the payment.**

C. **This one-time payment shall be for FY 2020-2021 only.**

THIS ORDINANCE SHALL BE EFFECTIVE UPON ADOPTION

Language proposed to be deleted is lined through.
Language proposed to be added is **underlined**.

Public Hearing – Ordinance to Add and Ordain Section 30-6 of the Warren County Code to add a one-time Bonus for Compensation Board-Funded Sheriff and Sheriff's Deputies in FY 2020-2021 – Jodi Saffelle

Ms. Saffelle reported Virginia HB 5005 of the 2020 Special Session I included an appropriation of funding for a one-time $500 bonus payment effective December 1, 2020 for Compensation Board-funded sworn positions in Sheriff's offices, including the Sheriff and Sheriff's deputies. If approved, this one-time $500 bonus payment shall be paid in December 2020 to eligible Warren County Sheriff's Office employees.

Mr. Mabe opened the public hearing. There being no comments from the public, Mr. Mabe closed the public hearing.

On a motion by Mrs. Cullers, seconded by Mrs. Oates, and by the following vote, the Board of Supervisors adopted the proposed ordinance to amend Warren County Code Section 30, Officers and Employees, to add Section 30-6, Payment of One-Time Bonus for Compensation Board-Funded Sheriff and Sheriff's Deputies in FY 2020-2021:

Oates, Aye; Mabe, Aye; Cullers, Aye; Fox, Aye

AN ORDINANCE TO AMEND CHAPTER 30 OF THE WARREN COUNTY CODE (OFFICERS AND EMPLOYEES) AND TO ADD AND ORDAIN SECTION 30-6 (PAYMENT OF ONE-TIME BONUS FOR COMPENSATION BOARD-FUNDED SHERIFF AND SHERIFF'S DEPUTIES IN FY 2020-2021)

BE IT ORDAINED BY THE WARREN COUNTY BOARD OF SUPERVISORS that Warren County Code Section 30-6 be added and ordained as follows:

§ 30-6 Payment of one-time bonus for Compensation Board-funded Sheriff and Sheriff's Deputies in FY 2020-2021.

Virginia HB5005 of the 2020 Special Session I included an appropriation of funding for a one-time $500 bonus payment effective December 1, 2020 for Compensation Board-funded sworn positions in Sheriff's offices, including the Sheriff and Sheriff's deputies. This one-time $500 bonus payment shall be paid in December of 2020 to eligible Warren County Sheriff's Office employees based on the following criteria:

A. Compensation Board-Funded Employees Only. Eligible employees include the Sheriff of Warren County and sworn deputies of the Sheriff as identified in the "Permanent Personnel Detail" Compensation Board record for the Warren County Sheriff's Office at the time of enactment of this amendment; and

B. Active Employment. Employees must be in an active pay status at the time the payment is made.

THIS ORDINANCE SHALL BE EFFECTIVE UPON ADOPTION

Language proposed to be deleted is lined through.
Language proposed to be added is **underlined**.

Public Hearing – Review and Renewal of the Rockland, South River, and Limeton Agricultural and Forestal Districts – Taryn Logan

Ms. Logan reported the Rockland, South River, and Limeton Agricultural and Forestal Districts are up for renewal by the end of this year. The County must decide whether each District should be renewed or terminated, whether they should be expanded or reduced in size, and whether the conditions applicable to the Districts should be changed.

Section 15.2-4311 of the Code of Virginia states that, "In conducting such review, the local governing body shall ask for the recommendations of the local advisory committee and the Planning Commission in order to determine whether to terminate, modify or continue the district. When the district is reviewed, land within the district may be withdrawn at the owner's discretion by filing a written notice with the local governing body at any time before it acts to continue, modify or terminate the district."

All of the current members of the Districts have been notified about this review. The Planning Department also notified all adjacent owners of the Districts asking if any other property owners would like to join. The letter sent by the Department invited the property owners to call the Department for additional information or attend the Planning Commission meeting in October. Staff has spoken to many citizens and provided them with information.

The Planning Commission and Agricultural and Forestal District Committee held a joint public meeting on October 14, 2020 to obtain input from Rockland, South River, and Limeton residents. At the meeting, additional applications were submitted from property owners who desired to be included in the Districts. The Planning Commission and the Ag/Forestal District Committee voted to approve the new properties to be added. They also voted to recommend the extension of all three Districts for a time period of 10 years.

At this time, staff is asking the Board to hold a public hearing at this meeting on November 17th, but also recess the public hearing until December 8th at 9:30AM to make sure all property owners in the Districts have an opportunity to review the proposed ordinance and come speak before the Board if they would like. Ms. Logan wants to make sure there is ample time for the current members of the Districts and new proposed members to review. The Department has been accepting applications up until November 9th, so this allows additional time for public comment. The goal is to have the ordinances approved and renewed at the Board's regular meeting on December 8th.

Mr. Mabe opened the public hearing, and there were no comments from the public.

On a motion by Mrs. Cullers, seconded by Mr. Fox, and by the following vote, the Board of Supervisors recessed this public hearing until its regular meeting on December 8, 2020 at 9:30 AM:

Oates, Aye; Mabe, Aye; Cullers, Aye; Fox, Aye

Public Hearing – Conditional Use Permit 2020-09-01, Kevin and Renee Roig, Daniel and Samantha Nobles for a Short-Term Tourist Rental – Matt Wendling

Matt Wendling, Planner II, reported this property was recently purchased jointly by the applicants who bought the property as a second home for use part-time between the owners. They are requesting this permit in order to offset the costs of the property such as mortgage, insurance and maintenance. They mention in their statement of justification they are experienced owner-landlords of both short and long term rentals in Washington, DC and understand rental management for this type of use. This property is located on Panhandle Road which is a State road and has direct access to it and is not in a POA or HOA.

The Planning Commission forwarded this application to the Board recommending approval with the following conditions:

1. The applicants shall comply with all Warren County Health Department regulations and requirements and the maximum number of occupants shall not exceed six (6) as determined according to the department's operational permit for a three (3) bedroom dwelling.
2. The applicants shall provide documentation to County Staff for the maintenance of the sewage treatment system as recommended by the Warren County Health Department.
3. The applicants shall have the well water tested annually for e-coli and L-coliform bacteria and a copy of the results shall be submitted to the Planning and Health Departments by the end of the calendar year.
4. The shooting of firearms and hunting shall be prohibited.
5. There shall be no discharging of fireworks.
6. There shall be no open outdoor fires, bonfires or fire pits used by guests.

Renee Roig, applicant, thanked the Board for the opportunity to apply for this conditional use permit and provided a recap of the concerns previously enumerated by some of the nearby property owners: 1) Renters trespassing – the property lines will be clearly marked, and the home is over 900' away from the nearest neighboring residence; 2) Traffic – studies have shown that traffic for short-term rentals is actually less than full-time occupancy, and Panhandle Road is State maintained; 3) Firearms – they will be prohibited per the conditions of the permit; 4) Parties – it will be made clear in the posted rental information that this is a second home and will not accommodate parties; 5) Septic system capacity – the system will be tested annually, and the reports are filed with the Planning Department; and 6) Bridge on the driveway – the Fire Marshal came and inspected the small bridge over the creek running under the driveway, and the Department of Fire and Rescue Services feels the crossing is adequate to support fire apparatus access as required. She did note that the applicants believe condition #6 regarding the disallowing of outdoor fires would be detrimental to the short-term rental, as there is an existing fire pit that the owners/applicants use. They believe the existing regulations in the Warren County Code would be sufficient.

Mr. Mabe opened the public hearing.

Dawn Simmons, 2467 Panhandle Road, said her main concern is the state of the road. Renters who are not from the area will not know how to drive on this road, and encouraging traveling for people unfamiliar with rustic roadways is putting everyone's safety at risk. The renters will also not know how to potentially deal with bears, coyotes, and other dangerous wildlife, and the nearby property owners do not want to be responsible for the weekenders' ignorance. Renters will not have as much care and consideration for neighbors as permanent residents.

Wendy Weir, 2436 Panhandle Road, is concerned that the applicants want to remove the condition disallowing outdoor fires, which troubles her deeply. Weekend transients who are partying around a bonfire will not know how to properly extinguish a fire. When she sold the applicants this property, she said she was not going to sell to someone who was looking to turn it into an AirBnB, and they told her that was not their intention. But now here they are requesting to turn the home into a short-term tourist rental. There is a whole list of things that can go wrong with weekend renters.

Chuck Eshelman, 2996 Panhandle Road, lives in the area because it is rural, and he has come to enjoy the permanent neighbors he has come to know. People coming to the area to make an investment for themselves do not truly come to make an investment in the community. They will be bringing in a rotating clientele of strangers while they live 100 miles away. The general attitude of renters in rural areas is, "who is going to care what we do way out here", which is of great concern to him. He acknowledged that Panhandle Road is State maintained but said it is often days before it is plowed after a snow, and out-of-town renters will not know how to drive this road, especially in the winter. He does not believe the applicants have thought this rental through with living so far away, and the majority of the neighbors are in opposition to this request.

Rudy Woltner, 2777 Panhandle Road, originally bought this property for privacy, seclusion, and closeness to nature, and he is very concerned about transients trespassing on his property, along with noise. Should this permit be approved, he will be calling the Sheriff's Office with every concern he has so they are documented.

Stephen Aaron, 1174 River Ridge Road, introduced himself as a fellow short-term tourist rental property owner in the County. He is a personal friend of the applicants, and when they came to the County to visit him and his property, they were excited about the prospect of owning a home in the area and renting it out when they were not using it. He encouraged them to do so, and here they are now, which is how it is supposed to work. This is how to bring people to the County to increase investment and put money into the economy. This property is not on a private road, is not in a Property Owners Association or a Homeowners Association, and meets all the County requirements for a short-term tourist rental. Denying this permit because of "not in my backyard" concerns will not send a good message to other potential buyers looking to invest in Warren County.

John Puglisi, 2815 Panhandle Road, just moved to the area in August with his wife and their seven young children and is concerned about this rental because he has seen how people he does not recognize drive on Panhandle Road. There is not one concern that has been brought up during this public hearing that he does not agree with. He would like to know who his neighbors are.

Chelsea Hackney, 3455 Panhandle Road, agrees with the neighbors who have spoken and their concerns about this short-term rental. People live in this area because of the peace and quiet, and this rental will affect this tranquility. She knows that renters do not always adhere to the regulations for a rental and is against this application.

Kevin Roig, applicant, believes the scope of this conversation and the concerns of his neighbors have gone past the applicants' ability to respond to all the hypotheticals of an unknown future. They are not real estate tycoons; their interest lies in enjoying the County and sharing this enjoyment with others. At a question raised by Mrs. Oates regarding having a property manager closer to the home who can answer immediate concern of renters, Mr. Aaron agreed to be the local point of contact for the applicants and their short-term renters.

There being no further comments from the public, Mr. Mabe closed the public hearing.

On a motion by Mr. Fox, seconded by Mrs. Oates, and by the following vote, the Board of Supervisors approved the conditional use permit request of Kevin and Renee Roig and Daniel and Samantha Nobles for a short-term tourist rental with the conditions as recommended and amended by the Planning Commission and staff and listed below:

Oates, Aye; Mabe, Aye; Cullers, Aye; Fox, Aye

1. The applicants shall comply with all Warren County Health Department regulations and requirements and the maximum number of occupants shall not exceed six (6) as determined according to the department's operational permit for a three (3) bedroom dwelling.
2. The applicants shall provide documentation to County Staff for the maintenance of the sewage treatment system as recommended by the Warren County Health Department.
3. The applicants shall have the well water tested annually for e-coli and L-coliform bacteria and a copy of the results shall be submitted to the Planning and Health Departments by the end of the calendar year.
4. The shooting of firearms and hunting shall be prohibited.
5. There shall be no discharging of fireworks.
6. There shall be no open outdoor fires, bonfires or fire pits used by guests.

Public Hearing – Z2020-09-01, Shelly Cook for an Ordinance to Amend and Re-Ordain Section 180 of the Warren County Code regarding the Definition of, Use as, and Supplemental Regulations for a "Rural Events Facility" – Joe Petty

Joe Petty, Zoning Administrator, reported the applicant is requesting a text amendment to the Warren County Zoning Ordinance to allow a Rural Event Facility as a use allowed by conditional use permit in the Agricultural Zoning District. This is an existing use in the Rural Residential Zoning District, and amended supplemental regulations are included.

Shelly Cook, applicant, has lived in the Fork Magisterial District since she was seven years old. She is sponsoring this Code amendment because she desires to construct a rural events facility on one of her properties. She would like to bring this use to Warren County.

Mr. Mabe opened the public hearing. There being no comments from the public, Mr. Mabe closed the public hearing.

On a motion by Mrs. Cullers, seconded by Mrs. Oates, and by the following vote, the Board of Supervisors adopted the ordinance to amend and re-ordain Sections 180-8, 180-21(D), and 180-55.2 as proposed, finding the ordinance amendment to be appropriate for the public necessity, convenience, and general welfare and good zoning practice:

Oates, Aye; Mabe, Aye; Cullers, Aye; Fox, Abstain

AN ORDINANCE TO AMEND CHAPTER 180 OF THE WARREN COUNTY CODE (ZONING ORDINANCE) TO AMEND THE DEFINITION OF "RURAL EVENTS FACILITY"; TO ADD "RURAL EVENTS FACILITY" AS A USE ALLOWED BY CONDITIONAL USE PERMIT IN THE AGRICULTURAL (A) ZONING DISTRICT; AND TO AMEND THE SUPPLEMENTARY REGULATIONS FOR RURAL EVENTS FACILITIES.

BE IT ORDAINED BY THE WARREN COUNTY BOARD OF SUPERVISORS that Warren County Code Sections 180-8, 180-21(D), and 180-55.2 of the Warren County Code (Zoning) be amended, added, and re-ordained as follows:

§ 180-8 Definitions.

Rural Events Facility – ~~A facility located on rural residential zoned land of twenty (20) acres or larger that has an ongoing viable agricultural use that provides a facility for any type of social gathering, available for use by various private groups for such activities as meetings, weddings, and/or receptions.~~ **A facility, located on a parcel of land twenty (20) acres or larger in size, utilized for events typically conducted on a single day, for which attendance is permitted by invitation or reservation. Facilities may host usual and customary activities, including, but not limited to, private parties, business meetings, educational seminars, wedding receptions, wedding ceremonies, class/family reunions, showers (i.e., baby, bridal), similar events and activities for**

nonprofit organizations; and similar events and activities as determined by the Zoning Administrator.

§ 180-21 Agricultural (A) District.

D. Uses allowed by conditional use permit. The following named uses may be permitted upon issuance of a conditional use permit by the Board of Supervisors:

(1) Airport, heliport and private landing field.

…

(43) Rural Events Facility.

§ 180-55.2 Rural events facility.

A. Rural event facilities shall be located on a lot or parcel adjacent to and have access to a state-maintained road, and the access to and from the property shall have VDOT approval for this type of use.

~~B. All exterior lighting must consist of full cut-off fixtures and be in compliance with Section 180-49.2 of the Zoning Ordinance.~~

B. ~~C.~~ There shall be adequate restroom facilities provided at the events center as approved by the Warren County Health Department.

C. ~~D.~~ On-site parking shall be provided in an amount equal to one parking space per three guests.

D. ~~E.~~ The facilities used for the rural events shall meet the requirements and approval of the Warren County Building Inspections Department.

E. ~~F.~~ A plan must be submitted to the Planning Department that includes information regarding adequate parking, traffic control into and around the site, emergency ingress and egress, directional signage, outdoor lighting, bathroom facilities, etc. This plan shall also be approved by the Warren County Sheriff's **Office** ~~Department~~ and Warren County Fire and Rescue.

F. ~~G.~~ The maximum number of guests will be specified in the conditions for the conditional use permit ~~and shall not exceed 150 people.~~

G. ~~H.~~ The hours of operation shall be specified in the conditional use permit and in no case shall activities continue past 11:00 p.m.

~~I. The noise as measured from the adjacent property lines shall not exceed 65 decibels.~~

~~J. A point of contact and contact information for the events manager who can be contacted during events must be provided to all adjacent neighbors.~~

THIS ORDINANCE SHALL BE EFFECTIVE UPON ADOPTION

Language proposed to be deleted is ~~lined through~~.
Language proposed to be added is **underlined**.

Public Hearing – Conditional Use Permit 2020-09-02, Shelly Cook for a Rural Events Facility – Taryn Logan

Ms. Logan reported the applicant is requesting a conditional use permit for a Rural Events Facility. She would like to use her property to build an events facility. The proposed use of the facility would range from weddings to business venues. The property is currently vacant, is approximately 41 acres in size, and is located off of Lee Burke Road in the Fork Magisterial District. The applicant will need to comply with all supplemental regulations for this use, including the County's other ordinances, such as noise and lighting.

The Planning Commission forwarded this application to the Board recommending approval with the following conditions:

1. The applicant shall comply with all Warren County Health Department, Virginia Department of Transportation, Warren County Building Inspections, and Warren County Fire and Rescue regulations and requirements.
2. The parking area for the events shall be in a location approved by the Planning Department.
3. The property shall be in compliance with the County's noise ordinance in Warren County Code Section 123.
4. All events must be within the hours of 9:00 AM and 11:00 PM.
5. The only access to the property for the events facility shall be off of Lee Burke Road with an approved VDOT entrance. Access to Martin Road shall be for private use only.
6. Any buildings constructed on the property for the rural events facility shall be cohesive with the agricultural/rural nature of the surrounding area in their appearance.
7. Any buildings constructed on the property for the rural events facility shall have a minimum setback of 100 feet from any property line.
8. Outdoor/indoor events shall not exceed 300 people.

Mr. Mabe opened the public hearing.

Thad Massagee, 853 Dorn Road, thinks it is great what Ms. Cook wants to do to develop this land, but he is concerned about the noise, lights, and traffic associated with this venue. He wonders if there will be "No Parking" signs erected along the nearby roads with potential overflow of guests at the venue. He was also concerned about the potential of open storage of items used for the venue that could be seen from the roadway.

Lynne Morrison, 694 Dorn Road, echoed Mr. Massagee's comments and reiterated her concerns about traffic in the area, especially the proposed location for the entrance on Lee Burke Road.

Richard Marsala, 360 Martin Road, said he has no concerns with the proposed plan but would like the gate along the back of the property shut and locked during events.

Chuck Bowers, 315 Lee Burke Road, is mainly concerned about the corner of Lee Burke Road where the proposed entrance will be located. Additionally, he would like to make sure there is adequate space to park on the property, as there is no room on the road for people to park on the shoulders. He noted he and his wife are in favor of this events facility.

Ms. Cook came to the podium and addressed the concerns about the entrance location. This is the existing farm entrance to the property and is the only place along Lee Burke Road where VDOT will allow the entrance to be placed. There were extensive traffic and speed studies done by Racey Engineering to the referenced corner when the nearby Loving Arms Assisted Living was constructed, and it was deemed to be safe. At a petition by Ms. Cook, the speed in this area was reduced from 55 miles per hour to 45 miles per hour.

There being no further comments from the public, Mr. Mabe closed the public hearing.

On a motion by Mrs. Oates, seconded by Mrs. Cullers, and by the following vote, the Board of Supervisors approved the conditional use permit request of Shelly Cook for a Rural Events Facility with the conditions as recommended by the Planning Commission and staff and listed below:

Oates, Aye; Mabe, Aye; Cullers, Aye; Fox, Aye

1. The applicant shall comply with all Warren County Health Department, Virginia Department of Transportation, Warren County Building Inspections, and Warren County Fire and Rescue regulations and requirements.
2. The parking area for the events shall be in a location approved by the Planning Department.
3. The property shall be in compliance with the County's noise ordinance in Warren County Code Section 123.
4. All events must be within the hours of 9:00AM and 11:00PM.

5. The only access to the property for the events facility shall be off of Lee Burke Road with an approved VDOT entrance. Access to Martin Road shall be for private use only.
6. Any buildings constructed on the property for the rural events facility shall be cohesive with the agricultural/rural nature of the surrounding area in their appearance.
7. Any buildings constructed on the property for the rural events facility shall have a minimum setback of 100 feet from any property line.
8. Outdoor/indoor events shall not exceed 300 people.

Request – Approval of the Compensation Plan – Jodi Saffelle

Ms. Saffelle reported the approved budget for FY 2020-2021 includes $280,000 in funding for a 1.5% cost-of-living adjustment (COLA) increase for employees and $300,000 in funding for implementation of Phase II of the Compensation Plan. Both of these items were delayed due to concerns with revenue projections resulting from the COVID-19 pandemic. With revenue projections appearing to be improving and beginning to surpass last year, and as discussed during the Board of Supervisors work session of November 4, 2020, staff proposes moving forward with implementation of the COLA and Phase II. To accomplish these changes, the following is proposed and/or included in this item. A Schematic List of Classes was provided for the Board's review, which is the list of positions in the County's classification system to include position title, department, current grade, proposed grade, current salary range, and proposed salary range.

1. Proposed Salary Scale updated to reflect the 1.5% COLA (would apply to all employees on the Salary Scale). The 1.5% COLA also applies to DSS employees. The Salary Scale is a spreadsheet which details each grade (denoted by numbers 1-26) along with salaries/rates which detail each salary/rate by step (denoted by letters A-R). This document corresponds to the proposed Schematic List of Classes and keeps in place the current salary structure of a scaled system of grades and steps.
2. A 2.5% (one-step) increase for employees hired prior to October 1, 2019. Employees who have received increases/promotions/reclassifications since that time would not be eligible for such increase. Includes eligible DSS employees.
3. For positions that were previously identified as substantially below market, additional steps proposed based on category:
    - Eligible Fire & Rescue Captains - 2 steps
    - Eligible Fire & Rescue Lieutenants - 1 - 2 steps
    - Eligible FF/EMT- 1 - 2 steps
    - Eligible FF /Medic - 1 - 2 steps
    - Eligible Equipment Operators, Construction Project Manager, Assistant Crew Supervisor, Maintenance Techs, Foreman, Scale House Attendant, Custodial Supervisor, Custodians - 1-2 steps

- Eligible Accounting Technician, Office Manager - 1 - 2 steps
- Eligible DSS positions such as Administrative Services Manager, Family Services Specialist II, Family Services Supervisor, Human Services Assistant II, Program Coordinator - varying increases from 2.25% - 4.13%

4. Compression adjustments as recommended by the County Administrator. Compression is the situation that occurs when there is only a small difference in pay between employees regardless of their skills, experience, and years of service.
5. Position reclassifications as recommended by the County Administrator as noted on the Schematic List of Classes. This also includes Communications Officer grade change as requested by the Sheriff (from 5 to 7).
6. Addition of IT Director as recommended by the County Administrator. Please note this addition is in preparation for filling role in the future by placement into the County's classification plan.
7. Administrative Assistant position in Planning as recommended by the County Administrator - upgrade position from part-time to full-time. Funding is available in current FY 2020-2021 budget due to vacancy savings)
8. Reclassification of two (2) Deputy Clerk I positions to Deputy Clerk II positions in the Circuit Court Clerk's Office. Funding is available in current FY 2020-2021 due to a senior employee leaving the Clerk's Office and the sharing of the savings among current staff.

The current estimated annual costs (compensation and benefits) for the implementation of the COLA and Phase II total $614,165.73. However, please note this estimate is based on current staffing and is a fluid number. With the anticipated staffing changes/attrition in the remainder of FY 2020-2021, staff anticipates savings that will keep the funding well within the approved annual range of $580,000. Please note that though there will be savings in FY 2020-2021 due to implementation being requested effective December 1st (actual cost for seven months implementation is estimated at $358,263.36), staff remains cognizant of the costs moving forward into the next fiscal year and made the recommendations accordingly.

On a motion by Mr. Fox, seconded by Mrs. Oates, and by the following vote, the Board of Supervisors approved the Compensation Plan as proposed, effective December 1, 2020:

Oates, Aye; Mabe, Aye; Cullers, Aye; Fox, Aye

Adjournment

Mr. Mabe adjourned the meeting at 9:52 PM.

At a regular meeting of the Board of Supervisors of Warren County held in the Warren County Government Center on December 8, 2020 at 9:00 AM.

Present: Walter J. Mabe, Chairman (Shenandoah District); Cheryl L. Cullers, Vice Chair (South River District); Tony F. Carter (Happy Creek District); Archie A. Fox (Fork District); and Delores R. Oates (North River District); also present Edwin C. Daley, Interim County Administrator; Jason J. Ham, Interim County Attorney (via Zoom); Mike Berry, Public Works Director; Mark Butler, Sheriff; Rick Farrall, Emergency Coordinator; Caitlin Jordan, Assistant County Attorney; Taryn Logan, Planning Director; Gerry Maiatico, Fire Marshal; Keith McLiverty, Finance Director; Brandy Rosser, General Services Director; Jodi Saffelle, Human Resources Director; Emily Ciarrocchi, Deputy Clerk of the Board; and Mark Williams, Royal Examiner

Call to Order and Pledge of Allegiance of the United States of America

Adoption of Agenda – Additions or Deletions

Mrs. Cullers requested the removal of item N (Purchase and Installation of Emergency Generators for Stations 4, 8, and 10) due to potential alternative funding sources.

On a motion by Mrs. Cullers, seconded by Mr. Carter, and by the following vote, the Board of Supervisors adopted the agenda as amended:

Aye: Carter, Cullers, Fox, Mabe, Oates

Adoption of Resolution re: Special Recognition of Chief Richard Mabie

On a motion by Mrs. Cullers, seconded by Mrs. Oates, and by the following vote, the Board of Supervisors adopted the proposed resolution honoring Chief Richard E. Mabie for his years of service to the Front Royal/Warren County community with the Department of Fire and Rescue Services:

Carter, Aye; Oates, Aye; Mabe, Aye; Cullers, Aye; Fox, Aye

RESOLUTION OF THE BOARD OF SUPERVISORS OF WARREN COUNTY HONORING RICHARD E. MABIE, FIRE CHIEF

WHEREAS *Richard E. Mabie* was appointed the first Fire Chief of the Warren County Department of Fire and Rescue Services on August 7, 1995; and

WHEREAS *Richard E. Mabie,* through both his character and performance, has significantly contributed to the advancement of the fire and rescue protection of Warren County; and

DRAFT

WHEREAS *Richard E. Mabie* established a wide-ranging combination fire and rescue response system comprised of dedicated career and volunteer emergency responders; and

WHEREAS *Richard E. Mabie* fostered an environment that created the Departmental slogan of *"One Department – One Mission"* which exemplifies the Department's Mission Statement of *"To serve the community as one single department with a common mission. To deliver the highest level of services and perform at our best to those in need at their worst"*; and

WHEREAS *Richard E. Mabie* has announced his retirement as the Chief of the Department of Fire and Rescue Services, effective December 30, 2020.

NOW, THEREFORE, BE IT RESOLVED that the Warren County Board of Supervisors expresses its sincere appreciation to *Richard E. Mabie* for the outstanding leadership and service which he has unselfishly given on behalf of the citizens of Warren County for the past twenty-five years and five months; and

BE IT FURTHER RESOLVED that the Warren County Board of Supervisors holds *Richard E. Mabie* in the highest esteem as an honorable member of the Warren County Department of Fire and Rescue Services who has repeatedly demonstrated his commitment to Warren County; and

BE IT FURTHER RESOLVED that the Warren County Board of Supervisors extends to *Richard E. Mabie* its deep personal appreciation and sincere gratitude for his dedicated efforts on behalf of the community for the benefit of all its citizens; and

BE IT FINALLY RESOLVED that the Warren County Board of Supervisors and the Department of Fire and Rescue Services affirms that *Richard E. Mabie* is worthy of receiving the Department of Fire and Rescue Services' highest award and hereby confers the Distinguished Service Award upon *Richard E. Mabie.*

Public Comment Period (60 Minute Time Limit)

There were no presentations from the public.

Report – Virginia Department of Transportation (VDOT) – Ed Carter

Ed Carter provided the following monthly VDOT report to the Board:

Maintenance:

- Completed fall mowing on the primary routes and will begin winter brush cutting on secondary routes this month

- Extended the turning lane on Route 340 north bound at Route 605 (Poor House Road)
- Repaired failing slope at Hillbilly Salvage on Route 340 south
- Performed grading operations on various non-hard surfaced secondary routes and will continue this month
- Conducted skin patching operations on Route 613 (Bentonville Road) and made permanent asphalt repairs on Route 340 between Limeton and Page County
- Will be doing shoulder repairs in December on Route 619 (Rivermont Drive), Route 661 (Fairgrounds Road), and on Routes 55, 522, and 340

Other Issues:

- Completed permanent repairs on Route 522/340 left turn lane onto eastbound I-66 at exit 6
- Currently working with County staff regarding additional parking area at the Indian Hollow Bridge
- Mr. Carter would like to schedule an appearance at a Board work session in January where attendance could be limited to 10 people to discuss the Secondary Six Year Plan

Supervisor Carter said he had received an email of concern regarding the intersection of Route 55 (John Marshall Highway) and High Knob Road and wondered if there were additional ways to alleviate the turning concerns aside from the measures already taken, which include advance warning signage and rumble strips. He also inquired about the status of the Rockland Road overpass, since the initials surveys of the property had found sinkholes, increasing the estimated cost of the project. Mrs. Oates replied there was a meeting with VDOT on December 3rd about the overpass, and Dr. Daley said VDOT is looking at holding a public hearing in the spring (April or May) on the proposed design for the project. The preliminary design will be ready at that time, and materials will be sent to the County to show the Board the design prior to the public hearing.

Report – Economic Development Authority (EDA) – Doug Parsons

Doug Parsons, Executive Director, presented the following EDA report to the Board:

1. Audits: Brown Edwards has sent draft documents to EDA accountant Carolyn Stimmel for her review regarding the classification of certain portions of the EDA's debt. They are also working on putting quality control measures in place to review the work. Brown Edwards is now saying December 31st for completion of the FY18 audit.

2. Website: Mr. Parsons thanked Emma Rusnak, GIS Coordinator, for working to design an interactive properties page for the new EDA website. She is working with Queen Consulting on getting that built. Once that is done, staff needs to edit the text on certain webpages; then, the EDA will be ready to go live with Phase One of the new website by December 31, 2020.

3. EDA Owned Properties: The remediation work at the EDA offices is done. Staff is working to get new sump pumps installed. The Salvation Army's Angel Tree Network is taking advantage of the space at the EDA offices for the storage and distribution of toys for children in need this holiday season.

4. Prospects: The EDA has had excellent progress on three projects. Generally, prospect activity is up, even with the COVID-19 crisis and the holidays. The EDA has seen an increase in leads coming in from brokers and site selector consultants in addition to those from VEDP.

   The EDA now has three short term storage leases in place for the 426 Baugh Drive building that cover 30% of the total cost of ownership while they work toward selling the building.

5. VEDP Business Ready Sites Program: The Front Royal Town Council approved the rezoning of two parcels at Happy Creek from Residential to Industrial. Mr. Parsons thanked Dan Farrell at Thrasher Engineering and the Front Royal Planning & Zoning Department and Town Council for this approval. This will help raise the Tier ranking with VEDP for Happy Creek Technology Park and make the property more competitive.

   The State GOVA Board will vote on the application by the Shenandoah Valley Partnership for due diligence work at various industrial sites in the Shenandoah Valley, including the Stephens Industrial Park, on Monday, December 7th. If approved, there will be money available for the due diligence work needed to raise Stephens Industrial Park from a Tier 2 to a Tier 4 in the Virginia Business Ready Sites Program. Draper Aden will perform the work for all the sites. The work is expected to take seven months to complete for the Stephens Industrial Park.

6. Collaborative Efforts: EDA Board of Directors Chairman Jeff Browne participated in a Blue Ridge Association of Realtors' Shenandoah Valley Real Estate Market and Economic Summit to report on the current residential and commercial market in Front Royal and Warren County. Mr. Parsons thanked Mr. Browne for stepping up and attending this Summit while he was out that day.

7. Leach Run Parkway: The final contractor invoice for $101,158.55 has been submitted and paid. Karl Schaeffer at Pennoni has prepared and compiled most of documents necessary for closeout of the construction activities stormwater discharge permit with DEQ. He is still working on the Maintenance Agreement which will need to be signed off on by the Town. He will have us the draft Notice of Termination form for review by December 4, 2020. The maintenance agreement will have to be recorded with the Notice of Termination.

Reports – Board Members, Interim County Administrator, Interim County Attorney

Mr. Carter reported the following:

- A major casualty of COVID-19 was not having the children's choir come to sing carols at this meeting, which has been a tradition for years
- Wished everyone Happy Holidays and Merry Christmas

Mrs. Cullers reported the following:

- Hoped everyone had a wonderful Thanksgiving
- Attended a Happy Creek Coalition meeting on November 21st to discuss the brush cutting operations the Town had completed along the banks of Happy Creek and also attended the Town Council meeting on November 23rd Town Council where the Coalition presented its information to Council; she asked for project plans from Council and is still waiting for a response
- Attended the Fire Chief meeting on November 24th where they discussed staffing, the new Rivermont Fire Station, and the North Warren roof replacement project
- Rang the bell at Rural King on November 28th for the South Warren Ruritan Club
- Ate a pancake breakfast on December 5th compliments of the Kiwanis Club
- Wished everyone a Merry Christmas and a happy, healthy New Year

Mr. Fox reported the following:

- Attended a meeting with the Sheriff's Office and the Department of Fire and Rescue Services to discuss the need and plans to repair and replace the current radio system
- Wished everyone a Merry Christmas and Happy New Year

Mrs. Oates reported the following:

- Attended a Drug Prevention Committee meeting on December 3rd where a Mission Statement was decided upon and various subcommittees were established; the Committee is looking for participants for these subcommittees
- Attempted to attend the VDOT meeting on the Rockland Road overpass but was unable to due to technical difficulties; Dr. Daley was able to provide her with an update after the meeting
- The Tourism Committee is working with the Town on an agreement with a mutual destination management organization selected by the Committee in early September; tourism is the number one industry in the community, and this destination management organization will help to maximize ability to attract tourists to the area
- Wish everyone a Merry Christmas, however they choose to celebrate in this COVID-19 year

Mr. Mabe reported the following:

- Wished everyone a Merry Christmas and great New Year for many years to come

Dr. Daley reported the following:

- Mike Berry introduced the new Sanitary District Manager, Michael Coffelt
- Coronavirus Update – County staff continue to monitor the situation and take the necessary precautions. The County is still in the Governor's "Phase Three" of Virginia's "Path Forward".

  The relative the number of COVID-19 cases in the County continues to increase, more so than at the start of this Fall. There were recent COVID-19 outbreaks in three congregate living facilities, and there is currently a COVID-19 outbreak in one congregate living facility. As such, staff urges everyone to remain vigilant. Please continue to implement measures that allow staff to safely interact with extended family, friends and the public – especially with the Christmas holidays in the coming weeks.

  Regarding the CARES Act, the County has received the majority of documentation required from the Town regarding the first round fund distribution to Town small businesses, and staff is in the process of receiving the final documentation. The County also received the initial "Round 2" documentation required from the Town last month. It is the goal to complete all reimbursement to the Town by Christmas, for receipts received. Additionally, the Warren County CARES Act Committee closed the "third and final round" of applications for the local distribution of Coronavirus Relief Funds. The County staff is in the process of compiling the appropriate documentation and closing out the associated accounts. The County continues to report to the Department of Accounts as directed, and are optimistic to complete an associated external audit by early next Spring.
- Coronavirus Vulnerable Revenue – For the month of November, the County's share of local sales tax revenue was $432,960.69. This amount is up $52,478.21 (12.9%) over the $380,482.48 collected in November 2019. The year-to-date total for Business Licenses is $947,725.19 - $100,910.64 (11.9%) more than last year's $846,814.55.
- Tourism Committee – The Town Council and Board of Supervisors voted in June to outsource tourism services moving forward. A Request for Proposals for a Destination Marketing Organization for Tourism Services for the Town and County was issued in August. Requests were received and ranked by an Evaluation Committee. After interviews, the Committee has agreed on a firm. The County and the Town are currently working on the necessary agreements to move forward with a joint tourism program.
- Wayfinding Signage – The Design Phase has been completed by Frazier Associates. The final plan has been sent to VDOT addressing their remaining comments. The construction intent documents have been completed for the bidding process.

- Development Review Committee – The Development Review Committee met on November 18, 2020. The Committee discussed County projects including:
    - A discussion with the applicants of 4022 Rockland Road for proposed indoor classes/seminars and seasonal agricultural activities.
    - A proposed Chapel on Strasburg Road. The public hearing was held by the Planning Commission in November.
    - The Equus warehouse facility site plan is still under review with DEQ.
    - Site plan review for the proposed warehouse facility on the corner of Baugh Drive and Fairground Road.
    - Site plan review for Manual Trucking located on Winners Court.

  The Committee also discussed Town projects including:

    - The Thermal Shelter at the Health and Human Services Complex opened on November 1st.
    - A request for 60 apartments on East Main Street.
    - A proposed Gas Station/Convenience Store at the former site of Joe's Steakhouse.
    - A proposed Comprehensive Plan amendment on the Happy Creek area property that was annexed into the Town from the County.

  The Committee will meet again on January 27, 2021.

- Building Inspections – In review of the new construction for 2020, there were a total of 179 new home starts through November 30th. Of that number, 38 were located in Town limits and the remaining 141 outside of Town limits. As a comparison, in 2019 there were a total of 150 new home starts for the year and 139 through November 30th. Based on recent permits the projected annual total is now up to 190 new starts, which represents an annual growth rate in housing stock of 0.93%. As projected, 2020 would now show an increase and stop the decline shown in the previous two years.

  The growth rate is well below the 2-3% maximum outlined in the Warren County Comprehensive Plan, but is slightly above the 0.88% average experienced since January 1, 2009.

  In November, the permits are trending higher with an increase from 184 in 2019 to 207 this year (12.50%), and the total number of inspections are up from 1,041 to 1,133 (8.83%).

- Parks and Recreation – Virginia Game and Inland Fisheries staff (Fish Hatchery) placed 600 Brown and Rainbow Trout in Happy Creek on November 20th behind the RES Youth Center in Miller Park. VGIF will place additional Trout each month through March 2021. Happy Creek has been an established Trout stream since 1994.
    - Park staff completed the November Fall 2nd fertilization application to the Warren County and Skyline High Schools athletic facilities and Ressie Jeffries soccer fields. Park staff also completed the November Fall 2nd fertilization application to all the County Park athletic facilities including Skyline Soccerplex/Rockland Park/Eastham Park/Chimney Field Park/Warren

County Health and Human Services athletic fields; Gertrude Miller Park (Bing Crosby Stadium/Adult Softball Complex/Champs 53 Baseball Facility) on November 19th and November 20th. General Services Technicians have winterized all of the County park restrooms and concessions stand facilities in the park system for the season.

- All Parks and Recreation athletic facilities are closed for the season include Skyline Soccerplex soccer fields, Eastham Park practice fields, Chimney Field Park softball fields/tennis courts, Warren County Health and Human Services out door facilities, Rockland Park practice fields, Bing Crosby Stadium, Adult Softball Complex, Champs 53 Baseball Facility, Claude A. Stokes, Jr. Community Swimming Pool, and Dr. Seide Memorial Gardens Park Splash Pad. Recreation staff posted signs in the entrances information message boards at the practice fields that the facility is CLOSED for the season.
- Park staff checked all of the plows and spreaders for the winter seasonal use. Park staff removed decks and attached plows onto Toro Grandstand/Ventrac mowers on November 30th. Park staff completed transporting of mowers to Skyline Soccerplex and Skyline High School storage areas for winter storage on November 30th.
- Parks staff put together a Christmas Scavenger Hunt and also organized Pictures with Santa and an opportunity for children to send Letters to Santa.

- <u>Department of Fire and Rescue Services</u> – Status of ongoing grants: SAFER Grant complete except for ongoing documentation for reimbursement from FEMA; Assistance to Firefighters Grant complete, SCBA purchased, training held, fit testing held and SCBA exchanges on all apparatus; Ballistics Grant/OEMS ballistic protection for responders, especially involved in shooting situations – the report from OEMS is looking good with little matching funds; OEMS Ambulance Grant is looking good, should know something from State in early January. This would replace Medic 4 at Linden, matching funds to come from Cost Recovery; Power Cot grant for new ambulance is the same as Medic unit; Training Center Committee to look at future plans for the training center – Captain Maiatico Chairs, Mrs. Cullers, District Chief Oliver, Chief Mabie, and Ray Warriner.
  - Rivermont Fire Station inspections with volunteers and Brandy Rosser. Still missing furniture that was back ordered
  - Promotions have been made effective December 1, 2020
  - Re-assignments being made December 1st as a result of new Firefighters and promotions
  - Communication Center interviews
  - Obtaining prices for emergency generators for Stations 4, 8, and 10; this would mean all stations would have emergency generators
  - Radio Communications committee meeting and changes to Board
  - Tested 13 staff for COVID-19, and two tested positive and are off now under quarantine

- December 10 and 11 – Insurance company to conduct inspections of all fire stations; Captain Maiatico has been assigned to accompany the inspector
- January 1, 2021 set as Chief Mabie's retirement date with December 30, 2020 as his last working day

- Rivermont Fire Station – The project is nearing completion. A Ribbon Cutting will be scheduled for December. A spring Open House is also being discussed that would include activities with the Airport.
- Commercial/Industrial Projects – Work continues on the following projects:
  - The new Warren Memorial Hospital is nearing the final phases to start final inspections, anticipating a phased opening schedule.
  - Chipotle is planning to open within the next week or so, with an actual opening tentatively scheduled for Monday, December 14th.
  - Five Guys restaurant is planning to open within the next two weeks, with an actual opening tentatively scheduled for Monday, December 21st.
  - Equus Warehouse facility – Continues to work with DEQ and the County on resubmissions.

Appropriations and Transfers

On a motion by Mrs. Cullers, seconded by Mr. Fox, and by the following vote, the Board of Supervisors approved the additional appropriations and transfers as presented and shown below for December 2020:

Carter, Aye; Oates, Aye; Mabe, Aye; Cullers, Aye; Fox, Aye

APPROPRIATIONS

91000-5898	Non-Departmental - Contingency Reserve	468,375.00
71020-5203	Parks & Rec.-Rec. Program- Telephone	39.45
92000-7112	Capital Outlay - Health & Human Services Complex	125.00

TRANSFERS

FROM:	25002-5604	Courthouse Upgrades	(9,302.14)
TO:	35002-1001	Public Safety payroll-County	9,302.14
FROM:	35002-1001	Hazard Pay-County	(100,000.00)
TO:	35002-1001	Public Safety payroll-County	100,000.00
FROM:	91000-5898	Non-Departmental - Reserve for Contingency	(468,375.00)
TO:	91000-8006	Non-Departmental - COVID-19 Reserve	468,375.00
FROM:		Special Project-Elections	(24,500.00)
TO:	13000-7007	Elections-Computer Equipment	24,500.00

Approval of Accounts

On a motion by Mrs. Cullers, seconded by Mr. Fox, and by the following vote, the Board of Supervisors approved the list of December 2020 accounts as presented:

Fox, Aye; Cullers, Aye; Mabe, Aye; Oates, Aye; Carter, Aye

Check Numbers 294308 to 294746 Total: $3,120,095.07

Consent Agenda

1. Removed for further discussion
2. Removed for further discussion
3. Creation of an Ad Hoc Review Committee for the Property Owners of Shenandoah Farms – Cheryl Cullers
4. Reappointment of Dr. Antoinette Funk to the Northwestern Community Services Board – Ed Daley
5. Reappointment of John Vance to the Northern Shenandoah Valley Regional Commission – Ed Daley
6. Reappointment of Ralph Rinaldi to the Warren County Well and Septic Appeals Board – Ed Daley
7. Outside Agency Representative Appointments to the Community Policy and Management Team (CPMT) – Jessica Amankrah
8. Removed for further discussion
9. Approval of Crime Analyst Job Description and Grade Placement – Jodi Saffelle
10. Request – Donation of 1997 Ford Ambulance from the Department of Fire and Rescue Services to the Front Royal Police Department – Chief Richard Mabie
11. Resolution for Appropriation of Grant Monies for Backroom Brewery – Caitlin Jordan/Taryn Logan
12. Request – Removal of 3.05 acres from the Rockland Agricultural and Forestal District for Happy Creek Road Phase 4 Transportation Improvements – Taryn Logan
13. Coyote Bounties – $50.00 Each – Animal Control
    a. Matthew Presley (1)
    b. Charles Woodard (1)

Mr. Carter requested the removal of items 1 and 2 for further discussion, and Mrs. Cullers requested the removal of item 8 for further discussion.

On a motion by Mrs. Cullers, seconded by Mr. Fox, and by the following vote, the Board of Supervisors approved the Consent Agenda as presented with items 1, 2, and 8 removed for further discussion:

Carter, Aye; Oates, Aye; Mabe, Aye; Cullers, Aye; Fox, Aye

RESOLUTION OF THE BOARD OF SUPERVISORS OF WARREN COUNTY, VIRGINIA RELATING TO AN APPROPRIATION TO THE ECONOMIC DEVELOPMENT AUTHORITY OF THE TOWN OF FRONT ROYAL AND THE COUNTY OF WARREN, VIRGINIA OF GRANT MONIES

WHEREAS, the Board of Supervisors of Warren County, Virginia (the "Board") has been requested by the Economic Development Authority of the Town of Front Royal and County of Warren, Virginia (the "EDA") to appropriate funds for an Incentive Grant and a Tourism Grant to be paid to Backroom Brewery, a microbrewery in Middletown, Warren County, as financial assistance to expand its operations, which expansion would further the prime objectives of the County and EDA to expand the tax base and create local jobs; and

WHEREAS, the Tourism Grant is contingent upon Backroom Brewery receiving matching funding from the United States Department of Agriculture; and

WHEREAS, the proposed Master Agreement between the EDA, the County of Warren, Virginia, and the Backroom Brewery sets forth the grants' provisions and investment and related commitments by Backroom Brewery; and

NOW, THEREFORE, BE IT RESOLVED the Board hereby approves and appropriates to the EDA $63,562.51 which shall to be paid to the EDA for final distribution to Backroom Brewery over a ten-year period from calendar year 2020 through 2030, as outlined in the attached Master Agreement between the EDA, and County of Warren, and the Backroom Brewery.

BE IT FURTHER RESOLVED that the Board of Supervisors of Warren County, Virginia does hereby approve the attached Master Agreement between the EDA, the County of Warren, Virginia, and Backroom Brewery, and authorizes its Chairman, Walter J. Mabe, to sign said Master Agreement.

Pump and Haul Permit Request of Arthur Piszcz – Matt Wendling

Mrs. Cullers wanted to be sure the pump and haul permit would be accepted by the Warren County Health Department since Mr. Piszcz's request for a conventional system was denied. Taryn Logan, Planning Director, said the Health Department had, in fact, forwarded Mr. Piszcz to the Planning Department for the pump and haul permit.

Mr. Fox asked if the Health Department will be monitoring the permit, and Ms. Logan confirmed they would be. She also noted the Planning Department maintains a list of all pump and haul permits and receives copies of the reports filed with the Health Department annually.

On a motion by Mrs. Cullers, seconded by Mr. Carter, and by the following vote, the Board of Supervisors approved the request of Arthur Piszcz for a permit to install a permanent pump and haul septic system in accordance with the requirements of the Warren County Health Department and the County's Pump and Haul policy and agreement, since the property meets the criteria for a hardship and the current system is inadequate to meet the current Virginia Department of Health regulations:

Fox, Aye; Cullers, Aye; Mabe, Aye; Oates, Aye; Carter, Aye

Approval of 2021 Board Meeting Schedule – Ed Daley

Mr. Carter said he had pulled this item from the consent agenda not because he had a problem with the schedule but rather because he wanted to highlight the previously adopted Budget Meetings Schedule. All the meetings are on the website calendar, and he encouraged the public not to wait until the public hearing in April to be involved in the budget process. He then asked what sort of direction staff has been provided for the proposed FY 2021-2022 budget, and Dr. Daley replied staff will not be asked to use a zero-based budget this year. They will need to provide line item justification for any included increases, which provides staff a bit more flexibility, but also instructed staff not to go "hog wild" with their budget requests.

On a motion by Mr. Carter, seconded by Mrs. Cullers, and by the following vote, the Board of Supervisors adopted the meeting schedule for 2021 as presented and shown below:

Carter, Aye; Oates, Aye; Mabe, Aye; Cullers, Aye; Fox, Aye

9:00 AM	7:00 PM
January 5th	January 12th – Work Session January 19th
February 2nd	February 9th – Work Session February 16th
March 2nd	March 9th – Work Session March 16th
April 6th	April 13th – Work Session April 20th

9:00 AM	7:00 PM
May 4th	May 11th – Work Session May 18th
June 1st	June 8th – Work Session June 15th
	July 13th – Work Session July 21st
August 3rd	August 10th – Work Session August 17th
September 7th	September 14th – Work Session September 21st
October 5th	October 12th – Work Session October 19th
November 3rd (Wednesday)	November 9th – Work Session November 16th
December 14th (Second Tuesday)	

Shannon Woods Sanitary District Advisory Committee Bylaws – Mike Berry

Mr. Carter pulled this item from the Consent Agenda because he wanted to add a section to the Bylaws that included a provision regarding removal from the Advisory Committee at a majority vote of the Board.

Mike Berry, Public Works Director, agreed with this amendment and also wanted to amend the date in Section 2-2 to December 31, 2021. There was discussion regarding whether to add an At-Large member or an Alternate member, and it was ultimately decided to include language for an Alternate member in the Bylaws.

On a motion by Mr. Carter, seconded by Mrs. Cullers, and by the following vote, the Board of Supervisors adopted the Bylaws for the Shannon Woods Sanitary District Advisory Committee with the amendments as shown below:

Fox, Aye; Cullers, Aye; Mabe, Aye; Oates, Aye; Carter, Aye

Section 2-1: The SWSDAC shall have three (3) Directors **and one (1) Alternate**, and all Directors must be property owners within the boundaries of the Shannon Woods Sanitary District. All Directors **and the Alternate** shall be appointed by the Board of Supervisors.

Section 2-2: The Directors shall hold office for a term of two (2) years each. The initial term shall end on ~~June 30~~**December 31**, 2021. Directors shall hold office

until the successor has been appointed, which successor shall serve the unexpired remainder of that Director's term.

Section 5-5: Any Director who has three (3) unexcused absences in a calendar year shall be removed from the SWSDAC and another Director shall be appointed by the Board of Supervisors to fill the unexpired term of office. **Any Director may be removed from the SWSDAC by a majority vote of the Board of Supervisors.**

Public Hearing (Recessed) – Review and Renewal of the Rockland, South River, and Limeton Agricultural and Forestal Districts – Taryn Logan

Ms. Logan reminded the Board that the Planning Commission and the Agricultural and Forestal District Review Committee voted to approve the new properties to be added to the Districts. They also voted to recommend the extension of all three Districts for a time period of ten years. This public hearing was recessed from the Board's November 17th meeting to give the property owners ample time for review.

Susan Bowen, 2732 Rockland Road, told the Board her property has been in the Rockland Agricultural and Forestal District for forty-two (42) years, and she is proud that the Rockland District was the first to be established in 1978. Her hope is that the Board will renew all three Districts for another ten year period.

There being no further comments from the public, Mr. Mabe closed the public hearing.

Mrs. Cullers asked for an opinion from Mr. Ham regarding whether she should abstain from voting on this item since her husband and son own land in one of the Districts and it could be perceived as a conflict of interest, and Mr. said she should abstain from voting.

On a motion by Mrs. Oates, seconded by Mr. Fox, and by the following vote, the Board of Supervisors approved three ordinances to modify and extend the Rockland, South River, and Limeton Agricultural and Forestal Districts pursuant to Title 15.2, Chapter 43 of the Code of Virginia, as has been recommended to the Board by the Agricultural and Forestal District Advisory Committee, Planning Commission, and Planning Department staff:

Carter, Aye; Oates, Aye; Mabe, Aye; Cullers, Abstain; Fox, Aye

Request – Acceptance of Deed of Gift of Easement from Adam Huddleston – Taryn Logan

Ms. Logan reported the Virginia Open-Space Land Act (Virginia Code Section 10.1-1700, et seq.) authorizes the use of conservation easements, which may be held by local governments and non-profit conservation organizations, to preserve open-space areas. Adam and Shawn Huddleston wish to place this property into a perpetual open-space conservation easement. The property consists of approximately 443.59 acres and is located on the corner of Ashby Station Road and Rockland Road in the Shenandoah Magisterial District. The property consists of four parcels identified on Tax Map 6, as lot 2, and on Tax Map 5, as lots 20, 20B, and 22A.

A summary of the restrictions imposed in the Deed of Gift of Easement is as follows:

1. Proposed Usage - Agricultural and Open Space. The property is currently four lots, but will not be conveyed as more than one (1) parcel.
2. Dwellings - One primary detached dwelling will be permitted. Also a detached guest house or cottage may be permitted in compliance with the zoning requirements. There are currently 2 existing dwellings. One historic farm home built in 1792 and one single-story frame farmhouse. They will be able to replace these homes if desired in the future.
3. Farm buildings are permitted for agriculture and equine activities or forestry.
4. It's important to note that the collective footprint of all buildings and structures on the property shall not exceed one-half of one percent of the total area of the property. This means that out of the 443.59 acres in easement, there will only be 2.22 acres with structures.
5. County has the right to inspect and enforce the easement.
6. 35 foot riparian buffer along Willow Brook, an intermittent stream on the property.
7. Alternate energy structures are allowed.
8. Processing or sale of farm or forest products produced on the property is allowed.

The County's Conservation Easement Program was officially adopted in August 2009, and the County currently holds 3,543 acres in easement. The program is managed through the Planning Department. The Department reviews the easements for compliance, and there is a layer through the Geographic Information Systems (GIS) that easily allows staff to keep an inventory of the easements and helps staff monitor building activity. This property is surrounded by existing conservation easements and has a high conservation value as determined by the ranking criteria in the County Code.

Mr. Carter asked if a future owner of the property could ask to rescind this or is it in in conservation easement perpetually. Ms. Logan responded the Board could take this property out of conservation easement if it so desired, but it is not recommended.

On a motion by Mr. Carter, seconded by Mrs. Cullers, and by the following vote, the Board of Supervisors accepted the Deed of Gift of Easement from Adam and Shawn Huddleston conveying a conservation and open-space easement consisting of 443.59 acres,

more or less, located in the Shenandoah Magisterial District on the corner of Ashby Station Road and Rockland Road, contingent upon the Deed being signed by all necessary parties, and further authorized the Chairman and the County Administrator to execute the Deed of Gift of Easement on behalf of the County:

Fox, Aye; Cullers, Aye; Mabe, Aye; Oates, Aye; Carter, Aye

Request – Memorandum of Understanding for the Lord Fairfax Community College (LFCC) COVID-19 Scholarship Program – Carlene Hurdle/Ed Daley

Dr. Daley noted one amendment to item 1 on the Memorandum of Understanding to change the amount from $25,000 to $30,000 as discussed during the December 1st work session to allow for $25,000 towards the scholarships and $5,000 towards marketing.

Mrs. Cullers said she has some heartburn over the $5,000 for marketing, and Dr. Daley replied the Board, in its discretion, could take the marketing fees out of the Memorandum of Understanding. Both Mr. Carter and Mr. Mabe believe the marketing is worthwhile.

On a motion by Mr. Carter, seconded by Mrs. Oates, and by the following vote, the Board of Supervisors approved the Memorandum of Understanding with Lord Fairfax Community College to provide Career Training/Enhancement scholarships for Warren County residents:

Carter, Aye; Oates, Aye; Mabe, Aye; Cullers, No; Fox, No

~~**Request – Purchase and Installation of Emergency Generators for Stations 4, 8, and 10 – Chief Richard Mabie**~~

At this time, the Board called for a ten minute recess. The meeting was reconvened at 10:53 AM.

Radio Infrastructure Upgrade Project Request – Sheriff Mark Butler/Chief Richard Mabie

In January 2020, it was discovered that all five (5) 911 dispatch radio consoles will reach end of life on December 31, 2020. This includes the base station and receivers (quantar) for the Fire and Rescue side of the radio system. A quote was initially obtained from Motorola Solutions for the base station and receiver upgrade which was at the cost of $155,000.00 off the VITA Contract. The existing base station and receivers being used today have never been replaced since placed into operation in the early 2000's. The lifespan of said equipment is approximately ten (10) years, and the equipment is now nearing twenty

(20) years in operation. An initial estimate for the five (5) 911 dispatch radio consoles was also obtained in February 2020 with an initial cost of $583,372.

Motorola has explained that should a base station, receiver, or dispatch radio fail, it will do its best to repair it; however, it cannot guarantee a fix on a product that is past its end of life. If Motorola is unable to find a replacement part or fix the existing issue, the Sheriff's Office and the Department of Fire and Rescue Services (WCFR) would be down that piece of equipment. This means that radio coverage could be lost in the County, putting first responders' lives at risk while working in the field, and compromising a quick and safe response to aid the community. It also means that a 911 dispatch radio console could fail and the Sheriff's Office and WCFR would not be able to dispatch calls from that position.

To ensure proper radio communications for the County, the consensus of Sheriff Mark Butler, Chief Richard Mabie, Lt. Brogan, and Lt. Gaither is to replace all the end of life equipment. Motorola has revised its proposal and consolidated both projects, which has provided a savings of $15,000 off the base station and receiver upgrade project. It is the request that this project be funded under the capital improvements fund as this is an infrastructure upgrade, not a department upgrade. The new base station and receivers will be digital ready for when WCFR moves to a digital system.

Warren County Public Safety Communications System Upgrade	
Console Upgrade	$432,500
Mobile Dispatch Position	$105,000
Fire and Rescue Base Stations Mixed-Mode (Analog and Digital)	$300,000
Public Safety Building BDA	$57,143
130 Tri-Band APX8500 Portables, 70 Tri-Band APX8000 Mobiles, KVL5000. Includes Programming and Installation. Includes Five Year Warranty	$1,833,877
Sub-Total	**$2,728,520**
Pricing discounted per the VITA Two Way Radio Contract	
Additional Incentives:	
Subscriber Trade-In $400 per Radio	($80,000)
2020 Year End Incentive	($600,000)
Infrastructure Bundle Incentive	($139,520)
Upgrade to Digital Incentive	($100,000)
Grand Total	**$1,809,000**

The down payment for this upgrade would be $815,303, which includes the $105,606.11 previously approved and allocated by the Board at its meeting on November 17, 2020 for the purchase and installation of Motorola Solutions All Band radios. The remaining balance to finance would be $993,697 over the course of two years.

On a motion by Mrs. Cullers, seconded by Mrs. Oates, and by the following vote, the Board of Supervisors authorized the Chairman and the County Administrator to execute any and all necessary documents with Motorola Solutions, Inc., to complete the upgrades to the radio infrastructure utilized by the Warren County Sheriff's Office and the Department of Fire and Rescue Services at a total cost not to exceed $1,809,000:

Fox, Aye; Cullers, Aye; Mabe, Aye; Oates, Aye; Carter, Aye

Strategic Visioning Action Plans – Brandy Rosser/Rick Farrall/Ed Daley

Ms. Rosser reported on November 13th and 14th, the Board of Supervisors, Interim County Administrator, some Constitutional Officers, and some staff met and participated in a Strategic Vision Advance. During this day-and-a-half long facilitated workshop, the attendees discussed and developed a County Vision, conducted a Strengths Weaknesses Opportunities and Threats (SWOT) analysis, and identified six Critical Issues/Goals/ Strategies to address with Action Plans. These Critical Issues included:

1. Need to provide key leaders in order to provide stability and guidance to staff;
2. Improve public trust and relationships with the Town of Front Royal and partnering agencies in order to make the best decisions for our community;
3. Work to ensure continued financial stability of the County;
4. Improve employee morale in order to enable staff stability;
5. Address inadequate technology in order to provide staff with current state-of-the-art capabilities; and
6. Reduce legal fees in order to improve coordination of legal services.

Mr. Carter spoke at length regarding his concerns for delaying the hiring of a permanent County Administrator until 2022 and voiced his uncertainty about having an Interim being around for so long. Mrs. Oates thinks it is a good situation for a new County Administrator to be able to begin working with a stable employee base, and Dr. Daley will be able to establish this base while acting in his capacity as Interim County Administrator. Mrs. Cullers agreed that the County needs to build a foundation for a new Administrator to come in and have solid ground.

Mr. Carter reiterated his concerns about putting it off for so long and the potential impacts it may have on staff morale. Perhaps the Board should consider having Ms. Saffelle craft a Request for Proposals (RFP) to look for an outside recruiting firm to search for a permanent County Administrator. He also suggested sending out, and provided a draft of, an employee survey to send out in order to garner input for the proposed Strategic Plan. The other Board members expressed their disappointment that Mr. Carter did not attend the Advance to voice these concerns at that time and to provide his contributions then.

On a motion by Mrs. Cullers, seconded by Mrs. Oates, and by the following vote, the Board of Supervisors tabled this item until January 2021:

Carter, No; Oates, Aye; Mabe, Aye; Cullers, Aye; Fox, Aye

Closed Session – Virginia Freedom of Information Act

On a motion by Mrs. Cullers, seconded by Mrs. Oates, and by the following vote, the Board of Supervisors entered into a closed meeting under the provisions of Section 2.2-3711(A)(1) of the Virginia Freedom of Information Act for the discussion or consideration of the assignment, appointment, promotion, performance, demotion, salaries, and resignation of a specific public officer of the public body; she further moved that discussion be limited to the Board of Building Code Appeals, the Broadband Committee, a Review Committee for the Property Owners of Shenandoah Farms, and the Shannon Woods Sanitary District Advisory Committee.

She also moved the Board enter into a closed meeting under the provisions of Section 2.2-3711(A)(7) and (A)(8) of the Virginia Freedom of Information Act for consultation with legal counsel pertaining to actual or probable litigation and the provision of legal advice; she further moved that discussion be limited to *County of Warren v. Thomas Eric Roslund, et als*, and golf course use and lease matters.

Finally, she moved the Board enter into a closed meeting under the provisions of Sections 2.2-3711(A)(7) and (A)(8) of the Virginia Freedom of Information Act for consultation with legal counsel pertaining to actual or probable litigation and the provision of legal advice regarding the Industrial Development Authority of the Town of Front Royal and the County of Warren, Virginia (the "EDA"), the Town of Front Royal, the EDA vs. Jennifer McDonald, et al., the Town of Front Royal vs. the EDA, et al., and other potential claims and litigation relating to other possible liabilities of the EDA and the recovery of EDA funds and assets:

Fox, Aye; Cullers, Aye; Mabe, Aye; Oates, Aye; Carter, Aye

On a motion by Mrs. Cullers, seconded by Mr. Fox, and by the following vote, the Board of Supervisors certified to the best of each member's knowledge only public business matters lawfully exempted from open meeting requirements under Sections 2.2-3711(A)(1), (A)(7), and (A)(8) of the Virginia Freedom of Information Act and only such public business matters as were identified in the motion by which the closed meeting was convened were heard, discussed or considered in the meeting by the public body:

Carter, Aye; Oates, Aye; Mabe, Aye; Cullers, Aye; Fox, Aye

On a motion by Mrs. Cullers, seconded by Mrs. Oates, and by the following vote, the Board of Supervisors appointed the following individuals to the Broadband Committee for two-year terms beginning upon appointment and ending on December 31, 2022: Ray

Bramble to represent the South River Magisterial District, Bonnie Gabbert to represent the Fork Magisterial District, and Robert Hencken to represent the North River Magisterial District:

Fox, Aye; Cullers, Aye; Mabe, Aye; Oates, Aye; Carter, Aye

On a motion by Mrs. Oates, seconded by Mr. Fox, and by the following vote, the Board of Supervisors appointed Martha Widmayer to the Shannon Woods Sanitary District Advisory Committee (SWSDAC) for an unexpired two-year term ending December 31, 2021, appointed Bryony Powell and Kathleen Johnson to the SWSDAC for respective two-year terms ending December 31, 2022, and appointed Brian Blodgett to the SWSDAC as an alternate member with no term limit:

Carter, Aye; Oates, Aye; Mabe, Aye; Cullers, Aye; Fox, Aye

On a motion by Mrs. Cullers, seconded by Mrs. Oates, and by the following vote, the Board of Supervisors appointed Paul Castle to the Board of Building Code Appeals to fill an unexpired four-year term ending September 30, 2024:

Carter, Aye; Oates, Aye; Mabe, Aye; Cullers, Aye; Fox, Aye

There were no further motions to come out of this closed session.

Adjournment

Mr. Mabe adjourned the meeting at 1:51 PM.

At a special meeting of the Board of Supervisors of Warren County held in the Warren County Government Center on December 14, 2020 at 4:00 PM.

Present in Person: Walter J. Mabe, Chairman (Shenandoah District); Cheryl L. Cullers, Vice Chair (South River District); Edwin C. Daley, Interim County Administrator; Rick Farrall, Emergency Coordinator; and Emily Ciarrocchi, Deputy Clerk of the Board

Present Electronically: Tony F. Carter (Happy Creek District); Archie A. Fox (Fork District); Delores R. Oates (North River District); Jason J. Ham, Interim County Attorney; and Caitlin Jordan, Senior Assistant County Attorney

Due to the State of Emergency declared by the COVID-19 (Coronavirus) pandemic and Executive Order 72 issued by the Governor of the Commonwealth of Virginia limiting in-person gatherings to ten (10) individuals or fewer, this meeting of the Warren County Board of Supervisors was conducted electronically through Zoom.

At the request of Mr. Farrall, the Board reordered the agenda to place the Appropriation item first and the Agreement item second.

Request – Appropriation of $88,109.00 through the Coronavirus Aid, Relief, and Economic Security (CARES) Act for the Municipal Utility Relief Program to Assist Customers

Mr. Mabe wanted to be sure there were no County funds being appropriated in this request, Mr. Farrall confirmed these are funds from the State simply flowing through the County to the Town. Staff will square up the usage of funds with the Town by the end of the month to determine how much (if any) the Town would need to pay back to the State.

On a motion by Mrs. Oates, seconded by Mrs. Cullers, and by the following vote, the Board of Supervisors appropriated Eighty Eight Thousand, One Hundred and Nine Dollars ($88,109) as allocated and awarded through the Coronavirus Aid, Relief, and Economic Security (CARES) Act to assist with municipal utility customer relief for all eligible customers of the Town of Front Royal, and that the Board of Supervisors of Warren County authorize the execution, delivery and performance of the Certification for Receipt of Coronavirus Relief Fund Payments:

Carter, Aye; Oates, Aye; Mabe, Aye; Cullers, Aye; Fox, Aye

Request – Agreement with the Town of Front Royal regarding the Allocation of Funds through the Coronavirus Aid, Relief, and Economic Security (CARES) Act for the Municipal Utility Relief Program to Assist Customers

Mr. Carter asked if the agreement would contain the same restrictions as the previous rounds of funding by having to be spent by December 30, and Mr. Farrall confirmed this was the case. These funds can only be applied to utility accounts through the end of December, and the County has until January 29th to turn any unused funds back over to the State.

On a motion by Mrs. Cullers, seconded by Mrs. Oates, and by the following vote, the Board of Supervisors authorized the execution, delivery and performance of the Agreement for the Use of Federal CARES Coronavirus Relief Funds between the County of Warren and the Town of Front Royal:

Fox, Aye; Cullers, Aye; Mabe, Aye; Oates, Aye; Carter, Aye

Adjournment

Mr. Mabe adjourned the meeting at 4:17 PM.

COUNTY OF WARREN, VIRGINIA
BOARD OF SUPERVISORS AGENDA ITEM

DATE	ITEM	SUBJECT:	PAGE
01/05/2021	I-1	New road naming request for properties accessed off of *Whitetail Ln.*	1 of 1

EXPLANATION & SUMMARY:

Upon the approval of the subdivision of Tax Map 16-2 (Bowman Heirs Property), it was discovered that the platted 50' private access easement off of Whitetail Lane will require a name in the future. There are currently two (2) new vacant lots along this access with the potential to be subdivided that will share this road. This brings the possible number of dwellings served by this access to, or above, (3) three.

The Warren County Code requires (3) three or more dwellings to be numbered where the driveways meet on a final platted by-way within a subdivision. With the potential of three (3) or more dwellings in the future, this lane will require a new name. We are seeking approval for this name now in anticipation of future development. The new road will be added to the mapping system and a sign will be erected once building begins.

The developer of the land within this subdivision has been contacted. The proposed name is "Turkey Run Way."

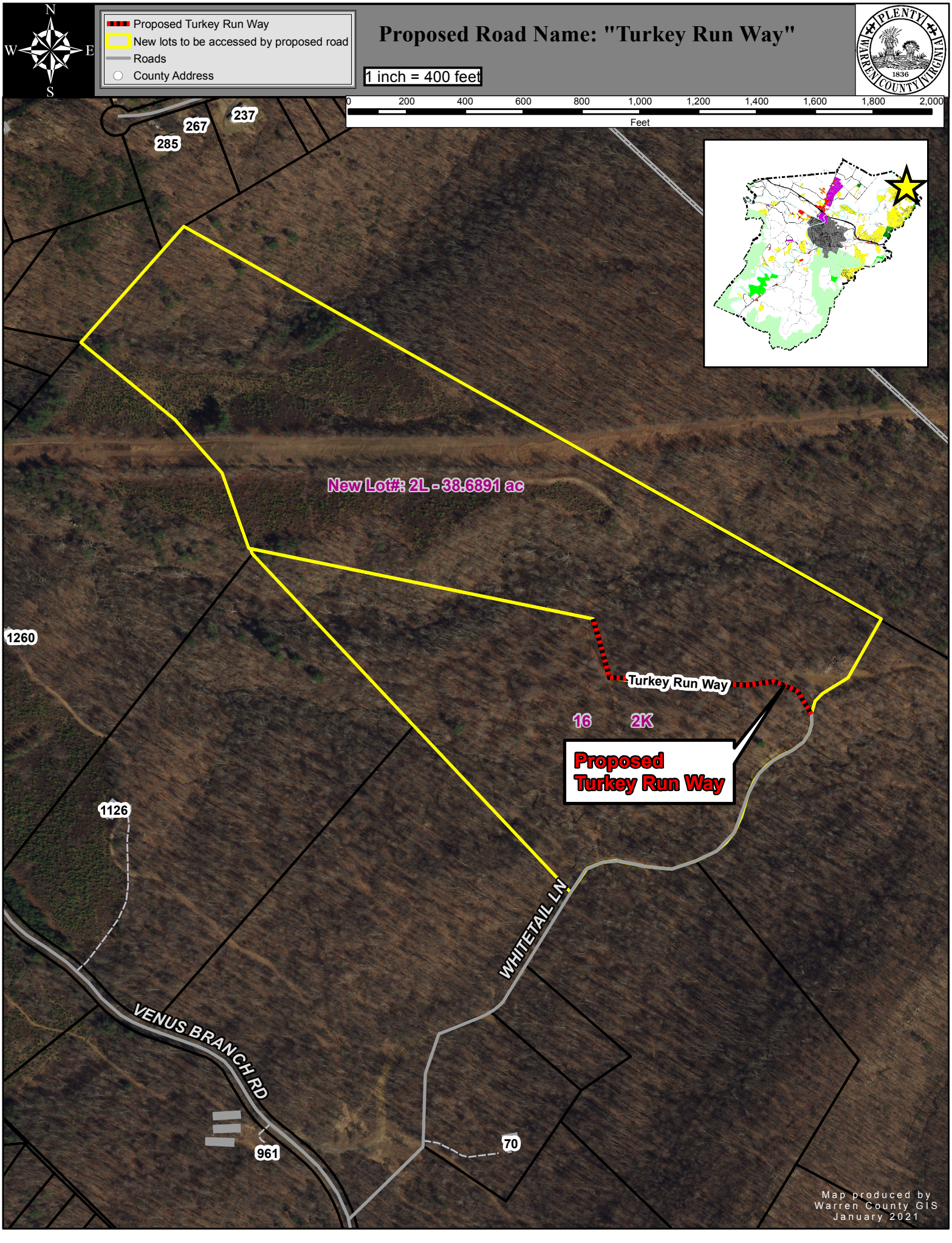
COST & FINANCING:

The cost of erecting the road sign pole is $151.35. The road sign pole is required to have (2) crossed road signs identifying each of the intersecting roads (Whitetail Ln & Turkey Run Way) for a total cost of $151.35 to be paid for and installed by the County.

PROPOSED OR SUGGESTED MOTION:

I move to name the access road off of Whitetail Ln *"Turkey Run Way".*

SUBMITTED BY:	DISPOSITION OF BOARD:	PROCESSED BY:
Emma Rusnak, GIS Coordinator	☐ APPROVED ☐ OTHER (Describe)	


Proposed Turkey Run Way
New lots to be accessed by proposed road
Roads
County Address
Proposed Road Name: "Turkey Run Way"
1 inch = 400 feet
0 200 400 600 800 1,000 1,200 1,400 1,600 1,800 2,000
Feet
N
W
E
S
PLENTY
WARREN COUNTY VIRGINIA
1836
267
237
285
New Lot#: 2L - 38.6891 ac
1260
Turkey Run Way
16
2K
Proposed
Turkey Run Way
1126
WHITETAIL LN
VENUS BRANCH RD
961
70
Map produced by
Warren County GIS
January 2021

COUNTY OF WARREN, VIRGINIA

BOARD OF SUPERVISORS AGENDA ITEM

DATE	ITEM	SUBJECT	PAGE 1 OF
January 5, 2021	I-2	Approval of Salary for Fire Chief	

EXPLANATION & SUMMARY:

Due to Fire Chief Richard Mabie's retirement effective December 30, 2020, and after extensive interviews and meetings, County staff was pleased to select a candidate for the position of Fire Chief. The recommended candidate, James Bonzano II, has over 34 years of experience in the fire/ems field in progressive levels of responsibility, including as Fire Chief in another Virginia locality.

Based on Mr. Bonzano's wealth of knowledge, experience, and overall fit for Warren County, staff has proposed appointment at a salary of $106,154.76, which is a Grade 25, Step K on the County's salary scale. Warren County Personnel Policies (6.3), subparagraph b, require that any starting rate of pay that is more than 20% above the beginning step of the corresponding grade requires Board of Supervisors approval. In addition, Warren County Code Section 18-3 requires appointment by the Board of Supervisors to the position of Fire Chief.

COSTS & FINANCING: No additional funding is requested, as adequate funding is included in the FY 2020-2021 approved budget.

PROPOSED OR SUGGESTED MOTION:

(1) I move that the Board of Supervisors approve the appointment of James Bonzano, II as Fire Chief effective January 1, 2021, at a salary of $106,154.76 (Grade 25, Step K).

OR

(2) I move that the Board of Supervisors not approve the appointment of the Fire Chief.

OR

(3) I move that this matter be postponed until _____.

SUBMITTED BY:		PROCESSED BY:
Jodi R. Saffelle, Human Resources Director JRS		

October 29, 2020

Jodi Saffelle Human Resources Manager
220 North Commerce Avenue, Suite 100
Front Royal, VA, 22630,

Ms. Saffelle,

After 35 years combined service in public safety and 34 years with the Arlington County Fire Department, I am honored to apply for the position of Chief of Fire and Rescue Services. Since joining the Arlington County Fire Department in 1984, I have advanced through the ranks from Apprentice Firefighter to Fire Chief. As an accomplished Incident Commander and Executive Officer, I have extensive experience in firefighting, fire prevention, and emergency medical services. I have served in field operations and staff positions – successfully managing emergency response, quality assurance, budget, and professional development initiatives for our department. Among the initiatives I have been involved in over the years, I am most proud of the initiatives that provided long-term progress for our Department in professional development, team cohesiveness, service response levels, and financial recovery.

I am extremely proud of our department but I am most proud of our collaborative performance at the Pentagon on September 11, 2001. As a team, we provided "world class" mutual aid emergency response – the largest such operation in the history of our departments. As a result of that tragedy, an improved set of regional standard operating procedures emerged and I am proud to have been an integral part of implementing these improvements.

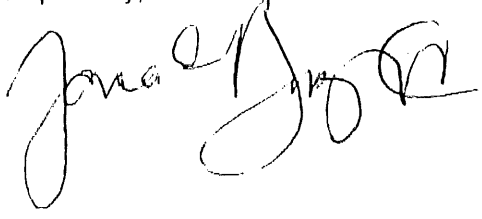
In commitment to continuing my education and professional development, I have earned undergraduate and graduate degrees, in addition to my credentials as a firefighter, state instructor, and paramedic. In an effort to advance the professional development of our profession, I have worked with outside departments, local educators, and our internal team members to ensure we provide a superior level of education to all personnel.

My assignments to date have resulted in my involvement in a wide variety of projects with individuals at all levels from both inside and outside County Government. This work includes collaboration with our leadership in identifying priority initiatives for our department and preparing a plan for execution, including scope and assignment of work as well as operating procedures. In the position of Personnel Services Section Chief, I worked extensively with Human Resources and Financial Management and have developed an excellent relationship with personnel in both departments. As an Operations Battalion Chief, I provided fire ground command and daily management of fire stations and department personnel. As the EMS Chief, I was deeply involved in the EMS program, actively working with the Medical Director and staff at the local hospitals and managed our medical response, which accounts for 70 percent of our department's annual call volume.

My resume provides examples of project management, leadership, professional development, and industry expertise displayed over the course of my professional career. These examples will provide assurance that I can drive progress, address the staff and field challenges our department is facing today and proactively address those we will face tomorrow. These examples attest to my ability to develop tactful and accurate solutions in emergency or high-pressure environments and my commitment to the citizens we serve and the individuals who collectively make up the Warren County Fire and Rescue Service.

In closing, let me thank you, your executive team, and the community for the opportunity to be considered for the position of Chief of Fire and Rescue Service. I look forward to the future.

Respectfully, James G. Bonzano II



James G. Bonzano II
[redacted]

Statement of Qualifications

Over the past 35 years, I have worked for the betterment of public safety. I retired as the Fire Chief of the Arlington County, VA Fire Department (ACFD). I have led, and served in, every major Section of the ACFD including Suppression, EMS, Hazmat, and Fire Prevention. During my career, I prepared and managed a departmental budget of $63,521,951. I built positive and constructive working relationships with our Department employees, including our labor group, County Executives and our community members. I am known as a "go-to" leader especially when handling sensitive matters and when gaining support in matters that have the ability to divide the workforce. My experience has provided me with:

- Strong communication skills and solid relationship across all departments and in the region
- Clear understanding of Fire Department operations and preparedness including how to respond to all hazards and all modes of service delivery
- Awareness of, and ability, to navigate industry and local public safety challenges
- Ability to implement and develop quality control procedures
- Budget and expenditure strategies
- Regional involvement and leadership
- Continued personal and professional growth, motivation and the desire to lead
- Community program initiative and involvement
- Supervisory, management and leadership strategies that maximize outcomes for all internal and external stakeholders

Professional Experience

Interagency Readiness Solutions (IRS Solutions) Current
Public Safety Consultant. IRS Solutions provides curriculum and training in support of agencies such as the Army, National Guard, FEMA, Regional Training Institute-Florida, U.S. Food & Drug Administration. Serve as a public safety consultant working on multi-agency response procedures, continuity of operations planning, and vulnerability assessment given large scale disasters.

Arlington County Fire Department 1984 - 2018
Fire Chief 2016-2018
Served as the Arlington County Fire Department Fire Chief serving a population greater than 225,000 residents in a 26 square miles County made up of residential, commercial business, highway, Metrorail and military facilities including the Pentagon. Led 340 employees, major accomplishments/responsibilities include:

- Emergency Services (Fire/EMS) Program which provides response for emergency and non-emergency requests for service.
- Support Services Program which includes High Threat, SWAT, HazMat, Special Events, Technical and Water Rescue, Fire Marshal (Code Enforcement, Fire Investigations, Bomb Squad, Fire Prevention, Education), and Communications and Logistics.
- Personnel Services including the Fire Training Academy, Health/Wellness/Safety, and Human Resources functions.

Professional Experience (cont.)

Arlington County Fire Department (cont.)

Acting Assistant Chief 2015-2016

Major Accomplishments:

- Served on the Capital Improvement Program - the CIP Working Group, a team comprised of cross-departmental members that communicates details of their respective programs but also commits to reviewing all inputs and objectively assessing competing proposals. This program is critical in helping to shape recommendations to the county manager.
- Department's Strategic Vision - assisted the Fire Chief with developing the Department's annual vision for personnel services, identifying internal measures, suppression equipment and tactics, EMS equipment and tactics, budget, and Division and Section performance measures.
- Member, 2016 Leadership Arlington - this program promotes a strong commitment to strengthening and building our community. Our skill was "Visioning" and we worked with leaders of the community in the Lee Highway corridor which comprises 10 different and unique civic associations. We focused our "vision" on smart growth while balancing the quality of neighbor and community that is vital to Arlington County.

Deputy Chief 2013-2015

Major Accomplishments:

- As a member of the Diversity & Inclusion Steering Committee (comprised of department heads from HR, CAO, Human Rights, Libraries, Police and DHS), led a county-wide effort to provide the County Manager with strategic recommendations in Diversity and Inclusion for the County's workforce.
- Advanced Practice Paramedic – Designed a new program to deliver emergency medical services and reduce costs. This program has allowed our medic units to be available more of the time for emergency calls that require the higher level of care while being transported to the hospital. The APP program has resulted in improved job satisfaction for our providers, more appropriate patient dispositions, and a more effective working relationship with our County partners including DHS, APS and police.
- Operation Fire Safe – assigned to research and implement Operation Fire Safe, a smoke alarm canvassing program with the goal of reducing the number of civilian fire fatalities and injuries by ensuring all residents in Arlington County have working smoke alarms. Since the program began, the Department contacted 5,827 homes, approximately 15% of the estimated 39,500 single family homes and townhouses in the county, and we installed a total of 865 smoke alarms and 174 batteries in 568 homes.

Battalion Chief 2011-2013

Personnel Services Section Chief

Major Accomplishments

- Enhanced the relationship between labor and management by partnering with Human Resources to conduct a personnel compensation audit to ensure comparable compensation and awareness of industry standards.
- Developed and assisted HR with selection and promotional strategies.
- Partnered with police and Attorney's Office for internal administrative investigations.

Professional Experience (cont.)

Fire/EMS (EMS Focus) EMS Battalion Chief 2003-2009

Major Accomplishments

- Actively engaged with Public Health, i.e.: Disease Surveillance, Mass Fatality Planning, and Regional Dispensing.
- Ensured sound continuing medical education for both ALS and BLS, i.e.: Medical research, Q/A Q/I, evidence-based medicine or critical skills, trauma review, advanced airway techniques review, new procedures and equipment.
- Established new networks with local community colleges to assist with paramedic training. Negotiated with NOVA Community College to train paramedics in exchange for credit hours using customized curriculum designed by Arlington County personnel.

Fire/EMS (Shift/Operations) Battalion Chief 1999-2003

Major Accomplishments

- Partnered with DHS, law enforcement, VHC, and Public Health Medical Directors to ensure smooth relationships through sound agreements.
- Managed the grant process including the procurement of Mass Casualty Support Unit for the ACFD. Process required seamless coordination across various departments and counties.
- Managed Department contracts to include Medical Unit Procurement, Lifepack Leasing Program, Durable Medical Goods, EMS PPE, and Infectious Disease Practice & Training, resulting in long term cost-benefits and increase in quality and resource accessibility.

Fire/EMS Battalion Captain 1996-1999

Major Accomplishments

- Established a partnership with Arlington Catholic Archdioceses to teach CPR to parishioners and in exchange they taught our firefighters Spanish to better meet the needs of our community
- Assured that EMS Licensing was complete, accurate, and in compliance with the Commonwealth of Virginia Board of Pharmacist.

Fire Lieutenant 1993-1996

Firefighter/Paramedic 1986-1993

Firefighter III 1984-1986

Northern Virginia Community College 1989-1999
Adjunct Instructor
Taught Emergency Medicine, Paramedic Procedures, and Intro to Cardiology as part of the Arlington EMT Program.

James G. Bonzano II

Education and Certification

M.S. in Organizational Leadership and Innovation, Marymount University 2000
B.S. in Health Science – Minor in Management, Old Dominion University 1995
A.A.S. Emergency Medical Service Management, Northern Virginia Community College 1994

Former or existing certifications and education courses taken include:

- Certified Public Manager, George Washington University 2013
- ICS 100, 200, 300, 400, 700
- National Fire Academy Executive Fire Officer
- Nationally Registered Paramedic
- Advanced Cardiac Life Support Provider
- Basic Life Support (CPR) Provider
- Pediatric Advanced Life Support Provider
- Basic Trauma Life Support Provider
- Fire Instructor I
- Commonwealth of Virginia Hazardous Materials Instructor

Current Boards and Committees

- Board of Trustees at Dominion Hospital — Board Member
- Northern Virginia Community College EMS Program — Board Member

Arlington County Community Projects

- Arlington on Aging (Past) — Team Member
- Metropolitan Medical Response System (Past) — Project Manager
- Continuing Medical Education Curriculum for Arlington County Fire Department Personnel (Past) — Program Manager
- Partnership for Pilot Program – St. Thomas/Arlington County Fire Department, *"Conversing in the Spanish Language"* (Past) — Member
- Hazardous Materials Medical Operations Handbook for the Commonwealth of Virginia Department of Emergency Services — Co-Author

Awards

- Delta Epsilon Sigma-National Scholastic Honor Society 2000
- Outstanding Emergency Medical Technician of the Year – Arlington County Jaycees 1997
- Outstanding Employee – Sons of the American Revolution 1996
- Superior Performance – Arlington County Fire Department 1990
- Superior Performance – Arlington County Fire Department 1989

COUNTY OF WARREN, VIRGINIA

BOARD OF SUPERVISORS AGENDA ITEM

DATE	ITEM	SUBJECT:	PAGE 1 OF 1
January 5, 2021	I-3	Citizen Nomination to the Warren County Board of Zoning Appeals	

EXPLANATION & SUMMARY:

On January 21, 2020, Marcus Robinson was nominated by the Warren County Board of Supervisors to fill the unexpired five-year term representing the North River Magisterial District on the Warren County Board of Zoning Appeals, with appointment by the Warren County Circuit Court. This five-year term ended on December 31, 2020. Mr. Robinson has expressed his desire to continue serving on the BZA in this capacity for another term. This position was advertised, and no additional applications were received.

COST & FINANCING: **N/A**

CONSENT AGENDA MOTION:

I move that the Board of Supervisors nominate Marcus W. "M.W." Robinson for appointment by the Warren County Circuit Court to represent the North River Magisterial District on the Warren County Board of Zoning Appeals.

SUBMITTED BY:	DISPOSITION OF BOARD: ☐ APPROVED ☐ OTHER (DESCRIBE)	PROCESSED BY:
Edwin C. Daley, Interim County Administrator		

Emily Ciarrocchi

From: M.W. Robinson <mwriii@gmail.com>
Sent: Thursday, December 17, 2020 8:49 AM
To: Emily Ciarrocchi
Subject: Re: Warren County BZA - Term Expiring

Good morning,

Sorry for the delay, this email slipped past me. Yes I am interested in being considered for re-nomination.

Thanks and have a great day.

On Mon, Dec 14, 2020 at 3:12 PM Emily Ciarrocchi <ECiarrocchi@warrencountyva.net> wrote:

> Good afternoon, Mr. Robinson,
>
> Your term on the Warren County Board of Zoning Appeals will expire on December 31, 2020. Are you interested in being considered for re-nomination to this position?
>
> *Emily Ciarrocchi*
>
> (pronounced "sher-RAH-kee")
>
> Deputy Clerk of the Board
>
> Warren County Administration
>
> (540) 636-4600
>
> THIS MESSAGE IS INTENDED SOLELY FOR THE INDIVIDUAL(S) NAMED IN THE HEADER. THIS MESSAGE MAY CONTAIN MATERIAL THAT IS PRIVILEGED OR CONFIDENTIAL. IF YOU ARE NOT ONE OF THE INTENDED RECIPIENTS, PLEASE DO NOT READ, COPY, USE, OR DISCLOSE THIS MESSAGE TO OTHERS; PLEASE NOTIFY THE SENDER BY REPLYING TO THIS MESSAGE; AND THEN PLEASE DELETE THIS MESSAGE FROM YOUR SYSTEM. THANK YOU.

Total Control Panel Login

To: eciarrocchi@warrencountyva.net Remove this sender from my allow list
From: mwriii@gmail.com

COUNTY OF WARREN, VIRGINIA
BOARD OF SUPERVISORS AGENDA ITEM

DATE	ITEM	SUBJECT:	PAGE
January 5, 2021	I-4	Amendment to Professional Services Annual Term Contract with Moseley Architects	1 of 1

EXPLANATION & SUMMARY:

On January 11, 2017, Warren County entered an annual term contract with Moseley Architects to provide architectural and engineering services. It was the County's intention to assign individual projects to Moseley Architects on an as-needed basis.

The current term commenced on January 11, 2020 and expires on January 10, 2022. The County would like to extend the contract for an additional year, and the amendment to the original contract will allow the new one-year term contract to commence on January 11, 2021 and to expire on January 10, 2022. This renewal will leave no remaining renewal options.

The hourly rates during the renewal term for the architectural and engineering services will not change from the current rates. The rate sheet is attached hereto for review.

In recent years, the County has engaged Moseley Architects to provide architectural and engineering services for projects such as the Warren County Health and Human Services Complex, renovations to Ressie Jefferies Elementary School, and the replacement Rivermont Fire and Rescue Station.

CONSENT AGENDA MOTION:

I move that the Board of Supervisors approve the amendment to the annual term contract with Moseley Architects to provide architectural and engineering services for an additional one year period from January 11, 2021 to January 10, 2022.

ALTERNATIVE MOTIONS:

I move that the Board of Supervisors not approve the amendment to the annual term contract with Moseley Architects to provide architectural and engineering services for an additional one year period from January 11, 2021 to January 10, 2022.

OR

I move that the Board of Supervisors postpone the request for further discussion.

SUBMITTED BY:	DISPOSITION OF BOARD:	PROCESSED BY:
Caitlin Jordan, Senior Assistant County Attorney	☐ APPROVED ☐ OTHER (Describe)	

AMENDMENT 12
TO THE AGREEMENT BETWEEN
THE COUNTY OF WARREN, VIRGINIA
AND MOSELEY ARCHITECTS
FOR PROFESSIONAL SERVICES

THIS AMENDMENT (hereinafter the "Amendment") **is** dated this _____ day of _____, 2021, by and between the County of Warren, Virginia, a political subdivision of the Commonwealth of Virginia (hereinafter the "Owner"), and Moseley Architects P.C. (hereinafter the "Architect")

WITNESSETH:

WHEREAS, the Owner and the Architect executed an agreement for professional services on January 11, 2017 (hereinafter the "Agreement"); and

WHEREAS, the Agreement was been in effect for one (1) term of one (1) year from January 11, 2017 through January 10, 2018; and

WHEREAS, the Agreement was extended for three (3) additional one (1) year terms from January 11, 2019 through January 10, 2021; and

WHEREAS, the Agreement may be extended for one (1) additional one (1) year terms at the option of the Owner; and

WHEREAS, the Owner and Architect both desire to extend the Agreement for an additional term of one (1) year.

NOW THEREFORE, in consideration of the mutual covenants, terms and conditions contained herein, the parties hereto mutually covenant and agree as follows:

1) Contract Term - The Agreement shall be extended for an additional term of one (1) year to be effective January 11, 2021 and to extend (unless terminated in accordance with the terms of the Agreement) until January 10, 2022 (hereinafter the "Contract Term").
2) Renewal - The Contract Term will not be renewable for any additional one (1) year terms at the expiration of this Amendment.
3) Rates - The hourly rates for the Contract Term will remain the same as the rates in effect during the term of Amendment 07 of the original contract, namely from January 11, 2019 through January 10, 2020.
4) Other Terms of the Agreement - All other terms and conditions of the Agreement remain in full force and effect.

IN WITNESS WHEREOF, the parties hereafter have made and executed this Amendment to the Agreement the day and year first written above.

(SEAL)

Attest: _____

Type Name: _____

Title: _____

County of Warren, Virginia

By: _____

Type Name: _____

Title: _____

Date: _____

(SEAL)

Attest: _____

Type Name: _____

Title: _____

Moseley Architects P.C.

By: _____

Type Name: _____

Title: _____

Date: _____

Approved as to form:

_____
Caitlin W. Jordan
Senior Assistant County Attorney

"Exhibit A"

MOSELEYARCHITECTS

ARCHITECTURE • ENGINEERING • PLANNING • INTERIOR DESIGN • CONSTRUCTION SERVICES

SCHEDULE OF HOURLY BILLING RATES
CALENDAR YEAR 2018

Principals	$213
Architects	
Senior Project Manager	$188
Project Manager	$147
Architect	$141
Architectural Designer	$93
Security and Detention Design	
Security Design Specialist	$177
Engineering Director	$213
Mechanical/Electrical/Plumbing/Engineering	
Senior Engineer	$164
Engineer/Designer	$134
Intern Technician	$93
Structural Engineering	
Senior Engineer	$147
Engineer/Designer	$123
Intern Technician	$93
Corrections Planner	$213
Criminal Justice Consultant	$160
Construction Administration	
Construction Administrator	$141
Specification Writer	$141
Sustainability Planning	
Sustainability Planning Director	$164
Energy Analyst	$138
Sustainability Coordinator	$123
Interior Design	
Interior Designer	$93
Administrative	$66

Rates are subject to change on January 1 of each year.

COUNTY OF WARREN, VIRGINIA

BOARD OF SUPERVISORS AGENDA ITEM

DATE	ITEM	SUBJECT:	PAGE
January 5, 2021	I-5	Amendment to Professional Services Annual Term Contract with Frazier Associates	1 of 1

EXPLANATION & SUMMARY:

After issuing a Request for Proposals for architectural services, on January 9, 2017, Warren County entered an annual term contract with Frazier Associates to provide architectural services. It was the County's intention to assign individual projects to Frazier Associates on an as-needed basis.

The contract term commenced on January 9, 2017 and expired on January 8, 2018 and has been extended for three (3) one (1) year terms. The County would like to extend the contract for an additional year, and the amendment to the original contract will allow the new one-year term contract to commence on January 9, 2021 and to expire on January 8, 2022. The contract will not have any additional one (1) year renewals.

The hourly rates during the renewal term for the architectural services provided by Frazier Associates have increased slightly and are attached hereto as Exhibit "A".

COST & FINANCING:

N/A

CONSENT AGENDA MOTION:

I move the Board of Supervisors authorize the County Administrator to execute a contract amendment to the annual term contract with Frazier Associates to provide architectural services for an additional one year period from January 9, 2021 to January 8, 2022.

ALTERNATIVE MOTIONS:

I move the Board of Supervisors not authorize the County Administrator to execute a contract amendment to the annual term contract with Frazier Associates to provide architectural services for an additional one year period from January 9, 2021 to January 8, 2022.

OR

I move that the Board of Supervisors postpone this item for further discussion until _____.

SUBMITTED BY:	DISPOSITION OF BOARD: ☐ APPROVED ☐ OTHER (DESCRIBE)	PROCESSED BY:
Caitlin Jordan, Senior Assistant County Attorney		

AMENDMENT 04
TO THE AGREEMENT BETWEEN
THE COUNTY OF WARREN, VIRGINIA
AND FRAZIER ASSOCIATES
FOR PROFESSIONAL SERVICES

THIS AMENDMENT (hereinafter the "Amendment") is dated this _____ day of _____, 2021, by and between the County of Warren, Virginia, a political subdivision of the Commonwealth of Virginia (hereinafter the "Owner"), and Frazier Associates (hereinafter the "Architect")

WITNESSETH:

WHEREAS, the Owner and the Architect executed an agreement for professional services on January 9, 2017 (hereinafter the "Agreement"); and

WHEREAS, the Agreement was in effect for a term for one (1) year from January 9, 2017 through January 8, 2018; and

WHEREAS, the Agreement has been extended for three (3) one (1) year terms from January 9, 2018 through January 8, 2021; and

WHEREAS, the Agreement may be extended for one (1) additional one (1) year term at the option of the Owner; and

WHEREAS, the Owner and Architect both desire to extend the Agreement for an additional term of one (1) year; and

WHEREAS, the Agreement may not be extended for any additional; and

NOW THEREFORE, in consideration of the mutual covenants, terms and conditions contained herein, the parties hereto mutually covenant and agree as follows:

1) Contract Term - The Agreement shall be extended for an additional term of one (1) year to be effective January 9, 2021 and to extend (unless terminated in accordance with the terms of the Agreement) until January 8, 2022 (hereinafter the "Contract Term").
2) Renewal - The Contract Term is not renewable for any additional (1) year terms at the expiration of this Amendment.
3) Rates – The hourly rates for the Contract Term are attached hereto as Exhibit "A".
4) Other Terms of the Agreement – All other terms and conditions of the Agreement remain in full force and effect.

IN WITNESS WHEREOF, the parties hereafter have made and executed this Amendment to the Agreement the day and year first written above.

(SEAL)

Attest: _____

Type Name: _____

Title: _____

County of Warren, Virginia

By: _____

Type Name: _____

Title: _____

Date: _____

(SEAL)

Attest: _____

Type Name: _____

Title: _____

Frazier Associates

By: _____

Type Name: _____

Title: _____

Date: _____

Approved as to form:

_____
Caitlin W. Jordan
Senior Assistant County Attorney

Exhibit A

Frazier Associates

STANDARD BILLING RATES

1. Frazier Associates direct personnel expenses shall be billed at the following rates:

   $175.00/hour – Principal Architect
   $95.00/hour – Principal Architectural Historian
   $140.00/hour – Senior Architect
   $125.00/hour – Architect
   $125.00/hour – Senior Graphic Designer
   $115.00/hour - Architectural Designer/Illustrator
   $115.00/hour – Interior Designer
   $90.00/hour – Researcher/Writer/Proofer
   $55.00/hour - Clerical Support

2. Reimbursable Expenses shall be billed at cost plus 15% and shall include the following:

   a. Cost of printing or duplication of drawings, specifications, reports, studies, forms, and cost estimates.

   b. Lodging, subsistence, and out-of-pocket expenses for authorized travel in conjunction with the contract.

   c. Travel at $0.55/mile, plus tolls and parking if by personal auto or cost of travel by other means such as airlines, train, bus, or rented car.

   d. Cost of photography, special process printing, special renderings, specially printed reports or publications, maps, models, and delivery charges.

   e. Postage and delivery charges.

   f. Professional consultants retained with client approval.

Rates effective January 2021

COUNTY OF WARREN, VIRGINIA

BOARD OF SUPERVISORS AGENDA ITEM

DATE	ITEM	SUBJECT:	PAGE
January 5, 2021	I-6	Amendment to Architectural Services Annual Term Contract with Frederick Andreae Architects	1 of 1

EXPLANATION & SUMMARY:

After issuing a Request for Proposals for architectural services, Warren County entered an annual term contract with Frederick Andreae Architects on January 10, 2017 to provide architectural services. It was the County's intention to assign individual projects to Frederick Andreae Architects on an as-needed basis.

The current renewal term commenced on January 10, 2020 and expires on January 9, 2021. The County would like to extend the contract for an additional year, and the amendment to the original contract will allow the new one-year term contract to commence on January 10, 2021 and to expire on January 9, 2022. The contract will not have any additional one (1) year renewals after the expiration of the amendment.

The hourly rates during the renewal term for the architectural services will remain the same as the previous term.

In recent years, the County has engaged Frederick Andreae Architects to provide architectural services for projects at the Warren County Courthouse, Rockland Park and the Warren County Government Center.

COST & FINANCING:

N/A

CONSENT AGENDA MOTION:

I move the Board of Supervisors authorize the County Administrator to execute a contract amendment to the annual term contract with Frederick Andreae Architects to provide architectural services for an additional one (1) year period from January 10, 2021 to January 9, 2022.

ALTERNATIVE MOTIONS:

I move the Board of Supervisors not authorize the County Administrator to execute a contract amendment to the annual term contract with Frederick Andreae Architects to provide architectural services for an additional one (1) year period from January 10, 2021 to January 9, 2022.

OR

I move that the Board of Supervisors postpone this item for further discussion until _____.

SUBMITTED BY:	DISPOSITION OF BOARD: ☐ APPROVED ☐ OTHER (DESCRIBE)	PROCESSED BY:
Caitlin Jordan, Senior Assistant County Attorney		

AMENDMENT 04
TO THE AGREEMENT BETWEEN
THE COUNTY OF WARREN, VIRGINIA
AND FREDERICK ANDREAE ARCHITECTS
FOR PROFESSIONAL SERVICES

THIS AMENDMENT dated this _____ day of _____, 2021, by and between the County of Warren, Virginia, a political subdivision of the Commonwealth of Virginia (hereinafter the "Owner"), and Frederick Andreae Architects (hereinafter the "Architect")

WITNESSETH:

WHEREAS, the Owner and the Architect executed an agreement for professional services on January 10, 2017 (hereinafter the "Agreement"); and

WHEREAS, the Agreement was in effect for a term of one (1) year from January 10, 2017 through January 9, 2018; and

WHEREAS, the Agreement has been extended for three (3) one (1) year terms from January 10, 2018 through January 9, 2021; and

WHEREAS, the Agreement may be extended for one (1) additional one (1) year term at the option of the Owner; and

WHEREAS, the Owner and Architect both desire to extend the Agreement for an additional term of one (1) year; and

NOW THEREFORE, in consideration of the mutual covenants, terms and conditions contained herein, the parties hereto mutually covenant and agree as follows:

(1) Contract Term - The Agreement shall be extended for an additional term of one (1) year to be effective **January 10, 2021 and to extend (unless terminated in accordance with the terms of the Agreement) until January 9, 2022** (hereinafter the "Contract Term").

(2) Renewal - The Contract Term will not be renewable for any additional one (1) year terms at the expiration of this Amendment.

(3) Rates - The hourly rates for the Contract Term will remain the same as the previous term.

(4) Other Terms of the Agreement - All other terms and conditions of the Agreement remains in full force and effect.

IN WITNESS WHEREOF, the parties hereafter have made and executed this Amendment to the Agreement the day and year first written above.

(SEAL)

Attest: _____

Type Name: _____

Title: _____

County of Warren, Virginia

By: _____

Type Name: _____

Title: _____

Date: _____

(SEAL)

Attest: _____

Type Name: _____

Title: _____

Frederick Andreae Architects

By: _____

Type Name: _____

Title: _____

Date: _____

Approved as to form:

_____
Caitlin W. Jordan
Senior Assistant County Attorney

Frederick Andreae Architects

25 S. Royal Avenue
Front Royal, Virginia 22630
Tel (540) 635-5135
fandreae@embarqmail.com

2019 Rate Schedule

Principal	$105.00/hour
Associate	$ 70.00/hour

Printing Costs

24" x 35" sheet	$ 4.00/print
18" x 24" sheet	$ 2.25/print
Copies	$ .20/copy

COUNTY OF WARREN, VIRGINIA
BOARD OF SUPERVISORS AGENDA ITEM

DATE	ITEM	SUBJECT:	PAGE
January 5, 2021	I-7	Amendment to Financial Advisory Services Annual Term Contract with Davenport & Company, LLC	1

EXPLANATION & SUMMARY:

In 2015, the Board of Supervisors approved and authorized the County Administrator to sign an agreement with Davenport & Company, LLC for the period of December 28, 2015 to December 27, 2016 for financial advisory services, and the agreement provided the County with the option to renew the contract for nine (9) additional one (1) year terms.

The Board of Supervisors have extended the contract term for four (4) additional one (1) year terms from December 28, 2016 to December 27, 2020. Staff requests the Board extend the contract term for an additional year from December 28, 2020 until December 27, 2021. There would be an option for four (4) additional renewal years.

The hourly rates for the financial advisory services provided by Davenport & Company, LLC will not change from the current rates. The rate sheet is attached hereto for review.

Warren County has utilized the financial advisory services of Davenport & Company, LCC since 2003. In recent years, the County has engaged Davenport & Company, LLC to provide financial advisory services for projects such as the Leach Run Parkway, 2nd Middle School, Health & Human Services Complex, and Rivermont Fire Station.

CONSENT AGENDA MOTION:

1) I move that the Board of Supervisors approve and authorize the County Administrator to execute the amendment to the contract between Warren County and Davenport & Company, LLC for financial advisory services, extending the contract for a one year from December 28, 2020 to December 27, 2021.

ALTERNATIVE MOTIONS:

1) I move that the Board of Supervisors not approve and not authorize the County Administrator to execute the amendment to the contract between Warren County and Davenport & Company, LLC for financial advisory services, extending the contract for a one year from December 28, 2020 to December 27, 2021.

OR

2) I move that the Board of Supervisors postpone the request until _____ for further discussion.

SUBMITTED BY:	DISPOSITION OF BOARD:	PROCESSED BY:
Caitlin Jordan, Senior Assistant County Attorney	☐ APPROVED ☐ OTHER (Describe)	

AMENDMENT 05
TO THE AGREEMENT BETWEEN
THE COUNTY OF WARREN, VIRGINIA
AND DAVENPORT & COMPANY LLC
FOR FINANCIAL ADVISORY SERVICES

THIS AMENDMENT dated this _____ day of _____, 2021, by and between the County of Warren, Virginia, a political subdivision of the Commonwealth of Virginia (hereinafter the "Owner"), and Davenport & Company, LLC (hereinafter the "Advisor")

WITNESSETH:

WHEREAS, the Owner and the Advisor executed an agreement for professional services on December 28, 2015 (hereinafter the "Agreement"); and

WHEREAS, the Agreement was in effect for a term of one (1) year from December 28, 2015 through December 27, 2016; and

WHEREAS, the Owner and the Advisors have executed four (4) amendments to the Agreement to extend the services from December 28, 2016 through December 27, 2020; and

WHEREAS, the Owner and Advisor both desire to extend the Agreement for an additional term of one (1) year; and

NOW THEREFORE, in consideration of the mutual covenants, terms and conditions contained herein, the parties hereto mutually covenant and agree as follows:

(1) Contract Term - The Agreement shall be extended for an additional term of one (1) year to be effective **December 28, 2020 and to extend (unless terminated in accordance with the terms of the Agreement) until December 27, 2021** (hereinafter the "Contract Term").

(2) Renewal - The Contract Term may be renewable for up to four (4) additional one (1) year terms at the option of the Owner, and upon written mutual agreement between the Owner and Advisor.

(3) Rates - The rates for the Contract Term will remain the same, the hour rates and transaction fees are attached hereto as "Attachment A".

(4) Other Terms of the Agreement - All other terms and conditions of the Agreement remain in full force and effect.

IN WITNESS WHEREOF, the parties hereafter have made and executed this Amendment to the Agreement the day and year first written above.

(SEAL)

Attest: _____

Type Name: _____

Title: _____

County of Warren, Virginia

By: _____

Type Name: _____

Title: _____

Date: _____

(SEAL)

Attest: _____

Type Name: _____

Title: _____

Davenport & Company, LLC

By: _____

Type Name: _____

Title: _____

Date: _____

Approved as to form:

_____
Caitlin W. Jordan
Senior Assistant County Attorney

DAVENPORT & COMPANY

Davenport Public Finance
One James Center
901 East Cary Street, Suite 1100
Richmond, VA 23219

Attachment A

Compensation

I. Advisory & Consulting Services and Non-Transaction Related Services:

- Strategic Financial Advisory Services and Non-transaction Related Services that are not directly related to a completed financing would be based on hourly rates. Hourly charges would be payable after the service was performed to the County's satisfaction. Hourly rates would escalate at 3% per year for the term of the agreement. As a basis for this arrangement, the table below details our current hourly rates for professional services. Further, as agreed upon by the County and the Financial Advisor, these fees can be incorporated into the Transaction Related fees addressed below.

Personnel Classification	Hourly Rate
Senior Vice President	$275
Vice President	$250
Associate Vice President	$225
Analyst/Associate	$200

II. Transaction Related Services:

- Davenport would propose transaction fees based upon the par amount for all debt issued, with the per thousand fee ranging between $1.00 and $3.00 depending upon the complexity of the transaction and the advisory services required, subject to a $30,000 minimum per issue. In addition, Davenport proposes incremental charges for the following transactions due to the additional work required:
  1) Refunding transaction up-charge: $20,000
  2) Bond rating up-charge: $20,000

III. Special Projects:

- The County and Davenport may deem certain activities of the Financial Advisor to constitute a Special Project. A Special Project is one that either involves the professional resources of the Financial Advisor to a degree above and beyond that already provided for under the contract, or, that involves the bidding of a refunding escrow investment portfolio or some other investment agreement, a stimulus act-related financing (e.g. BAB's, RZEDB's, QSCBs, RZFB's), USDA/RD debt, a Public Private Partnership Financing (e.g. Tax Increment Financing, Special Assessment District Financing, Privatization Financing Arrangements) or a Utility System Revenue Bond offering. In any of these events, the County and the Financial Advisor shall negotiate prior to the beginning of the Project on a fair and equitable basis for compensation.

IV. Reimbursement for Fee and Out-of-Pocket Expenses:

- Reasonable and necessary direct out-of-pocket expenses (meals, mileage, and lodging) incurred by Davenport shall be billed to the County, annually in arrears, at cost. In addition, the County shall pay four percent (4%) of the fee amount for indirect expenses such as conference calls, printing, binding, postage and other incidental expenses.

COUNTY OF WARREN, VIRGINIA
BOARD OF SUPERVISORS AGENDA ITEM

DATE	ITEM	SUBJECT:	PAGE
January 5, 2021	I - 8	Amendment to Architectural Services Annual Term Contract with Land Planning & Design Associates	1

EXPLANATION & SUMMARY:

After issuing a Request for Proposals for architectural services, Warren County entered an annual term contract with Land Planning & Design Associates on January 23, 2017 to provide architectural services. It was the County's intention to assign individual projects to Land Planning & Design Associates on an as-needed basis.

The current renewal term commenced on January 23, 2020 and expires on January 22, 2021. The County would like to extend the contract for an additional year, and the amendment to the original contract will allow the new one-year term contract to commence on January 23, 2021 and to expire on January 22, 2022 with the option of one (1) additional one-year term. This renewal will leave no remaining renewal options.

The hourly rates during the renewal term for the architectural services provided by Land Planning & Design Associates have increased slightly and are attached hereto as "Exhibit A". The 2020 billing rates have also been included for reference.

In recent years, the County has engaged Land Planning & Design Associates to provide architectural services for projects such as the Eastham Park and Rockland Park.

CONSENT AGENDA MOTION:

I move that the Board of Supervisors approve and authorize the County Administrator to sign an annual term contract with Land Planning & Design Associates to provide architectural services for an additional one year period from January 23, 2021 to January 22, 2022.

ALTERNATIVE MOTIONS:

I move that the Board of Supervisors not approve the amendment to the annual term contract with Land Planning & Design Associates to provide architectural services for an additional one year period from January 23, 2021 to January 22, 2022.

OR

I move that the Board of Supervisors postpone the request until _____ for further discussion.

SUBMITTED BY:	DISPOSITION OF BOARD:	PROCESSED BY:
Caitlin Jordan, Senior Assistant County Attorney	☐ APPROVED ☐ OTHER (Describe)	

AMENDMENT 08
TO THE AGREEMENT BETWEEN
THE COUNTY OF WARREN, VIRGINIA
AND LAND PLANNING & DESIGN ASSOCIATES
FOR PROFESSIONAL SERVICES

THIS AMENDMENT dated this _____ day of _____, 2021, by and between the County of Warren, Virginia, a political subdivision of the Commonwealth of Virginia (hereinafter the "Owner"), and Land Planning & Design Associates (hereinafter the "Architect").

WITNESSETH:

WHEREAS, the Owner and the Architect executed an agreement for professional services on January 23, 2017 (hereinafter the "Agreement"); and

WHEREAS, the Agreement was in effect for a term of one (1) year from January 23, 2017 through January 22, 2018; and

WHEREAS, the Agreement has been extended for additional term of three (3) one (1) year from January 23, 2018 through January 22, 2021; and

WHEREAS, the Agreement may be extended for one (1) additional one (1) year terms at the option of the Owner; and

WHEREAS, the Owner and Architect both desire to extend the Agreement for an additional term of one (1) year; and

NOW THEREFORE, in consideration of the mutual covenants, terms and conditions contained herein, the parties hereto mutually covenant and agree as follows:

(1) Contract Term – The Agreement shall be extended for an additional term of one (1) year to be effective **January 23, 2021 and to extend (unless terminated in accordance with the terms of the Agreement) until January 22, 2022** (hereinafter the "Contract Term").

(2) Renewal - The Contract Term will not be renewable for any additional one (1) year terms at the expiration of this Amendment.

(3) Rates – The hourly rates for the Contract Term are attached hereto as Exhibit "A".

(4) Other Terms of the Agreement – All other terms and conditions of the Agreement remain in full force and effect.

IN WITNESS WHEREOF, the parties hereafter have made and executed this Amendment to the Agreement the day and year first written above.

(SEAL)

Attest: _____

Type Name: _____

Title: _____

County of Warren, Virginia

By: _____

Type Name: _____

Title: _____

Date: _____

(SEAL)

Attest: _____

Type Name: _____

Title: _____

Land Planning & Design Associates

By: _____

Type Name: _____

Title: _____

Date: _____

Approved as to form:

_____
Caitlin Jordan
Senior Assistant County Attorney

_____
Date

Exibit A

LPDA
LANDSCAPE ARCHITECTURE
LAND PLANNING

1006 E. Jefferson Street
Suite B
Charlottesville, Va. 22902
434.296.2108
www.lpda.net

25151 Ridgetop Circle
Suite 310
Sterling, Va. 20166
703-437-7907

Warren County, VA Annual Contract 2021 Renewal Year **12/15/2020**
Proposed Schedule of Fees
2021 Billing Rates - Land Planning and Design Associates, Inc.

Principal / Quality Control	Bill Mechnick, PLA Zac Lette, PLA	$176
Staff Landscape Architect 1	Amie Evans, PLA Aaron Schwartz, PLA	$126
Staff Landscape Architect 2	Jessica Mauzy, PLA Tristan Cleveland, PLA	$97
Project Designer/CADD	Jason Owen David Johnson Kristin Nelson Qiuling Chen Bob Brooks	$80
Clerical	Deniece DeLong	$97

REPRODUCTION/PRINTING (IN HOUSE PRINTING)

Description	2021 Cost		Sheet 24x36	Sheet 24x60	Sheet 24x72	Sheet 30x42	Sheet 36x48
Oversized							
Paper	$0.45	sq ft	$ 2.70	$ 4.50	$ 5.40	$ 3.94	$ 5.40
Mylar	$1.75	sq ft	$ 10.50	$ 17.50	$ 21.00	$ 15.31	$ 21.00
Color -regular	$3.50	sq ft	$ 21.00	$ 35.00	$ 42.00	$ 30.63	$ 42.00
Color- photo finish	$6.65	sq ft	$ 39.90	$ 66.50	$ 79.80	$ 58.19	$ 79.80

Copies/Prints							
Letter - B/W	$ 0.05	per sheet	11x17 - B/W	$ 0.25	per sheet		
Letter - Color	$ 0.38	per sheet	11x17 - Color	$ 1.50	per sheet		
Legal - B/W	$ 0.10	per sheet	12x18 - B/W	$ 0.35	per sheet		
Legal - Color	$ 0.50	per sheet	12x18 - Color	$ 1.75	per sheet		

OTHER DIRECT COSTS

CD/DVD			**Licenses / Permits**	
	burn,label,mail	$ 10.00 per disc		Actual costs
Postage			**Printing - out sourced**	
	UPS/FedEx/Courier	Actual cost		Actual costs
Mileage			**Conference calls**	
	Based on current Federal rate (.575 per mile)			Actual costs
Travel including Lodging / Tolls / Rental Car			**Other expenses for project use**	
	Actual Costs			Actual Costs

Exibit A

LPDA

2021 Billing Rates - Triad Engineering, Inc.

Principal Engineer(PE)	$150
Randy Moulton, P.E.	
Senior Engineer(PE) or Senior PM	$125
Bradley Reynolds, P.E.	
Billie Swailes, P.E.	
Project Engineer	$105
Eric Iser, P.E.	
Stephen J. Gyurisin, P.E.	
Raymond A. Strother, Jr., P.E.	
Staff Engineer	$90
Kent Abe	
James Wheeler	
Brendan Bishop	
Sr. CADD Designer/Drafter	$85
Ronald D. Bidle Jr.	
CADD Designer/Drafter	$75
Gregory Rhodes	
Senior Geologist	$120
Jeffrey Mitchell	
Biologist	$100
Timothy J. Kellerman	
Senior Environmental Scientist	$90
Nick Wolfe	
Staff Environmental Scientist	$70
Patrick M. Upham	
Licensed Surveyor	$100
Mark Campbell, L.S.	
Senior Survey Technician	$80
Jim Doughtry	
Survey Technician	$70
Mike Wills	
1-Man Field Crew	$85
2-Man Field Crew	$100
3-Man Field Crew	$140
Clerical/Secretary	$40
Debbie Jones	

TRIAD ENGINEERING, INC. Reimbursable Expenses

Description	Unit Rate
Transportation Charges, Per Mile	$ 0.70
Meals and Lodging, Direct Cost Plus	15%
Minimum Daily Charge Per Person	120.00
All Other Direct Expenses, Direct Cost Plus	15%
Reproduction Costs, per 24" x 36" sheet	2.50
Reproduction Costs, Color, per square foot	1.50

Exibit A

LPDA

2021 Billing Rates - OWPR, INC.

Project Manager (P.E. or R.A.)	$151.35
Architect (Licensed, R.A.)	$151.35
Structural Engineer (P.E.)	$151.35
Mechanical Engineer (P.E.)	$151.35
Civil Engineer (P.E.)	$151.35
Electrical Engineer (P.E.)	$109.62
Architectural Designer	$ 75.00
Plumbing Designer	$100.32
Sprinkler System Designer	$100.00
Engineering Designer	$ 75.00
CADD Technician	$ 73.20
Architectural Drafter	$ 75.00
Engineering Drafter	$ 75.00
Interior Designer	$ 98.69
Interior Technician	$ 90.38
Landscape Architect	$100.00
Spec/Report Writer	$151.35
Typist/Clerical	$ 66.00
Estimators	$ 80.00
IT Manager	$ 60.00

Billing Rates

Pennoni – North Carolina and Virginia
2021 SCHEDULE OF FEES

Pennoni provides engineering consulting services to its clients in accordance with the terms and conditions of our contract. Pennoni's compensation will be based on the following schedule of fees and charges unless our contract specifies otherwise.

LABOR CATEGORY	RATES: $/HOUR
Senior Principal Professional	$255
Principal Professional	$200
Senior Professional	$179
Project Professional	$162
Staff Professional	$150
Associate Professional	$142
Graduate Professional	$114
Technician III	$105
Technician II	$ 97
Technician I	$ 85
2-Man Survey Crew	$155
3-Man Survey Crew	$206
Senior Field Technician	$ 95
Field Technician	$ 66
Laboratory Technician	$ 80
Project Assistant	$ 85

- Add 15% to above Survey Crew rates when OSHA 40-hour training required
- Technical Support/Expert Testimony Fee provided upon request

"Professional" includes all disciplines (Engineer, Landscape Architect, Surveyor, Geologist, etc.)

EXPENSES:

Pennoni does not bill for routine office management or accounting services; however, direct expense charges described below are subject to an additional administrative and handling fee as indicated:

- Subconsultant/Subcontractor services: cost plus 10%
- Project Related Travel and Living Expenses: cost plus 10%
- Expendable Materials/Supplies and Outside Reproduction): cost plus 10%
- Passenger Vehicles: per IRS standard rate
- Communication Fee: 2% of billable labor. Includes cost for non-deliverable in-house photocopies, non-express postage and telephone/fax/computer.

LPDA
LAND PLANNING & DESIGN
ASSOCIATES
Landscape Architecture » Land Planning

1006 E. Jefferson Street
Suite B
Charlottesville, Va. 22902
434.296.2108
Fax: 434.296.2109
www.lpda.net
lpdainc@lpda.net

25151 Ridgetop Circle
Suite 310
Sterling, Va. 20166
703-437-7907

Warren County, VA Annual Contract 2020 Renewal Year
Proposed Schedule of Fees
12/2/19

2020 Billing Rates - Land Planning and Design Associates, Inc.

Principal, Quality Control William R. Mechnick Zac Lette	$176
Staff Landscape Architect 1 Amie Sullivan Aaron Schwartz	$120
Staff Landscape Architect 2 Jessica Mauzy, LEED AP Tristan Cleveland	$93
Project Designer/CADD Jason Owen David Johnson	$77
Clerical Deniece DeLong	$97

REPRODUCTION/PRINTING (IN HOUSE PRINTING)								
	Description	2017 Cost		Sheet 24x36	Sheet 24x60	Sheet 24x72	Sheet 30x42	Sheet 36x48
Oversized								
	Paper	$0.45	sq ft	$ 2.70	$ 4.50	$ 5.40	$ 3.94	$ 5.40
	Mylar	$1.75	sq ft	$ 10.50	$ 17.50	$ 21.00	$ 15.31	$ 21.00
	Color- regular	$3.50	sq ft	$ 21.00	$ 35.00	$ 42.00	$ 30.63	$ 42.00
	Color- photo finish	$6.65	sq ft	$ 39.90	$ 66.50	$ 79.80	$ 58.19	$ 79.80

Copies/Prints						
Letter - B/W	$ 0.05	per sheet	11x17 - B/W	$ 0.25	per sheet	
Letter - Color	$ 0.38	per sheet	11x17 - Color	$ 1.50	per sheet	
Legal - B/W	$ 0.10	per sheet	12x18 - B/W	$ 0.35	per sheet	
Legal - Color	$ 0.50	per sheet	12x18 - Color	$ 1.75	per sheet	

OTHER DIRECT COSTS				
CD/DVD			**Licenses / Permits**	
	burn, label, mail	$ 10.00 per disc		Actual costs
Postage			**Printing - out sourced**	
	UPS/FedEx/Courier	Actual cost		Actual costs
Mileage			**Conference calls**	
	Based on current Federal rate ($.58 per mile)			Actual costs
Travel Including Lodging / Tolls / Rental Car			**Other expenses for project use**	
	Actual Costs			Actual Costs

Exhibit A

LPDA
LAND PLANNING & DESIGN
ASSOCIATES

2020 Billing Rates - Triad Engineering, Inc.

Principal Engineer(PE)	$150
Randy Moulton, P.E.	
Senior Engineer(PE) or Senior PM	$125
Bradley Reynolds, P.E.	
Billie Swailes, P.E.	
Project Engineer	$105
Eric Iser, P.E.	
Stephen J. Gyurisin, P.E.	
Raymond A. Strother, Jr., P.E.	
Staff Engineer	$90
Kent Abe	
James Wheeler	
Brendan Bishop	
Sr. CADD Designer/Drafter	$85
Ronald D. Bidle Jr.	
CADD Designer/Drafter	$75
Gregory Rhodes	
Senior Geologist	$120
Robert Sykes, CPG	
Biologist	$100
Timothy J. Kellerman	
Senior Environmental Scientist	$90
Nick Wolfe	
Staff Environmental Scientist	$70
Patrick M. Upham	
Licensed Surveyor	$100
Kevin Shreiner, L.S.	
Senior Survey Technician	$80
Jim Doughtry	
Survey Technician	$70
Mike Wills	
1-Man Field Crew	$85
2-Man Field Crew	$100
3-Man Field Crew	$140
Clerical/Secretary	$40
Debbie Jones	

TRIAD ENGINEERING, INC. Reimbursable Expenses

Description	Unit Rate
Transportation Charges, Per Mile	$ 0.70
Meals and Lodging, Direct Cost Plus	15%
Minimum Daily Charge Per Person	120.00
All Other Direct Expenses, Direct Cost Plus	15%
Reproduction Costs, per 24" x 36" sheet	2.50
Reproduction Costs, Color, per square foot	1.50

LPDA
LAND PLANNING & DESIGN ASSOCIATES

2020 Billing Rates - OWPR, INC.

Project Manager (P.E. or R.A.)	$151.35
Architect (Licensed, R.A.)	$151.35
Structural Engineer (P.E.)	$151.35
Mechanical Engineer (P.E.)	$151.35
Civil Engineer (P.E.)	$151.35
Electrical Engineer (P.E.)	$109.62
Architectural Designer	$ 75.00
Plumbing Designer	$100.32
Sprinkler System Designer	$100.00
Engineering Designer	$ 75.00
CADD Technician	$ 73.20
Architectural Drafter	$ 75.00
Engineering Drafter	$ 75.00
Interior Designer	$ 98.69
Interior Technician	$ 90.38
Landscape Architect	$100.00
Spec/Report Writer	$151.35
Typist/Clerical	$ 66.00
Estimators	$ 80.00
IT Manager	$ 60.00

2020 Billing Rates – Pennoni

Senior Principal Professional	$250
Principal Professional	$196
Senior Professional	$165
Project Professional	$154
Staff Professional	$146
Associate Professional	$138
Graduate Professional	$108
Technician III	$ 98
Technician II	$ 91
Technician I	$ 82
2-Man Survey Crew	$146
3-Man Survey Crew	$200
Senior Field Technician	$ 88
Field Technician	$ 62
Laboratory Technician	$ 77
Building Code Official	$ 93
Project Assistant	$ 82

▯ Add 15% to above Survey Crew rates when OSHA 40-hour training required

LPDA
LAND PLANNING & DESIGN
ASSOCIATES

▯ Technical Support/Expert Testimony Fee provided upon request Bond – B/W

EXPENSES:
Pennoni does not bill for routine office management or accounting services; however, direct expense charges described below are
subject to an additional administrative and handling fee as indicated:
▯ Subconsultant/Subcontractor services: cost plus 10%
▯ Project Related Travel and Living Expenses: cost plus 10%
▯ Field Equipment, Expendable Materials/Supplies and Outside Reproduction): cost plus 10%
▯ Passenger Vehicles: per IRS standard rate
▯ Communication Fee: 2% of billable labor. Includes cost for non-deliverable in-house photocopies, non-express postage and
telephone/fax/computer.

Normal hourly rates do not apply to overtime. Court related services or expert research, preparation and testimony are billed at two times the above rates.
Note: Triad and LPDA rates are based on FAR audit compliant rates. These may be used for federally funded projects and meet VDOT audit requirements. The rates may change year to year based on actual payroll, audited overhead rates and VDOT policies. In most cases the rates provide are lower than the allowable rate. LPDA and Triad will utilize the lower rate, as this is acceptable to Federal audit practices.

COUNTY OF WARREN, VIRGINIA

BOARD OF SUPERVISORS AGENDA ITEM

DATE	ITEM	SUBJECT:	PAGE
January 5, 2021	I-9	Amendment to Contract Between Warren County and Walnut Hollow Farm to Harvest Hay at the Warren County Closed Landfill in Bentonville, Virginia	1 of 1

EXPLANATION & SUMMARY:

Warren County issued an Invitation for Bids for a qualified firm to harvest hay and mixed grasses located at the Warren County Closed Landfill in Bentonville, Virginia, and to pay the County per bale produced. There is approximately 30 acres of hay and mixed grass located at said property.

After proper advertisement, the County received three (3) bids. On June 12, 2020 Warren County entered into a contract for services with Walnut Hollow Farm with the rate of $12.00 per 4x5 round bale. The County has the option to renew the contract for up to four (4) additional one (1) year terms.

The County has been satisfied with the services of Walnut Hollow Farms and wishes to renew the contract for an additional term of one (1) year beginning January 1, 2021 to December 31, 2021. The rates during the renewal term will not change from the current rate.

COST & FINANCING:

N/A

CONSENT AGENDA MOTION:

I move the Board of Supervisors authorize the County Administrator to execute a contract amendment between Warren County and Walnut Hollow Farm to harvest hay at the Warren County Closed Landfill in Bentonville, Virginia, for an additional one year period from January 1, 2021 to December 31, 2021.

ALTERNATIVE MOTIONS:

I move the Board of Supervisors not authorize the County Administrator to execute a contract amendment between Warren County and Walnut Hollow Farm to harvest hay at the Warren County Closed Landfill in Bentonville, Virginia, for an additional one year period from January 1, 2021 to December 31, 2021.

OR

I move that the Board of Supervisors postpone this item for further discussion until _____.

SUBMITTED BY:	DISPOSITION OF BOARD: ☐ APPROVED ☐ OTHER (DESCRIBE)	PROCESSED BY:
Caitlin Jordan, Senior Assistant County Attorney		

AMENDMENT 01
TO THE AGREEMENT BETWEEN
THE COUNTY OF WARREN, VIRGINIA
AND WALNUT HOLLOW FARMS
FOR CONTRACT SERVICES

THIS CONTRACT FOR SERVICES is made and entered into this ____ day of _____, 2021, by and between **THE COUNTY OF WARREN, VIRGINIA,** a political subdivision of the Commonwealth of Virginia, whose address is 220 N. Commerce Avenue, Front Royal, Virginia 22630 (hereinafter referred to as the "County"), and **WALNUT HOLLOW FARM,** whose street address is 372 Louwill Lane, Bentonville, Virginia (hereinafter called the "Service Provider").

W I T N E S S E T H:

WHEREAS, the County and the Service Provider executed an agreement for contract services on June 12, 2020 (hereinafter the "Agreement"); and

WHEREAS, the Agreement was in effect for a term of one (1) harvest season from June 12, 2020 through December 31, 2020; and

WHEREAS, the Agreement may be extended for four (4) additional one (1) year terms at the option of the County; and

WHEREAS, the County and the Service Provider both desire to extend the Agreement for an additional term of one (1) year; and

NOW THEREFORE, in consideration of the mutual covenants, terms and conditions contained herein, the parties hereto mutually covenant and agree as follows:

1) Contract Term - The Agreement shall be extended for an additional term of one (1) year to be effective January 11, 2021 and to extend (unless terminated in accordance with the terms of the Agreement) until January 10, 2022 (hereinafter the "Contract Term").
2) Renewal - The Contract Term may be renewable for up to three (3) additional one (1) year terms at the option of the Owner, and upon written mutual agreement between the Owner and the Service Provider.
3) Rates - The hourly rates for the Contract Term will remain the same.

4) Other Terms of the Agreement - All other terms and conditions of the Agreement remain in full force and effect.

IN WITNESS WHEREOF, the parties hereafter have made and executed this Amendment to the Agreement the day and year first written above.

(SEAL)

Attest: _____

Type Name: _____

Title: _____

County of Warren, Virginia

By: _____

Type Name: _____

Title: _____

Date: _____

(SEAL)

Attest: _____

Type Name: _____

Title: _____

Walnut Hollow Farm

By: _____

Type Name: _____

Title: _____

Date: _____

Approved as to form:

_____

Caitlin W. Jordan
Senior Assistant County Attorney

COUNTY OF WARREN, VIRGINIA

BOARD OF SUPERVISORS AGENDA ITEM

DATE	ITEM	SUBJECT:	PAGE 1 OF 1
January 5, 2021	**I-10**	Authorization to Advertise for Public Hearing Proposed Lease of County-Owned Property at the Front Royal/Warren County Airport	

EXPLANATION & SUMMARY:

Silent Falcon UAS wishes to enter into a 10-year lease for $500 per month for space at the County's maintenance hangar at the Front Royal/Warren County Airport. The company will assemble, test, launch and recover unmanned aerial vehicles (UAVs) from the airport in concert with the other tenants and aircraft at the airport. Along with offsite office space nearby, the company will establish its eastern U.S. Headquarters, R&D and Manufacturing operations here in Warren County. The company projects 249 jobs and over $6,000,000 in capital investment for this project.

COST & FINANCING:

The County will receive $500.00 per month, or $6,000.00 per year for the space. Over ten years, the $60,000 in rents along with the additional tax revenue will bolster the County coffers, and the County will have an improved hangar facility at the airport that will remain County owned.

PROPOSED OR SUGGESTED MOTION:

I move that the Board of Supervisors authorize the advertisement of a public hearing for the proposed lease of County-owned property located at 229 Stokes Airport Road, Front Royal to Silent Falcon UAS.

SUBMITTED BY:	DISPOSITION OF BOARD: ☐ APPROVED ☐ OTHER (DESCRIBE)	PROCESSED BY:
Doug Parsons, Executive Director of the EDA		

LAND LEASE AND AGREEMENT

This Land Lease and Agreement ("Lease") is made this 5th day of October, 2020, by and between WARREN COUNTY, VIRGINIA, a political subdivision of the Commonwealth of Virginia (the "County") and SILENT FALCON UAS TECHNOLOGIES, LLC ("Tenant").

Recitals

1. The County is the owner of the Front Royal-Warren County Airport (the "Airport"), a general aviation reliever airport located at 229 Stokes Airport Road (Route 615) in Front Royal, Virginia.

2. Tenant desires to lease a parcel of land and hangar at the Airport described more particularly below as the "Premises".

3. The County is agreeable to leasing the Premises to Tenant along with non-exclusive privileges to use air navigation facilities at the Airport subject to the terms and conditions set forth herein, which are acceptable to Tenant.

NOW THEREFORE, in consideration of the mutual covenants, conditions, and agreements set out below, the sufficiency of which are hereby acknowledged, the parties agree as follows:

SECTION 1
DEMISE, DESCRIPTION, AND USE OF PREMISES

A. The County leases to Tenant and Tenant leases from the County, a parcel of land containing approximately 10,000 square feet along with all improvements thereon (the "Premises") for Tenant's exclusive use for the operation, assembly, deployment, parking, storage, maintenance, and re-fueling of their private unmanned aircraft as well as vehicular parking, possible offices, access by Tenant, and potential future expansion, as more particularly described in the drawings (Plot Plan, Building Sketch and Exhibit 1-4 Front Royal-Warren County Airport Hangers) attached collectively as Attachment 1.

B. Tenant shall have the non-exclusive right to use all air navigation facilities at the Airport including but not limited to the landing field, runways, taxiways, aprons, floodlights, landing lights, signals, beacons, aids, and other conveniences for flying, landing and take-off of aircraft. Tenant expressly acknowledges and agrees that the County is not granting Tenant an exclusive right to such navigation facilities and that Tenant's use shall be in common with others in accordance with Section 308 of the Federal Aviation Act.

C. Tenant agrees to conduct all permitted uses of the Premises and air navigation facilities in strict compliance with all applicable local, state, and federal rules, laws, and regulations, including, but not limited to, 14 C.F.R. Part 107, Airport Minimum Standards and Rules and Regulations, and regulations of the Federal Aviation Administration ("FAA"), as applicable.

D. Tenant agrees that it has procured all licenses, permits, or other like permission required to lawfully conduct or engage in any right, privilege, or use of the Premises or air navigation facilities allowed by this Lease; that it will procure any additional licenses,

permits, or like permission required by law during the term of this Lease; and that it will keep such licenses, permits, and permissions in full force and effect during the term of this Lease.

E. In accordance with FAA Order 5190.6B and, upon written request from Tenant, the County agrees to permit Tenant to bulk store fuel for the self-fueling of aircraft subject to the terms and conditions delineated in Attachment 2.

SECTION 2
TERM

This Lease shall be for a 10-year term which shall commence on December 1, 2020, and expire on November 30, 2030. At the expiration of the 10-year term, Tenant shall have the option to renew for one 5-year renewal term upon 90 days' written notice to the County. Rent for the renewal term shall be calculated as provided below in Section 3. The improvements constructed on the Premises shall become the sole property of the County at no cost at the expiration of the term or renewal term, as applicable.

SECTION 3
RENT

Rent for the first 36 months of the term shall be $500.00 per month payable to the County by Tenant in advance on the first day of each month without deduction or offset. Tenant agrees to pay a late payment fee of 5% for any rent not paid within 10 business days of the due date.

Rent shall be adjusted effective December 1, 2023, December 1, 2026, and December 1, 2029, (each a "Rent Change Date) based on the percentage increase, for the 36 months ending each preceding November (the "Reference Period"), in the Consumer Price Index for All Urban Consumers ("CPI-U"), U.S. City Average, all items (1982-1984=100). The adjusted rent shall be calculated by (1) multiplying the existing rent by the percentage increase in the CPI-U during the Reference Period, (2) rounding the product to the nearest one-hundredth, and (3) adding the result to the existing rent. Rent adjustments shall be subject to a ceiling of 10% of the then current rent. There shall be no rent adjustment if there is either no change or a decrease in the CPI-U during the Reference Period.

SECTION 4
ABANDONMENT OF PREMISES

Tenant shall not vacate or abandon the Premises at any time during this Lease. If Tenant abandons, vacates, or surrenders the Premises, or is dispossessed by process of law, or otherwise, any personal property belonging to Tenant and left on the Premises shall be deemed to be abandoned. Vacating the Premises for six consecutive months shall constitute abandonment if Tenant is not otherwise in default; provided that any time during which the Airport is closed shall not be considered as part of the six-month period.

SECTION 5

RESERVATION OF RIGHTS BY THE COUNTY

Notwithstanding anything herein to the contrary, the County reserves the right to:

A. Inspect the Premises upon reasonable notice to Tenant. Reasonable notice shall be 24 hours except in the event of an emergency.

B. Develop or improve the Airport as the County sees fit without interference from Tenant.

C. Close any Airport facility for purposes of maintenance, repairs, construction, and expansion or for the safety of the general public after written notice to Tenant.

D. Enter into an agreement with the United States relative to the development of the Airport and its facilities.

E. Take any action necessary to protect the aerial approaches to the Airport against obstructions and to prohibit and prevent Tenant from erecting or permitting to be erecting any building or other structure which limits the usefulness of the Airport or constitutes a hazard to aircraft or navigation systems.

F. Grant the same rights and privileges as granted to Tenant to any other person, firm, or corporation upon similar terms and conditions, but which shall at the same time be observant of any rights and privileges granted herein to Tenant to be used in common with others.

SECTION 6
SUBLETTING AND ASSIGNMENT

A. Tenant may sublet the Premises in whole or in part with the County's prior written consent, which consent shall not be unreasonably withheld. The making of any sublease shall not release Tenant from, or otherwise affect in any manner, any of Tenant's obligations under this Lease.

B. Tenant shall not assign or transfer this Lease, or any interest in this Lease, without the prior, express and written consent of the County, which consent shall not unreasonably be withheld. Any consent to an assignment shall not be deemed to be consent to any subsequent assignment. Any assignment without consent shall be void and of no effect, and shall, at the option of the County, terminate this Lease.

C. Neither this Lease nor the leasehold estate of Tenant nor any interest of Tenant under this Lease in the Premises or any buildings or improvements on the Premises shall be subject to involuntary assignment, transfer, or sale, or to assignment, transfer, or sale by operation of law in any manner whatsoever. Any such attempted involuntary assignment, transfer, or sale shall be void and of no effect and shall, at the option of the County, terminate this Lease.

SECTION 7
NOTICES

A. All notices, demands, or other writings referenced in this Lease shall be deemed to have been fully given when made in writing and deposited in the United States mail, certified or registered and postage prepaid, and addressed as follows:

TO THE COUNTY: County Administrator
Front Royal-Warren County Airport
220 North Commerce Avenue
Front Royal, Virginia 22630

TO TENANT: Silent Falcon UAS TECHNOLOGIES, LLC
Attn: Grant Bishop
3003 Westhurst Lane
Oakton, Virginia 22124 87113

B. The addresses listed above may be changed by written notice.

SECTION 8
TAXES AND ASSESSMENTS

Tenant shall pay and discharge as they become due, promptly and before delinquency, all taxes, assessments, rates, charges, license fees, municipal liens, levies, excises, or imposts, whether general or special, or ordinary or extraordinary, of every name, nature and kind whatsoever, including all governmental charges of whatsoever name, nature, or kind, which may be levied, assessed, charged, or imposed (collectively "Taxes and Other Charges"), or which may become a lien or charge on or against the Premises, or any part of the Premises, the leasehold of Tenant in and under this Lease, the Premises described in this Lease, any building or buildings, or any other improvements now or hereafter on the Premises, or on or against Tenant's estate created by this Lease that may be a subject of taxation, or on or against the County by reason of its ownership of the fee underlying this Lease, during the entire term of this Lease. Tenant shall provide the County, within 45 days after such Taxes and Others Charges become due, receipts reflecting that all such Taxes and Other Charges have been paid in full.

SECTION 9
CONSTRUCTION OF NEW BUILDING

A. All plans and specifications for any new building or other structure to be erected on the Premises shall comply with the requirements of the Airport Regulations and shall be submitted to the County for its written approval of the plans and specifications, which approval shall not be unreasonably withheld. Any new construction must be coordinated with the FAA.

B. The plans and specifications for any new building or structure to be erected on the Premises shall be submitted to the County Department of Planning and Zoning with a copy to the County Administrator. The County shall respond promptly to Tenant's submission and

request for approval. Tenant shall make changes to the plans and specifications as reasonably required by the County.

C. Once the plans and specifications have been approved in writing by the County, Tenant shall begin construction and shall have 180 days from the date of such written notice of approval of the plans and specifications within which to complete construction and obtain an occupancy permit from the County Building Official. For good cause shown by Tenant, this time may be extended by the County.

D. Failure to meet the foregoing deadlines by Tenant, plus any extensions granted by the County, shall constitute an event of default under this Lease and shall entitle the County to terminate this Lease. However, should Tenant fail to meet a deadline due to circumstances beyond Tenant's control, Tenant may request an extension of the deadline. All construction shall be consistent in style and quality to the existing corporate hangars constructed at the Airport by the County and shall contain a minimum of 10,000 square feet of hangar space.

E. Tenant shall have the right to make such alterations, improvements, and changes to any building constructed by Tenant on the Premises as Tenant may deem necessary, or to replace any such building with a new one of at least equal value, provided that, prior to making any structural alterations, improvements, or changes, or to replacing any building, Tenant shall first obtain the County's written approval of plans and specifications therefor, which approval the County shall not unreasonably withhold. The process for obtaining County approval shall be the same as set forth in Subsections A-D above.

F. Upon the expiration of the term of this Lease, all buildings constructed by Tenant on the Premises, and all alterations, improvements, changes, or additions made in or to the Premises, shall become, without compensation to Tenant, the property of the County free and clear of all claims to or against them by Tenant or third parties, and Tenant shall defend and indemnify the County against all liability and loss arising from such claim.

SECTION 10
REPAIRS AND DESTRUCTION OF IMPROVEMENTS

A. Tenant shall, throughout the term of this Lease, at its own cost, and without any expense to the County, keep and maintain the Premises, including all buildings and improvements of every kind that may be a part of the Premises, and all appurtenances to the Premises, in good, sanitary, and neat order, condition, and repair; and, except as specifically provided in this Lease, shall restore and rehabilitate any improvements of any kind that may be destroyed or damaged by fire, casualty, or any other cause whatsoever. Tenant shall maintain the Premises and all improvements in good condition as reasonably determined by the County. Without in any way limiting the foregoing, Tenant shall provide grass mowing, reasonable shrubbery maintenance and shrubbery replacement (if required), adequate surface drainage, and parking spaces appurtenant to the improvements on the Premises. Tenant shall not commit, or suffer to be committed, any waste or any nuisance on the Premises. If there is any dispute concerning the standards of maintenance, the determination of the County Administrator shall be final.

B. The County shall not be obligated to make any repairs, replacements, or renewals of any kind, nature, or description, whatsoever to the Premises or any buildings or improvements on the Premises.

C. The damage, destruction, or partial destruction of any building or other improvement that is a part of the Premises shall not release Tenant from any obligation under this Lease, except as expressly provided below. In case of damage to or destruction of any such building or replacement of it, Tenant shall, at its own expense, promptly (allowing for a reasonable period to adjust insurance claims) repair and restore it to a condition as good or better than that which existed prior to the damage or destruction. If such damage or destruction is in part caused by the acts or omissions of the County or the County's agents, contractors, or subcontractors, then Tenant will have no obligation to repair or restore the Premises until a mutually satisfactory agreement has been reached with the County and the County's insurers, regarding payment for such repairs or restoration. Notwithstanding the foregoing, in the event of the loss or destruction of all or any portion of the improvements on the Premises, Tenant may, with the written consent of the County, turn over all of Tenant's insurance proceeds on the damaged property and terminate this Lease.

SECTION 11
UTILITIES

A. Tenant shall fully and promptly pay for all electric, water, gas, trash removal, heat, light, power, telephone service, and other utilities of every kind furnished to the Premises at any time and throughout the term of this Lease, and all other costs and expenses of every kind whatsoever of or in connection with the use, operation, and maintenance of the Premises and all activities conducted on the Premises, and the County shall have no responsibility of any kind for any such utilities.

B. Tenant shall obtain electric service in its own name upon commencement of this Lease.

C. In the event Tenant connects to the County's water or sewage system or other utilities, the connection fee shall be set by the County in advance. Monthly charges for water and sewage shall be at the prevailing rates charged by the County.

SECTION 12
LIENS

A. Tenant shall keep all and every part of the Premises and all buildings and other improvements at any time located on the Premises free and clear of any and all mechanics', material suppliers', and other liens for, or arising out of, or in connection with work or labor done, services performed, or materials or appliances used or furnished for, or in connection with any operations of Tenant, any alteration, improvement, or repairs or additions that Tenant may make or permit or cause to be made, or any work or construction, by, for, or permitted by Tenant.

Tenant shall at all times promptly and fully pay and discharge any and all claims on which any such lien may or could be based, and to indemnify the County and all of the Premises and all buildings and improvements on the Premises from and against any and all such liens and claims of liens and suits or other proceedings pertaining to the Premises.

B. Tenant shall give the County no less than 30 days' written notice in advance of the commencement of any major construction, alteration, addition, improvement, or repair to the Premises.

C. If Tenant desires to contest any lien for utility charges, it shall notify the County of its intention to do so within 10 days after the filing of the lien. In that case, and provided that Tenant shall on demand protect the County by a good and sufficient surety bond against any lien and any cost, liability, or damage arising out of such contest, Tenant shall not be in default under this Lease until 10 days after the final determination of the validity of the lien, within which time Tenant shall satisfy and discharge the lien to the extent held valid. However, the satisfaction and discharge of any lien shall not, in any case, be delayed until execution is had on any judgment rendered on the lien, and such delay shall be a default of Tenant under this Lease.

D. In the event of any such contest, Tenant shall protect and indemnify the County against any and all loss, expense, including reasonable attorney's fees incurred, and damage or any kind resulting from the contest.

SECTION 13
INDEMNIFICATION

A. Unless caused by the act or omission of the County or the County's agents or employees, the County shall not be liable for any loss, injury, death, or damage to persons or property that at any time may be suffered or sustained by Tenant or by any person whomsoever who may at any time be using or occupying or visiting the Premises or be in, on, or about the Premises.

B. Tenant shall indemnify the County against any and all claims, liability, loss, damage, or costs, including reasonable attorney's fees incurred, whatsoever on account of any act or omission of Tenant, or its agents, employees, invitees, or guests including, without limitation, all claims, liability, losses, damages, or costs, including reasonable attorney's fees, that arise out of or are in any way related to Tenant's maintenance or operation of the Facility. Tenant's obligations pursuant to this section shall survive any termination of this Lease with respect to any act, omission or occurrence which took place prior to such termination.

SECTION 14
REDELIVERY OF PREMISES

At the expiration or earlier termination of this Lease, Tenant shall peaceably and quietly quit and surrender to the County the Premises in good order and condition subject to the other

provisions of this Lease.

SECTION 15
REMEDIES CUMULATIVE

All remedies conferred on the parties to this Lease shall be deemed cumulative and not exclusive of any other remedy conferred by law.

SECTION 16
INSURANCE

A. Tenant shall, at all times during the term of this Lease and at its sole expense, keep all improvements and personal property that are now or hereafter a part of the Premises insured against loss or damage by fire and the extended coverage hazards for the full replacement value of the improvements and personal property.

B. Tenant shall maintain in effect throughout the term of this Lease the following insurance coverages:

General Liability:	$5,000,000
Automobile Insurance:	$1,000,000
Workers Comp:	Virginia statutory requirements

C. Tenant's insurance shall insure Tenant against all liability under this Lease as well as liability imposed by law. All policies must name the County and Airport Commission as Additional Insureds, and must contain provisions preventing cancellation, non-renewal or expiration unless written Notice is given to the County at least 30 days in advance. Amounts of coverage required under this provision may be adjusted at the request of the Tenant provided the County's Risk Manager or advisor to the County on insurance matters and the FAA, if applicable, is satisfied that such adjustment fully protects the County and the general public.

D. All of the policies of insurance referred to in this section shall be in a form reasonably satisfactory to the County and by insurance companies qualified to do business in Virginia and reasonably satisfactory to the County. Tenant shall pay all of the premiums for insurance and deliver policies, or certificates of policies, to the County on an annual basis. In the event of the failure of Tenant either to effect insurance in the names called for in this Lease or to pay the premiums for the insurance or to deliver the policies, or certificates of the policies, to the County, the County shall be entitled, but shall have no obligation, to effect such insurance and pay the premiums for the insurance, which premiums shall be repayable to the County with the next installment of rent by Tenant.

SECTION 17

PROHIBITION OF INVOLUNTARY ASSIGNMENT; EFFECT OF BANKRUPTCY OR INSOLVENCY

A. Neither this Lease nor any interest of Tenant under this Lease in the Premises or in the building or improvements on the Premises shall be subject to involuntary assignment, transfer, or sale, or to assignment, transfer, or sale by operation of law in any manner whatsoever (except through statutory merger or consolidation, or devise, or intestate succession); any attempt at involuntary assignment, transfer, or sale shall be void and of no effect.

B. Without limiting the generality of the provisions of the preceding Subsection A, Tenant agrees that, in the event any proceedings under the Bankruptcy Act commenced by or against Tenant, and, if against Tenant, the proceedings shall not be dismissed before either an adjudication in bankruptcy or the confirmation of a composition, arrangement, or plan, or reorganization, or in the event Tenant is adjudged insolvent or makes an assignment for the benefit of its creditors, or if a receiver is appointed in any proceeding or action to which Tenant is a party, with authority to take possession or control of the Premises or the business conducted on the Premises by Tenant, and such receiver is not discharged within a period of 180 days after their appointment, any such event or any involuntary assignment prohibited by the provisions of Subsection A shall be deemed to constitute a breach of this Lease by Tenant and shall, at the election of the County, but not otherwise, without notice or entry or other action of the County, terminate this Lease, and also all rights of Tenant under this Lease and in and to the Premises, and also all rights of any and all persons claiming under Tenant.

SECTION 18
NOTICE OF DEFAULT

A. Except as provided herein, the County shall give Tenant written notice of default in the payment of rent and Tenant shall have 15 days after such notice has been given to cure such default. This Lease may be terminated by the County if Tenant is late in the payment of its rent and receives late notices from the County on three or more occasions in any one calendar year.

B. For all other defaults under this Lease, the County shall give Tenant written notice specifying the nature of the default and describing any act acted needed to cure the default. The County may terminate this Lease if Tenant fails to cure the default within 45 days after notice is given or, in the case of a default which cannot be cured within 45 days, fails to promptly initiate significant efforts to cure the default and diligently pursue those efforts.

C. Notwithstanding the foregoing, in the event the County finds it necessary to give Tenant notice of default, Tenant shall reimburse the County for all expenses and costs, including reasonable attorney's fees, that may be incurred by the County in seeking to have the default cured; and further provided that if the nature of the default is one that, in the reasonable opinion of the County, involves public safety or public health, the County may, but shall be under no obligation to, initiate steps to cure such default. Any costs of expenses reasonably incurred by the County in curing or in attempting to cure such default involving

public safety or health, including its reasonable attorney's fees shall be reimbursed by Tenant to the County.

SECTION 19
DEFAULT

A. Subject to the provisions contained in this Lease, regarding notice and opportunity to cure default, in the event of any breach of this Lease by Tenant, the County, in addition to the other rights or remedies it may have, shall have the immediate right of re-entry and may remove all persons and property from the Premises.

B. Any personal property on the Premises may be removed from the Premises and stored in a public warehouse or elsewhere at the cost and for the account of Tenant. The County shall not be responsible for any loss of or damage to any personal property removed from the Premises and shall be under no obligation to store the same in a public warehouse of other secure or protected location.

C. The County may terminate this Lease in the event that it elects to re-enter the Premises, as provided in this Lease, or it takes possession pursuant to legal proceedings or pursuant to any notice provided for by law.

D. No re-entry or taking possession of the Premises by the County shall be construed as an election on the part of the County to terminate this Lease unless a written notice of such intention is given to Tenant or unless the termination of this Lease is decreed by a court of competent jurisdiction.

SECTION 20
COUNTY RIGHT TO PERFORM

A. In the event that Tenant, by failing or neglecting to do or perform any act or thing required by this Lease for a period of 45 days after written notice from the County specifying the nature of the act or thing to be done or performed without Tenant's having initiated and diligently pursued efforts to cure the default, then the County may, but shall not be required to, do or perform or cause to be done or performed such act or thing (entering on the Premises for such purposes, if the County shall so elect), and the County shall not be, or be held, liable or in any way responsible for any loss, inconvenience, annoyance, or damage resulting to Tenant on account of such election.

B. Tenant shall repay to the County on demand the entire expense incurred on account of such election, including compensation to the agents and employees of the County including any attorney or attorneys engaged by the County to provide legal services related to such default.

C. Any act or thing done by the County pursuant to the provisions of this section shall not be or be construed as a waiver of any such default, or as a waiver of any covenant, term, or condition contained in this Lease, or of any other right or remedy of the County, under this

Lease or otherwise.

SECTION 21
SURRENDER OF LEASE

The voluntary or other surrender of this Lease by Tenant, or a mutual cancellation of this Lease, shall not work a merger, and shall, at the option of the County, terminate all or any existing subleases or subtenancies, or may, at the option of the County, operate as an assignment to it of any or all such subleases or subtenancies.

SECTION 22
DISPOSITION OF IMPROVEMENTS ON TERMINATION OF LEASE

On termination of this Lease for any cause, the County shall become the owner of any building or improvements on the Premises.

SECTION 23
WAIVER

A. The waiver or failure by any party to take action with respect to any breach of any term, covenant, or condition contained in this Lease shall not be deemed to be a waiver of such term, covenant, or condition, or subsequent breach of the same, or any other term, covenant, or condition contained in this Lease.

B. The County's subsequent acceptance of rent under this Lease shall not be deemed to be a waiver of any preceding breach by Tenant of any term, covenant, or condition of this Lease, other than the failure of Tenant to pay the particular rent accepted, regardless of the County's knowledge of a preceding breach at the time of acceptance.

SECTION 24
PARTIES BOUND

The covenants and conditions contained in this Lease shall, subject to the provisions as to assignment, transfer, and subletting, apply to and bind the heirs, successors, executors, administrators, and assigns of all of the parties to the Lease. All of the parties shall be jointly and severally liable under this Lease.

SECTION 25
TIME OF THE ESSENCE

Time is of the essence to this Lease, and of each and every covenant, term, condition, and provision of this Lease.

SECTION 26

GOVERNING LAW

It is agreed that this Lease shall be governed by, construed, and enforced in accordance with the laws of the Commonwealth of Virginia. Any legal action brought by either party to this Lease and arising out of the performance or non-performance of the terms of this Lease shall be filed and maintained, at the option of the County, either in the Circuit Court of Warren County, Virginia, or in the United States District Court for the Western District of Virginia.

SECTION 27
ENTIRE AGREEMENT

This Lease shall constitute the entire agreement between the parties. Any prior understanding or representation of any kind preceding the date of this Lease shall not be binding upon either party except to the extent incorporated in this Lease.

SECTION 28
MODIFICATION OF AGREEMENT

Any modification of this Lease or additional obligation assumed by either party in connection with this Lease shall be binding only if evidenced in a writing signed by each party.

SECTION 29
ADDITIONAL DOCUMENTS

The parties agree to execute whatever papers and documents may be reasonably necessary to effectuate the terms of this Lease.

SECTION 30
REPRESENTATION BY COUNSEL

This Lease has been read in its entirety and has been knowingly and voluntarily executed by the parties. County and Tenant each acknowledge that they have had the opportunity to consult with an attorney prior to executing this Lease.

SECTION 31
AUTHORIZATION TO SIGN

The signatories to this Lease represent and warrant that they are authorized to execute this Lease as representatives of the parties.

SECTION 32
AGREEMENT EFFECTIVE

This Lease shall be effective only upon approval by the County's Board of Supervisors and when signed by all parties. In addition, the County may submit this Lease for review and comment to the Virginia Department of Aviation and/or the Federal Aviation Administration.

Changes or modifications necessary for the County to be in compliance with any grant assurances of either agency shall be incorporated into this Lease.

SECTION 33
SUBORDINATION

Notwithstanding anything in this Lease to the contrary, this Lease shall be and is subordinate to the provisions of any existing or future agreement between the County and either the United States Government, or any agency or department thereof, or the Commonwealth of Virginia, or any agency or department thereof, relative to the operation or maintenance of the Airport, the execution of which has been required as a condition precedent to the expenditure of either Federal or State funds for the development, maintenance, or improvement of the Airport or its operations.

SECTION 34
WARTIME/NATIONAL EMERGENCY PROVISIONS; EMERGENCY LEASE TO OR USE BY UNITED STATES

A. During times of war or national emergency, the County shall have the right to lease the Airport or any part thereof to the United States Government for military use, and if any such lease is executed, the provisions of this Lease insofar as they are inconsistent with the provisions of the lease to the Government shall be suspended.

B. All facilities of the Airport developed with Federal financial assistance and all facilities usable for landing and takeoff of aircraft will be available to the United States for use by Government aircraft in common with other aircraft at all times without charge, except if the use by Government aircraft is substantial, a charge may be made for a reasonable share, proportional to such use, of the cost for operating and maintaining the facilities used.

SECTION 35
NON-DISCRIMINATION

Tenant for itself, its personal representative, successors in interest and assignees hereby agree that to the extent it conducts or engages in any aeronautical activity for furnishing services to the public at the Airport, it shall:

(1) furnish said services on a reasonable, and not unjustly discriminatory, basis to all users thereof; and

(2) charge reasonable, and not unjustly discriminatory, prices for each unit or service, provided that it may be allowed to make reasonable and nondiscriminatory discounts, rebates, or other similar types of price reductions to volume purchasers.

SECTION 36
NONEXCLUSIVE RIGHTS

Tenant understands and acknowledges that nothing in this Lease shall be construed as granting or authorizing an exclusive right within the meaning of 49 U.S.C. § 40101(e) and § 47107(a)(4).

SECTION 37
PARTIAL INVALIDITY

If any term or provision of this Lease is declared invalid or unenforceable, all remaining terms and provisions of this Lease shall not be affected thereby and shall be enforced to the fullest extent permitted by law.

The parties have executed this Lease as of the date set forth below:

WARREN COUNTY, VIRGINIA

By: _____

Name: _____

Title: _____

Date: _____

Approved as to form: _____
County Attorney

SILENT FALCON
UAS TECHNOLOGIES, LLC

By: Grant C Bishop

Name: Grant Bishop

Title: President & CEO

Date: 16 Oct 2020

COUNTY OF WARREN, VIRGINIA

BOARD OF SUPERVISORS WORK SESSION

DATE	ITEM	SUBJECT	PAGE
January 5, 2021	I-11	Approval for Advertising of Public Hearing - Proposed Amendment to Warren County Code Section 66-28, 66-29, and 66-31 to include Running in a Pack and to Amend Warren County Code Section 66-32 to Apply to the Entire County	1 OF 1

EXPLANATION & SUMMARY:

Warren County Code Section 66-28 makes it unlawful for any dogs to run at large at any time in such areas of the County as designated by ordinance, except when in immediate control of the owner or custodian of such animal. A dog shall be deemed to "run at large" while roaming, running or self-hunting off the property of its owner or custodian and not under its owner's or custodian's immediate control. Section 66-29 outlines the violations and penalties applied to this offense. Section 66-32 enumerates the specific areas and subdivisions where restrictions have been applied since 1984.

In the 2019 Session of the Virginia Legislature, Va. Code Section 3.2-6538, which grants localities to prohibit dogs from running at large, was amended to include a prohibition on dogs running at large in a pack. Violations for any person who permits his dog(s) to run at large in a pack will be subject to a class 4 misdemeanor as well as a/and a fine up to $100 fine. Therefore, Warren County Section 66-28, 66-29, and 66-31 should be amended to reflect the recent changes in the Virginia Code.

Additionally, the Warren County Sheriff's Office has requested the Board of Supervisors to amend Warren County Code Section 66-32 to apply the prohibition of dogs running at large to the entire County, not just specific residential areas within Warren County.

The Board of Supervisors must first hold a public hearing before amendment and/or repealing said ordinances.

COST AND FINANCING:

N/A

CONSENT AGENDA MOTION:

I move the Board of Supervisors authorize the advertisement of a public hearing to amend Sections 66-28, 66-29 and 66-31 of the Warren County Code to include Running in a Pack and to amend Section 66-32 of the Warren County Code to apply to the entire County;

ALTNERATIVE MOTIONS:

I move the Board of Supervisors not authorize the advertisement of a public hearing to amend Sections 66-28, 66-29 and 66-31 of the Warren County Code to include Running in a Pack and to amend Section 66-32 of the Warren County Code to apply to the entire County;

-OR-

I move the Board of Supervisors postpone this item for further discussion until _____.

SUBMITTED BY:	DISPOSITION OF BOARD: ☐ APPROVED ☐ OTHER (DESCRIBE)	PROCESSED BY:
Caitlin W. Jordan, Senior Assistant County Attorney		

ORDINANCE TO AMEND AND RE-ORDAIN CHAPTER 66, ARTICLE V (RUNNING AT LARGE) OF THE WARREN COUNTY CODE

BE IT ORDAINED BY THE WARREN COUNTY BOARD OF SUPERVISORS that Section 66-28 (Running at large restricted) be amended and re-ordained; that Section 66-29 (Violations and penalties) be amended and re-ordained; that Section 66-31 (Procedure upon observation of dog in violation) be amended and re-ordained; and that Section 66-32 (Restricted areas enumerated) be repealed as follows:

CHAPTER 66. Animals

ARTICLE V. Running at Large

§ 66-28. Running at large ~~restricted~~ **and running at large in a pack prohibited.**

It shall be unlawful for any dogs to run at large at any time ~~in such areas of the~~ **within Warren** County, except when in immediate control of the owner or custodian of such animal. A dog shall be deemed to "run at large" while roaming~~,~~ **or** running ~~or self-hunting~~ off the property of its owner or custodian and not under its owner's or custodian's immediate control. **However, a dog shall not be considered at large if during the hunting season it is on a bona fide hunt in the company of a licensed hunter or during field trials or training periods when accompanied by its owner. A dog shall be deemed to be "running at large in a pack" if it is running at large in the company of one or more other dogs that are also running at large.**

§ 66-29. Violations and penalties.

Any person who permits his dog, of which he has ownership or custody, to run at large or unrestricted shall be deemed to have violated the provisions of this article and shall be punished as a Class 4 misdemeanor in accordance with the Code of Virginia **and shall be subject to fines in accordance with section 66-16**. In order to prepay the fine, such person must pay to the Warren County General District Court, no later than five business days prior to the court date, both a fine of $50 and a court processing fee as determined by the Warren County General District Court.

The owner or custodian of any dog found while running at large in a pack shall be subject to a civil penalty in the amount of $100.00 per dog so found.

§ 66-31. Procedure upon observation of dog **or dogs** in violation.

Upon personal observation of the Animal Control Officer, any dog running at large or **running at large in a pack or** unrestricted in violation of this article whose owner**(s)** or custodian**(s)** the Animal Control Officer is not able to ascertain immediately may be impounded by the Animal Control Officer and confined in a pound or enclosure maintained in accordance with the guidelines issued by the Department of Agriculture and Consumer Services, such confinement and subsequent disposition of such animal to be as provided for in the Code of Virginia.

§ 66-32. Restricted areas enumerated.

It shall be unlawful for any dog to run at large in the following areas of the County:

A. Within the boundary lines of Skyland Estates Subdivision (Sections 1-9, S and X) as shown on Warren County Tax Map 23A, Sheets 1-6.
[Amended 6-4-1996]

B. Within the boundary lines of Shenandoah River Lakes Subdivision as shown on Warren County Tax Map 10A.

C. Within the boundary lines of Shenandoah Shores Subdivision as shown on Warren County Tax Map 13C, Sheets 1 and 2.
[Added 6-19-1984]

D. Within the boundary lines of all sections of Shenandoah Farms Subdivision and those adjacent parcels as shown on the following Warren County Tax Maps: 7A; 7A1; 15B; 15C; 15D, Sheets 1 and 2; 15E, Sheets 1-5; 15F; 15G; 23C, Sheets 1-9; and 24C.
[Added 11-19-1985; amended 2-18-1986]

E. Within the boundary lines of all sections of T.B. Boies Subdivision as shown on Warren County Tax Map 19 E.
[Added 1-21-1986]

F. Within the boundary lines of all sections of Shenandoah River Estates and the Bolling Subdivision as shown on Warren County Tax Map 20C.
[Added 6-16-1986]

G. Within the boundary lines of all sections of High Knob Subdivision as shown on Warren County Tax Maps 31B, Sheets 1-3; and 31B1.
[Added 8-18-1986]

H. Within the boundary lines of all sections of Blue Mountain Subdivision as shown on Warren County Tax Maps 15A; 16A; 24A, Sheets 1 and 2; 24B, Sheets 1 and 2; and 24D.
[Added 7-20-1987]

I. Within the boundary lines of all sections of Apple Mountain Lake Subdivision as shown on Warren County Tax Map 22B.
[Added 3-21-1988

J. Within the boundary lines of all sections of Dungadin Subdivision as shown on Warren County Tax Map 28C.
[Added 3-4-1991]

K. Within the boundary lines of all sections of Point O'Woods Subdivision as shown on Warren County Tax Map 39B.
[Added 6-17-1991]

L. Within the boundary lines of all sections of Blue Ridge Mountain Estates Subdivision as shown on Warren County Tax Map 31A1 and 31A2.
[Added 10-7-1991]

M. Within the boundary lines of all sections of Lake Front Royal Subdivision as shown on Warren County Tax Map 39C.
[Added 1-21-1992]

N. Within the boundary lines of Shannon Woods Subdivision as shown on Warren County Tax Map 22F.
[Added 10-5-1992]

O. Within the boundary lines of Kenny Woods Subdivision as recorded on Warren County Plat Slide 152-B.
[Added 11-1-1993]

P. Within the boundary lines of Apple Mountain Lake South Subdivision as shown on Warren County Tax Map31C.
[Added 3-21-1995]

Q. Within the boundary lines of Bowling View Subdivision as shown on Warren County Plate Slide 157-M, N, O and P.
[Added 5-7-1996]

R. Within the boundary lines of Section 3 of the Shenandoah Valley Golf Club Subdivision as recorded in Deed Book 224, pages 714-716.
[Added 5-7-1996]

S. Within the boundary lines of the area occupied by the Bowling Green Golf Courses.
[Added 5-7-1996]

T. Within the boundary lines of Thunderbird Farms Subdivision (Haynes Anderson Trust property) as shown on Warren County Tax Map 36-C.
[Added 8-15-2000]

U. Within the boundary lines of Lower Valley Subdivision, including Passage Creek Meadows, as shown on Warren County Tax Map 17-C.
[Added 10-16-2001]

V. Within the boundary lines of Oregon Hollow Estates, as shown on Warren County Tax Map 22-I.
[Added 3-18-2003]

~~W. Within the boundary lines of Cedarville Heights Subdivision, as shown on Warren County Tax Map 13E, including the Cedarville Heights Sanitary District.~~
~~[Added 2-15-2005]~~

~~X. Within the boundaries of Henselstone Woods Subdivision, as shown on Warren County Tax Map 19-I.~~
~~[Added 8-21-2007]~~

~~Y. Within the boundary lines of Pineland Park Subdivision, as shown on Warren County Tax Map 3A.~~
~~[Added 10-16-2007]~~

~~Z. Within the boundary lines of River Bend Farm Subdivision, as shown on Warren County Tax Map 27L.~~
~~[Added 11-21-2017]~~

THIS ORDINANCE SHALL BE EFFECTIVE UPON ADOPTION.

Language proposed to be deleted is ~~lined through~~.
Language proposed to be added is **underlined.**

CHAPTER 562

An Act to amend and reenact § 3.2-6538 of the Code of Virginia, relating to dogs running at large in packs; local ordinance; civil penalty.

[S 1367]

Approved March 18, 2019

Be it enacted by the General Assembly of Virginia:

1. That § 3.2-6538 of the Code of Virginia is amended and reenacted as follows:

§ 3.2-6538. Governing body of any locality may prohibit dogs from running at large; civil penalty.

~~The governing body of any~~ *Any* locality may *by ordinance* prohibit the running at large of all or any category of dogs, *except dogs used for hunting,* in all or any designated portion of such locality during such months as ~~they~~ *it* may designate. ~~Governing bodies~~ *Any such locality* may also require that dogs be confined, restricted, or penned up during such periods. For the purpose of this section, a dog shall be deemed to run at large while roaming~~,~~ *or* running ~~or self-hunting~~ off the property of its owner or custodian and not under its owner's or custodian's immediate control. Any person who permits his dog to run at large~~,~~ or remain unconfined, unrestricted, or not penned up shall be deemed to have violated *an ordinance adopted pursuant to* the provisions of this section. *Such ordinance shall provide that the owner or custodian of any dog found running at large in a pack shall be subject to a civil penalty in an amount established by the locality not to exceed $100 per dog so found. For the purpose of such ordinance, a dog shall be deemed to be running at large in a pack if it is running at large in the company of one or more other dogs that are also running at large. Any civil penalty collected pursuant to such ordinance shall be deposited by the treasurer of the locality pursuant to the provisions of § 3.2-6534.*

COUNTY OF WARREN, VIRGINIA

BOARD OF SUPERVISORS AGENDA ITEM

DATE	ITEM	SUBJECT	PAGE
January 5, 2021	I-12	Approval for Advertising of Public Hearing - Proposed Repeal of Warren County Code Section §66-34, "Bounties for Coyotes"	1 OF 1

EXPLANATION & SUMMARY:

On May 2, 2000, the Board of Supervisors adopted Section 66-34 of the Warren County Code, which awards a $50 bounty to any person who kills a coyote according to certain criteria set forth in the ordinance. Currently, the ordinance limits the total amount of bounties awarded within a given fiscal year to $3,000.00 minimum, a total of 60 bounties per year.

Since 2010, the total amount of coyote bounties awarded each year surpassed the annual cap. Therefore, on July 16, 2019, the Board of Supervisors amended Section 66-34(D) to increase the annual cap from $2,000.00 to $3,000.00 per year to meet increasing coyote boundaries.

However, the Warren County Sheriff's Office has requested that the Board of Supervisors repeal Section 66-34 of the Warren County Code. First, many of the individuals claiming bounties for killing coyotes have already been compensated by the land owners, and most of them live outside of Warren County. Second, the Department of Game and Inland Fisheries have issued a letter explaining that coyote bounties are not an effective tool for population control. The letter is attached for your review.

Therefore, it is the opinion of the Sheriff's Office that Section 66-34, "Bounties for Coyotes" should be repealed due to the increasing cost to the County of Warren and to the little to no impact said bounties have had on the coyote population.

The Board of Supervisors must first hold a public hearing before repealing said ordinance.

COST AND FINANCING:

There will be no cost associated, the repeal will in fact void the remaining appropriations for line item 35010-5802: Claims

CONSENT AGENDA MOTION:

I move the Board of Supervisors authorize the advertisement of a public hearing to repeal Warren County Code Section §66-34, "Bounties for Coyotes;

SUBMITTED BY:	DISPOSITION OF BOARD: ☐ APPROVED ☐ OTHER (DESCRIBE)	PROCESSED BY:
Caitlin W. Jordan, Assistant County Attorney		

ORDINANCE TO REPEAL SECTION 66-34 OF THE WARREN COUNTY CODE

BE IT ORDAINED BY THE WARREN COUNTY BOARD OF SUPERVISORS that Section 66-34 of the Warren County Code (Bounties for coyotes) be repealed as follows:

Chapter 66. Animals

Article VI. Coyotes

~~§66-34 Bounties for coyotes.~~

~~A. Provided there are still unexpended and unappropriated funds available in any given annual County budget for such purpose, there shall be a bounty in the amount of $50 paid to any person who meets the criteria set forth in this section who applies for such payment to the Board of Supervisors for each coyote killed within the boundaries of Warren County; provided, however, prior to being entitled to such payment, such person shall furnish reasonable proof satisfactory to the Animal Control Officer and to the Board of Supervisors that:~~

~~(1) The animal for which the bounty is claimed is a coyote; and~~

~~(2) Such coyote was killed within 72 hours before the application was made for the bounty; and~~

~~(3) Such coyote was killed in Warren County; and~~

~~(4) Based on a sworn statement on a form furnished by the Animal Control Officer and signed by the applicant and the owner or tenant in possession of the property on which the coyote was killed, such coyote was killed either:~~

~~(a) On the applicant's own property; or~~

~~(b) On property which the applicant is the lawful tenant in possession; or~~

~~(c) On property in which such person has:~~

~~[1] The written permission of the owner or lawful tenant in possession to kill such coyote; and~~

~~[2] Written acknowledgement of the owner or lawful tenant in possession that such coyote was killed on such owner's or tenant in possession's property; and~~

~~(5) That such coyote was killed either:~~

~~(a) By the owner of livestock, as defined in § 66-1 of this Code; or~~

~~(b) By a person who produces written certification that he has completed a coyote educational program approved by resolution of the Board of Supervisors.~~

~~B. The Animal Control Officer shall certify in writing his finding as to being satisfied with such proof to the Board of Supervisors prior to its action on the application for payment of the bounty.~~

~~C. The Animal Control Officer shall keep a written record of all applications made for a bounty, such record to include:~~

~~(1) The name, address, and telephone number of the applicant.~~

~~(2) The type of animal, including a physical description thereof, which was killed.~~

~~(3) The name and address, if known, of the owner of any animal, if not a coyote, killed for which application for a bounty was made.~~

~~D. The total dollar amount of bounties to be paid under the Article VI shall not exceed the sum of $3,000 within a given fiscal year; provided, however, that such limit may be increased in a given year by duly adopted resolution of the Board of Supervisors of Warren County.~~

~~[Amended 8-20-2019]~~

THIS ORDINANCE SHALL BE EFFECTIVE UPON ADOPTION.

Language proposed to be deleted is ~~lined through~~.
Language proposed to be added is **underlined**.

Molly J. Ward
Secretary of Natural Resources

COMMONWEALTH of VIRGINIA

Department of Game and Inland Fisheries

Robert W. Duncan
Executive Director

November 3, 2016

Robbie Chestnut
Bath County Animal Control

Dear Mr. Chestnut,

We appreciate your inquiry regarding the effectiveness of coyote bounty programs. Our Department, in conjunction with USDA Wildlife Services, has provided information to numerous other counties concerning coyote control programs. As you may know, coyotes are not originally native to Virginia but are currently well established in all counties of the state. Although few of these coyotes ever cause problems, some animals occasionally prey on livestock and have caused significant economic losses to farmers and landowners.

In response to these losses, some Virginia counties have instituted bounty programs in hopes of reducing coyote numbers. Although popular with local landowners, hunters, trappers, and some livestock producers, these bounty programs never achieve their desired objectives. Coyote bounties have been tried throughout the United States for more than 150 years. There is not a single documented instance of a bounty program temporarily or permanently reducing coyote populations or livestock depredation problems.

There are numerous reasons why coyote bounty programs don't work. The most important reason is that not enough coyotes are killed to affect population size. Most coyotes are killed opportunistically by deer hunters and farmers. Very few additional animals are killed as a result of bounty programs. Research has shown that coyote populations must be reduced by more than 60% or their numbers will recover within a single year. Coyotes can rapidly compensate for losses by increasing the number of females that breed, producing larger litters, and increasing pup survival. Since coyote bounties are ineffective, our Department has consistently recommended against these programs in favor of targeted control efforts around farms with a history of coyote damage. This approach has been successfully used by USDA Wildlife Services to reduce livestock losses in other portions of the state.

Other concerns with coyote bounty programs include rampant fraud (coyotes turned in from other counties, coyotes checked in multiple times, etc). Bounty programs may also increase the likelihood that domestic dogs will be accidentally shot or trapped.

Thank you again for your inquiry. If you need additional information, please let me know. Our Department would be happy to help your Board of Supervisors make the most informed decision possible.

Sincerely,

Michael L. Fies
Furbearer Project Leader
Virginia Department of Game & Inland Fisheries
P. O. Box 996
Verona, VA 24482

12/29/2020

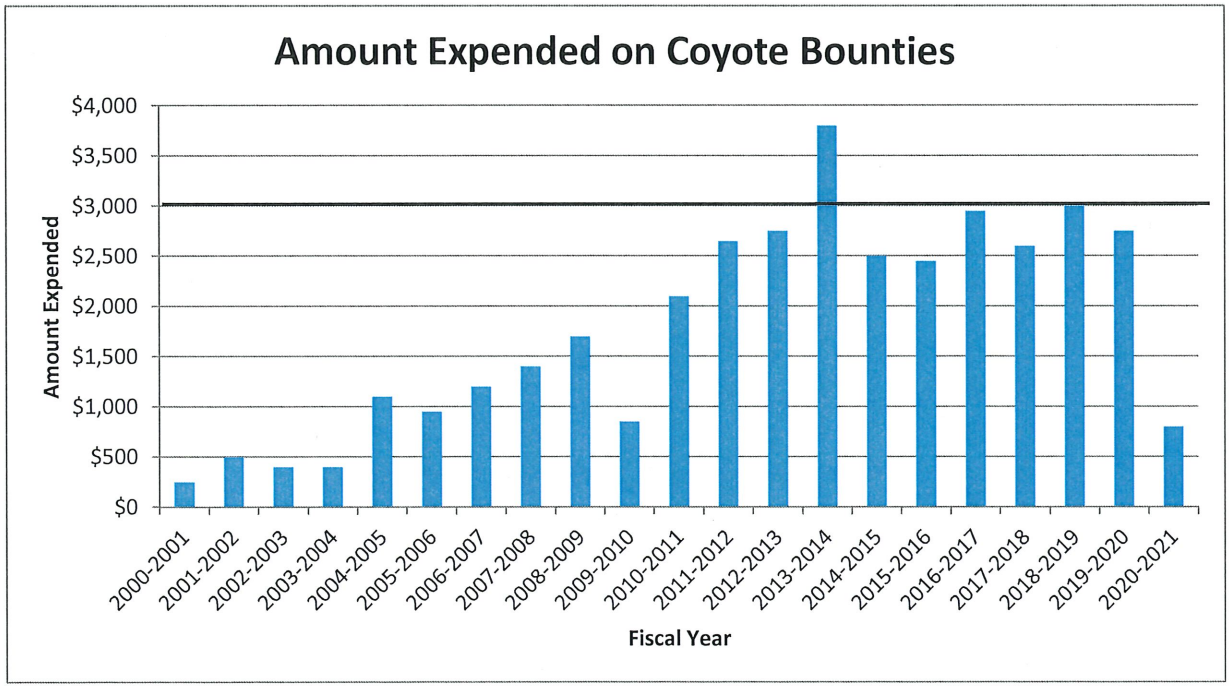
Code of Virginia
Title 15.2. Counties, Cities and Towns
Chapter 9. General Powers of Local Governments

§ 15.2-926.1. Bounties for coyotes.

Any locality may by ordinance permit the killing of coyotes within its boundaries at any time and may pay, out of any available funds, a bounty for each coyote killed within its boundaries. The ordinance may prescribe the conditions to be met and the evidence to be submitted before any such payment is made, as well as the amount of the bounty to be paid.

1999, c. 487.

Fiscal Year	Amount	# of Coyotes
2000-2001	$250	5
2001-2002	$500	10
2002-2003	$400	8
2003-2004	$400	8
2004-2005	$1,100	22
2005-2006	$950	19
2006-2007	$1,200	24
2007-2008	$1,400	28
2008-2009	$1,700	34
2009-2010	$850	17
2010-2011	$2,100	42
2011-2012	$2,650	53
2012-2013	$2,750	55
2013-2014	$3,800	76
2014-2015	$2,500	50
2015-2016	$2,450	49
2016-2017	$2,950	59
2017-2018	$2,600	52
2018-2019	$3,000	60
2019-2020	$2,750	55
2020-2021	$800	16



NEW FISCAL YEAR

Atwood, William	1	50.00	8/18/2020
Colton, James	2	100.00	9/1/2020
Grove, Arthur	2	100.00	9/1/2020
Calevro, Mark	1	50.00	9/15/2020
Cullen, Robert	1	50.00	9/15/2020
Boyd, Douglas	1	50.00	10/6/2020
Clem, Colin	1	50.00	10/6/2020
Marshall, Steven	2	100.00	10/6/2020
Vaught, Matthew	1	50.00	10/6/2020
Jenkins, David III	1	50.00	10/20/2020
Grove, Arthur	1	50.00	11/4/2020
Presley, Matthew	1	50.00	12/8/2020
Woodard, Charles	1	50.00	12/8/2020
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NEW FISCAL YEAR

Colton, James	1	50.00	7/16/2019
Vaught, Matthew	1	50.00	7/16/2019
Colton, James	1	50.00	8/6/2019
Bowers, Donald	3	150.00	8/20/2019
Davison, Benjamin	1	50.00	8/20/2019
Fincham, Jr., James	1	50.00	8/20/2019
Hupman, William	1	50.00	9/3/2019
Bowers, Donald	4	200.00	9/17/2019
Keller, Dennis	1	50.00	9/17/2019
Bowers, Donald	5	250.00	10/1/2019
Thomas, Kevin	3	150.00	10/1/2019
Colton, James	2	100.00	10/15/2019
Davis, Tyler	1	50.00	11/6/2019
Atwood, William	1	50.00	11/19/2019
Colton, James	1	50.00	11/19/2019
Davis, Gail	1	50.00	11/19/2019
Garniger, Kurt	1	50.00	11/19/2019
Jewel, Ryan	1	50.00	11/19/2019
Barbe, Michael	1	50.00	12/10/2019
Beach, George III	3	150.00	12/10/2019
Bowers, Donald	2	100.00	12/10/2019
Brown, Jonathan	1	50.00	12/10/2019
Dove, Jesse	1	50.00	12/10/2019
Drain, Dennis	1	50.00	12/10/2019
Sloat, David Lee	1	50.00	12/10/2019
Bowers, Donald	5	250.00	1/7/2020
Licklider, Michael	1	50.00	1/7/2020
Mitchell, Amos Lee	1	50.00	1/7/2020
Walker, Trevor	1	50.00	1/7/2020
Bowers, Donald	2	100.00	1/21/2020
White, Jeffrey	1	50.00	2/18/2020
Mitchell, Michael Lee	1	50.00	3/3/2020
Grove, Arthur	1	50.00	3/17/2020
Hupman, Robert	1	50.00	5/19/2020
Speelman, Brittany	1	50.00	6/2/2020
Boyd, Douglas	1	50.00	6/16/2020

NEW FISCAL YEAR

ATWOOD, WILLIAM A	50.00	1	8/7/2018
Cornwell, Dustin Lee	50.00	1	8/7/2018
Atwood, William A	50.00	1	8/21/2018
Bowers, Donald	200.00	4	8/21/2018
Colton, James Wade	50.00	1	9/4/2018
Atwood, William A	50.00	1	10/16/2018
Wines, Bruce	50.00	1	10/16/2108
Keep, John	50.00	1	10/16/2018
Levan-Voegler, Laura	50.00	1	11/7/2018
Shipe, Charles	50.00	1	11/7/2018
Clem, Colin Terry	50.00	1	11/7/2018
Bowers, Donald	150.00	3	11/7/2018
Widmer, Benjamin Lewis	50.00	1	11/7/2018
Bowers, Donald	100.00	2	11/20/2018
Perko, David Randall	50.00	1	11/20/2018
Cameron, Cecil Thurman	50.00	1	12/11/2018
Frazier, David Lee	50.00	1	12/11/2018
Keckley, Jr., Eugene Elwood	50.00	1	12/11/2018
Partlowe, Hunter Douglas	50.00	1	12/11/2018
Covert, Patrick Kirby	100.00	2	12/11/2018
Rector, Dalton Allen	50.00	1	12/11/2018
Breeden, Marcia Marie	50.00	1	12/11/2018
Counts, Warren	50.00	1	12/11/2018
Dellinger, Kim	50.00	1	12/11/2018
Waters, Shelly	50.00	1	12/11/2018
Ball, Kernos	50.00	1	1/8/2019
Bowers, Donald	250.00	5	1/8/2019
Knave, Jr., George	50.00	1	1/8/2019
Orye, Jeremy	50.00	1	1/8/2019
Smedley, Jr., John	50.00	1	1/8/2019
Breeden, Marcia Marie	50.00	1	2/5/2019
Gill, Aaron Locke	250.00	5	2/5/2019
Mitchell, Amos Lee	50.00	1	2/5/2019
Sanfelici, Theresa Lear	50.00	1	2/5/2019
Bowers, Donald	100.00	2	3/5/2019
Keckley, Jr., Eugene Elwood	50.00	1	3/5/2019
Shipe, Robert	50.00	1	3/5/2019
Way, Charles	50.00	1	3/5/2019
Colton, James Wade	50.00	1	3/19/2019
Breeden, Marcia Marie	50.00	1	4/2/2019
White, Jeffrey	50.00	1	5/7/2019
Woodard, III, Charles	50.00	1	5/7/2019
Williams, Justin	50.00	1	5/21/2019
Woodard, III, Charles	50.00	1	6/4/2019

COUNTY OF WARREN, VIRGINIA
BOARD OF SUPERVISORS AGENDA ITEM

DATE:	ITEM:	SUBJECT:	PAGE
1/05/2021	I-13	Conditional Use Permit #2020-10-01 David & Nita Sudlow *Church*	1 of 2

EXPLANATION & SUMMARY:

See attached application and staff report.

General standards/conditions. In addition to the specific standards set forth hereinafter with regard to particular conditional uses, all such uses shall satisfy the following general standards:

(1) The proposed use at the specified location shall be in harmony with the adopted Comprehensive Plan.

(2) The proposed use shall be in harmony with the general purpose and intent of the applicable zoning district regulations.

(3) The proposed use shall be such that it will be harmonious with and will not adversely affect the use or development of neighboring properties in accordance with the applicable zoning district regulations and the adopted Comprehensive Plan. The location, size and height of buildings, structures, walls and fences and the nature and extent of screening, buffering and landscaping shall be such that the use will not hinder or discourage the appropriate development and use of adjacent or nearby land and/or buildings or impair the value thereof.

(4) The proposed use shall be such that pedestrian and vehicular traffic associated with such use will not be hazardous or in conflict with the existing and anticipated traffic in the area.

(5) Adequate utility, drainage, parking, loading and other necessary facilities to serve the proposed use shall be provided.

(6) In determining whether or not to grant a permit and in determining conditions to be imposed, the governing body shall take into consideration the objectives and intent of this chapter and may impose reasonable conditions that:

- (a) Abate or restrict noise, smoke, dust or other elements that may affect surrounding properties.
- (b) Establish setback, side and front yard requirements necessary for orderly expansion and to prevent traffic congestion.
- (c) Provide for adequate parking and ingress and egress to public streets or roads.
- (d) Provide adjoining property with a buffer or shield from view of the proposed use if such use is considered to be detrimental to adjoining property.
- (e) Prevent such use from changing the character and established pattern of development of the community.

After proper advertisement and a public hearing by the Planning Commission, the application has been forwarded to the Board of Supervisors recommending approval with the following conditions:

1. The Chapel occupancy shall not exceed the number of occupants to be determined by the VA Uniform Statewide Building Code and VA Dept. of Health approval for an on-site sewage system.

2. The applicant shall comply with all Warren County Building Inspections, Virginia Department of Transportation (VDOT) and Warren County Health Department regulations and requirements. These include Building Code requirements for a smoke and fire detector system and change of use and occupancy to the authorized use group.

3. The applicants shall meet the requirements for Code Section §180-15 for Off-Street parking for a church which requires one (1) parking space per four (4) fixed seats.

Motion to Approve:

Mr. Henry moved to forward this application to the Board of Supervisors, recommending approval with the conditions listed above. The motion was seconded by Mr. Longo, and approved by the Planning Commission by a vote of 5-0.

PROPOSED OR SUGGESTED MOTION:

I move that the Board of Supervisors authorize the proposed conditional use permit request for advertisement for a public hearing.

SUBMITTED BY:	**DISPOSITION OF BOARD:**	**PROCESSED BY:**
Matt Wendling, CFM Planner II	☐ **APPROVED** ☐ **OTHER (Describe)**	

Conditional Use Permit: 2020-10-01 / Church (Chapel)
David & Nita Sudlow, *Current Owner/Applicant*
Staff Report for the Planning Commission
Prepared: October 14th, 2020 **Revised: October 16th, 2020**
Staff Contact: Matt Wendling, Planner II/County Floodplain Manager

SUMMARY OF REQUEST

The applicant is requesting a conditional use permit for a church to be used as a chapel for worship services and bible study. They have requested to have a maximum of 49 occupants at any one time in attendance. The applicants currently use the accessory structure as a garage and chapel for family devotional and religious study, it is 1,728 square feet. They plan to make minor renovations to the existing structure in order to use it as a chapel facility and include upgrades to the existing septic system and a handicapped accessible restroom. The applicant was denied a sewage disposal system permit by the Health Department due to the requirement for a Conditional Use Permit from the County for this land-use. The structure is located to the east of the property adjacent to the single family dwelling to the north and proposed guesthouse to the south, see attached sketch plan.

PROPERTY INFORMATION

Property Location: 6435 Strasburg Rd.
Tax Map ID: #9---48C 1
Magisterial District: Fork
Subdivision: Myer Subdivision

City: Strasburg (mailing address)
Zoning: Agricultural (A)
Acres: 3.31
Existing Land Use: Single-Family Dwelling - Garage

SURROUNDING ZONING DISTRICTS & USES

North:	Agricultural (A)	Use: Pasture
South:	Agricultural (A)	Use: Forest - Woodlands
East:	Agricultural (A)	Use: Single Family Dwelling - Pasture
West:	Agricultural (A)	Use: Single Family Dwelling

PROPERTY HISTORY

This property has not had any previous Conditional Use Permits issued for uses in the Agricultural (A) zoning district. In 2011 a Notice of Inspection was sent to Mr. Sudlow relating to the use of the garage as a church and assembly hall after County staff received an inquiry from Mr. Sudlow's insurance agent regarding the use. At that time the applicant stated that he was using the accessory structure as a garage and meeting room for worship and bible study only for his family. Staff notified him that the CUP would be required if an expansion of the use was desired and non-family members were in attendance or advertisement took place and no further zoning actions took place.

COMPATIBILITY WITH THE COMPREHENSIVE PLAN

The request is compatible with Code Section §180-21, indicating district regulations in the Agricultural (A) zoning district. A church is permitted under this section as a Conditional Use granted by the Board of Supervisors.

PROPOSAL

Section §180-8 defines Church is defined as:

"A place where persons regularly assemble exclusively for worship. The term "church" includes the term "synagogue," "mosque," "monastery," or other terms for a house of worship, and shall include, where appropriate, real estate of not more than 250 acres, provided that such acreage is or is to be devoted exclusively to a church building, chapel, monastery, cemetery, offices used only for administrative purposes of the church, a Sunday school building, church manse, parsonage or rectory, playgrounds, recreation areas or parking lots for the convenience of those attending any of the foregoing."

SUPPLEMENTARY REGULATIONS FOR CHURCHES

There are no supplemental regulations in the Warren County Zoning Ordinance for a church.

SEWAGE DISPOSAL

The property currently has a septic system approved for five (5) bedrooms and six (6) occupants and was approved with a minor modification permit in 2006 to install a building sewer to connect a detached garage proposed to be used as a chapel. An On-Site Soil Evaluator (OSE) has submitted an application for a modification to the existing sewage system to the Warren County Health Department which was denied by them due to the requirement for conditional use permit for the land-use from the Board of Supervisors. The OSE is proposing to incorporate a TL-3 treatment unit into the current system which will increase the maximum gallons per day (GPD) and change the system from a conventional to an Alternative Onsite Sewage System. See attached comments.

RECOMMENDED CONDITIONS

Planning Staff is recommending the following conditions be added to this conditional use permit if the Planning Commission chooses to recommend approval of this permit to the Board of Supervisors. Please note that conditions may be modified and additional conditions may be added after all agency comments have been received.

1. The Chapel occupancy shall not exceed the number of occupants to be determined by the VA Uniform Statewide Building Code and VA Dept. of Health approval for an on-site sewage system.

2. The applicant shall comply with all Warren County Building Inspections, Virginia Department of Transportation (VDOT) and Warren County Health Department regulations and requirements. These include Building Code requirements for a smoke and fire detector system and change of use and occupancy to the authorized use group.

3. The applicants shall meet the requirements for Code Section §180-15 for Off-Street parking for a church which requires one (1) parking space per four (4) fixed seats.

Cc: David & Nita Sudlow - *Owners/Applicants*

FINAL 9/15/20

Statement of Justification

for

Conditional Use Permit

David and Nita Sudlow, 6435 Strasburg Road, Warren County.

Introduction

David and Nita Sudlow request a Conditional Use Permit (CUP) for the subject property to allow an existing structure, built in 2003 as a garage, to be used as a chapel/meeting room. The property consists of a single 3.31 acre parcel situated on the south side of Strasburg Road about 1.3 miles East from the Shenandoah River bridge and the western border of Warren County. Tax Map Number: 9-42 C 2. The property and the surrounding properties are currently zoned "Agriculture" and lie within the Fork District. The main purpose for the chapel is for inter-denominational prayer for our local community, Virginia and our country.

In conjunction with the CUP application, the owners also request permission for a separate building renovation began in 2013 to include a one bedroom living space. This renovation was of a small horse barn for the purpose of an office and workshop. This proposed bedroom space is for visiting family and friends and is not for commercial purposes, such as a B & B or any other type of rental. The subject property is currently used as the Applicants' family residence that includes a five bedroom single dwelling, the said garage and the office/workshop building along with two small outbuildings.

Justification

The Applicants believe that the requested CUP modification will be justified by all of the required findings prescribed in the Warren County Department of Planning regarding land use management ordinances. The proposed chapel and property improvements will promote a safe and healthy environment for those who participate in any activities associated with the chapel. The improvements will consist of some minor renovations to the existing 32' x 54' garage building to be used as a chapel facility and to meet all Warren County Building Codes and "Health and Safety" requirements.

Cont. Justification...

In addition, an upgraded septic system will be installed to meet the property and chapel requirements. Hadley Environmental Services (HES) has submitted a "Commonwealth of Virginia Application for Sewage System" on July 27, 2020 to the Warren County Health Department. The application was denied on August 20. 2020 due to the need of a Conditional Use Permit from the Warren County Planning and Zoning Department before they can approve a construction permit. "If a CUP is approved, a 100% reserve drain-field area must be provided per Ch. 179-3 Code of Warren County." HES will continue with the project and work with the Health Department to comply with all applicable provisions of the Virginia Sewage Handling & Disposal Regulations.

Traffic

Due to the unique conditions associated with this property, and the off-peak demands related to typical church related activities, any additional traffic demands will be adequately accommodated. The chapel will generate a small amount of traffic, because it will be restricted to occupancy of up to a maximum of 49. Further, there are two entrances onto the property allowing adequate ingress and egress to Strasburg Road.

Parking

"Providing for adequate parking" will be constructed according to Warren County General Regulations: "180-15 Off street parking." – Spaces required for a chapel are "1.0 per 4 fixed seats." The number of parking spaces required for the chapel is 13 based on up to a maximum of 49 persons. In addition, parking for residents, based on 2 units of six bedrooms totals 4 spaces, for a total of 17 parking spaces. All spaces will meet the standard of 9' wide by 18' depth and have an asphalt hard top. "Spaces shall be arranged so that any vehicle may be removed without moving another." As per code, one space closest to the chapel will be designated for Handicapped Parking. We plan to install a total of 19 parking spaces. (See proposed 'Parking Plan')

Property Buffing

NORTH. The property North boundary entirely borders Strasburg Road for a distance of approximately 600'. It has a large embankment with a tree-line creating an elevation and landscape buffer that blocks most of the property including the chapel building. On the North side of Strasburg Road the entire area, including the entire frontage of the subject property is comprised of large pasture acreage used for raising cattle.

EAST. The property line on the East side of the property runs from Strasburg Road for a depth of 453' and is comprised of two bordering properties. The rear of the existing garage and proposed chapel building is on the South East side of the Applicant property line. It borders with the 6233 Strasburg Road property for 277' and is buffered by trees and pasture land. The chapel has a 12 foot setback from the property line.

The North East, 6275 Strasburg Road property borders the Applicants property for approximately 175' beginning at Strasburg Road. The chapel building is 101' south of the nearest corner of this property line. In addition, it is hardly visible to the residence on this property due to distance, trees and lower elevation of the house located on the most eastern side of the property.

SOUTH. The entire 296' property line on the south side of the property borders the 153 Signal Court property. It has an abundant landscape screening and distance buffer from the residence provided by dense forest coupled with a higher elevation. The residence is on the most southern end of this 8.8 acre lot. The nearest corner of the chapel building is 105' north of the property line. Other non-bordering properties to the South West also have more than sufficient landscape screening, elevation and distance buffering.

WEST. The front of the chapel building faces west to an adjoining 2 acre lot with the address of 6443 Strasburg Road. This is the property of Waltraud Hielscher and is co-owned by the Applicants. The property line is not straight and creates an irregular depth measurement of the west side of the property. Its path is approximately 615' from the SW corner to the NW corner on Strasburg Road. This property provides a full buffer to the next property in line to the west. In addition, it also is a buffer of the chapel and much of the property for East bound traffic on Strasburg Road.

The Applicants believe the current Buffer Zones of Distance Buffers and Landscape Screening sufficiently meet the Warren County Code 180-18 for Screening and Buffer Zones required for 'Agriculture' zoned land.

Maintaining Value of Surrounding Properties

The existing land use is well established in the neighborhood, and integral to it. The property's essential value is its purpose derived by the 'Agriculture Zoning' and mountain vistas in a rural setting. This includes historic Signal Knob and the close by Shenandoah River. This purpose will not be diminished in any way by the improvements to the property. The proposed project will conserve the existing vegetation on all sides of the chapel and the property. For this reason, the Applicants believe the addition to the property of a chapel will maintain and enhance the value of contiguous property.

Chapel Building

The proposed chapel building is an existing 1,728 sq. ft. garage divided into two spaces. The chapel room is on the north side of the building and is 900 sq. ft. with a net space of approximately 700 sq. ft. for seating. The International Building Code recommends allowing for 7 sq. ft. per person in spaces with unfixed chairs. Using 'chairs only' (not fixed) will sufficiently accommodate up to a maximum of 49 persons. The other space on the south side of the building is a 700 sq. ft. coffee room, garage and an ADA approved bathroom with a net space of 600 Sq. ft. of clear space.

Summary Statement

The Applicants believe that approval of this CUP request is justified by all the required findings prescribed in the Warren County Comprehensive Plan and further believe that these findings are supported by the materials contained in our CUP application, including the written evidence as presented herein.

WCCUP-000078-2020

WARREN COUNTY
CONDITIONAL USE PERMIT APPLICATION

Application Number: 2020-10-01
Date Received: 9-15-2020
Fee Amount: $ 200.00 NOT FOR PROFIT
Date Paid: 9/15/2020

Taxes pd 1st half
MA Lang 9/16/2020
CSK

CK# 1004
pd 9/15/2020

Applicant Information:

DAVID & NITA SUDLOW
Applicant Name

6435 Strasburg Rd., STRASBURG, VA. 22657
Address *City* *State* *Zip*

Property Location for conditional use permit if Different than Applicant's Address

540-6600-1667 Tentmakker@gmail.com
Primary Contact Number *Email*

Property Owner (if same as applicant, leave blank)

Address *City* *State* *Zip*

Primary Contact Number

Respectfully request that a determination be made by the Warren County Planning Commission and Board of Supervisors on the following request for a Conditional Use Permit for the property described below.

A. Property Information:

(1) Address/Location: 6435 Strasburg Rd., Strasburg, VA (Warren Co.)
(2) Election District: FORK
(3) Tax Map Number: 9-48 C Lot 2 (Lot 1)
(4) Subdivision Name: "Subdivision of the James A. & Nellie C. Myer
(5) Total Area of Property (acres): 3.31
(6) Total Area to be Used (acres): Approx. .50 acres
(7) Total Road Frontage (feet): 600'
(8) Depth of Property (feet): East 453' West 615'
(9) Present Zoning: Agriculture

B. Proposed Use of Property

(1) State the proposed use(s) for the Conditional Use Permit: CHAPEL

(2) Current land use and condition of site: Residence in good condition.

(3) Zoning of surrounding land/property: Agriculture

(4) Will development be staged? ☐ Yes ☑ No

(5) Construction Time: Six months depending on weather.

(6) Season, days, and hours of operation: Mon - Sun. Occasional Use / 8AM to 9PM.

(7) Will there be a sign? ☐ Yes ☑ No
(If yes, please submit a sketch of the sign(s) showing size and shape and the sign permit check list with this application.)

(8) Has there been any prior application for a conditional use permit/variance for this property? (If yes, enter the permit number and/or name, date of action, action taken by the Planning Commission, Board of Zoning Appeals and/or Board of Supervisors and a description of the request.) YES, DAVID H. SUDLOW for Construction Permit Approved with conditions - MAY 17, 2001 ID# 37042

(9) Number of full time employees: N/A -0-

(10) What type of sewage disposal system will be used? ☑ Private ☐ Central ☐ Public

(11) Number of persons to be served by the sewage disposal system: 58

(12) Number of parking spaces to be provided: Regular 18 Handicap 1

(13) What is the proposed landscaping and buffering for this property?
See: Statement of Justification p.3 "Property Buffing"

C. Plans Prepared By

Name: DAVID & NITA SUDLOW (Applicants)

Address:

Telephone Number:

D. Environmental Information

(1) Will this proposed use adversely impact the community of the environment? (If yes, what are the adverse impact(s) and what is proposed to solve these adverse impacts?)
NO

(2) Will there be any debris generated from the activity? (If yes, where and in what manner will the debris be stored and how and where will it be disposed of?) N/A

(3) Will any potentially hazardous substances be used and/or stored on the property? (If yes, list the substances, their use and disposal of containers and substance residues.) N/A

(4) List any potentially hazardous emissions including, but not limited to: fumes, gases, smoke noise, liquid effluent, waste water, dust, and state what measures will be used to control these emissions. Septic waste water will be disposed via Warren County Health Dept. approved plan.

(5) Will there be any electrical or electronic activity which will interfere with local communications or telephone, television or radio reception? (If yes, describe the type of activity and potential interference.) N/A

(6) What will be the impact on traffic? N/A Due to occasional use & occupancy limit.

(7) Will exterior lighting be used? (If yes, state the number of lights and the wattage of each. A lighting plan or lighting contour map may be required to show the nearest candle power as measured at ground level. N/A

The following documents and/or information are required to be submitted with the application:

☑ **An application fee of $500.00.**

Make payable to the Treasurer of Warren County. A non-refundable fee of $500.00 will be required at the time of submittal.

☑ **A Statement of Justification**

This printed or typed statement is to be addressed to the Warren County Planning Commission. It is to summarize your proposed use and highlight any aspects of the request which are not addressed in the application form. Please note, the statement is required to be on 8 ½ x 11 size paper.

☑ **A Site Plan/Survey.**

Your site plan should show the property boundaries, existing or proposed structure(s), adjacent roads, and any other pertinent information which would help outline your proposed use. A recent survey with the proposed uses/structures located on it will serve as a site plan for the purposes of this permit. The Planning Director, Planning Commission and/or the Board of Supervisors reserve the right to ask for an engineered site plan, if they deem it necessary for evaluation of the proposed conditional use permit.

☑ **Sewage Disposal and Well Site.**

Location of the existing or proposed septic system & drainfield and the well site are to be indicated on the survey or central/public connection location.

☑ **A copy of the deed to the property verifying the current ownership.**

A copy may be obtained at the Warren County Courthouse, Circuit Clerk's Office.

☑ **A statement verifying that real estate taxes have been paid.**

This may be obtained from the Treasurer's Office in Suite 800 of the Warren County Government Center.

☑ **Environmental and Community Impact Statements** N/A

The Planning Director, the Planning Commission, and\or the Board of Supervisors reserve the right to ask for an environmental and\or community impact statements, prepared by a certified engineer or other person qualified to perform such work, if they deem it necessary for evaluation of the proposed request.

☑ **List of chemicals stored on the site** N/A

A complete list of chemicals to be stored on the site in the form of an oath/statement for Industrial zoned properties only.

☑ **Location Map**

A map clearly legible, showing the location of the proposed project in relation to surrounding publicly maintained roads and showing the use of surrounding properties. County staff can assist in obtaining this information.

☑ **Directions to your property from the Warren County Government Center.**

0.8 miles West on Strasburg Rd. (Rt. 55) from Route 522 at RIVERTON.

I/we the undersigned, do hereby respectfully agree to comply with any conditions required by the Board of Supervisors of the County of Warren, Virginia, and authorize the County personnel to go upon the property for the purpose of making site inspections. Expenses incurred in securing professional assistance in connection with the review of this application for a Conditional Use Permit, shall be charged to the applicant.

David M. Sellers & Nguyen Sidlow 9/15/20

Applicant Signature Date

Property Owner Signature Date

Accepted by: Date: 9-15-2020

PLEASE NOTE: If the required documents are not provided and/or the application is incomplete, your application will not be placed on the Planning Commission Agenda.

NOTES

Lord Fairfax Health District

Warren County Health Department
465 West 15th Street, Suite 200
Front Royal, Virginia 22630
Tel. (540) 635-3159 ~ Fax (540) 635-9698
www.vdh.virginia.gov

LORD FAIRFAX HEALTH DISTRICT

VDH VIRGINIA DEPARTMENT OF HEALTH
Protecting You and Your Environment

September 29, 2020

RECEIVED
OCT 05 2020
WARREN COUNTY
PLANNING DEPARTMENT

Taryn G. Logan, Planning Director
County of Warren - Department of Planning
220 North Commerce Avenue, Suite 400
Front Royal, Virginia 22630

RE: Request for comments for Conditional Use Permit – 2020-10-01
6435 Strasburg Rd. Strasburg, VA 22657
Tax Map# 9-48C, Lot 1

Dear Ms. Logan,

I have reviewed your request for comments for the CUP for the proposed Chapel to be located at the referenced property and offer the following comments;

The applicant has hired a licensed OSE to evaluate the property to determine proper sewage disposal for a proposed chapel and a separate living unit. The proposal is to modify an existing onsite sewage system that is currently serving the dwelling identified as 6435 Strasburg Rd. This sewage system is approved as a Conditional, Five (5) Bedrooms, Six (6) occupants, 450 gallons per day maximum design. A Minor Modification Permit was issued in 2006 to install a building sewer to connect a detached garage that is to be used as the chapel to the existing sewage system. This modification was inspected an approved by this office on November 6, 2006. The OSE is proposing to incorporate a TL-3 treatment unit into the current design. With this addition, the maximum design flow for the sewage system will increase to 995 gallons per day maximum and change the system from a conventional to an Alternative Onsite Sewage System (AOSS). The main dwelling will remain a five bedroom structure but the occupancy can increase to eight person or a 600 gallons per day maximum flow. The proposed AOSS can accommodate an additional 245 gallons per day or 49 people at 5 gallons per person per day for the proposed chapel. The proposed AOSS can also accommodate and additional 150 gallons per day or a 1 bedroom, 2 occupant separate living unit. This office has reviewed the soil data and OSE proposal and no outstanding issues are noted. The existing 50% reserve area is changing to a 100% reserve area by requiring TL-3 treatment and drip irrigation dispersal when installed.

This property is served by an existing Class IIIC private well. There will not be 15 service connections but it appears with the proposed chapel/49 people, there is a potential for at least 25 of the same persons to have access to drinking water for more than six months out of the year. The applicant should contact Virginia Department of Health - Office of Drinking Water, Culpeper Field Office at (540) 829-7340 to inquire about whether approval for a public water well is required.

Respectfully,

Jim Davis, REHS
Environmental Health Supervisor

Matt Wendling

From: Arthur Boyce <bobby.boyce@vdot.virginia.gov>
Sent: Tuesday, November 10, 2020 2:52 PM
To: Taryn Logan
Cc: Funkhouser, Rhonda (VDOT); Duncan, Travis; tentmakker@gmail.com; Matt Wendling
Subject: Warren County - Route 55 -- Chapel David & Nita Sudlow - CUP 2020-10-01

<<...>>

DEPARTMENT OF TRANSPORTATION

Staunton/Edinburg Land Development

14031 Old Valley Pike

Edinburg, VA 22824

Dear Ms. Logan:

We have reviewed the above subject Conditional Use Permit Application dated September 15, 2020 for impacts to the transportation system. This application is for the modification of an existing 1728 square foot garage into a prayer chapel. Our comments are as follows:

- The existing entrance to the subject property does not meet the minimum required sight distance and will not allow for the proposed use. However, the adjacent entrance to the west can be upgraded/widened that will meet VDOT's minimum Low Volume Commercial standards on Mr. Sudlow's jointly owned adjacent parcel The existing substandard entrance will need to be removed and an access easement dedicated on the adjacent lot to the west for joint-use.
- The adjacent entrance will need to be upgraded under VDOT permit to include 20' turning radii, 18' wide throat, and a 2" asphalt overlay. A copy of the recorded joint-use easement will need to be include with the permit application prior to approval.
- A Land Use Permit shall be obtained before any work is performed on the State's right-of-way. The permit is issued by this office and will require an application fee and surety coverage. Once satisfactory application has been made, a permit will normally take 10-20 days to process and issue.

We appreciate the County's efforts to include VDOT in the early planning stages for development and the opportunity to provide comments on this Conditional Use Permit. We ask that you include a copy of this transmittal for official public record. If you have any questions or need further information, please do not hesitate to give me a call.

Sincerely,

Bobby Boyce

Bobby Boyce
VDOT- Land Development Engineer
Shenandoah, Frederick, Clarke, & Warren Counties

Cindy Kokernak

From: David Beahm
Sent: Thursday, September 24, 2020 3:37 PM
To: Matt Wendling; Cindy Kokernak
Cc: Taryn Logan; Paula Fristoe
Subject: Request for Comments 2020-10-01 – David and Nita Sudlow – Conditional Use Permit for a Chapel - WCCUP-000078-2020

Comments 2020-10-01 – David and Nita Sudlow – Conditional Use Permit for a Chapel:

- Erosion and Sediment Control Items:
  - There does not appear to being any land disturbance at this time (appears to be existing) and therefore nothing would be required. If this is not the case, the normal submission that is required.

- Building Inspections Items:
  - This request would require a Change of Use and Occupancy to utilize a structure that was built as a detached garage (Utility Use Group) for a chapel (Assembly Use Group).
    - This would require designing, construction and all permits for this change which would include, but not limited to structural, sanitation (plumbing), electrical, accessibility, ventilation (mechanical) and overall designed use for this activity.
  - The overall occupant load would be calculated per the Virginia Uniform Statewide Building Code (USBC) when designing the existing space and these numbers would establish all other requirements.
  - The statement is made within the documents provided that a portion of the garage is to remain, this would require fire separation to be properly provided.
  - The Virginia Department of Health (or any of their divisions that have oversight) will need to state that an approved water and septic system is present to meet the building code for this use.

If anything should change in the scope additional requirements may be required.

Respectfully,

Warren County Building Inspections

David C. Beahm, CBO
Building Official

220 North Commerce A
Suit
Front Royal, VA 2

540/636-
FAX 540/636-

dbeahm@warrencountyva.net

www.warrencountyva.net

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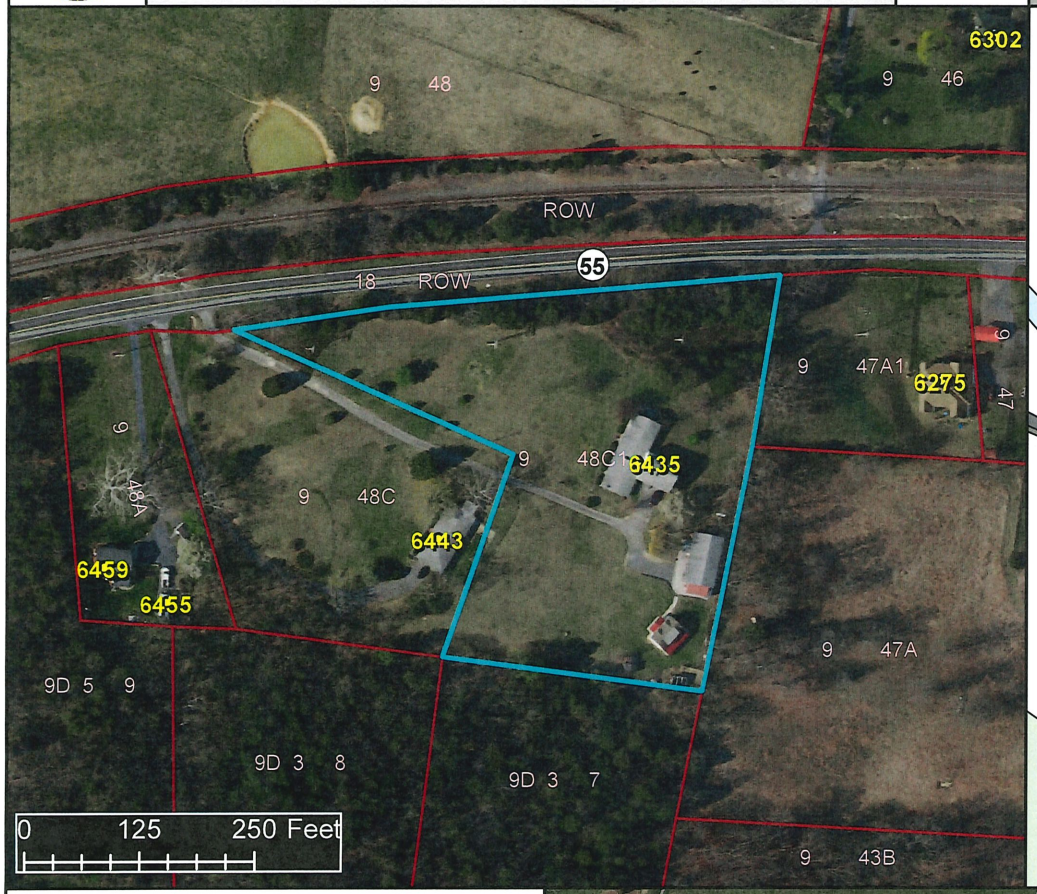
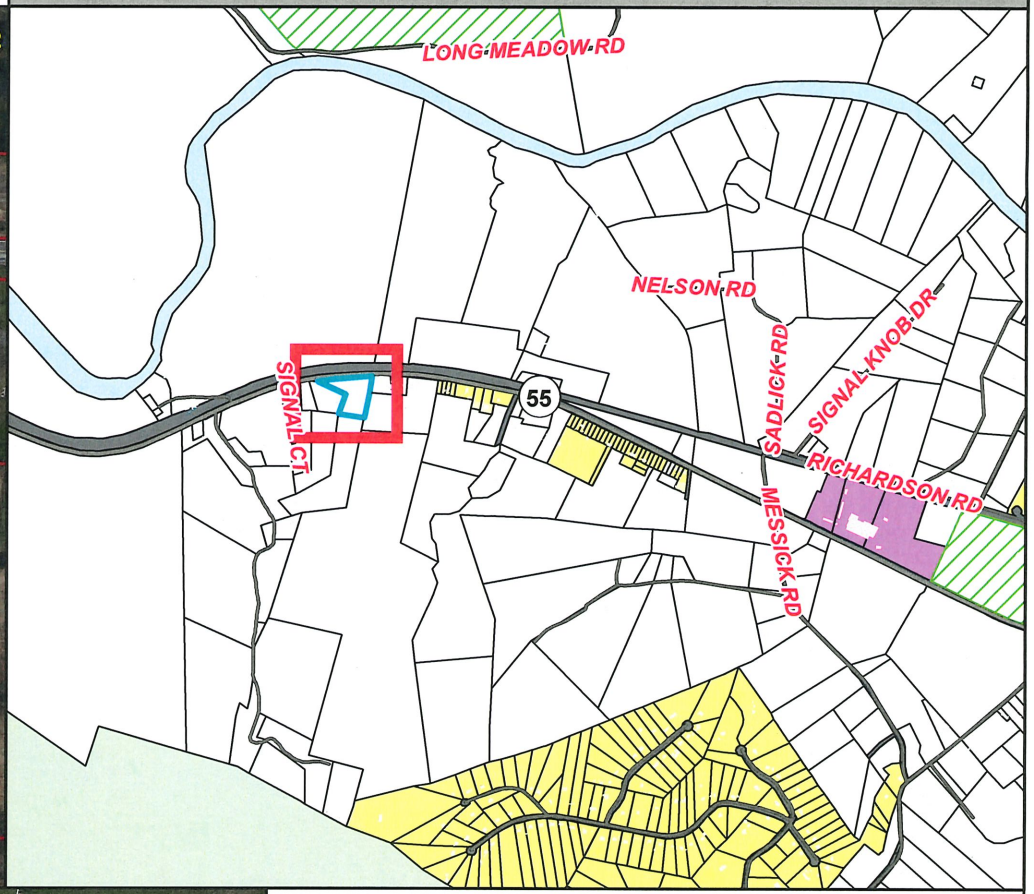
Warren County VA

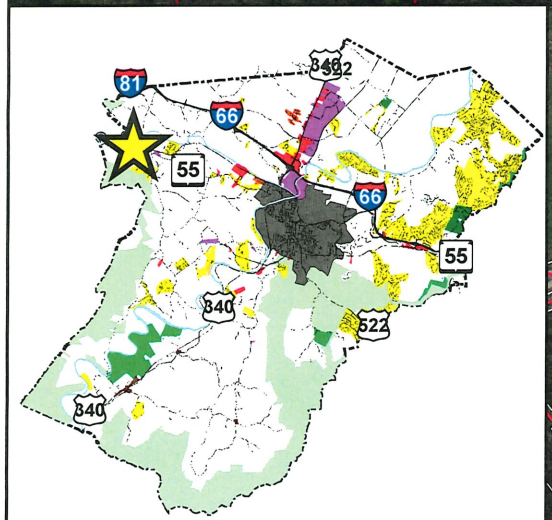
CUP Location Map

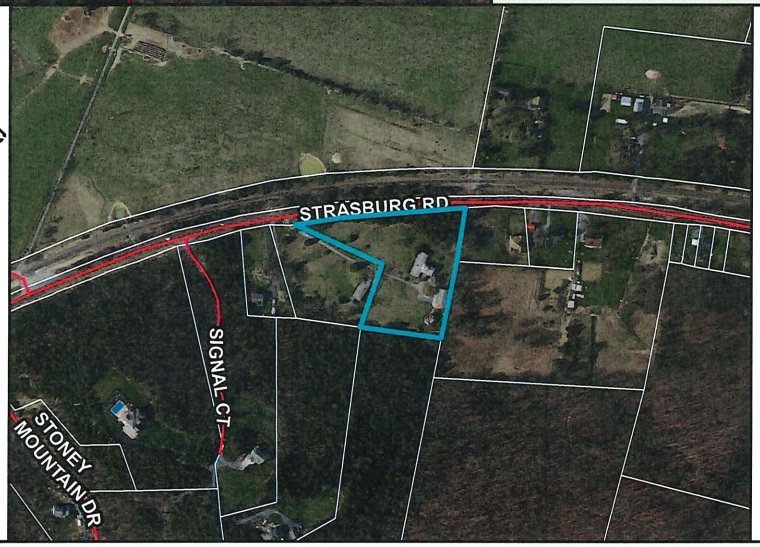
CUP: Chapel
Applicant: David Sudlow

TM 9--------48C1
6435 STRASBURG RD









Zoning

- Agricultural
- Commercial
- Industrial
- Residential One
- Residential Two
- Suburban Residential
- Village Residential
- Rural Residential
- Right of Way
- Front Royal
- Federal Land
- State Land
- Water
- VOF Conservation Easements
- WC Conservation Easements

Map produced by
Warren County GIS 2020
Department of Planning

COUNTY OF WARREN, VIRGINIA
BOARD OF SUPERVISORS AGENDA ITEM

DATE:	ITEM:	SUBJECT:	PAGE
1/05/2021	I-14	Conditional Use Permit #2020-10-03 David & Nita Sudlow *Guesthouse*	1 of 2

EXPLANATION & SUMMARY:

See attached application and staff report.

General standards/conditions. In addition to the specific standards set forth hereinafter with regard to particular conditional uses, all such uses shall satisfy the following general standards:

(1) The proposed use at the specified location shall be in harmony with the adopted Comprehensive Plan.

(2) The proposed use shall be in harmony with the general purpose and intent of the applicable zoning district regulations.

(3) The proposed use shall be such that it will be harmonious with and will not adversely affect the use or development of neighboring properties in accordance with the applicable zoning district regulations and the adopted Comprehensive Plan. The location, size and height of buildings, structures, walls and fences and the nature and extent of screening, buffering and landscaping shall be such that the use will not hinder or discourage the appropriate development and use of adjacent or nearby land and/or buildings or impair the value thereof.

(4) The proposed use shall be such that pedestrian and vehicular traffic associated with such use will not be hazardous or in conflict with the existing and anticipated traffic in the area.

(5) Adequate utility, drainage, parking, loading and other necessary facilities to serve the proposed use shall be provided.

(6) In determining whether or not to grant a permit and in determining conditions to be imposed, the governing body shall take into consideration the objectives and intent of this chapter and may impose reasonable conditions that:

- (a) Abate or restrict noise, smoke, dust or other elements that may affect surrounding properties.
- (b) Establish setback, side and front yard requirements necessary for orderly expansion and to prevent traffic congestion.
- (c) Provide for adequate parking and ingress and egress to public streets or roads.
- (d) Provide adjoining property with a buffer or shield from view of the proposed use if such use is considered to be detrimental to adjoining property.
- (e) Prevent such use from changing the character and established pattern of development of the community.

After proper advertisement and a public hearing by the Planning Commission, the application has been forwarded to the Board of Supervisors recommending approval with the following conditions:

1. **The guesthouse shall not be used for full-time occupancy.**

2. **This accessory dwelling shall not be used for commercial rental or leasing of rooms for compensation of any kind.**

3. **The applicant shall comply with all Warren County Building Inspections and Warren County Health Department regulations and requirements including Building Code requirements for a smoke and fire detector system.**

4. **The applicant shall have a condition placed on the deed at the time of transfer of the property to a new owner that this is a non-commercial guesthouse and the rental or leasing of the dwelling for monetary compensation is prohibited and that it is limited to part-time occupancy up to six months in a calendar year.**

Motion to Approve:

Mr. Henry moved to forward this application to the Board of Supervisors, recommending approval with the conditions listed above. The motion was seconded by Mr. Kersjes, and approved by the Planning Commission by a vote of 5-0.

PROPOSED OR SUGGESTED MOTION:

I move that the Board of Supervisors authorize the proposed conditional use permit request for advertisement for a public hearing.

SUBMITTED BY:	DISPOSITION OF BOARD:	PROCESSED BY:
Matt Wendling, CFM Planner II	☐ APPROVED ☐ OTHER (Describe)	

Conditional Use Permit: 2020-10-03 / Guesthouse
David & Nita Sudlow, *Current Owner/Applicant*
Staff Report for the Planning Commission
Prepared: October 14th, 2020 **Revised: October 16th, 2020**
Staff Contact: Matt Wendling, Planner II/County Floodplain Manager MPW

SUMMARY OF REQUEST

The applicant is requesting a conditional use permit for a guesthouse. The applicants have renovated a small horse barn as an office and workshop; they would like to include an additional bedroom in the structure in order for family and friends to stay in during visits. In 2013 the applicants were approved for a building permit #459-2013 for a 2nd floor attic and roof to be installed, a final inspection was completed according the records of the Building Inspections Department. The structure currently has an outstanding electrical permit and will need a plumbing permit for a bathroom. They had soil work recently done in order to install an upgraded septic system that meets the Virginia Department of Health requirements. They have stated that there will be no commercial renting of the structure. The structure is located in the southeast corner of the property adjacent to the garage (proposed chapel) to the north, see attached sketch plan.

PROPERTY INFORMATION

Property Location: 6435 Strasburg Rd.
Tax Map ID: #9---48C 1
Magisterial District: Fork
Subdivision: Myer Subdivision

City: Strasburg (mailing address)
Zoning: Agricultural (A)
Acres: 3.31
Existing Land Use: Single-Family Dwelling - Garage

SURROUNDING ZONING DISTRICTS & USES

North: Agricultural (A) — Use: Pasture
South: Agricultural (A) — Use: Forest - Woodlands
East: Agricultural (A) — Use: Single Family Dwelling - Pasture
West: Agricultural (A) — Use: Single Family Dwelling

PROPERTY HISTORY

This property has not had any previous Conditional Use Permits issued for uses in the Agricultural (A) zoning district. As stated in the summary the property was issued a building permit in 2013 to add a second-floor attic, roof and two porches to the existing barn. The plans show that the lower floor was to be used as a combination workshop, bathroom and storage area. The upstairs is to be used as a bedroom suite with office.

COMPATIBILITY WITH THE COMPREHENSIVE PLAN

The request is compatible with Code Section §180-21, indicating district regulations in the Agricultural (A) zoning district. A guesthouse is permitted under this section as a Conditional Use granted by the Board of Supervisors.

PROPOSAL

The Warren County Zoning Ordinance §180-8 defines a *"Guesthouse"* as *"A Dwelling or lodging units for temporary nonpaying guests. No such quarters shall be rented, leased or otherwise made available for compensation of any kind. A guesthouse may be constructed and used prior to the construction of the principal dwelling. The principal dwelling, however, must be completed within five years from the date of issuance of a certificate of occupancy for the guesthouse."* And a *"Single-Family Dwelling"* as *"A building containing one dwelling unit and meeting the standards of the Virginia Uniform Statewide Building Code for a one-family dwelling but not to include "manufactured homes" as defined in this chapter."*

SUPPLEMENTARY REGULATIONS FOR GUESTHOUSES

There are no supplemental regulations in the Warren County Zoning Ordinance for a guesthouse. Warren County Code Section §180-11.B for Location of Structures states in part: *"Erection of more than one principal structure on a lot. In all residential and agricultural districts only one principal structure, housing a use permitted by right, may be erected on a single lot...."*

SEWAGE DISPOSAL

The property currently has a septic system approved for five (5) bedrooms and six (6) occupants and was approved with a minor modification permit in 2006 to install a building sewer to connect a detached garage proposed to be used as a chapel. An On-Site Soil Evaluator (OSE) has submitted an application for a separate sewage system to the Warren County Health Department which was denied by them due to the requirement for conditional use permit for the use from the Board of Supervisors.

RECOMMENDED CONDITIONS

Planning Staff is recommending the following conditions be added to this conditional use permit if the Planning Commission chooses to recommend approval of this permit to the Board of Supervisors. Please note that additional conditions may be added after all agency comments have been received, prior to the Planning Commission public hearing.

1. The guesthouse shall not be used for full-time occupancy.

2. This accessory dwelling shall not be used for commercial rental or leasing of rooms for compensation of any kind.

3. The applicant shall comply with all Warren County Building Inspections and Warren County Health Department regulations and requirements including Building Code requirements for a smoke and fire detector system.

4. The applicant shall have a condition placed on the deed at the time of transfer of the property to a new owner that this is a non-commercial guesthouse and the rental or leasing of the dwelling for monetary compensation is prohibited and that it is limited to part-time occupancy up to six months in a calendar year.

Cc: David & Nita Sudlow, *Owners/Applicants*

Statement of Justification

for

Conditional Use Permit

David and Nita Sudlow, 6435 Strasburg Road, Warren County.

Introduction

David and Nita Sudlow request a Conditional Use Permit (CUP) for the subject property to allow an existing structure and building renovation began in 2013 to include a one bedroom guest space. This renovation was of a small horse barn for the purpose of an office and workshop. The proposed bedroom space is for visiting family and friends and is not for commercial purposes, such as a B & B or any other type of rental.

The subject property is currently used as the Applicants' family residence that includes a five bedroom single dwelling, a garage and the said office/workshop building along with two small outbuildings. The property consists of a single 3.31 acre parcel situated on the south side of Strasburg Road about 1.3 miles East from the Shenandoah River bridge and the western border of Warren County. Tax Map Number: 9-42 C 2. The property and the surrounding properties are currently zoned "Agriculture" and lie within the Fork District.

Justification

The Applicants believe that the requested CUP modification will be justified by all of the required findings prescribed in the Warren County Department of Planning regarding land use management ordinances. The proposed one bedroom use added to the designated office / workshop use of the building will have an upgraded septic system. Hadley Environmental Services (HES) has submitted a "Commonwealth of Virginia Application for Sewage System" on July 27, 2020 to the Warren County Health Department. The application was denied on August

20. 2020 due to the need of a Conditional Use Permit from the Warren County Planning and Zoning Department before they can approve a construction permit. "If a CUP is approved, a 100% reserve drain-field area must be provided per Ch. 179-3 Code of Warren County." HES will continue with the project and work with the Health Department to comply with all applicable provisions of the Virginia Sewage Handling & Disposal Regulations.

Property Buffing

NORTH. The property North boundary entirely borders Strasburg Road for a distance of approximately 600'. It has a large embankment with a tree-line creating an elevation and landscape buffer that blocks most of the property including the bedroom building. On the North side of Strasburg Road the entire area, including the entire frontage of the subject property is comprised of large pasture acreage used for raising cattle.

EAST. The property line on the East side of the property runs from Strasburg Road for a depth of 453' and is comprised of two bordering properties. The rear of the existing garage and proposed chapel building is on the South East side of the Applicant property line. It borders with the 6233 Strasburg Road property for 277' and is buffered by trees and pasture land. The bedroom building has a 29 foot setback from the property line.

The North East, 6275 Strasburg Road property borders the Applicants property for approximately 175' beginning at Strasburg Road. The chapel building is 101' south of the nearest corner of this property line. In addition, it is hardly visible to the residence on this property due to distance, trees and lower elevation of the house located on the most eastern side of the property.

SOUTH. The entire 296' property line on the south side of the property borders the 153 Signal Court property. It has an abundant landscape screening and distance buffer from the residence provided by dense forest coupled with a higher elevation. The residence is on the most southern end of this 8.8 acre lot. The nearest corner of the bedroom building is 33 feet north of the property line.

Other non-bordering properties to the South West also have more than sufficient landscape screening, elevation and distance buffering.

WEST. The front of the chapel building faces west to an adjoining 2 acre lot with the address of 6443 Strasburg Road. This is the property of Waltraud Hielscher and is co-owned by the Applicants. The property line is not straight and creates an irregular depth measurement of the west side of the property. Its path is approximately 615' from the SW corner to the NW corner on Strasburg Road. This property provides a full buffer to the next property in line to the west. In addition, it also is a buffer of the bedroom building and much of the property for East bound traffic on Strasburg Road. The bedroom building is 300+ feet east.

The Applicants believe the current Buffer Zones of Distance Buffers and Landscape Screening sufficiently meet the Warren County Code 180-18 for Screening and Buffer Zones required for 'Agriculture' zoned land.

Maintaining Value of Surrounding Properties

The existing land use is well established in the neighborhood, and integral to it. The property's essential value is its purpose derived by the 'Agriculture Zoning' and mountain vistas in a rural setting. This includes historic Signal Knob and the close by Shenandoah River. This purpose will not be diminished in any way by the improvements to the property. The proposed project will conserve the existing vegetation on all sides of the bedroom building and the property. For this reason, the Applicants believe the addition to the property of a family and guest bedroom will maintain and enhance the value of all contiguous property.

Summary Statement

The Applicants believe that approval of this CUP request is justified by all the required findings prescribed in the Warren County Comprehensive Plan and further believe that these findings are supported by the materials contained in our CUP application, including the written evidence as presented herein.

WCCUP-000080-2020

WARREN COUNTY
CONDITIONAL USE PERMIT APPLICATION

Application Number: 2020-10-03
Date Received: 9/25/2020
Fee Amount: $ 500.00
Date Paid: 9/25/2020

Applicant Information:

DAVID & NITA SUBLOW
Applicant Name

6435 Strasburg Rd., STRASBURG, VA. 22657
Address *City* *State* *Zip*

Property Location for conditional use permit if Different than Applicant's Address

Primary Contact Number *Email*

540-660-1667 Testmaker@gmail.com
Property Owner (if same as applicant, leave blank)

Address *City* *State* *Zip*

Primary Contact Number

Respectfully request that a determination be made by the Warren County Planning Commission and Board of Supervisors on the following request for a Conditional Use Permit for the property described below.

A. Property Information:

(1) Address/Location: 6435 Strasburg Rd., Strasburg (Warren Co.)
(2) Election District: FORK
(3) Tax Map Number: 9-48 C LOT 2 (Lot 1)
(4) Subdivision Name: "Subdivision of the James A & Nellie C. Myer
(5) Total Area of Property (acres): 3.31
(6) Total Area to be Used (acres): Existing Building
(7) Total Road Frontage (feet): 600'
(8) Depth of Property (feet): East 453' / West 615'
(9) Present Zoning: Agriculture

B. Proposed Use of Property

(1) State the proposed use(s) for the Conditional Use Permit: Family/Guest Room

(2) Current land use and condition of site: ~~Agriculture~~ Residence/Good Condition

(3) Zoning of surrounding land/property: Agriculture

(4) Will development be staged? ☐ Yes ☑ No

(5) Construction Time: Six months

(6) Season, days, and hours of operation: 24/7/365 Occasional Use

(7) Will there be a sign? ☐ Yes ☑ No
(If yes, please submit a sketch of the sign(s) showing size and shape and the sign permit check list with this application.)

(8) Has there been any prior application for a conditional use permit/variance for this property? (If yes, enter the permit number and/or name, date of action, action taken by the Planning Commission, Board of Zoning Appeals and/or Board of Supervisors and a description of the request.) YES, David H. Sudlow for Construction Permit Approved - May 17, 2001 ID # 37042

(9) Number of full time employees: N/A

(10) What type of sewage disposal system will be used? ☑ Private ☐ Central ☐ Public

(11) Number of persons to be served by the sewage disposal system: 2

(12) Number of parking spaces to be provided: Regular 18 Handicap 1

(13) What is the proposed landscaping and buffering for this property? See - Justification doc.

C. Plans Prepared By

Name: David + Nith Sudlow

Address:

Telephone Number:

D. Environmental Information

(1) Will this proposed use adversely impact the community of the environment? (If yes, what are the adverse impact(s) and what is proposed to solve these adverse impacts?)

NO

(2) Will there be any debris generated from the activity? (If yes, where and in what manner will the debris be stored and how and where will it be disposed of?) _____

N/A

(3) Will any potentially hazardous substances be used and/or stored on the property? (If yes, list the substances, their use and disposal of containers and substance residues.) _____

N/A

(4) List any potentially hazardous emissions including, but not limited to: fumes, gases, smoke noise, liquid effluent, waste water, dust, and state what measures will be used to control these emissions. Septic Water

(5) Will there be any electrical or electronic activity which will interfere with local communications or telephone, television or radio reception? (If yes, describe the type of activity and potential interference.) _____

N/A

(6) What will be the impact on traffic? _____

N/A

(7) Will exterior lighting be used? (If yes, state the number of lights and the wattage of each. A lighting plan or lighting contour map may be required to show the nearest candle power as measured at ground level. _____

N/A

The following documents and/or information are required to be submitted with the application:

☑ **An application fee of ~~$500.00.~~** $200.-
Make payable to the Treasurer of Warren County. A non-refundable fee of $500.00 will be required at the time of submittal.

☑ **A Statement of Justification**
This printed or typed statement is to be addressed to the Warren County Planning Commission. It is to summarize your proposed use and highlight any aspects of the request which are not addressed in the application form. Please note, the statement is required to be on 8 ½ x 11 size paper.

☑ **A Site Plan/Survey.**
Your site plan should show the property boundaries, existing or proposed structure(s), adjacent roads, and any other pertinent information which would help outline your proposed use. A recent survey with the proposed uses/structures located on it will serve as a site plan for the purposes of this permit. The Planning Director, Planning Commission and/or the Board of Supervisors reserve the right to ask for an engineered site plan, if they deem it necessary for evaluation of the proposed conditional use permit.

☑ **Sewage Disposal and Well Site.**
Location of the existing or proposed septic system & drainfield and the well site are to be indicated on the survey or central/public connection location.

☑ **A copy of the deed to the property verifying the current ownership.**
A copy may be obtained at the Warren County Courthouse, Circuit Clerk's Office.

☑ **A statement verifying that real estate taxes have been paid.**
This may be obtained from the Treasurer's Office in Suite 800 of the Warren County Government Center.

☑ **Environmental and Community Impact Statements**
The Planning Director, the Planning Commission, and\or the Board of Supervisors reserve the right to ask for an environmental and\or community impact statements, prepared by a certified engineer or other person qualified to perform such work, if they deem it necessary for evaluation of the proposed request.

☑ **List of chemicals stored on the site**
A complete list of chemicals to be stored on the site in the form of an oath/statement for Industrial zoned properties only.

☑ **Location Map**
A map clearly legible, showing the location of the proposed project in relation to surrounding publicly maintained roads and showing the use of surrounding properties. County staff can assist in obtaining this information.

☑ **Directions to your property from the Warren County Government Center.**

6.8 miles West on Strasburg Rd.
from Route 522 at Riverton.

I/we the undersigned, do hereby respectfully agree to comply with any conditions required by the Board of Supervisors of the County of Warren, Virginia, and authorize the County personnel to go upon the property for the purpose of making site inspections. Expenses incurred in securing professional assistance in connection with the review of this application for a Conditional Use Permit, shall be charged to the applicant.

Applicant Signature Date 9/25/20

Property Owner Signature Date

Accepted by: _____ Date: _____

PLEASE NOTE: If the required documents are not provided and/or the application is incomplete, your application will not be placed on the Planning Commission Agenda.

NOTES

Lord Fairfax Health District
Warren County Health Department
465 West 15th Street, Suite 200
Front Royal, Virginia 22630
Tel. (540) 635-3159 ~ Fax (540) 635-9698
www.vdh.virginia.gov

LORD FAIRFAX HEALTH DISTRICT

VDH VIRGINIA DEPARTMENT OF HEALTH
Protecting You and Your Environment

October 19, 2020

Taryn G. Logan, Planning Director
County of Warren - Department of Planning
220 North Commerce Avenue, Suite 400
Front Royal, Virginia 22630

RE: Request for comments for Conditional Use Permit – 2020-10-03
6435 Strasburg Rd. Strasburg, VA 22657
Tax Map# 9-48C, Lot 1

Dear Ms. Logan,

I have reviewed your request for comments for the CUP for the proposed Guest House to be located at the referenced property and offer the following comments;

The applicant has hired a licensed OSE to evaluate the property to determine proper sewage disposal for a proposed chapel and a separate living unit. The proposal is to modify an existing onsite sewage system that is currently serving the dwelling identified as 6435 Strasburg Rd. This sewage system is approved as a Conditional, Five (5) Bedrooms, Six (6) occupants, 450 gallons per day maximum design. A Minor Modification Permit was issued in 2006 to install a building sewer to connect a detached garage that is to be used as the chapel to the existing sewage system. This modification was inspected an approved by this office on November 6, 2006. The OSE is proposing to incorporate a TL-3 treatment unit into the current design. With this addition, the maximum design flow for the sewage system will increase to 995 gallons per day maximum and change the system from a conventional to an Alternative Onsite Sewage System (AOSS). The main dwelling will remain a five bedroom structure but the occupancy can increase to eight person or a 600 gallons per day maximum flow. The proposed AOSS can accommodate an additional 245 gallons per day or 49 people at 5 gallons per person per day for the proposed chapel. The proposed AOSS can also accommodate and additional 150 gallons per day or a 1 bedroom, 2 occupant separate living unit. This office has reviewed the soil data and OSE proposal and no outstanding issues are noted. The existing 50% reserve area is changing to a 100% reserve area by requiring TL-3 treatment and drip irrigation dispersal when installed.

This property is served by an existing Class IIIC private well. There will not be 15 service connections but it appears with the proposed chapel/49 people, there is a potential for at least 25 of the same persons to have access to drinking water for more than six months out of the year. The applicant should contact Virginia Department of Health - Office of Drinking Water, Culpeper Field Office at (540) 829-7340 to inquire about whether approval for a public water well is required.

Respectfully,

Jim Davis, REHS
Environmental Health Supervisor

Matt Wendling

From: David Beahm
Sent: Thursday, October 1, 2020 2:32 PM
To: Taryn Logan
Cc: Matt Wendling; Paula Fristoe
Subject: Request for Comments 2020-10-03 – David and Anita Sudlow – Conditional Use Permit for Guest House – WCCUP-000080-2020

Comments 2020-10-03 – David and Anita Sudlow – Conditional Use Permit for Guest House

- Erosion and Sediment Control Items:
  - There does not appear to being any land disturbance at this time and therefore nothing would be required. If this is not the case, the normal submission would be required.

- Building Inspections Items:
  - The building that is apparently being requested in this CUP did have a building permit applied for and completed (459-2013).
    - The permit application indicated that it was to add a second-floor attic, roof and two porched to an existing barn.
    - The plans indicated that the first floor was to be used as a workshop and the second-floor was to be used as a storage area.
  - This request would require all permits be applied for to change the current use (workshop and storage) to the requested use (guesthouse). Permits required, but not limited to, would be building, electrical, mechanical.
  - It should be noted that it was found during this work that an assembly space (what appeared to be a church setting) was present in one of the buildings. This will be looked into further given that a second request for a CUP is being considered currently.

If anything should change in the scope additional requirements may be required.

Respectfully,

Warren County Building Inspections

David C. Beahm, CBO
Building Official

220 North Commerce A
Sui
Front Royal, VA

540/636
FAX 540/636

dbeahm@warrencountyva.net

www.warrencountyva.net

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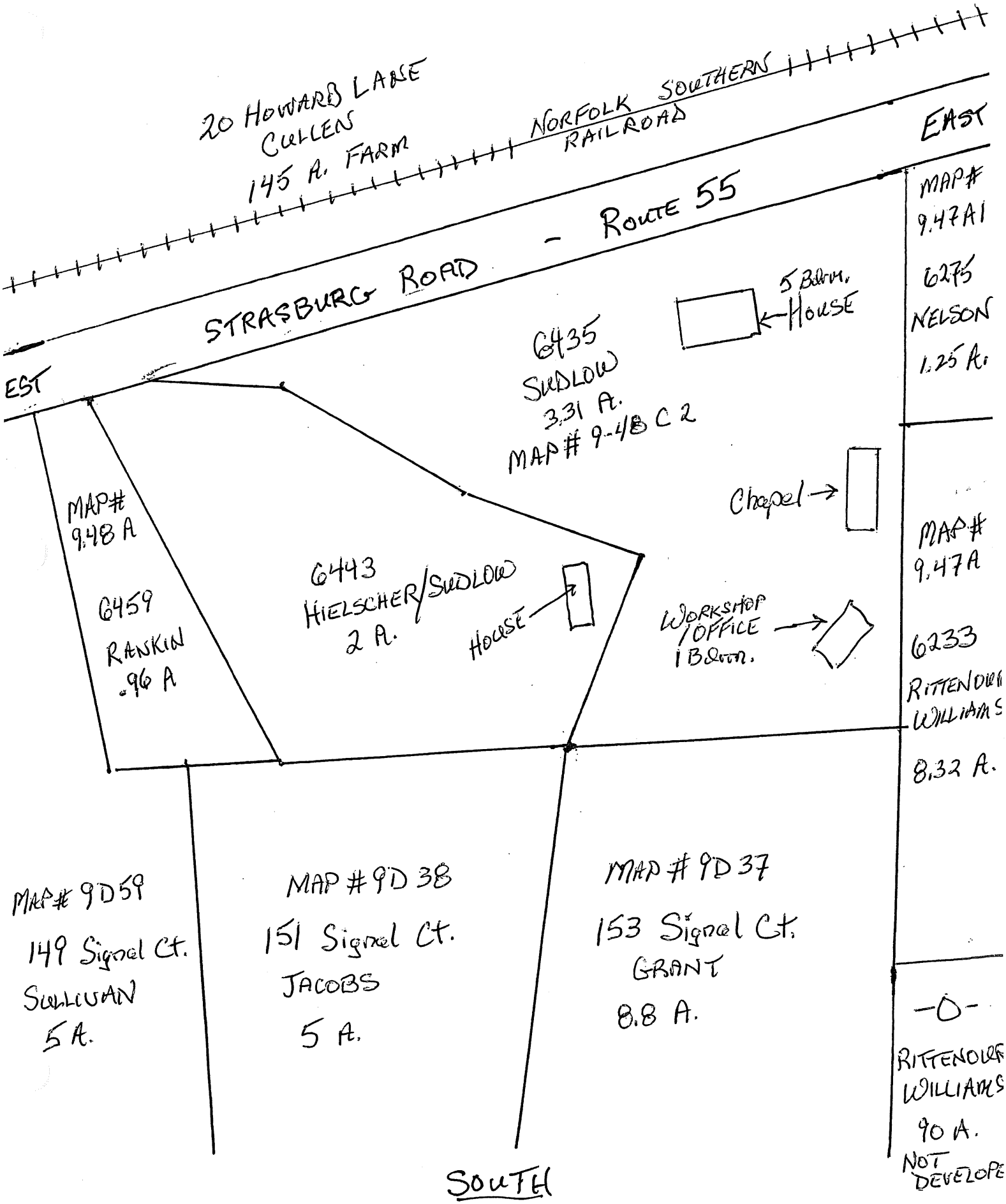
LOCATION MAP

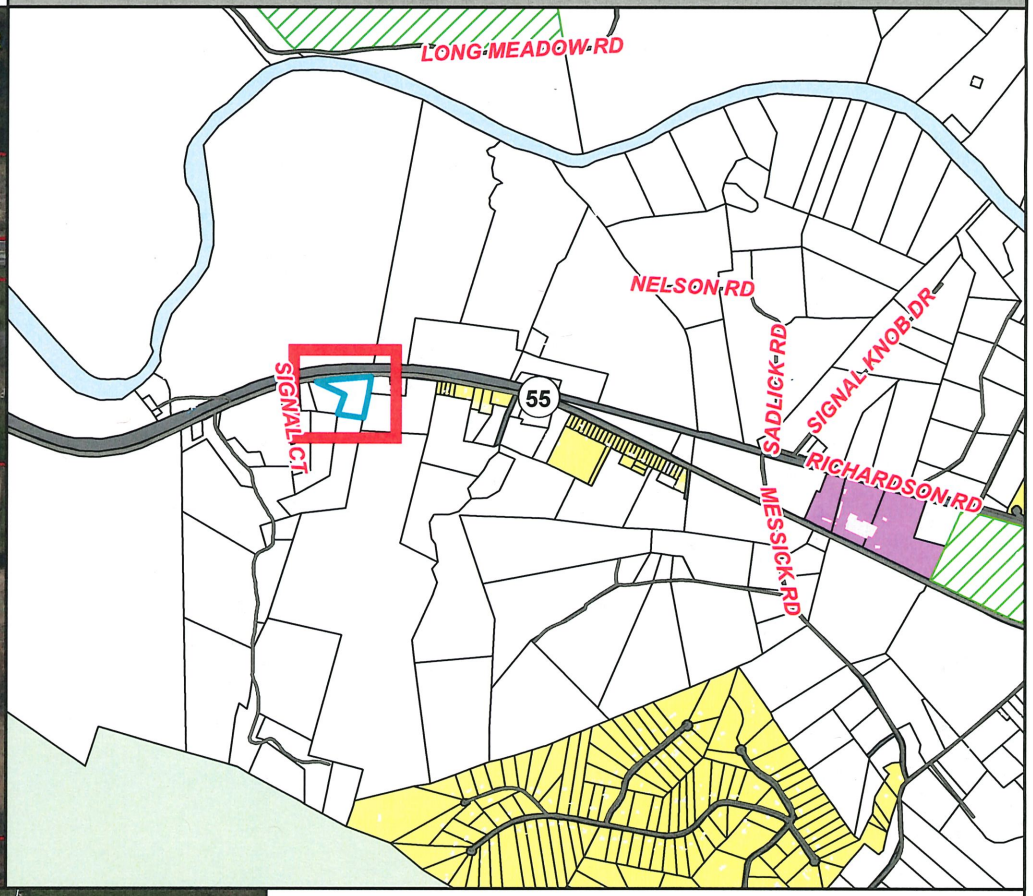


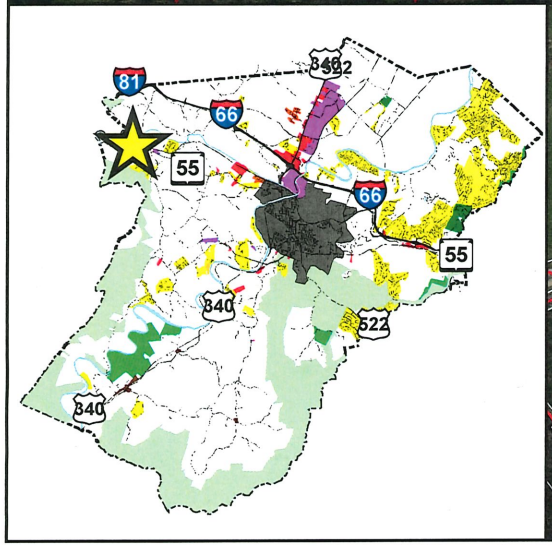
Warren County VA

CUP Location Map

CUP: Chapel
Applicant: David Sudlow

TM 9--------48C1
6435 STRASBURG RD





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Map produced by
Warren County GIS 2020
Department of Planning

COUNTY OF WARREN, VIRGINIA
BOARD OF SUPERVISORS AGENDA ITEM

DATE	ITEM	SUBJECT:	PAGE
1/5/2021	I-15	Conditional Use Permit – 2020-12-01 *Parallel Virginia, LLC* *Pharmaceutical processing of cannabis plants*	1 of 2

EXPLANATION & SUMMARY:

See attached application and staff report.

General standards/conditions. In addition to the specific standards set forth hereinafter with regard to particular conditional uses, all such uses shall satisfy the following general standards:

(1) The proposed use at the specified location shall be in harmony with the adopted Comprehensive Plan.

(2) The proposed use shall be in harmony with the general purpose and intent of the applicable zoning district regulations.

(3) The proposed use shall be such that it will be harmonious with and will not adversely affect the use or development of neighboring properties in accordance with the applicable zoning district regulations and the adopted Comprehensive Plan. The location, size and height of buildings, structures, walls and fences and the nature and extent of screening, buffering and landscaping shall be such that the use will not hinder or discourage the appropriate development and use of adjacent or nearby land and/or buildings or impair the value thereof.

(4) The proposed use shall be such that pedestrian and vehicular traffic associated with such use will not be hazardous or in conflict with the existing and anticipated traffic in the area.

(5) Adequate utility, drainage, parking, loading and other necessary facilities to serve the proposed use shall be provided.

(6) In determining whether or not to grant a permit and in determining conditions to be imposed, the governing body shall take into consideration the objectives and intent of this chapter and may impose reasonable conditions that:

(a) Abate or restrict noise, smoke, dust or other elements that may affect surrounding properties.

(b) Establish setback, side and front yard requirements necessary for orderly expansion and to prevent traffic congestion.

(c) Provide for adequate parking and ingress and egress to public streets or roads.

(d) Provide adjoining property with a buffer or shield from view of the proposed use if such use is considered to be detrimental to adjoining property.

(e) Prevent such use from changing the character and established pattern of development of the community.

This application is scheduled for a public hearing in front of the Planning Commission on January 14th. The Board of Supervisors will have the Planning Commission's recommendation for the Board public hearing on January 5, 2021, if this is advertised.

PROPOSED OR SUGGESTED MOTION:

I move that the Board of Supervisors authorize the proposed conditional use permit request for advertisement for a public hearing.

SUBMITTED BY:	DISPOSITION OF BOARD:	PROCESSED BY:
Taryn G. Logan, TGL Planning Director	☐ APPROVED ☐ OTHER (Describe)	

PARALLEL VIRGINIA, LLC

STATEMENT OF JUSTIFICATION
CONDITIONAL USE PERMIT APPLICATION

December 9, 2020

Introduction

Parallel Virginia, LLC (the "Applicant") is the contract purchaser of approximately 13.93 acres of land located at 426 Baugh Drive, Front Royal, Virginia and identified as tax map parcel 5C5 (the "Property"). The Industrial Development Authority of the Town of Front Royal and Warren County (the "Authority") owns the Property which is located within the 93-acre Stephens Industrial Park. The Property is zoned Industrial and subject to certain covenants and restrictions.

This application is filed pursuant to Par. D (8) of Sect. 180-28, Sect. 180-63 and Sect. 180-64 of the Zoning Ordinance and seeks approval for a Conditional Use Permit ("CUP") to allow a pharmaceutical production facility on the property. A completed County CUP application form is provided under separate cover.

Background

Parallel Virginia, LLC has its corporate headquarters in Tampa, Florida and has over one million square feet in cultivation, manufacturing, operations, research and development and distribution facilities in Florida, Massachusetts, Nevada and Texas. The Applicant has applied to the State Department of Health Professions for the Virginia Board of Pharmacy to grant conditional approval and subsequently issue a permit to operate a single "pharmaceutical processor facility" within the central region of the State know as Health Service Area 1.

According to the State "Request for Application," in Virginia *"a pharmaceutical processor is a facility that is authorized to: cultivate Cannabis plants intended only for the production and dispensing of cannabis oil; produce cannabis oil; and, dispense cannabis oil to patients for treatment or to alleviate the symptoms of any diagnosed condition or disease determined by a practitioner to benefit from such use. With the exception of wholesale distribution to another pharmaceutical processor or cannabis dispensing facility, or delivering dispensed cannabis oil under certain conditions, the cultivation, production, and dispensing will occur on-site at the address of record of the facility."* If granted conditional approval by the Board of Pharmacy, the Applicant would have one year from the date of notification to complete all requirements for issuance of a permit, including construction or remodeling of a facility, installation of equipment and security, local zoning approval, and employment of a pharmacist-in-charge and other personnel necessary for operation.

The Property subject to the CUP Application is located within Stephens Industrial Park, west of Baugh Drive, south of Fairgrounds Road and abuts the railroad tracks, as shown on the detailed Location Map included with the application. The Property is improved with a vacant one-story, 76,800 gross square foot building and 68 surface parking spaces. Adjacent lands surrounding the Property are zoned industrial and developed with industrial uses.

After conducting extensive searches of sites located throughout Health Service Area 1, the Applicant determined that the Property meets the operational goals to serve a broad patient population throughout Health Service Area 1. In addition, this proposed facility would provide:

- Ease of access to Interstate 81 and Interstate 66
- Utility capabilities
- Expandability
- Large pool of potential employees with diverse skills, knowledge & abilities
- Proximity to transportation

The Applicant's preference is to own the facility to demonstrate a commitment to the local economy and surrounding neighbors.

Proposal

The Applicant seeks CUP approval to convert the vacant, existing 76,800 gross square foot building to allow pharmaceutical processing of cannabis plants for medical compassionate treatment of patients. As shown on the site plan filed with the application, the Applicant proposes a potential future expansion building up to 100,000 square feet in size which would be located north of, and perpendicular to, the existing building. The Applicant proposes to add 64 new parking spaces in addition to the existing 68 space surface parking lot, for a total of 132 spaces when the facility opens. The Applicant anticipates having a total of 120 to 150 employees who would work in staggered shifts on-site.

Specific activities on the Property would consist of: cultivation of plants; extraction and processing of oils; assembly; warehousing; and distribution which all are permitted, by right uses in the Industrial zoning district as set forth in Par. B of Section 180-28 of the Zoning Ordinance. The Applicant also intends to provide a small amount of retailing on-site as permitted by right in Par. C (3) of Section 180-28 as an accessory use. A small number of patients could be prescribed off-site, submit their prescriptions on-line and pick them up on-site.

The Applicant anticipates an immediate need for the existing 76,800 square feet with an anticipated need to expand on the Property to allow the additional 100,000 square feet within the near future. The existing building, combined with expansion building, result in a total of 176,800 gross square feet, as depicted on the site plan and requested in this CUP application.

The proposed pharmaceutical use will be compatible with the surrounding area and satisfy the general standards set forth in Par. D of Sect. 180-63 of the Zoning Ordinance, as described below. Approval of this CUP application will convert the vacant building on the Property to a tax revenue generating use and contribute to a diverse and expanding local County economy. The proposed pharmaceutical production use is consistent with the surrounding uses and will complement and blend with surrounding industrial buildings.

Compliance with the "General Standards/Conditions" for Conditional Uses

The proposed pharmaceutical use will satisfy the general standards for a Conditional Use Permit as set forth in Par. D of Sect. 180-63 of the Zoning Ordinance:

1. *The proposed use at the specified location shall be in harmony with the Comprehensive Plan.*

   This application filed on this parcel is in harmony with the Comprehensive Plan which the "Generalized Future Land Use Map shows as planned for industrial use. The adopted Plan encourages industrial growth to diversify employment and expand the County's non-residential tax base and recommends attracting employment to the County's industrial parks.

2. *The proposed use shall be in harmony with the general purpose and intent of the applicable zoning district regulations.*

   The proposed pharmaceutical use would be located within an industrial park. It would be in harmony with the purpose and intent of the Industrial zoning district which calls for a variety of industrial uses which, with appropriate screening and without the emission of noise, dust, smoke, odor, toxic gases or hazardous substances, can be conducted in such a manner as to not adversely affect nearby properties.

3. *The proposed use shall be harmonious with and will not adversely affect the use or development of neighboring properties in accordance with applicable zoning district regulations and the adopted Comprehensive Plan. The location, size and height of buildings, structures, walls and fences and the nature and extent of screening, buffering and landscaping shall not hinder or discourage the appropriate development and use of adjacent or nearby land and/or buildings or impair the value thereof.*

   The use will be contained inside the existing building and the potential expansion building. Applicant will comply with all applicable industrial district and other regulations, including setbacks, heights, buffers and landscaping as required.

4. *Pedestrian and vehicular traffic associated with the use will not be hazardous or in conflict with existing and anticipated traffic in the area.*

   Traffic, both vehicular and pedestrian, will be compatible with the industrial park and not be hazardous nor conflict with existing and planned traffic in the area.

5. *Adequate utility, drainage, parking, loading and other necessary facilities to serve the proposed use shall be provided.*

   The Applicant will comply with County requirements and recognizes that they must provide adequate utilities, drainage, parking and loading.

6. *The Board of Supervisors may impose reasonable conditions addressing impacts set forth in paragraphs (a) through (e).*

   The Applicant is aware that reasonable conditions may be imposed by the governing body.

Supplementary Regulations

No zoning regulations specific to a pharmaceutical use are listed in the Supplementary Regulations. The Applicant will comply with Par. C of Sect. 180-49.1 for submission and approval of a landscape plan by the Zoning Administrator, as well as comply with Paragraphs F through K setting forth detailed off-street parking space and landscape requirements. The detailed lighting requirements in Sect. 180-49.2 will also be satisfied on this industrial parcel.

Conclusion

For the reasons stated on the Application form and in this Statement of Justification, the Applicant respectfully requests approval of this Conditional Use Permit to allow medical pharmaceutical processing use on the Property.

Parallel

December 8, 2020

COUNTY OF WARREN
Department of Planning
220 North Commerce Avenue, Suite 400
Front Royal, Virginia 22630
tlogan@warrencountyva.net

Re: List of Chemicals Stored On Site Pursuant to Industrial Zoned Properties CUP Application

OATH/STATEMENT

I, Terese Cerna Driscoll, certify that to the best of my knowledge and belief, the statement provided herein are true and correct.

POTENTIAL LIST OF CHEMICALS TO BE STORED ON THE PROPOSED SITE

Evap Pow'R C
Germ-X Hand Sanitizer (w/o IPA)
ProKure D Slow Release
ProKure G
ProKure G
Sani 512
SIGNATURE MOISTURIZING FOAMING HAND SOAP
Signet Glass & Multi-Surface Cleaner
Water Flakes® Bowl Cleaner
Activera
Bud Booster
Cal Mag Maximizer NPK 2-0-0
CALiMAGic
Clonex® Rooting Gel
Cultured Solutions™ UC Roots
Dyna-ZYME
Flawless Finish
FloraKleen
Life Veg Bloom

Parallel

MotherPlant® A Nutrient Solution for plants
Olivia's Cloning Gel
PH Down
PH Up
Potassium Bicarbonate
Pro-TeKt - The Silicon Solution
Push Veg Bloom
Raw Phosphorus
Raw Potassium
Regen-A-Root
Rhizotonic
Seaplex
Stout MSA
Wilt Guard
Calcium Chloride, Dihydrate
Calcium Nitrate
CapSil
EM•1 Microbial Inoculant
Enzymes Komplete Natural Cleaner
Erase
EXICUTE/RAPID- O
FloraShield
Hydroguard bacillus root inoculant
Incide-Out™
Mammoth P
Power Wash – RTU
Push Foliar Spray
RAW AMINO ACIDS
RAW CALCIUM/MAG
RAW FULL UP
RAW HUMIC ACID
RAW KELP
RAW SILICA
RAW YUCCA
RID-BUGS
Silver Bullet (Terpine Enhancer)
SNS-203 Concentrated

Parallel

SNS-209
Spotless
Super Blue HD
The Amazing Doctor Zymes Eliminator
ThermX70
TriFecta Crop Control
10771 - Strawberry Flavor, Natural WONF
11322 - Watermelon Flavor, Natural WONF
11358 - Mango Type Flavor, Natural WONF
11408 - Toasted Coconut Type Flavor, Natural
11573 - Blood Orange Flavoring, Natural WONF
11957- Green Melon Type Flavor, Natural
12118 - Lemon Tea Type Flavor, Natural WONF
12298 - Blueberry Flavor, Natural WONF
Banana Oil (Isoamyl acetate)
LIME-A-WAY
Novel Pot & Pan
Novel Quat
OASIS 115 XP
OASIS 146 MULTI-QUAT SANITIZER
Orange Oil
Peppermint Oil
Pumpkin Seed Oil
Raspberry Flavoring
Xanthan Gum, Food Grade
Ethanol 200 Proof
FORBIDDEN FRUIT INFUSED
Isopropanol 99%
LIMONCELLO Flavor
MIMOSA Flavor
Premium High Vacuum Pump Oil
SFV OG
SUNSET SHERBET Flavor
TANGIE Flavor
Compressed Zero Grade Air
Ethanol 200 Proof
Silicone oil

Parallel

Zephex 134A
GC 2010 Sanitizer
Isopropyl Rubbing Alcohol 91% USP
BLOOM Final
BLOOM Florigen
BLOOM Groigen
BLOOM Ooze
P-31 Microbes
Compressed Nitrogen
Isopropanol 70%
3M Multipurpose Adhesive (Aerosol)
Alchemist H2O2 34 %
Aqua Flakes A
Aqua Flakes B
Brulin Brutab 6S 13.1g/tablet
Brulin Terragreen Hyper Maxx
Bud XL
CALiMAGic
Drip Clean
ECOTEMP ULTRA DRY
ECOTEMP ULTRA KLENE
elements Peroxide Powered Cleaner Degreaser
Evap Pow'R C
GC 2010 Sanitizer
Grapeseed Oil
H202 Liquid Oxygen (Hydrogen Peroxide)
Jack's Soluble Feed
Jojoba Lotion
LIME-A-WAY
LSPR WHITE GREASE LUBRICANT (Aerosol)
Multi Zen
Novel Hard Water
Novel Pot & Pan
Novel Premium Plus
Novel Quat
OASIS 115 XP
OASIS 146 MULTI-QUAT SANITIZER

Parallel

Orange Oil
organic tapioca syrup
Pantastic
PEROXIDE MULTI SURFACE CLEANER AND DISINFECTANT
Pro-TeKt - The Silicon Solution
Rapid Start
RINSE DRY
Signet Heavy Duty Non-Acid Washroom Cleaner/Disinfectant
Signet Heavy Duty Non-Acid Washroom Cleaner/Disinfectant
Signet Neutral Floor Cleaner
Split! Resorative Cleaner
Super Blue HD
Tangerine Oil
The Amazing Doctor Zymes Eliminator
Ticaloid® 710 H Powder

CONTACT INFORMATION

If you have any additional questions or require additional information, please contact Terese Cerna Driscoll at (404) 360-6083

Thank you for your assistance.

Respectfully,

Terese Cerna Driscoll

Director of Retail Expansion

Phone: (404) 360-6083

E-mail: tcernadriscoll@liveparallel.com

WARREN COUNTY
CONDITIONAL USE PERMIT APPLICATION

Application Number: _____
Date Received: _____
Fee Amount: $_____
Date Paid: _____

Applicant Information:

Parallel Virginia LLC
Applicant Name

55 Ivan Allen Jr. Boulevard, Floor 9	Atlanta	Georgia	30308
Address	*City*	*State*	*Zip*

4 26 Baugh Drive.	Front Royal	Virginia	22630

Property Location for conditional use permit if Different than Applicant's Address

John C McGranahan (703) 714-7464 jmcgranahan@huntonak.com copy: tgretz@liveparallel.com
Hunton Andrews Kurth LLP, Partner 8405 Greensboro Drive, STE 140, Tysons, VA 22102
Primary Contact Number *Email*

Industrial Development Authority of Front Royal and Warren County
Property Owner (if same as applicant, leave blank)

400 D Kendrick Lane	Front Royal	Virginia	22630
Address	*City*	*State*	*Zip*

Doug Parsons (540) 635-2182
Primary Contact Number

Respectfully request that a determination be made by the Warren County Planning Commission and Board of Supervisors on the following request for a Conditional Use Permit for the property described below.

A. Property Information:

(1) Address/Location: 426 Baugh Drive Front Royal, Virginia 22630
(2) Election District: North River
(3) Tax Map Number: 5C 5
(4) Subdivision Name: N/A
(5) Total Area of Property (acres): + 13.9393
(6) Total Area to be Used (acres): + 4 acres
(7) Total Road Frontage (feet): _____
(8) Depth of Property (feet): 850 ft deep
(9) Present Zoning: Industrial

B. Proposed Use of Property

(1) State the proposed use(s) for the Conditional Use Permit: Pharmaceutical Processing

(2) Current land use and condition of site: Industrial/Existing Building

(3) Zoning of surrounding land/property: Industrial

(4) Will development be staged? ☒ Yes ☐ No

(5) Construction Time: 8 months

(6) Season, days, and hours of operation: 24 hour/day shifts and 365 days/year

(7) Will there be a sign? ☒ Yes ☐ No
(If yes, please submit a sketch of the sign(s) showing size and shape and the sign permit check list with this application.)

(8) Has there been any prior application for a conditional use permit/variance for this property? (If yes, enter the permit number and/or name, date of action, action taken by the Planning Commission, Board of Zoning Appeals and/or Board of Supervisors and a description of the request.) No

(9) Number of full time employees: 120 to 150 employees

(10) What type of sewage disposal system will be used? ☐ Private ☐ Central ☒ Public

(11) Number of persons to be served by the sewage disposal system: up to 150 persons

(12) Number of parking spaces to be provided: Regular 128 Handicap 4

(13) What is the proposed landscaping and buffering for this property? Existing landscaping on property to remain. Parallel will comply with local and county ordinance for potential future landscape expansion.

C. Plans Prepared By

Name: Architectural: Huitt—Zollars, Inc Survey: K2M design

Address: 111 N Magnolia Ave, STE 1600, Orlando FL 3280 180 W Ostend Street, STE 217, Baltimore, MD 21230

Telephone Number: (407) 839—0414 (443) 931—3625

D. Environmental Information

(1) Will this proposed use adversely impact the community of the environment? (If yes, what are the adverse impact(s) and what is proposed to solve these adverse impacts?) No. Environmental health and safety is a core belief at Parallel. The Company adheres to rules & regulations set forth by the Environmental Protection Agency "EPA", OSHA and other federal and local state agencies. Parallel's steadfast commitment to health & safety training programs, & strict adherence to environmentally sound best practices which have a positive impact on the communties where Parallel operates

(2) Will there be any debris generated from the activity? (If yes, where and in what manner will the debris be stored and how and where will it be disposed of?) Yes. Non hazardous additive waste and general debris deemed as non hazardous shall be disposed following strict protocols from the company's waste management program. Parallel follows strict adherence to federal, local and state protocols and contracts with licensed waste management services for disposal of such non hazardous waste.

(3) Will any potentially hazardous substances be used and/or stored on the property? (If yes, list the substances, their use and disposal of containers and substance residues.) Yes. Solvents such as ethanol, and terpenes, and marijuana plant waste. Ethanol is used to break down flower and extract its essential oils. Terpenes are used to enhance extracted ooils to conteract the balance of THC & CBD. Marijuana waste is the byproduct of unusable plant material. Waste would be placed in centralized accumulation containers at the facility. Parallel will contract with licensed hazardous waste company to discard

(4) List any potentially hazardous emissions including, but not limited to: fumes, gases, smoke noise, liquid effluent, waste water, dust, and state what measures will be used to control these emissions. No hazardous fumes, smoke, noise, liquid effluent, or dust from operations. Gases or fumes generated by operations are collected via indoor HVAC systems and fume hoods and expelled through outside air via charcoal & MERV13 filtration systems. Alcohol cleaner, ethanol, CO2 are also expelled outside via clean air filtration systems in HVAC. Parallel operated pharmaceutical grade closed looped systems which enables a clean air environment. Water waste — nutrients, additives (>15% run off), trace amounts and standard housekeeping cleaners that end in drains (acceptable from EPA—25b exempt

(5) Will there be any electrical or electronic activity which will interfere with local communications or telephone, television or radio reception? (If yes, describe the type of activity and potential interference.) No.

(6) What will be the impact on traffic? No traffic impacts.

(7) Will exterior lighting be used? (If yes, state the number of lights and the wattage of each. A lighting plan or lighting contour map may be required to show the nearest candle power as measured at ground level. Any and all lighting will meet the standards and requirements of local county ordinance.

The following documents and/or information are required to be submitted with the application:

☒ **An application fee of $500.00.**

Make payable to the Treasurer of Warren County. A non-refundable fee of $500.00 will be required at the time of submittal.

☒ **A Statement of Justification**

This printed or typed statement is to be addressed to the Warren County Planning Commission. It is to summarize your proposed use and highlight any aspects of the request which are not addressed in the application form. Please note, the statement is required to be on 8 ½ x 11 size paper.

☒ **A Site Plan/Survey.**

Your site plan should show the property boundaries, existing or proposed structure(s), adjacent roads, and any other pertinent information which would help outline your proposed use. A recent survey with the proposed uses/structures located on it will serve as a site plan for the purposes of this permit. The Planning Director, Planning Commission and/or the Board of Supervisors reserve the right to ask for an engineered site plan, if they deem it necessary for evaluation of the proposed conditional use permit.

☒ **Sewage Disposal and Well Site.**

Location of the existing or proposed septic system & drainfield and the well site are to be indicated on the survey or central/public connection location.

☒ **A copy of the deed to the property verifying the current ownership.**

A copy may be obtained at the Warren County Courthouse, Circuit Clerk's Office.

☒ **A statement verifying that real estate taxes have been paid.**

This may be obtained from the Treasurer's Office in Suite 800 of the Warren County Government Center.

☐ **Environmental and Community Impact Statements**

The Planning Director, the Planning Commission, and\or the Board of Supervisors reserve the right to ask for an environmental and\or community impact statements, prepared by a certified engineer or other person qualified to perform such work, if they deem it necessary for evaluation of the proposed request. N/A

☒ **List of chemicals stored on the site**

A complete list of chemicals to be stored on the site in the form of an oath/statement for Industrial zoned properties only.

☒ **Location Map**

A map clearly legible, showing the location of the proposed project in relation to surrounding publicly maintained roads and showing the use of surrounding properties. County staff can assist in obtaining this information.

☒ **Directions to your property from the Warren County Government Center.**

~~SE onto N Commerce Ave toward 2nd St. > Uturn at Water St. onto N Commerce Ave > Turn~~ Right onto N Royal Avenue > Continue to follow US-340 N/US-255 N/AA-55 > Turn slight Right onto N Shenandoah Ave > Turn Right onto Fairground Rd/VA-661 > Turn Right onto Baugh Dr > You Arrived at Applicant;s location - 426 Baugh Dr, Front Royal, VA

I/we the undersigned, do hereby respectfully agree to comply with any conditions required by the Board of Supervisors of the County of Warren, Virginia, and authorize the County personnel to go upon the property for the purpose of making site inspections. Expenses incurred in securing professional assistance in connection with the review of this application for a Conditional Use Permit, shall be charged to the applicant.

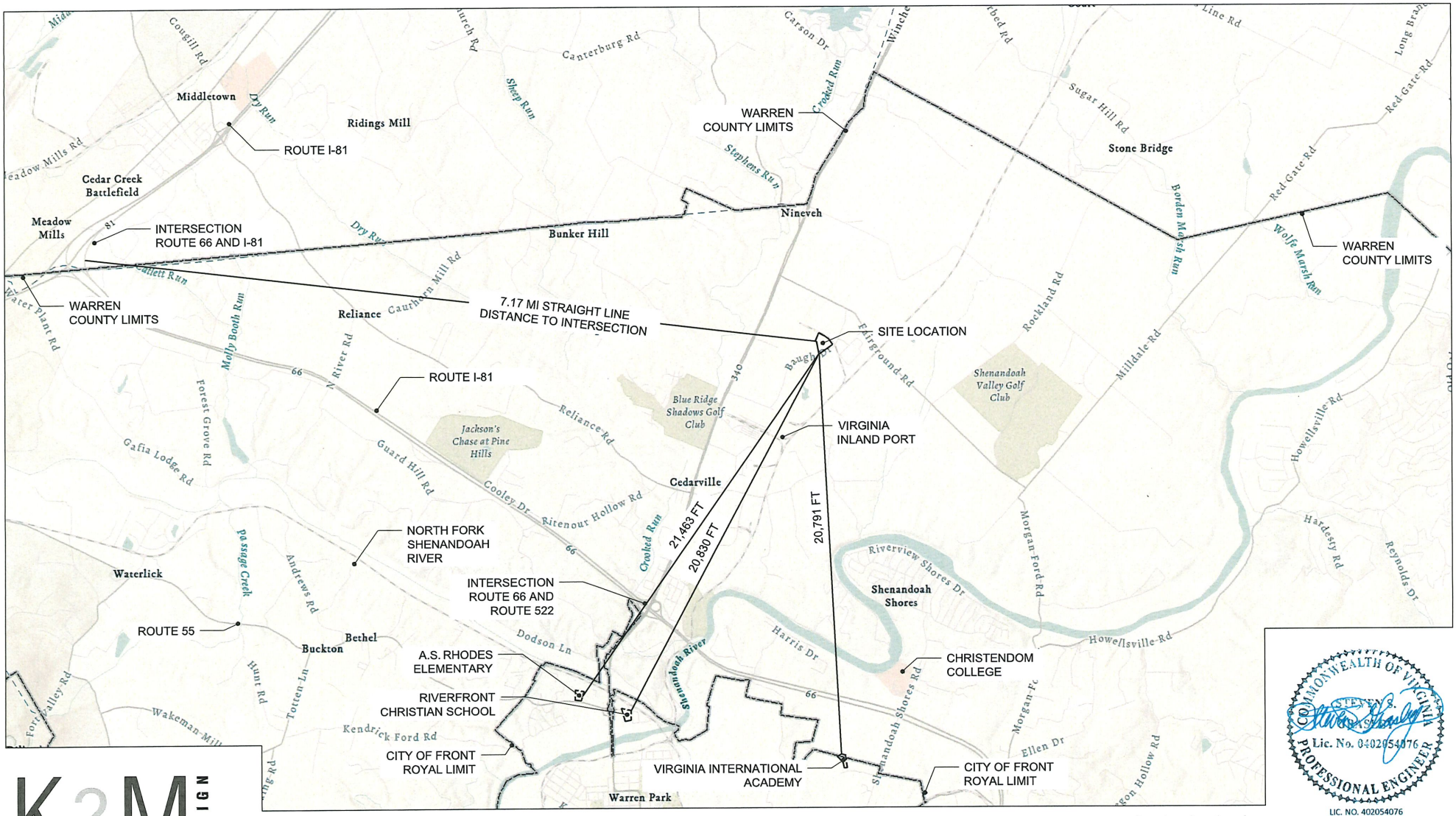
John C. McGuire Jr. 12/9/2020
Applicant Signature Date

Jeffrey T Bowie for WCEDA 12/9/2020
Property Owner Signature Date

Accepted by: _____ Date: _____

PLEASE NOTE: If the required documents are not provided and/or the application is incomplete, your application will not be placed on the Planning Commission Agenda.

NOTES



K2M DESIGN

BUILDING RELATIONSHIPS BASED ON TRUST AND RESULTS
180 W. Ostend St. ◦ Baltimore, MD 21230
P: 216.357.2794 ◦ F: 216.357.2796

©2020 by K2M Design, Inc.

COMMONWEALTH OF VIRGINIA
STEVEN S. [illegible]
Lic. No. 0402054076
PROFESSIONAL ENGINEER
LIC. NO. 402054076

PARALLEL - VA

PHARMACEUTICAL PROCESSOR

426 BAUGH DRIVE,
FRONT ROYAL, VA 22630

Submission : Date
December 4th, 2020

LOCATION LEGEND

	BUILDING USE	CURRENT OCCUPANT:	ZONING
1	CHURCHES, PUBLIC WORSHIP	THIRD ZION BAPTIST CHURCH	INDUSTRIAL
2	DETENTION CENTER	RSW REGIONAL JAIL	COMMERCIAL
3	KENNEL	CAVALIER KENNELS	AGRICULTURE
4a	GOLF CLUB	BLUE RIDGE SHADOWS GOLF CLUB	AGRICULTURE
4b	3-STAR HOTEL	HOLIDAY INN & SUITES FRONT ROYAL BLUE RIDGE SHADOWS	COMMERCIAL
5	VIRGINIA INLAND PORT	THE PORT OF VIRGINIA	INDUSTRIAL
6	CHURCHES, PUBLIC WORSHIP	OLD ZION CHURCH	AGRICULTURE
7	CHURCHES, PUBLIC WORSHIP	ROCKLAND COMMUNITY CHURCH	AGRICULTURE
8	COUNTRY CLUB	BOWLING GREEN COUNTRY CLUB	AGRICULTURE
9	RESIDENTIAL	N/A	SUBURBAN RESIDENTIAL

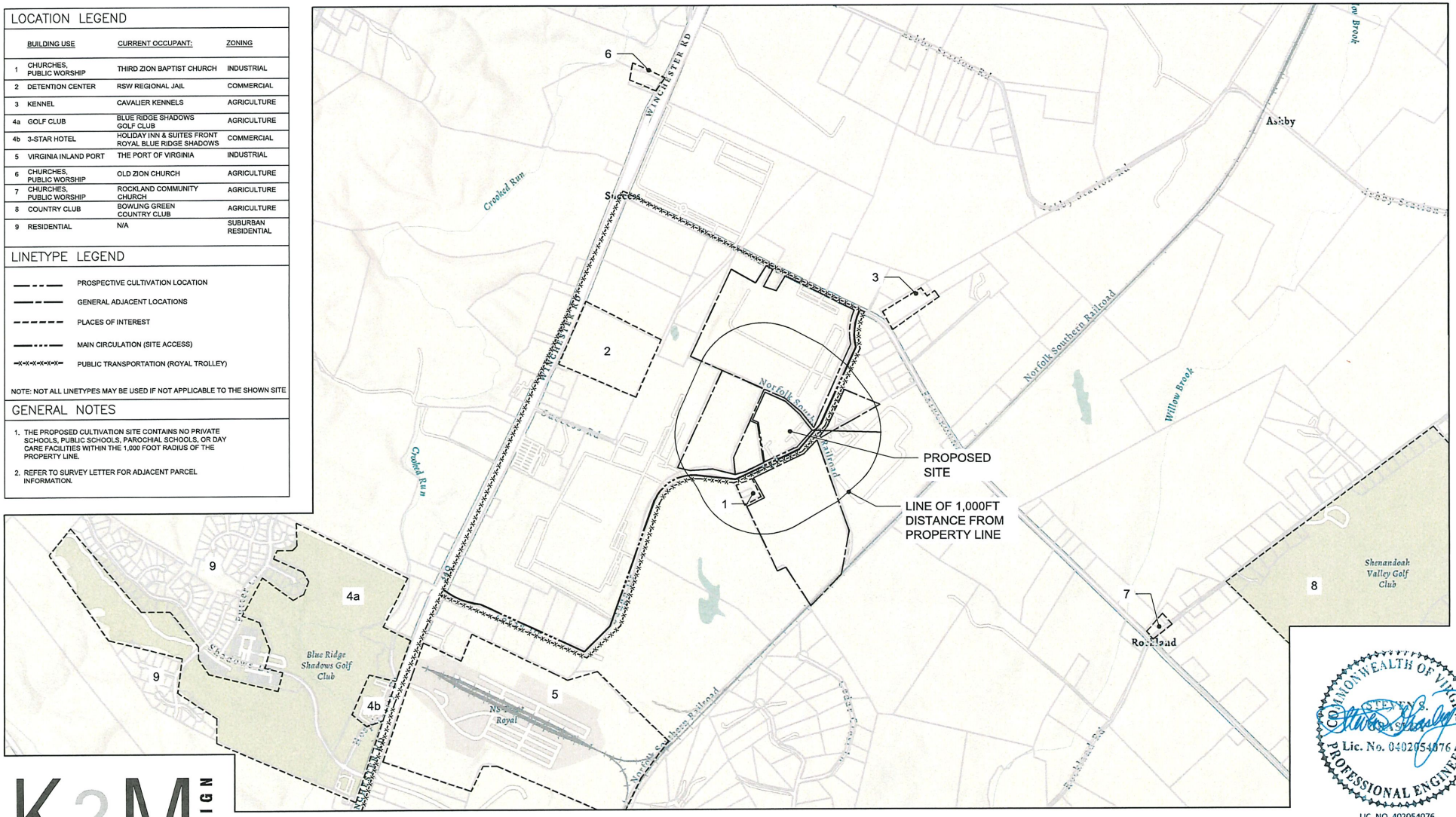
LINETYPE LEGEND

- PROSPECTIVE CULTIVATION LOCATION
- GENERAL ADJACENT LOCATIONS
- PLACES OF INTEREST
- MAIN CIRCULATION (SITE ACCESS)
- PUBLIC TRANSPORTATION (ROYAL TROLLEY)

NOTE: NOT ALL LINETYPES MAY BE USED IF NOT APPLICABLE TO THE SHOWN SITE

GENERAL NOTES

1. THE PROPOSED CULTIVATION SITE CONTAINS NO PRIVATE SCHOOLS, PUBLIC SCHOOLS, PAROCHIAL SCHOOLS, OR DAY CARE FACILITIES WITHIN THE 1,000 FOOT RADIUS OF THE PROPERTY LINE.
2. REFER TO SURVEY LETTER FOR ADJACENT PARCEL INFORMATION.



COMMONWEALTH OF VIRGINIA
STEVEN S. [illegible]
Lic. No. 0402054076
PROFESSIONAL ENGINEER

LIC. NO. 402054076

PARALLEL - VA

PHARMACEUTICAL PROCESSOR

426 BAUGH DRIVE,
FRONT ROYAL, VA 22630

Submission : Date
December 4th, 2020

K2M DESIGN
BUILDING RELATIONSHIPS BASED ON TRUST AND RESULTS
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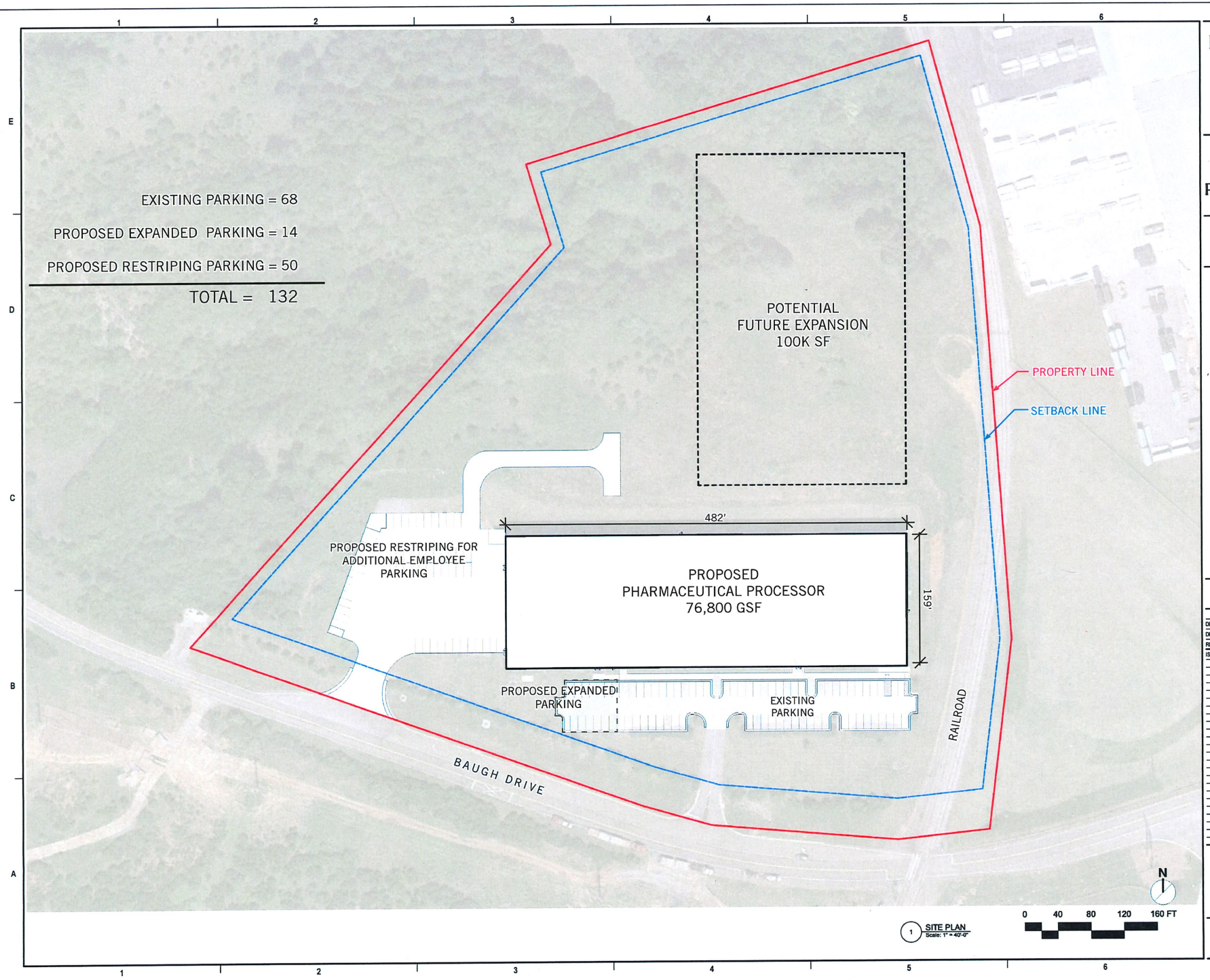


HUITT-ZOLLARS

ADVANCEDESIGN™

Parallel VA, LLC

426 Baugh Drive
Front Royal, VA 22630

DESIGNED BY:
DRAWN BY:
REVIEWED BY:
ISSUE DRAWING LOG:

1	2020.12.08	Site Plan

SITE PLAN

A0.11

1 SITE AERIAL
Scale: 1" = 40'-0"

HUITT-ZOLLARS

ADVANCEDESIGN™

Parallel VA, LLC

426 Baugh Drive
Front Royal, VA 22630

DESIGNED BY:
DRAWN BY:
REVIEWED BY:
ISSUE DRAWING LOG:

1	2020.12.08	Site Plan

SITE AERIAL

A0.12

HUITT-ZOLLARS

ADVANCEDESIGN™

Parallel VA, LLC

426 Baugh Drive
Front Royal, VA 22630

DESIGNED BY:
DRAWN BY:
REVIEWED BY:
ISSUE DRAWING LOG:

1	2020.12.08	Site Plan

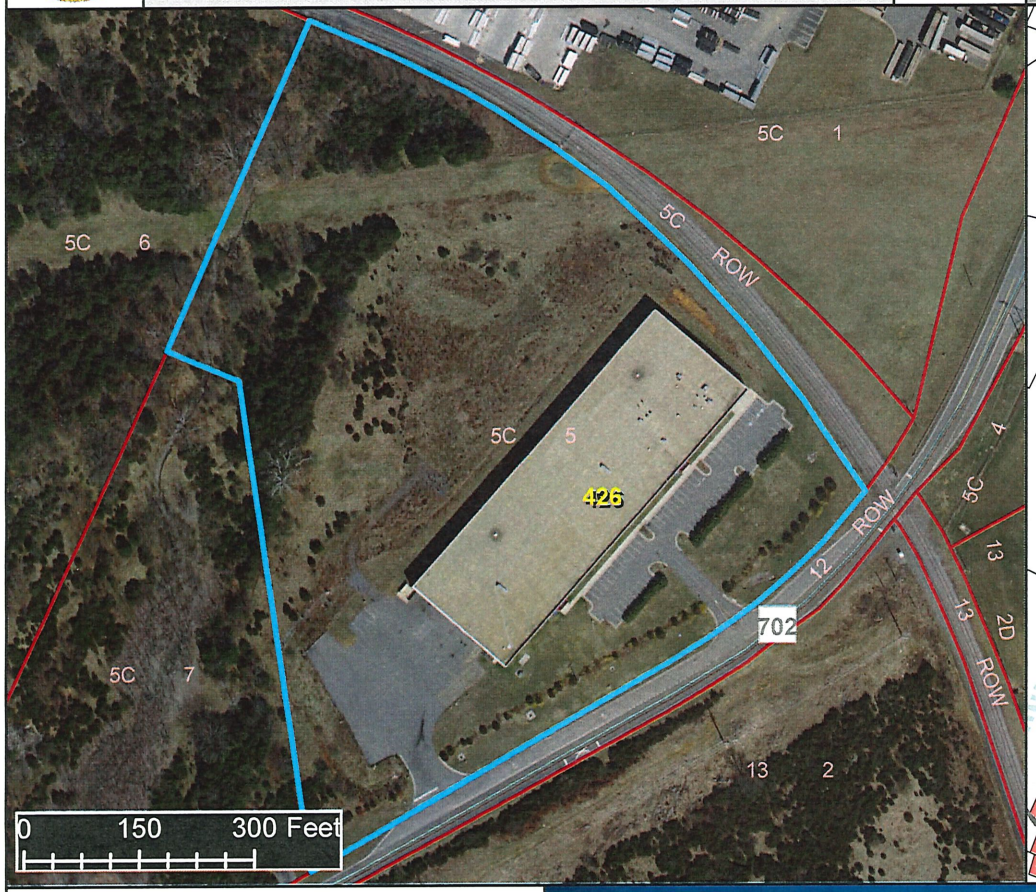
ENLARGED ENTRY ELEVATIONS

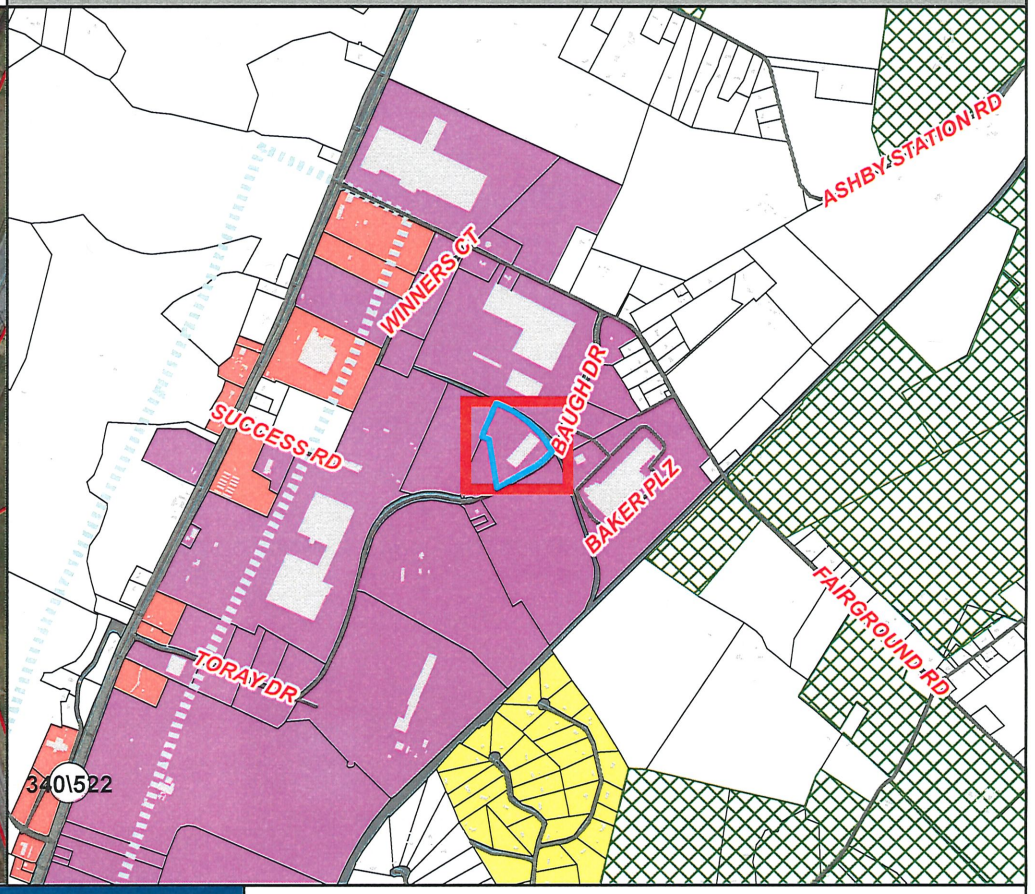
A2.02

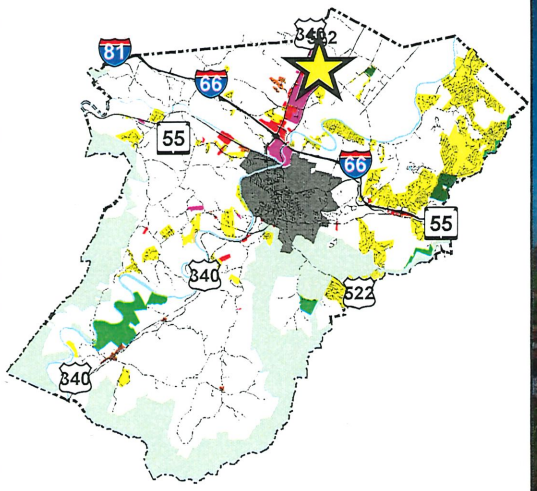
Warren County VA
CUP Location Map

CUP: Pharmaceutical Use
Applicant: Parallel Virginia LLC

TM 5C--------5
426 Baugh Dr







Zoning

- Agricultural
- Commercial
- Industrial
- Residential One
- Residential Two
- Suburban Residential
- Village Residential
- Rural Residential
- Right of Way
- Front Royal
- Federal Land
- State Land
- Water
- VOF Conservation Easements
- WC Conservation Easements

Map produced by
Warren County GIS 2020
Department of Planning

COUNTY OF WARREN
REPORT OF ANIMAL CONTROL OFFICER
AS TO KILLING OF COYOTES AND BOUNTIES FOR COYOTES

Name of Claimant Boyd, Douglas Phone 540-975-0310

Address 6374 Saint Davids Church RD Fort Valley VA 22652

Date Reported to Animal Control Officer 12-19-20 Signed E. Unruh

Date Killed	Number	Description/Type of Animal	Bounty Per Head	Total Amount Claimed
12-18-20	2	Coyote	50.00	

Total amount requested by claimant: $ 100.00

Amount recommended to be paid by Animal Control Officer $ 100.00

Remarks:

58 Fetchett RD - killed on complainants property on Fetchett RD, Bentonville VA 22610

COUNTY OF WARREN
APPROVAL FOR PAYMENT

I certify that this expenditure is necessary for the operation of this department, that appropriated funds are available for payment and the goods/services have been received in good order.

Signature _____ Claimant Douglas M. Boyd Date 12-19-20

Department _____ Animal Control Officer E. Unruh Date 12-19-20

Recm'd Budget Code 35010-5802

Comments: DEC 2 0 2020

The Board, after ~~an examination~~ of the above claim, approves same and allows $_____. Please charge to Animal Control 35010-5802.

Board of Supervisors of Warren County

Date of Action _____ By _____

COUNTY OF WARREN
REPORT OF ANIMAL CONTROL OFFICER
AS TO KILLING OF COYOTES AND BOUNTIES FOR COYOTES

Name of Claimant Steven Marshall Phone 540-683-6207

Address 82 Indian Hollow RD Bentonville, VA 22610

Date Reported to Animal Control Officer 12-14-20 Signed E. Unruh

Date Killed	Number	Description/Type of Animal	Bounty Per Head	Total Amount Claimed
12-14-20	1	Coyote	50.00	

Total amount requested by claimant: $ 50.00

Amount recommended to be paid by Animal Control Officer $ 50.00

Remarks:

18 Layne Drive - owned by Claimant.

COUNTY OF WARREN

APPROVAL FOR PAYMENT

I certify that this expenditure is necessary for the operation of this department, that appropriated funds are available for payment and the goods/services have been received in good order.

Signature _____ Claimant _____ Date 12-14-20

Department _____

Recm'd Budget Code 35010-5802 Animal Control Officer E. Unruh Date 12-14-20

Comments: _____

DEC 18 2020

The Board, after an examination of the above claim, approves same and allows $_____. Please charge to Animal Control 35010-5802.

Board of Supervisors of Warren County

Date of Action _____ By _____

COUNTY OF WARREN
REPORT OF ANIMAL CONTROL OFFICER
AS TO KILLING OF COYOTES AND BOUNTIES FOR COYOTES

Name of Claimant Michael Mathias Phone 540-247-8911

Address 605 Hamilton Ct Stephens City, VA 22655

Date Reported to Animal Control Officer 11-6-20 Signed E. Unruh

Date Killed	Number	Description/Type of Animal	Bounty Per Head	Total Amount Claimed
11-6-20	1	Coyote	50.00	

Total amount requested by claimant: $ 50.00

Amount recommended to be paid by Animal Control Officer $ 50.00

Remarks:

Killed at 360 Bennys Beach RD

COUNTY OF WARREN Permission attached

APPROVAL FOR PAYMENT

I certify that this expenditure is necessary for the operation of this department, that appropriated funds are available for payment and the goods/services have been received in good order. Claimant Michael Mathias Date 11/6/20

Signature _____ Animal Control Officer E. Unruh Date 11-6-20

Department _____

Recm'd Budget Code 35010-5802

Comments: _____

DEC - 1 0 2020

The Board, after examination of the above claim, approves same and allows $_____. Please charge to Animal Control 35010-5802.

Board of Supervisors of Warren County

Date of Action _____ By _____

COUNTY OF WARREN
REPORT OF ANIMAL CONTROL OFFICER
AS TO KILLING OF COYOTES AND BOUNTIES FOR COYOTES

Name of Claimant Cody Wolf Phone 575-405-4478

Address 70 Overlook View Dr Front Royal VA 22630

Date Reported to Animal Control Officer 12-5-20 Signed E. Unruh

Date Killed	Number	Description/Type of Animal	Bounty Per Head	Total Amount Claimed
12-5-20	1	Coyote	50.00	

Total amount requested by claimant: $ 50.00

Amount recommended to be paid by Animal Control Officer $ 50.00

Remarks:

Killed at 70 Overlook View Dr

COUNTY OF WARREN

APPROVAL FOR PAYMENT

I certify that this expenditure is necessary for the operation of this department, that appropriated funds are available for payment and the goods/services have been received in good order. Signature _____ Claimant Cody Wolf Date 12/5/20

Department _____ Animal Control Officer E. Unruh Date 12-5-20

Recm'd Budget Code 35010-5802

Comments:

DEC 10 2020

The Board, after an examination of the above claim, approves same and allows $_____. Please charge to Animal Control 35010-5802.

Board of Supervisors of Warren County

Date of Action _____ By _____

COUNTY OF WARREN, VIRGINIA

BOARD OF SUPERVISORS AGENDA ITEM

DATE	ITEM	SUBJECT:	PAGE 1 OF
January 5, 2021	**J**	Board of Supervisors *Meeting Policy and Procedures and Public Hearing Guidelines*	

EXPLANATION & SUMMARY:

Attached you will find a copy of the Board's Meeting Policy and Procedures document as amended on September 8, 2020 as well as the Public Hearing Guidelines as adopted on January 7, 2020. The Board reconsiders and adopts the policy and procedures and public hearing guidelines as part of the annual organizational meeting.

COST & FINANCING: N/A

PROPOSED OR SUGGESTED MOTION:

I move that the Board of Supervisors adopt the Meeting Policy and Procedures and Public Hearing Guidelines documents as proposed.

OR

I move that the Board of Supervisors adopt the Meeting Policy and Procedures and Public Hearing Guidelines documents with the following changes: _____

OR

I move that the Board postpone discussion on this matter until _____.

SUBMITTED BY:	DISPOSITION OF BOARD: ☐ APPROVED ☐ OTHER (DESCRIBE)	PROCESSED BY:
Edwin C. Daley, Interim County Administrator		

COUNTY OF WARREN, VIRGINIA

MEETING POLICY AND PROCEDURES
(Amended September 8, 2020)

SECTION 1 – MEETINGS

Section 1-1: When and Where Regular Meetings are Held

The time of regular meetings of the Board of Supervisors shall be established at each annual meeting which shall be held in the Board Room, Warren County Government Center, on the first Tuesday in January of each year at 9:00 a.m. Subsequent regular meetings shall be called as follows:

First Tuesday at 9:00 a.m. on the first Tuesday of each month, and on the third Tuesday at 7:00 p.m. of each month with the following exceptions:

- July – No Regular Meeting held on first Tuesday
- November – First Meeting held on the Wednesday following Election Day (if applicable)
- December – The only Meeting will be held on the second Tuesday at 9:00 a.m., EST

Should the Board subsequently prescribe any meeting time or place other than that initially established, it shall comply with Section 15.2-1416 of the Code of Virginia, as amended.

If the Chairman, or the Vice Chairman if the Chairman is unable to act, in consultation with the County Administrator, finds and declares that weather or other conditions are such that it is hazardous for board members to attend a regularly scheduled meeting, the meeting shall be rescheduled to an agreed upon time. If the meeting is an evening public hearing, it shall be rescheduled for the following Tuesday at 7:00 p.m. Such finding shall be communicated to the members of the Board and the press as promptly as possible. All hearings and other matters previously advertised shall be conducted at the continued meeting, and no further advertisement is required.

Section 1-2: Adjourned and Special Meetings

The Board of Supervisors may hold such adjourned meetings, special meetings, or work sessions, as it deems necessary, at such times and places as it may find convenient; and it may adjourn from time to time as it may find convenient and/or necessary. If a special meeting of the Board of Supervisors should be deemed necessary, it shall be called pursuant to Section 15.2-1417 and 15.2-1418 of the Code of Virginia, as amended.

Section 1-3: Annual Meetings

The first meeting held after the newly elected members of the governing body shall have qualified and the first meeting held in the corresponding month of each succeeding year shall be known as the annual meeting.

Section 1-4: Quorum and Method of Voting

At any meeting a majority of the supervisors shall constitute a quorum. All questions submitted to the Board for decision shall be determined by a vote of a majority of the supervisors voting on any such question, unless otherwise provided by law. The name of each member voting and how he or she voted must be recorded. The Board of Supervisors has elected not to have a tie breaker as provided for by the Code of Virginia, and a tie vote on any motion shall be considered defeated as provided for in Section 15.2-1420. When a motion is made for a resolution to approve an application or request for a rezoning, special use permit, or other matter before the board the failure of such motion shall be deemed equivalent to the adoption of a resolution to deny the application, request or other pending matter, and no further resolution to deny need be entertained.

Section 1-5: Procedure for Roll Call for Board Members

The Members of the Board of Supervisors shall cast votes in order on a rotating basis (one end of the dais or the other) determined by the Deputy Clerk or Clerk.

Section 1-6: Members Absenting Themselves from Meeting Prior to Adjournment

After the name of any member of the Board has been recorded as present at any meeting of the Board, the member shall not leave the meeting prior to adjournment unless by consent of the Board.

Section 1-7: Board to Sit with Open Doors

The Board of Supervisors shall sit with open or unlocked doors, and all persons conducting themselves in an orderly manner may attend the meetings. However, the Board may hold closed meetings as provided in the Virginia Freedom of Information Act.

Section 1-8: Closed Meetings

A closed meeting shall be held when necessary.

Section 1-9: Remote Participation in Board Meetings

Members of the Board are hereby approved to participate in a meeting of the Board through electronic communications from a remote location that is not open to the public as provided in Code of Virginia § 2.2-3708.2, subject to the following requirements:

(1) A supervisor wishing to participate from a remote location in a meeting of the Board shall notify the Board Chair on or before the date of a meeting that the supervisor is unable to attend the meeting due to (i) a personal matter, provided that the supervisor identifies with specificity the nature of the personal matter, or (ii) a temporary or permanent disability or other medical condition that prevents the supervisor's physical attendance.

(2) The Board shall record in its minutes the remote location from which the absent supervisor participated, as well as the specific nature of the personal matter or that the supervisor participated in the meeting remotely due to a medical condition or disability.

(3) If the absent supervisor's remote participation would violate this policy, such remote participate is disapproved and the absent supervisor shall not be allowed to participate. The reason for such disapproval shall be recorded in the Board's minutes.

(4) Participation in a meeting through electronic communication due to a personal matter shall be limited, for each supervisor and in each calendar year, to two meetings of the Board.

(5) A quorum of the Board must be physically assembled at the primary or central meeting location.

(6) The Board shall make arrangements for the voice of the absent supervisor to be heard by all persons in attendance at the primary or central meeting location.

SECTION 2 – OFFICERS

Section 2-1: Election and Term of Chairman and Vice Chairman

At the annual meeting of the Board of Supervisors, the Board shall elect from its membership a Chairman and Vice Chairman, each of whom shall serve for a term of one year expiring on December 31, or until their respective successors have been elected. In the case of the absence from any meeting of the Chairman and Vice Chairman, the members present shall choose one of their number as temporary Chairman.

Section 2-2: Chair May Administer Oaths

The Chairman shall have power to administer an oath to any person concerning any matter submitted to the Board or connected with its powers and duties.

Section 2-3: Clerk

The Clerk of the Board shall be the County Administrator, whose duties and responsibilities shall be those set forth in State law, the Warren County Code, or delegated by the Board of Supervisors.

Section 2-4: Parliamentarian

The County Attorney shall serve as the Parliamentarian.

Section 2-5: Preservation of Order

At meetings of the Board, the presiding officer shall preserve order and decorum.

SECTION 3 - CONDUCT OF BUSINESS

Section 3-1: Order of Business

At regular meetings of the Board held on the first Tuesday of each month at 9:00 a.m., the order of business shall be as follows, unless the Board by unanimous consent or by a resolution adopted at a prior meeting agrees to a modification:

(A) Call to Order and Pledge of Allegiance
(B) Adoption of Agenda – Additions or Deletions
(C) Public Comment Period (60-minute time limit)
(D) Reports – Board Members, County Administrator, County Attorney
(E) Approval of Minutes
(F) Unfinished Business
(G) Consent Agenda
(H) Public Hearings (9:30 a.m. – If needed)
(I) New Business
(J) Closed Meeting (If needed)
(K) Additional New Business (If needed)
(L) Adjournment
(M) Work Session

At regular meetings of the Board held on the third Tuesday of each month at 7 p.m., the order of business shall be as follows, unless the Board by unanimous consent or by a resolution adopted at a prior meeting agrees to a modification:

(A) Call to Order and Pledge of Allegiance
(B) Adoption of Agenda – Additions or Deletions
(C) Public Comment Period (60-minute time limit)
(D) Reports – Board Members, County Administrator, County Attorney
(E) Approval of Minutes
(F) Approval of Appropriations and Transfers
(G) Approval of Accounts
(H) Unfinished Business
(I) Consent Agenda
(J) Public Hearings (7:30 p.m.)
(K) New Business
(L) Closed Meeting (If needed)
(M) Additional New Business (If needed)
(N) Adjournment

Section 3-2: Adoption of Agenda

The agenda shall be adopted by a majority vote of the Board. Items may be added to the agenda by a unanimous vote of the Board members present. Items may be deleted at any time by the sponsor or by majority vote of the Board members present. The County Administrator or his designee shall prepare a memorandum which will inform other members of the Board of the particulars pertaining to this item.

Section 3-3: Consent Agenda

The Consent Calendar shall be introduced by a motion "To approve the Consent Agenda" and shall be considered by the Board as a single item. On objection by any member of the Board of Supervisors to the inclusion of any item on the Consent Agenda, that item shall be removed from the Consent Agenda forthwith. Such objection may be recorded at any time prior to voting on the motion to approve the Consent Agenda. All such items shall be considered individually, in the order in which they were removed, immediately following consideration and adoption of the Consent Agenda. Notwithstanding, a Board member may ask for discussion of one or more items of the Consent Agenda without removal of that item from the Consent Agenda.

Approval of the motion to approve the Consent Agenda shall constitute approval, adoption, or enactment of each motion, resolution, ordinance, or other item of business thereon, exactly as if each had been acted upon individually.

Section 3-4: Manner of Addressing Board Generally

(1) All comments will be directed to the Board of Supervisors and not to the audience.

(2) Be considerate of your fellow speakers. There should be no applause, booing or other audible disruption to the proceedings. Through a show of hands, the Chairman may ask for a show of support for comments made by speakers.

(3) Placards, posters and other means of visual display of comments will not be permitted in the Board meeting room. This does not include information or materials used as part of a factual presentation to the Board at the hearing.

(4) The Board will **not** tolerate personal attacks by anyone on **any** of the participants in the proceedings.

(5) Anyone who violates the guidelines of the public hearing may be asked to leave by the Chairman.

(6) Failure to leave the public hearing when asked to do so, because of violations of the guidelines of the public hearing, is in violation of Section 56-4 of Warren County Code and Section 18.2-415 of the Code of Virginia and is subject to a fine of up to $2,500 and a jail sentence of up to 12 months, either or both.

Section 3-5: Use of Offensive Language or Gestures; Sectarian or Political Discussion

No member of the Board shall in debate at any meeting of the Board use any language or gesture calculated to offend or insult another member. No discussion of a sectarian or partisan character shall be allowed at meetings of the Board.

Section 3-6: Priority in Speaking to Board

When two or more members of the Board wish to speak at the same time, the Chairman shall identify the member to speak.

Section 3-7: Speaking More than Once on Same Subject

In any debate before the Board, no member of the Board shall speak more than once on the same question until all the others have spoken who desire to do so, nor more than twice on the same question, unless by consent of the Board.

Section 3-8: Form of Petitions, etc.

Every petition, communication, or address to the Board shall be in respectful language and, except in cases where it is otherwise allowed, shall be in writing.

Section 3-9: Motions

No proposition shall be entertained by the Chairman until a motion for the same has been duly made and seconded, except that matters appearing on the agenda may be discussed during presentation of that matter without a motion having first been made. The Chairman may make a motion without vacating the Chair.

Section 3-10: Decision on Points of Order

The Chairman, when presiding at a meeting of the Board, without vacating the Chair, may give reasons for any decision made by the Chair on any point of order, and such decision shall be made without debate.

Section 3-11: Same; Appeal to Board

Any member of the Board may appeal to the Board from the decision of the Chairman on any question of order, a majority vote of those present being necessary to over-rule the Chairman.

Section 3-12: Motion to Adjourn

At a meeting of the Board, a motion to adjourn shall be always in order and shall be decided without debate.

Section 3-13: Motions While a Question is Under Debate

When a question is under debate at a meeting of the Board, no motion shall be received unless it be one to amend, to commit or refer to a committee, to postpone, to ask for the previous question, to make a substitute motion, to lay on the table, to recess, or to adjourn.

Section 3-14: Reconsideration of Motions, etc., Upon Which Vote Has Been Announced

At any meeting of the Board, when any vote upon any motion, resolution, ordinance, or question has been announced, it may be reconsidered once per calendar year on the motion of any member who voted with the prevailing side. Such motion shall be decided

by a majority of the votes of the members present, unless a greater number of votes was required to pass the measure, in which event the motion to reconsider shall not prevail, except upon the vote of as great a number of members as was required to pass the measure. A motion by a member of the non-prevailing side will not be considered for a period of one year from the original vote. For the purpose of this Section, "session" shall include any adjourned or special meeting occurring prior to the next Regular Meeting.

Section 3-15: Suspending Rules

The rules of the Board may be suspended with the unanimous concurrence of the members present.

SECTION 4 - PUBLIC HEARINGS

Section 4-1: Speakers

At every public hearing, individuals who wish to speak should register using a sheet made available by the Deputy Clerk prior to the opening of the public hearing. The signup sheet shall contain columns for speaker's name, address, and telephone number. The order of business for public hearings shall be:

(1) The Chairman shall request that the appropriate County staff member generally describe the subject of the public hearing. Upon the conclusion of the introduction, the Chairman shall officially open the public hearing.

(2) Any applicant shall then be allowed a period of time to present detailed information about the issue or application. The time allotted for this presentation shall be determined by the Chairman. If any member of the Board disagrees with the amount of time allotted, they can appeal the decision to the Board pursuant to Section 3-11.

(3) At the conclusion of the applicant's presentation, the members of the Board shall be allowed to ask questions of the applicant and staff so as to clarify anything that has been presented.

(4) When no further questions are needed, the public shall be invited to speak.

(5) Speakers shall be heard in the order in which they registered to do so.

(6) The Chairman shall ask the Deputy Clerk if anyone has signed up to speak and the Deputy Clerk will call the names of registrants until all have spoken.

(7) Additional individuals may register to speak until the conclusion of the hearing.

(8) Speakers should come to the podium to speak. Speakers are requested to speak into

the microphone; giving their name and address before addressing the issue of the hearing.

(9) Speakers are requested to keep comments short and avoid repetition of what other speakers have said. The Chairman may establish a time limit for each speaker. If any member of the Board disagrees with the amount of time allotted, they can appeal the decision to the Board pursuant to Section 3-11.

(10) Individuals representing a group, recognized by the Chairman, shall be given up to 10 minutes to speak.

(11) Each individual may speak once at the hearing.

(12) When all speakers who register to speak have spoken, the floor will be opened to anyone who has not registered.

(13) After everyone wishing to speak has done so, the applicant will be granted a period of time to respond to what has been said by the public. The applicant will use this time only to address what has been said to this point.

(14) If, at any time during these proceedings, any member of the public has a question, it may be written and presented to the Board Deputy Clerk. When the applicant has completed the final presentation, the Chairman will read the questions and request a response from the appropriate party.

(15) The Board will accept comments in writing until the close of the public hearing.

(16) The Chairman, by approval of the Board, has the authority to vary the guidelines as may be necessary.

Section 4-2: Members' Participation

Board members shall limit their comments in public hearings to ensure participation by the public without Board interference.

Section 4-3: Close of Hearing

When a public hearing shall have been closed by the order of the Chairman of the Board, no further public comments are in order.

SECTION 5 - AGENDA

Section 5-1: Preparation

The Clerk shall prepare an Agenda for each regular meeting conforming to the order of business specified in Section 3-1. Except as permitted at the discretion of the Clerk, every

item to be placed on the Agenda shall be received in the Office of the County Administrator before 1:00 p.m. on the Tuesday one week prior to any regular meeting of the Board. Prior to publication of the agenda, the Clerk shall coordinate recommended agenda subjects for approval with the Chairman, or with the Vice Chairman in the Chairman's absence.

Section 5-2: Delivery

The agenda shall be received by each member of the Board and the Attorney to the Board at least 48 hours prior to the meeting.

Section 5-3: Posting

A copy of the Agenda shall be posted on the bulletin board at the Warren County Government Center and the County's website at least 48 hours prior to the meeting.

Section 5-4: Copies

The Clerk to the Board shall prepare or cause to be prepared extra copies of the Agenda and shall make the same available to the public in the Office of the County Administrator at the same time the Agenda is posted pursuant to Section 5-3. The Clerk shall also have a public copy available at each meeting.

Section 5-5: Request to Appear Before the Board of Supervisors

Any Board member, and any staff member upon approval of the County Administrator, may request that an item be placed on the Board's meeting agenda within the time period specified in Section 5-1. Any citizen (individual, firm, association, or corporation) desiring to appear before the Board of Supervisors shall make a request to the Clerk or the Clerk's designee in accordance with and within the time period specified in Section 5-1 and receive approval from the Clerk or a member of the Board of Supervisors; however, no approval shall be required in order to speak to the Board during the Public Comment period or at a Public Hearing. Any item meeting the requirements of this policy shall be placed on the agenda.

Section 5-6: Public Comment Period

During the Public Comment period, speakers wishing to address the Board shall clearly state their name and address. The Public Comment period shall be limited to sixty minutes, with a maximum of three minutes for any one speaker. Speakers may only speak

once. Speakers will be heard in the order in which they have signed up. If there is time remaining it will be offered to persons in the audience in the order determined by the Chairman.

SECTION 6 - GENERAL CONDUCT AND DECORUM

Section 6-1: Conduct of Public

The efficient and dignified conduct of public business is the ultimate concern of the Board. Accordingly, it is the policy of the Board that its meetings be conducted with the highest degree of order and decorum. The Board's integrity and dignity will be established and maintained at all times during the conduct of public business, and the Board will permit no behavior which is not in keeping with this policy. The soliciting of funds, the use of abusive or profane language, personal attacks on Board members, the failure to comply with time limits on speakers, or other forms of offensive conduct will not be tolerated. The Chairman will maintain proper order at all times during all meetings of the Board and shall effect the removal from any meeting of any person guilty of offensive conduct if the offending party fails or refuses to cease such conduct.

Section 6-2: Board Responsibilities

The Board of Supervisors is directly responsible for establishing the policies, ordinances, and regulations of the County, overseeing the implementation of policy by the County Administrator, and ensuring that implementation is consistent with the spirit and intent of the Board's actions. In the event that an action or actions may be necessary without the ready consensus of the Board, the Chairman shall have the discretion to authorize the County Administrator to take interim measures until the Board can meet and make any necessary decision.

The Board of Supervisors bears the responsibility for successful operation of County government and its functions. Each supervisor is responsible for knowing Board policy and its intent.

The County Administrator is employed by the Board to supervise the execution of County policy, ordinances, regulations, and Board directives, and to appoint officers and employees of the County, as authorized by the Code of Virginia, or otherwise as the Board may determine.

Section 6-3: Appointments to Regional Boards, Commissions, and Similar Bodies

Appointments to regional boards and commissions, and similar bodies to which the

Board may have authority to appoint one or more of its members to serve, shall be by majority vote of the Board.

The County Administrator will maintain the current lists of boards and commissions that require Board of Supervisors representation as determined appropriate by the Board. Assignments will be reviewed and updated on an annual basis at the organizational meeting in January of each year. Interim changes of assignment may occur as deemed appropriate by the Board.

COUNTY OF WARREN, VIRGINIA

BOARD OF SUPERVISORS' PUBLIC HEARING GUIDELINES (Adopted January 7, 2020)

Prior to the start of any public hearing, the Board of Supervisors Chairman (Chairman) shall review the general guidelines for the conduct of the hearing (if the hearing is the first or only hearing of the meeting). The Chairman will emphasize that the public hearing is an opportunity for the public to discuss a matter that is before the Board for action. A public hearing is not a debate and all comments should be directed to the Board.

PUBLIC HEARING GUIDELINES

- All individuals who wish to speak should register using a sheet made available by the Deputy Clerk prior to the opening of the public hearing. The signup sheet shall contain columns for speaker's name, address, and telephone number.
- The Chairman shall request that the appropriate County staff member generally describe the subject of the public hearing. Upon the conclusion of the introduction, the Chairman shall officially open the public hearing.
- Any applicant shall then be allowed a period of time to present detailed information about the issue or application. The time allotted for this presentation shall be determined by the Chairman.
- At the conclusion of the applicant's presentation, the members of the Board shall be allowed to ask questions of the applicant and staff so as to clarify anything that has been presented.
- When no further questions are needed, the public shall be invited to speak. Speakers shall be heard in the order in which they registered to do so.
- The Chairman shall ask the Deputy Clerk if anyone has signed up to speak and the Deputy Clerk will call the names of registrants until all have spoken.
- Additional individuals may register to speak until the conclusion of the hearing.
- Speakers should come to the podium to speak. Speakers are requested to speak into the microphone; giving their name and address before addressing the issue of the hearing.
- Speakers are requested to keep comments short and avoid repetition of what other speakers have said. The Chairman, at the request of a majority of the Board, may establish a time limit for each speaker. Individuals representing a group, recognized by the Chairman, shall be given up to 10 minutes to speak or such time limit as may be set in advance of the hearing by the Board.

- Each individual may speak once at the hearing.
- When all speakers who register to speak have spoken, the floor will be opened to anyone who has not registered.
- After everyone who wishes to speak has done so, the applicant will be granted a period of time to respond to what has been said by the public. The applicant will use this time only to address what has been said to this point.
- If, at any time during these proceedings, any member of the public has a question, it may be written and presented to the Board Deputy Clerk. When the applicant has completed the final presentation, the chair will read the questions and request response from the appropriate party.
- The Board will accept comments in writing until the close of the public hearing.
- When all of the above has transpired, the public hearing shall be closed.
- The Chairman, by approval of the Board, has the authority to vary the guidelines as may be necessary.

GENERAL RULES OF CONDUCT FOR THE HEARING

- All comments will be directed to the Board of Supervisors and not to the audience.
- Be considerate of your fellow speakers. There should be no applause, booing or other audible disruption to the proceedings. Through a show of hands, the Chairman may ask for a show of support for comments made by speakers.
- Placards, posters and other means of visual display of comments will not be permitted in the Board meeting room. This does not include information or materials used as part of a factual presentation to the Board at the hearing.
- The Board will **not** tolerate personal attacks by anyone on **any** of the participants in the proceedings.
- Anyone who violates the guidelines of the public hearing may be asked to leave by the Chairman.
- Failure to leave the public hearing when asked to do so, because of violations of the guidelines of the public hearing, is in violation of Section 56-4 of Warren County Code and Section 18.2-415 of the Code of Virginia and is subject to a fine of up to $2,500 and a jail sentence of up to 12 months, either or both.

We thank you for your participation in this public hearing. It is only through your active participation that the Board fully understands the sentiments of the public on matters that come before the Board.

PUBLIC SPEAKING CONDUCT

- All comments will be directed to the Board of Supervisors and not to the audience.
- Be considerate of your fellow speakers. There should be no applause, booing or other audible disruption to the proceedings. Through a show of hands, the Chairman may ask for a show of support for comments made by speakers.
- Placards, posters and other means of visual display of comments will not be permitted in the Board meeting room. This does not include information or materials used as part of a factual presentation to the Board at the hearing.
- The Board will **not** tolerate personal attacks by anyone on **any** of the participants in the proceedings.
- Anyone who violates the guidelines of the public hearing may be asked to leave by the Chairman.
- Failure to leave the public hearing when asked to do so is in violation of Warren County Code § 56-4 and Code of Virginia § 18.2-415 and is subject to a fine of up to $2,500 and a jail sentence of up to 12 months, either or both.

COUNTY OF WARREN, VIRGINIA

BOARD OF SUPERVISORS AGENDA ITEM

DATE	ITEM	SUBJECT:	PAGE 1 OF 1
January 5, 2021	**K**	Approval of the Commonwealth's Development Opportunity Fund (COF) Performance Agreement with Silent Falcon UAS	

EXPLANATION & SUMMARY:

This Performance Agreement is by and between Silent Falcon UAS, the County of Warren, The IDA of Front Royal/Warren County and the Virginia Economic Development Partnership (VEDP) for state and local performance-based incentives. The agreement requires the signatures of all four parties and sets forth the parameters the company must meet to qualify for the Commonwealth Opportunity Fund administered by VEDP. This document has been reviewed and approved by legal counsel for the County and the EDA.

COST & FINANCING:

The County will invest up to $25,000 in improvements to the County owned hangar at the airport to be leased by the company as part of the local match. The County will rebate a portion of taxes through the IDA back to the company based on a percentage scale of 80% the first two years, 60% the second two years and 40% the fifth and final year. The company must pay 100% of it's taxes first, per VA code to then receive the rebate. This rebate is up to $136,482 over a five-year period and, along with the $25,000 will comprise the $161,482 in total local match to leverage the state COF funds, dollar for dollar.

PROPOSED OR SUGGESTED MOTION:

I move that the Board of Supervisors authorized the County Administrator to execute the Commonwealth's Development Opportunity Fund Performance Agreement to incentivize Silent Falcon UAS to establish its eastern U.S. Headquarters, R&D and Manufacturing Operations at the Front Royal/Warren County Airport.

OR

I move that the Board of Supervisors not authorize the County Administrator to execute the Commonwealth's Development Opportunity Fund Performance Agreement with Silent Falcon UAS.

SUBMITTED BY:	DISPOSITION OF BOARD: ☐ APPROVED ☐ OTHER (DESCRIBE)	PROCESSED BY:
Doug Parsons, Executive Director of the EDA		

COMMONWEALTH'S DEVELOPMENT OPPORTUNITY FUND

PERFORMANCE AGREEMENT

This **PERFORMANCE AGREEMENT** (this "Agreement") is made and entered as of December 15, 2020, by and among the **COUNTY OF WARREN, VIRGINIA** (the "Locality"), a political subdivision of the Commonwealth of Virginia (the "Commonwealth"), **SILENT FALCON UAS TECHNOLOGIES** (the "Company"), an LLC [corporation / LLC] [authorized to transact business in the Commonwealth], the **INDUSTRIAL DEVELOPMENT AUTHORITY OF TOWN OF FRONT ROYAL AND THE COUNTY OF WARREN, VIRGINIA** (the "Authority"), a political subdivision of the Commonwealth, and the **VIRGINIA ECONOMIC DEVELOPMENT PARTNERSHIP AUTHORITY** ("VEDP"), a political subdivision of the Commonwealth.

WITNESSETH:

WHEREAS, the Locality has been awarded a grant of and expects to receive $161,482 (the "COF Grant") from the Commonwealth's Development Opportunity Fund (the "Fund") through VEDP for the purpose of inducing the Company to acquire, equip, improve and operate in the Locality a manufacturing and service facility for unmanned aerial systems (the "Facility"), thereby making a significant Capital Investment, and creating and Maintaining a significant number of New Jobs, as such capitalized terms are hereinafter defined;

WHEREAS, the Locality is willing to provide the funds to the Authority with the expectation that the Authority will provide the funds to or for the use of the Company, provided that the Company promises to meet certain criteria relating to Capital Investment and New Jobs;

WHEREAS, the Locality, the Authority, the Company, and VEDP desire to set forth their understanding and agreement as to the payout of the COF Grant, the use of the COF Grant proceeds, and the obligations of the Company regarding Capital Investment and New Jobs;

WHEREAS, the equipping, improvement and operation of the Facility will entail a capital expenditure by or on behalf of the Company of approximately $6,023,000, of which approximately $1,998,000 will be invested in furniture, fixtures and business personal property, approximately $3,425,000 will be invested in machinery and tools, and approximately $600,000 will be invested in the improvement and up-fit of the building for the Facility;

WHEREAS, the equipping, improvement and operation of the Facility will further entail the creation and Maintenance of 249 New Jobs at the Facility; and

WHEREAS, the stimulation of the additional tax revenue and economic activity to be generated by the Capital Investment and New Jobs constitutes a valid public purpose for the expenditure of public funds and is the animating purpose for the COF Grant:

NOW, THEREFORE, in consideration of the foregoing, the mutual benefits, promises and undertakings of the parties to this Agreement, and other good and valuable consideration, the

receipt and sufficiency of which are hereby acknowledged, the parties covenant and agree as follows.

Section 1. Definitions.

For the purposes of this Agreement, the following terms shall have the following definitions:

"Capital Investment" means a capital expenditure by or on behalf of the Company in taxable real property, taxable tangible personal property, or both, at the Facility. The purchase or lease of machinery and tools or furniture, fixtures, and business personal property, including under an operating lease, and expected building up-fit and improvements by or on behalf of the Company will qualify as Capital Investment. The Capital Investment must be in addition to the capital improvements at the Facility as of August 1, 2020.

"Maintain" means that the New Jobs will continue without interruption from the date of creation through the Performance Date. Positions for the New Jobs will be treated as Maintained during periods in which such positions are not filled due to (i) temporary reductions in the Company's employment levels (so long as there is active recruitment for open positions), (ii) strikes, and (iii) other temporary work stoppages.

"New Job" means new permanent full-time employment of an indefinite duration at the Facility for which the standard fringe benefits are provided by the Company for the employee, and for which the Company pays an average annual wage of at least $84,096. Average annual wage means the average annual salary of full-time positions at the Facility determined by dividing total payroll (of a type included in W-2 compensation) provided to full-time positions at the Facility by the number of full-time positions at the Facility. Each New Job must require a minimum of either (i) 35 hours of an employee's time per week for the entire normal year of the Company's operations, which "normal year" must consist of at least 48 weeks, or (ii) 1,680 hours per year. Seasonal or temporary positions, positions created when a job function is shifted from an existing location in the Commonwealth, and positions with construction contractors, vendors, suppliers and similar multiplier or spin-off jobs shall not qualify as New Jobs.

"Performance Date" means December 31, 2023. If the Locality, in consultation with the Authority and VEDP, deems that good faith and reasonable efforts have been made and are being made by the Company to achieve the Targets, the Locality may, at any time prior to the Performance Date, request an extension of the Performance Date by up to 15 months. Any extension of the Performance Date shall require the prior approval of the Company and the Board of Directors of VEDP. If the Performance Date is extended, the Locality shall send written notice of the extension to the Authority, the Company and VEDP and the date to which the Performance Date has been extended shall be the "Performance Date" for the purposes of this Agreement.

"Targets" means the Company's obligations to make or cause to be made and retained Capital Investments at the Facility of at least $6,023,000 and to create and Maintain at least 249 New Jobs, all as of the Performance Date.

"Virginia Code" means the Code of Virginia of 1950, as amended.

Section 2. Targets; Statutory Criteria.

(a) *Targets:* The Company will equip, improve and operate the Facility in the Locality, make or cause to be made and retained a Capital Investment of at least $6,023,000, and create and Maintain at least 249 New Jobs, all as of the Performance Date.

(b) *Encouragement to Offer New Jobs to Residents of the Commonwealth:* The Locality, the Authority, and VEDP hereby strongly encourage the Company to ensure that at least 30% of the New Jobs are offered to "Residents" of the Commonwealth, as defined in Virginia Code Section 58.1-302. In pertinent part, that definition includes natural persons domiciled in Virginia or natural persons who, for an aggregate of more than 183 days of the year, maintained a place of abode within the Commonwealth, whether domiciled in the Commonwealth or not.

(c) *Prevailing Wage; Unemployment and Poverty Rates:* The average annual wage of the New Jobs of at least $84,096 is more than the prevailing average annual wage in the Locality of $41,322. The Locality is not a high-unemployment locality, with an unemployment rate for 2019, which is the last year for which such data is available, of 2.8% as compared to the 2019 statewide unemployment rate of 2.8%. The Locality is not a high-poverty locality, with a poverty rate for 2018, which is the last year for which such data is available, of 10.3% as compared to the 2018 statewide poverty rate of 10.7%.

(d) *Disclosure of Political Contributions:* The Company acknowledges that the name of the Company will be shared by VEDP with the Governor of Virginia, and any campaign committee or political action committee associated with the Governor. The Company acknowledges that within 18 months of the date of this Performance Agreement, the Governor, his campaign committee, and his political action committee will submit to the Virginia Conflict of Interest and Ethics Advisory Council a report listing any contribution, gift, or other item with a value greater than $100 provided by the Company to the Governor, his campaign committee, or his political action committee, respectively, during the period from the date of the Company's application for the COF Grant through the one-year period immediately after the date of this Agreement.

(e) *Support for Virginia's and Locality's Economic Development Efforts*: Recognizing that it is in the best interest of all parties for the Commonwealth and the Locality to achieve sustained economic growth, the parties will periodically engage with one another to advise on economic development strategies and initiatives for the Commonwealth and the Locality, such as promoting the attributes of the Commonwealth and the Locality as great places to do business, or highlighting important industry trends and/or business development opportunities that the Commonwealth or the Locality may wish to pursue. Such engagement would include the Company's participation in occasional business retention and expansion visits from VEDP or Locality personnel, as deemed appropriate based on the project parameters and nature of the incentives provided to the Company.

Section 3. Disbursement of COF Grant.

(a) *Disbursement of the COF Grant:* The disbursement of the COF Grant proceeds to the Company will serve as an inducement to the Company to achieve the Targets.

Within 90 days after the Performance Date, the Company will provide the Performance Date Report described in Section 5(b). Through this report, the Company will provide notice and evidence to the Locality, the Authority and VEDP of the amount of Capital Investments made or caused to be made and retained, and the number of New Jobs created and Maintained, as of the Performance Date. The report will be subject to verification by the Locality and VEDP.

Upon such verification, the amount of the COF Grant proceeds to be disbursed shall be calculated as follows:

If Statutory Minimum Requirements Not Met: If, as of the Performance Date, the Company has not made or caused to be made and retained Capital Investments of at least $5,000,000 and created and Maintained at least 50 New Jobs, it will not receive any of the proceeds of the COF Grant. These are the statutory minimum requirements (the "Statutory Minimum Requirements") for a grant from the Fund under the Virginia Code for a project located in the Locality.

If Targets Met: If, as of the Performance Date, the Company has made or caused to be made and retained Capital Investments of at least $6,023,000 and created and Maintained at least 249 New Jobs, the Company will receive all $161,482 of the proceeds of the COF Grant.

If Statutory Minimum Requirements Met and Targets Not Met: If, as of the Performance Date, the Company has achieved the Statutory Minimum Requirements, but has not achieved the full Capital Investment of $6,023,000 and created and Maintained at least 249 New Jobs, the Company will qualify for a reduced disbursement of the COF Grant. In calculating the reduced disbursement, the COF Grant is to be allocated as 10% ($16,148) for the Company's Capital Investment Target, and 90% ($145,334) of the Company's New Jobs Target. If the Company has achieved the Statutory Minimum Requirements, but has not fully achieved the Targets, the Company will not receive that part of the COF Grant that is proportional to the Target or Targets for which there is a shortfall. For example, if as of the Performance Date, only $5,420,700 of the Capital Investment has been retained (reflecting achievement of 90% of the Capital Investment Target), and only 127 New Jobs have been created and Maintained (reflecting achievement of 51% of the New Jobs Target), the Company will receive $14,533.20 (reflecting 90% of the $16,148 allocated to the Capital Investment Target), *plus* $74,120.34 (reflecting 51% of the $145,334 allocated to the New Jobs Target), for a total of $88,653.54. These amounts reflect the percentages of the shortfall from the expected amount of Capital Investment and expected number of New Jobs, each multiplied by the portion of the COF Grant proceeds available to the Company allocated to that Target.

The COF Grant proceeds shall be retained in the Fund until needed for disbursement or the COF Grant is withdrawn in accordance with the terms of this Agreement. Within 30 days after verification of the Performance Date Report, if any amount of COF Grant proceeds are available for disbursement to the Company, as determined in accordance with the foregoing calculations, VEDP will disburse that amount to the Locality. Within 30 days after receipt of such amount, the Locality will disburse such COF Grant proceeds to the Authority. Within 30 days after receipt of such amount, the Authority will disburse such COF Grant proceeds to the Company.

If no COF Grant proceeds are available for disbursement to the Company, as determined in accordance with the foregoing calculations, then, automatically: (i) the Company's rights under this Agreement will terminate, (ii) the COF Grant will be withdrawn, and (iii) the proceeds of the COF Grant retained in the Fund will be freed for redeployment to support other economic development projects, as permitted by the Virginia Code. If less than $161,482 of the COF Grant proceeds are available for disbursement to the Company, as determined in accordance with the foregoing calculations, then, automatically, the amount of the proceeds of the COF Grant not available for disbursement to the Company will be retained in the Fund will be freed for redeployment to support other economic development projects, as permitted by the Virginia Code.

(b) *Use of the COF Grant Proceeds:* The Company will use the COF Grant proceeds to pay or reimburse the construction or build-out of publicly or privately owned buildings for the Facility, as permitted by Section 2.2-115(D) of the Virginia Code.

Section 4. Break-Even Point; State and Local Incentives.

(a) *State-Level Incentives:* VEDP has estimated that the Commonwealth will reach its "break-even point" by the Performance Date. The break-even point compares new revenues realized as a result of the Capital Investment and New Jobs with the Commonwealth's expenditures on discretionary incentives, including but not limited to the COF Grant. With regard to the Facility, the Commonwealth expects to provide discretionary incentives in the following amounts:

Category of Incentive:	Total Amount
COF Grant	$161,482
Virginia Jobs Investment Program ("VJIP") (Estimated)	224,100

The proceeds of the COF Grant shall be used for the purposes described in Section 3(b). The VJIP grant proceeds shall be used by the Company to pay or reimburse itself for recruitment and training costs.

(b) *Local-Level Incentives:* The Locality and the Authority expect to commit or provide the following incentives for the benefit of the Company by the Performance Date:

Category of Incentive:	Maximum Amount

(i) Infrastructure Improvements at the Facility $25,000

(ii) Refunded Local Taxes $136,482

The Refunded Local Taxes described in Subsection (ii) consist of the Locality's real estate, machinery and tools, and personal property taxes paid by the Company, which would be refunded on a percentage basis over a five-year term as follows:

2021	2022	2023	2024	2025
80%	80%	60%	60%	40%

The refunded local taxes incentive is subject to appropriation by the County and conditioned upon timely payment by the Company of the Locality's real estate, machinery and tools, and personal property taxes.

If, by the Performance Date, the total of all Local-Level Incentives disbursed or provided, or committed to be disbursed or provided, by the Locality to the Company is less than the $161,482 COF Grant local match requirement, the Locality, subject to appropriation, will make an additional grant to the Company of the difference promptly after Performance Date, so long as the Company has met its Targets.

The infrastructure improvements will reflect cost savings to the Company. The proceeds of the refunded local taxes may be used by the Company for any lawful purpose.

(c) *Other Incentives:* This Agreement relates solely to the COF Grant. The qualification for, and payment of all State-Level Incentives and Local-Level Incentives, except for the COF Grant, will be governed by separate arrangements between the Company and the entities offering the other incentives.

Section 5. <u>Company Reporting</u>.

(a) *Progress Reporting:* The Company shall provide, at the Company's expense, in the form attached hereto as Exhibit A, detailed verification satisfactory to the Locality, the Authority, and VEDP of the Company's progress on the Targets. Such progress reports will be provided annually, starting at April 1, 2021, and covering the period through the prior December 31. Further, the Company shall provide progress reports at such other times as the Locality, the Authority, or VEDP may require.

(b) *Performance Date Report:* The Company shall provide, at the Company's expense, in the form attached hereto as Exhibit B (the "Performance Date Report"), detailed verification satisfactory to the Locality, the Authority, and VEDP of the Company's achievement of the Targets. The Performance Date Report shall be filed within 90 days after the Performance Date.

Should the Company be unable to file the Performance Date Report within the 90-day timeframe, the Company may request a 60-day delay in filing the Performance Date Report.

VEDP will require a $3,000 fee, payable to VEDP, to process the request for the filing delay. Should the Company not file the Performance Date Report within the 90-day window nor request a filing delay (including payment of the required fee), or if the Company requests a filing delay but does not file the Performance Date Report prior to the new filing deadline, VEDP will withhold any COF Grant payment that might otherwise be due and all rights of the Company under this Agreement will automatically terminate.

(c) *Virginia Corporate Income Tax Information:* With each such progress report and the Performance Date Report, the Company shall report to VEDP the amount paid by the Company (or for a pass-through entity, by its shareholders, members or partners) in the prior calendar year in Virginia corporate (or for a pass-through entity, personal) income tax. VEDP hereby represents to the Company that it considers such information to be confidential proprietary information that is exempt from public disclosure under the Virginia Freedom of Information Act and that such information will be used by VEDP solely in calculating aggregate return on invested capital analyses for purposes of gauging the overall effectiveness of economic development incentives.

Section 6. Verification of Targets.

(a) *Verification of Capital Investment:* The Company hereby authorizes the Locality, including the Locality's Commissioner of the Revenue and Treasurer, to release to VEDP the Company's real estate tax, business personal property tax and machinery and tools tax information. Such information shall be marked and considered confidential and proprietary and shall be used by VEDP solely for verifying satisfaction of the Capital Investment Target. If the Locality, the Office of the Commissioner of the Revenue or the Office of the Treasurer should require additional documentation or consents from the Company to access such information, the Company shall promptly provide, at the Company's expense, such additional documentation or consents as the Locality, the Authority, or VEDP may request. In accordance with Virginia Code Section 58.1-3122.3, VEDP is entitled to receive the Company's real estate tax, business personal property tax, and machinery and tools tax information from the Locality's Commissioner of the Revenue.

(b) *Verification of New Jobs and Wages:* The Company must submit copies of its four most recent Employer's Quarterly Tax Reports (Form FC-20), as filed with the Virginia Employment Commission, with the Performance Date Report. The forms shall be marked and considered confidential and proprietary and shall be used by VEDP solely for verifying satisfaction of the New Jobs Target. In accordance with Virginia Code Section 60.2-114, VEDP is entitled to receive the Company's employment level and wage information from the Virginia Employment Commission.

The Company agrees that it will report to the Virginia Employment Commission with respect to its employees at a facility-level, rather than at the company-level.

(c) *Additional Documentation:* In addition to the verification data described above, in the sole discretion of the Locality, the Authority, or VEDP, the Locality, the Authority or

VEDP, may each require such other documentation or audits as may be required to properly verify the Capital Investment and New Jobs.

Section 7. Redeployment.

If the Locality, the Authority or VEDP shall determine at any time prior to the Performance Date that the Company is unable or unwilling to meet and Maintain its Targets by and through the Performance Date, and if the Locality, the Authority or VEDP shall have promptly notified the Company of such determination, then, automatically: (i) the Company's rights under this Agreement will terminate, (ii) the COF Grant will be withdrawn, and (iii) the proceeds of the COF Grant retained in the Fund will be freed for redeployment to support other economic development projects, as permitted by the Virginia Code. Such a determination will be based on such circumstances as a filing by or on behalf of the Company under Chapter 7 of the U.S. Bankruptcy Code, the liquidation of the Company, an abandonment of the Facility by the Company or other similar significant event that demonstrates that the Company will be unable or is unwilling to satisfy the Targets for the COF Grant.

Section 8. Notices.

Formal notices and communications between the parties shall be given either by (i) personal service, (ii) delivery by a reputable document delivery service that provides a receipt showing date and time of delivery, (iii) mailing utilizing a certified or first class mail postage prepaid service of the United States Postal Service that provides a receipt showing date and time of delivery, or (iv) delivery by electronic mail (email) with transmittal confirmation and confirmation of delivery, addressed as noted below. Notices and communications personally delivered or delivered by document delivery service shall be deemed effective upon receipt. Notices and communications mailed shall be deemed effective on the second business day following deposit in the United States mail. Notices and communications delivered by email shall be deemed effective the next business day, not less than 24 hours, following the date of transmittal and confirmation of delivery to the intended recipient. Such written notices and communications shall be addressed to:

if to the Company, to:

Silent Falcon UAS Technologies
_____
_____
Email: gbishop@silentfalconuas.com
Attention: President and CEO

with a copy to:

_____
_____
_____
Email: hgoelz@silentfalconuas.com
Attention: Business Operations Manager

if to the Locality, to:

County of Warren, Virginia
220 N. Commerce Avenue
Front Royal, Virginia 22630
Email:_____

with a copy to:

County of Warren, Virginia
220 N. Commerce Avenue
Front Royal, Virginia 22630
Email: _____

Attention: County Administrator

Attention: County Attorney

if to the Authority, to:

with a copy to:

Industrial Development Authority of
the Town of Front Royal and the County of
Warren, Virginia
400 D Kendrick Lane
Front Royal, Virginia 22630
Email: dparsons@wceda.com
Attention: Director of Economic Development

Industrial Development Authority of
the Town of Front Royal and the County of
Warren, Virginia
400 D Kendrick Lane
Front Royal, Virginia 22630
Email: spandak@gtpslaw.com
Attention: Authority Attorney

if to VEDP, to:

with a copy to:

Virginia Economic Development Partnership
One James Center, Suite 900
901 East Cary Street
Richmond, Virginia 23219
Email: moret@vedp.org
Attention: President and CEO

Virginia Economic Development Partnership
One James Center, Suite 900
901 East Cary Street
Richmond, Virginia 23219
Email: smcninch@vedp.org
Attention: General Counsel

Section 9. Miscellaneous.

(a) *Entire Agreement; Amendments:* This Agreement constitutes the entire agreement among the parties hereto as to the COF Grant and may not be amended or modified, except in writing, signed by each of the parties hereto. This Agreement shall be binding upon and inure to the benefit of the parties hereto and their respective successors and assigns. The Company may not assign its rights and obligations under this Agreement without the prior written consent of the Locality, the Authority and VEDP.

(b) *Governing Law; Venue:* This Agreement is made, and is intended to be performed, in the Commonwealth and shall be construed and enforced in accordance with the laws of the Commonwealth. Jurisdiction and venue for any litigation arising out of or involving this Agreement shall lie in the Circuit Court of the City of Richmond, and such litigation shall be brought only in such court.

(c) *Counterparts:* This Agreement may be executed in one or more counterparts, each of which shall be an original, and all of which together shall be one and the same instrument.

(d) *Severability:* If any provision of this Agreement is determined to be unenforceable, invalid or illegal, then the enforceability, validity and legality of the remaining provisions will not in any way be affected or impaired, and such provision will be deemed to be restated to reflect the original intentions of the parties as nearly as possible in accordance with applicable law.

(e) *Attorneys' Fees:* Attorneys' fees shall be paid by the party incurring such fees.

(f) *Force Majeure*: Notwithstanding the foregoing provisions of this Agreement, if the Company does not achieve a Target or take any action required under this Agreement because of an "Event of Force Majeure" (as defined below), the time for achieving the applicable Target or taking such action will be extended day-for-day by the delay in meeting the applicable Target or taking such action caused by the Event of Force Majeure. "Event of Force Majeure" means without limitation, any of the following: acts of God; strikes, lockouts or other industrial disturbances; act of public enemies; orders of any kind of the government of the United States of America or of the Commonwealth or any of their respective departments, agencies, political subdivisions or officials, or any civil or military authority; insurrections; riots; epidemics; pandemics; landslides; lightning; earthquakes; fires; hurricanes; tornadoes; storms; floods; washouts; droughts; pandemics; arrests; restraint of government and people; civil disturbances; explosions; breakage or accident to machinery, transmission pipes or canals not caused by the Company; partial or entire failure of utilities; or any other cause or event not reasonably within the control of the Company.

[REMAINDER OF PAGE INTENTIONALLY BLANK; SIGNATURE PAGE FOLLOWS]

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be executed below by their duly authorized representatives, as of the date first above written.

COUNTY OF WARREN, VIRGINIA

By _____
Name: _____
Title: _____
Date: _____

INDUSTRIAL DEVELOPMENT AUTHORITY OF THE TOWN OF FRONT ROYAL AND THE COUNTY OF WARREN, VIRGINIA

By _____
Name: Jeffrey Browne
Title: Chair of the Board of Directors
Date: _____

SILENT FALCON UAS TECHNOLOGIES

By _____
Name: Grant Bishop
Title: President and CEO
Date: 28December2020

VIRGINIA ECONOMIC DEVELOPMENT PARTNERSHIP AUTHORITY

By _____
Name: _____
Title: _____
Date: _____

Exhibit A: Annual Progress Report Form
Exhibit B: Performance Date Report Form

Exhibit A

ANNUAL PROGRESS REPORT
COMMONWEALTH'S DEVELOPMENT OPPORTUNITY FUND

PROJECT SUMMARY:

Project	
Location	
Amount of Grant	
Performance Reporting Period	
Performance Date	

PROJECT PERFORMANCE:

Performance Measurement	Target	As of _____	% Complete
New Jobs (over ___ baseline)[1]			
Confidence level target will be reached by Performance Date shown above (check one)	High ☐	Moderate ☐	Low ☐
Capital Investment (provide breakdown below)[2]			
Confidence level target will be reached by Performance Date shown above (check one)	High ☐	Moderate ☐	Low ☐
Average Annual Wage			N/A
Confidence level target will be reached by Performance Date shown above (check one)	High ☐	Moderate ☐	Low ☐
Standard Fringe Benefits (check one)	Yes ☐	No ☐	N/A
Virginia Corporate Income Tax Paid in Prior Calendar Year[3]	$		

[1] Data will be verified using Virginia Employment Commission records.
[2] Data will be verified with locality records.
[3] This confidential information is protected from disclosure pursuant to § 2.2-3705.6 of FOIA.

Capital Investment Breakdown	**Amount**
Land	$
Land Improvements	$
New Construction or Expansion	$
Renovation or Building Up-fit	$
Production Machinery and Tools	$
Furniture, Fixtures and Equipment	$
Other	$
Total	**$**

COMMENTS:

Discuss project status, including the current level of new jobs and capital investment, progress on targets, changes or likely changes in project's nature that may impact achievement of targets, and other information relevant to project performance. If the project is not on track to meet targets, please provide an explanation.

TO BE CERTIFIED BY AN OFFICER OF THE COMPANY:

I certify that I have examined this report and to the best of my knowledge and belief, it is true, correct, and complete.

Company: _____

Submitted By: _____
Signature of Official

Name: _____
Print Name

Title: _____

Date: _____

Please return to:

Kim Ellett, Incentives Compliance Manager, Virginia Economic Development Partnership, 804.545.5618, kellett@vedp.org

Exhibit B

PERFORMANCE DATE REPORT
COMMONWEALTH'S DEVELOPMENT OPPORTUNITY FUND

PROJECT SUMMARY:

Project	
Location	
Amount of Grant	
Performance Date	

PROJECT PERFORMANCE:[1]

Performance Measurement	Target	As of _____	% Complete
New Jobs (over __ baseline)[2]			
Capital Investment (provide breakdown below)[3]			
Average Annual Wage			N/A
Standard Fringe Benefits			
Virginia Corporate Income Tax Paid in Prior Calendar Year[4]	$		

Capital Investment Breakdown	Amount
Land	$
Land Improvements	$
New Construction or Expansion	$
Renovation or Building Up-fit	$
Production Machinery and Tools	$
Furniture, Fixtures and Equipment	$
Other	$
Total	**$**

[1] Final, actual performance will be reported on VEDP's public reporting website.
[2] Attach the company's four most recent Quarterly Tax Reports (Form FC-20) filed with the Virginia Employment Commission.
[3] Data will be verified using records from the Commissioner of the Revenue and, if requested, invoices.
[4] This confidential information is protected from disclosure pursuant to § 2.2-3705.6 of FOIA.

LOCAL MATCH:

Goal	
Actual	

COMMENTS:

Discuss Project status or the importance of the Project to the locality and region.

TO BE CERTIFIED BY AN OFFICER OF THE COMPANY:

I certify that I have examined this report and to the best of my knowledge and belief, it is true, correct, and complete.

Company: _____

Submitted By: _____
Signature of Official

Name: _____
Print Name

Title: _____

Date: _____

Please return to:

Kim Ellett, Incentives Compliance Manager, Virginia Economic Development Partnership, 804.545.5618, kellett@vedp.org

COUNTY OF WARREN, VIRGINIA

BOARD OF SUPERVISORS AGENDA ITEM

DATE	ITEM	SUBJECT	PAGE
January 5, 2021	L	Agreement For Use Of The Health And Human Service Gymnasium To The Virginia Department Of Health For The Purpose Of Administering Vaccinations	1 OF 1

EXPLANATION & SUMMARY:

Warren County the County is the owner of the Health and Human Services Complex and the Virginia Department of Health, Lord Fairfax Health District desires to use the gymnasium located within the Complex to administer the Novel Coronavirus (COVID-19) vaccine to residents of the Lord Fairfax Health District, which includes Warren County, Virginia.

A summary of the proposed lease terms are as follows:
1. The initial term shall be for one (1) year, beginning the date of execution until December 31, 2021, with one (1) additional one (1) year term option.

2. The Gym shall be used only by employees/agents of the Department for the sole purpose of administering the vaccine to residents of the Lord Fairfax Health District. The Department must obtain written permission by the County to use the Gym to provide services beyond the administration of the vaccine.

3. The Department's use of the Gym shall be non-exclusive during the term of the Agreement and the Department shall submit a schedule to administer the vaccine to the County for approval. The County is the only party authorized to schedule use of the Gym, and the County will review the schedule for scheduling conflicts.

4. The Department shall keep the area clean of trash and debris.

5. At the end of each use, the Department shall return the Gym to the same condition it was in at the beginning of each use including removing all medical waste, tools, equipment, etc.

6. The Department shall not, sublease the Gym without prior written consent of the County.

7. The agreement may be terminated by thirty (30) day advance written notice to the other party, at the end of the initial term or at the end of the additional term option.

8. The County Administrator may terminate the agreement if any terms of the agreement have been violated or the condition exists that is a threat to the health of County employees, members of the public, or to the environment.

9. The Department shall not be required to pay any monetary rental to the County for the use of the Gym for the purpose set forth in the agreement.

Under Section 15.2-1800 (B) of the Virginia Code, the proposed lease of County-owned property to a political subdivision, public body, or authority of the Commonwealth does not require a public hearing.

COST AND FINANCING:

The Department shall not be required to pay any monetary rental to the County for the use of the Gym for the purpose set forth herein. The County will continue to be solely responsible for the utilities for the Gym.

CONSENT AGENDA MOTION:

1) I move the Board of Supervisors authorize the County Administrator to execute an agreement for the use of the Warren County Health and Human Services Complex Gymnasium for an initial lease term of one (1) year beginning the date of execution until December 31, 2021 with one (1) additional one (1) year term option.

ALTERNATIVE MOTIONS:

1) I move the Board of Supervisors not authorize the County Administrator to execute an agreement for the use of the Warren County Health and Human Services Complex Gymnasium for an initial lease term of one (1) year beginning the date of execution until December 31, 2021 with one (1) additional one (1) year term option.

-OR-

2) I move this item be postponed until _____.

SUBMITTED BY:	**DISPOSITION OF BOARD:** ☐ **APPROVED** ☐ **OTHER**	**PROCESSED BY:**
Caitlin W. Jordan, Senior Assistant County Attorney *CJ*	**(DESCRIBE)**	

AGREEMENT BETWEEN
THE COUNTY OF WARREN, VIRGINIA
AND VIRGINIA DEPARTMENT OF HEALTH FOR USE OF
THE HEALTH AND HUMAN SERVICE GYMNASIUM

THIS AGREEMENT, made this _____ day of _____, 2020, by and between the **COUNTY OF WARREN, VIRGINIA**, a political subdivision of the Commonwealth of Virginia, (hereinafter called the "County"), whose address is 220 North Commerce Avenue, Suite 100, Front Royal, Virginia and **VIRGINIA DEPARTMENT OF HEALTH, LORD FAIRFAX HEALTH DISTRICT**, an agency of the Commonwealth of Virginia, whose address is 10 Baker Street, Winchester, Virginia 22601 (hereinafter called the "Department").

W I T N E S S E T H:

WHEREAS, the County is the owner of the Health and Human Services Complex located at 465 W. 15th Street, Front Royal, Virginia 22630; and

WHEREAS, the Department desires to use the gymnasium located within the Health and Human Services Complex (hereinafter the "Gym") to administer the Novel Coronavirus (COVID-19) vaccine (hereinafter the "vaccine") to residents of the Lord Fairfax Health District, which includes the Warren County, Virginia; and

WHEREAS, the County desires to provide the Department a location within Warren County, Virginia to administer the vaccine to residents of Warren County as well as the rest of the Lord Fairfax Health District; and

NOW THEREFORE, in consideration of the mutual covenants, terms and conditions contained herein, the parties hereto mutually covenant and agree as follows:

1. License. The County does hereby grant unto the Department, as Licensee, the license and privilege to enter upon and use the Gym for the purpose of administering the vaccine to Lord Fairfax Health District residents.

3. Term of Agreement. The County hereby agrees to allow the Department to use the Gym from the date this Agreement is fully executed until December 31, 2021 (if not otherwise terminated pursuant to the terms of this agreement). The County has the option to renew this Agreement, under the same terms and conditions, up to one (1) additional (1) year term upon the written mutual agreement between the County and the Department.

4. Rent. The Department shall not be required to pay any monetary rental to the County for the use of the Gym for the purpose set forth herein.

5. Use of Property.

(a) The Gym shall be used only by employees/agents of the Department for the sole purpose of administering the vaccine to residents of the Lord Fairfax Health District.

(b) In the event the Department wishes to use the Gym to provide services beyond the administration of the vaccine, the Department shall first obtain the County's written permission to use the Gym for said additional purposes.

(c) The Department's use of the Gym shall be non-exclusive during the term of this Agreement. The Department shall submit to the County for approval no less than thirty (30) days before the start of each use, a specific schedule for when the Department wishes to use the Gym to administer the vaccine. The County is the only party authorized to schedule use of the Gym, and the County will review the schedule for scheduling conflicts. The County will notify the Department if its proposed schedule conflicts with the County's or other third parties' previously scheduled use of the Gym. In the event of a conflict, the Department shall alter its

schedule to a time(s) and date(s) that does/do not conflict with a previously scheduled event.

(d) The Department may request to modify its approved schedule by submitting a written request to the County. Any changes to the approved scheduled shall only be valid if the Department receives a written approval of the requested change(s) from the County.

6. The Department's Responsibilities.

(a) The Department shall keep the area clean of trash and debris.

(b) At the end of each use, the Department shall return the Gym to the same condition it was in at the beginning of each use of the Gym, including but not limited to removing all medical waste, tools, equipment, etc. the Department brought into the Gym at the beginning of its use.

(c) The Department shall make no modifications, alterations or improvements to the Gym without the County's prior written approval.

(d) The Department shall be solely responsible for keeping and maintaining any and all data, personal information, records, etc. that the Department collects or creates during its use of the Gym in accordance with all applicable federal and state laws and regulations.

7. Cancellation of Activities. The County shall notify the Department when the Gym is not available due to inclement weather or unsafe conditions, and the Department shall abide by such notice.

8. Indemnification. The Department agrees to defend, indemnify and hold harmless the County and its officers, agents, designated volunteers and employees against any and all liability, losses, damages, claims, causes of action, suits of any nature, costs, and expenses, including reasonable attorney's fees, resulting from or arising out of the Service Provider's or its employees, agents, or subcontractors actions, activities, or omissions, negligent or otherwise, on or near County

property or arising in any way out of or resulting from any work or items to be provided under the Contract. This includes, without limitation, any fines or penalties, violations of federal, state or local laws or regulations, personal injury, wrongful death, or property damage claims or suits.

9. Termination. Either party shall have the right to terminate this Agreement upon a thirty (30) day advance written notice to the other party. The County further reserves its right to immediately terminate this Agreement if upon the County Administrator's determination that any condition exists that is a threat to the health of County employees, members of the public, or to the environment; or upon the County Administrator's determination that the Department has violated the terms of this Agreement.

10. Keys to the Gym. The Department specifically agrees that any and all keys or lock combinations issued to the Department for admittance to the Gym shall be retained exclusively by the Department's Director Administrator, Leigh Ann Swinney, or one specifically authorized Department employee, and such keys or lock combinations shall not be disseminated to other persons for any reason, nor shall duplications of such keys be made. Keys assigned to the Department shall be returned to the General Services Office, located at 220 N. Commerce Ave., Suite 100, Front Royal, Virginia 22630, immediately after the conclusion or termination of this Agreement. The Department's Director Administrator or the one specifically authorized Department employee shall complete a key registration form and abide by policies set forth by the County.

11. Assignment and Sublease. The Department shall not, without prior written consent of the County, assign or sublease the Gym in whole or in part.

12. Illegal Activity. The Department hereby specifically agrees that it will use the Gym for only lawful purposes, and will not permit or condone any illegal activities in the course of its use or operations.

13. Interpretation. Interpretation of the provisions of this Agreement shall be in accordance with the laws of the State of Virginia.

14. Enforcement. Any action maintained by either party for the enforcement or interpretation of the terms of this Agreement shall be filed in the courts of Warren County, Virginia.

15. Severability. Any term of this Agreement which is prohibited by, or is unlawful or unenforceable under Virginia law shall be ineffective only to the extent of such prohibition, without invalidating the remaining terms of this Agreement.

16. Binding Upon Successors. This Agreement shall be binding upon the parties hereto and their successors in interest, including but not limited to heirs, assigns, executors, and administrators.

17. Entire Agreement. This Agreement constitutes the entire, full, and complete understanding and agreement of the parties, and may not be modified orally or in any other manner than by agreement in writing signed by all parties to the Agreement or their respective successors in interest.

18. Status of Personnel: Leigh Ann Sweeney, District Administrator for the Lord Fairfax Health District, has been designated as the Department Administrator for this Agreement and has the authority to sign this Agreement on behalf of the Department.

[THE REMAINDER OF THIS PAGE WAS LEFT INTENTIONALLY BLANK]

IN WITNESS THEREOF, the parties hereafter have caused this Agreement to be duly executed the date and year above written, all by due authority.

For the County of Warren, Virginia	**For Virginia Department of Health, Lord Fairfax Health District**
_____	_____
Edwin C. Daley, Interim County Administrator	Leigh Ann Sweeney, District Administrator
Attest:	Attest:
_____	_____
Name: _____ Title: _____	Name: _____ Title: _____

Approved as to form:

_____
Caitlin W. Jordan
Senior Assistant County Attorney

COUNTY OF WARREN, VIRGINIA

BOARD OF SUPERVISORS AGENDA ITEM

DATE	ITEM	SUBJECT	PAGE
January 5, 2021	**M**	Amend Advisory Committee's name to "Front Royal Warren County Joint Tourism Committee" and enter into a new Memorandum of Agreement	1 OF 1

EXPLANATION & SUMMARY:

Since June 21, 1993 the Town had been responsible for funding the Visitor's Center and tourism for the community as the vast majority of beneficiaries were located inside the limits of the Town. In 2017, due to significant growth outside of the Town's limits, the County adopted an ordinance that increased the transient occupancy tax from two percent (2%) to five percent (5%).

The County and Town entered into a Memorandum of Agreement that established the Front Royal-Warren County Joint Tourism Advisory, investing additional resources into branding and marketing the community as a destination, and to enhance the many amenities in the community. The Town and County appointed the Advisory Committee to advise, assist, support, and advocate for tourism policies, program, and activities to market and promote Front Royal-Warren County and its environs, and to serve as the "local tourism industry organization" referred to in Section 58.1-3819 of the Code of Virginia, as amended.

The Town and County desire to contribute financially to a Joint Tourism Program that will contract with a Destination Marking Organization, to provide visitor services, marketing and advertising for the community, research, and more. The Advisory Committee will provide oversight for strategic planning and budgeting as well as a partner liaison. The Town and County have issued a Request for Proposals and have mutually selected a DMO to serve in this role.

The Town and County now wish to amend the Advisory Committee's name to "Front Royal Warren County Joint Tourism Committee," and enter into a new Memorandum of Agreement to establish an eleven (11) member committee and to define the working relationship between the Town and County for the conduct of work of the Joint Tourism Program.

Members of the Joint Tourism Committee will be appointed to a four (4) year term and members will be composed of the following individuals:

- Front Royal Director of Community Development and Planning
- Warren County Planning Director
- President of the Front Royal-Warren County Chamber of Commerce
- One member and one alternate member of Town Council
- One member and one alternate member of the County Board of Supervisors
- Three members appointed by the Front Royal Town Council
- Three members appointed by the Warren County Board of Supervisors

The Committee will provide quarterly reports to the County of Warren, Virginia and the Town of Front Royal.

The responsibilities of the Committee are outlined in the agreement as follows:

1. Direct, promote and manage tourism development in the Front Royal-Warren County community.
2. Create, develop, and oversee the Joint Tourism Development Plan through the DMO contract to increase overall tourism revenue.
3. Encourage individuals, businesses, and the Town and County to invest in tourism development as an integral part of overall economic development.
4. Assist various regional and state organizations in planning and implementing a regional tourism development plan.
5. Submit an annual budget by January 1st of each and every year to the Town and County that includes the DMO budget and a funding plan that includes any grant and/or donations/gifts.

The agreement outlines the joint responsibilities of the County and the Town as follows:

1. Assign authority to the Committee to direct, promote, and manage tourism development in the Front Royal and Warren County communities.
2. Enter into a competitively negotiated contract, pursuant to the Virginia Public Procurement Act, with the DMO mutually selected by the Committee.
3. Annually budget and appropriate to the DMO, at a minimum, the amount of its transient occupancy tax designated for tourism and travel marketing based upon Section 58.1-3819 of the Virginia Code, as amended.
4. The Town shall pay half (1/2) of all invoices to the County, and the County (as Fiscal Agent) shall pay all invoices, including DMO invoices, upon approval from the Committee or their appropriate subcommittee.
5. Encourage individuals and businesses to invest in tourism development as an integral part of overall economic development.

The County's proposed agreement follows and includes the comments provided by the Town of Front Royal.

COST AND FINANCING:

N/A

CONSENT AGENDA MOTION:

1) I move the Board of Supervisors authorize the Chairman of the Board of Supervisors and the County Administrator to execute an agreement with Warren County, Virginia and the Town of Front Royal to rename and establish the Committee and to define the working relationship between the Town and County for the conduct of work of the Joint Tourism Program.

ALTERNATIVE MOTIONS:

1) I move the Board of Supervisors not authorize the Chairman of the Board of Supervisors and the County Administrator to execute an agreement with Warren County, Virginia and the Town of Front Royal to rename and establish the Committee and to define the working relationship between the Town and County for the conduct of work of the Joint Tourism Program.

-OR-

2) I move this item be postponed until _____.

SUBMITTED BY:	**DISPOSITION OF BOARD:** ☐ **APPROVED** ☐ **OTHER**	**PROCESSED BY:**
Caitlin W. Jordan, Senior Assistant County Attorney *CJ*	**(DESCRIBE)**	

Memorandum of Agreement

Of the Board of Supervisors of Warren County
And the Town of Front Royal

FRONT ROYAL–WARREN COUNTY
JOINT TOURISM COMMITTEE

This **MEMORANDUM OF AGREEMENT** made this _____ day of _____, 2021 by and between the **Town of Front Royal, Virginia**, hereinafter referred to as the "Town", and the **County of Warren, Virginia**, hereinafter referred to as the "County" , collectively hereinafter referred to as the "Parties", stipulates that the County and the Town agree to the following:

I. PURPOSE

Since June 21, 1993 the Town had been responsible for funding the Visitor's Center and tourism for the community as the vast majority of hotels, motels, and restaurants that benefitted from tourism were located inside the limits of the Town. However, there was significant growth of the lodging industry in the County and outside of the Town's limits. As a result, the County adopted an ordinance that increased the transient occupancy tax from two percent (2%) to five percent (5%). This increase became effective on July 1, 2017.

Upon the County adopting aforementioned ordinance, the County and Town entered into a Memorandum of Agreement that established the Front Royal-Warren County Joint Tourism Advisory Committee (hereinafter the "Advisory Committee"). The Town and County wished to put additional resources into branding and marketing the community as a destination and to provide additional support and to enhance the restaurants, lodging establishments, and the many amenities to the community. The Town and County appointed the Advisory Committee to advise, assist, support, and advocate for tourism policies, program, and activities to market and promote Front Royal-Warren County and its environs, and to serve as the "local tourism industry organization" referred to in Section 58.1-3819 of the Code of Virginia, as amended.

Currently the Town and County desire to contribute financially to a Joint Tourism Program that will contract with a Destination Marking Organization (hereinafter referred to as "DMO") to provide visitor services, marketing and advertising for the community, research, and more. The Advisory Committee will serve an oversight role for strategic planning and budgeting as well as a partner liaison. The Town and County have issued a Request for Proposals and have mutually selected a best value Independent Contractor to serve in this DMO role.

The Town and County now wish to amend the Advisory Committee's name to "Front Royal Warren County Joint Tourism Committee," hereinafter referred to as "Committee". Further,

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the Town and County wish to enter into a new Memorandum of Agreement to establish the Committee and to define the working relationship between the Town and County for the conduct of work of the Joint Tourism Program.

II. DEFINITIONS

Best Value – referred to in Virginia Code Section 2.2-4301 of the Virginia Public Procurement Act as amended, the overall combination of quality, price, and various elements of required services that in total are optimal relative to the public body's needs.

Destination Marketing Organization (DMO) – a qualified offeror which submits a proposal in response to a competitively negotiated public contract, or Request for Proposals (RFP). The Committee, the Town, and County shall mutually agree upon the offeror as providing the best value through each of their service as members of the Evaluation Committee for the DMO.

Independent Contractor – DMO selected as a result of competitive negotiations. The DMO understands and agrees that the relationship of the DMO to the Town and County arising out of the Contract shall be that of Independent Contractor. It is understood that the DMO, and its staff and employees, are not employees of the Town or County and are, therefore, not entitled to any benefits. The DMO shall be responsible for reporting and accounting for all State, Federal, Social Security, and local taxes where applicable.

Local Lodging Partner – Referred to in Va. Code § 58.1-3819 of the Code of Virginia as amended includes hotels, motels, boarding houses, travel campgrounds, and other facilities offering guest rooms rented out for continuous occupancy for fewer than 30 consecutive days.

Plan of Work – The Committee's established objectives and strategies that the support the Joint Tourism Plan for achieving the goals set forth in paragraph VI "Goals of Committee" herein.

Tourism – In accordance with Code of Virginia § 58.1-3819 as amended, attracts travelers to the locality, increases occupancy at lodging properties, and generates tourism revenues in the locality.

III. OBLIGATIONS

The Committee shall:

1. Direct, promote and manage tourism development in the Front Royal-Warren County community.
2. Create, develop, and oversee the Joint Tourism Development Plan through the DMO contract to increase overall tourism revenue.
3. Encourage individuals, businesses and the Town and County to invest in tourism development as an integral part of overall economic development.

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4. Assist various regional and state organizations in planning and implementing a regional tourism development plan.
5. Submit an annual budget by January 1st of each and every year to the Town and County that includes the DMO budget and a funding plan that includes any grant and/or donations/gifts.

The Town of Front Royal shall:

1. Assign authority to the Committee to direct, promote, and manage tourism development in the Front Royal community.
2. Enter into a competitively negotiated contract, pursuant to the Virginia Public Procurement Act, with the DMO mutually selected by the Committee.
3. Annually budget and appropriate to the DMO, at a minimum, the amount of its transient occupancy tax designated for tourism and travel marketing based upon Section 58.1-3819 of the Virginia Code, as amended.
4. Pay half (1/2) of all invoices to Warren County upon approval from the Committee or their appropriate subcommittee.
5. Encourage individuals and businesses to invest in tourism development as an integral part of overall economic development.

The County of Warren, Virginia shall:

1. Assign authority to the Committee to direct, promote, and manage tourism development in the Warren County community.
2. Enter into a competitively negotiated contract, pursuant to the Virginia Public Procurement Act, with the DMO mutually selected by the Committee.
3. Annually budget and appropriate to the DMO, at a minimum, the amount of its transient occupancy tax designated for tourism and travel marketing based upon Section 58.1-3819 of the Virginia Code, as amended.
4. Pay all invoices, including DMO invoices, upon approval from the Committee or its appropriate subcommittee.
5. Encourage individuals and businesses to invest in tourism development as an integral part of overall economic development.

IV. COMPOSITION

A. The Committee shall consist of eleven (11) members each appointed to a four-year term as follows:
   - Front Royal Director of Community Development and Planning
   - Warren County Planning Director
   - President of the Front Royal-Warren County Chamber of Commerce
   - One member and one alternate member of Town Council
   - One member and one alternate member of the County Board of Supervisors
   - Three members appointed by the Front Royal Town Council
   - Three members appointed by the Warren County Board of Supervisors

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One member from each the Town and the County shall be a representative from a local lodging partner.

B. The officers of the Committee shall be appointed for a two-year term. The Committee shall elect officers each July and fill vacancies as required during the intervening months. The officers shall include the following:

   i. Chairman: develops an agenda and presides over meetings, reports quarterly to the Warren County Board of Supervisors and the Front Royal Town Council, and as agreed upon by the Committee, represents the Committee on other tourism development committees and organizations, as appropriate

   ii. Vice-Chairman: serves in the absence of the Chairman and oversees the Plan of Work

   iii. Secretary: maintains the minutes of the meetings and issues notices of meetings as provided herein

   iv. Treasurer: develops an annual budget of funds made available to the Committee

   The offices of Secretary and Treasurer may be combined if the Committee so votes

C. The Committee may utilize any existing tourism subcommittees or appoint such subcommittees or advisory groups as necessary for the conduct of its work. The Chairman of the Committee shall be an ex officio member of all subcommittees or groups.

D. Members of the Committee may be reimbursed for their actual expenses. Claims for expenses by Committee members shall be submitted to either the Town or County and paid in accordance with the governing procedures and allocated funding for such claims.

V. FINANCIAL MATTERS

A. The Committee is authorized to apply for, accept, and expend gifts, grants, or donations from public or private sources to enable the Committee to carry out its objectives.

B. The Committee shall submit an annual budget by January 1st of each and every year to the Town and County that includes the DMO budget and a funding plan that includes any grant and/or donations/gifts.

C. The total amount for January through June 2021 DMO contract shall be $200,000 of which will be split equally between the Town and County. Future year allocations will be determined based upon budget presented by the Committee no later than January 1st.

D. The Committee shall maintain fiscal records.

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E. Each tourism project that is approved by the Committee shall include a budget and funding plan. The funding plan shall include any grant, and/or private funds that may be used toward the project as well as a proposed split (agreed to by a representative of the Town and a representative of Warren County) of the remaining cost of the project between the Town and County.

VI. ADMINISTRATIVE MATTERS

A. The Committee shall make quarterly reports to the Front Royal Town Council and Warren County Board of Supervisors.

B. No individual member of the Committee shall make representations or commitments on the Committee's behalf without formal approval or endorsement by the majority of the membership of the Committee.

VII. MEETINGS

A. The Committee shall meet every other month on the second Wednesday of the month. Notice of time and place of regular meetings shall be emailed by the Secretary to the Committee and interested parties at least fourteen (14) days in advance of each meeting. Special meetings may be called by the Chairman or on request of three members of the Committee by emailed notice at least seven (7) days in advance of the date of such special meetings. Emergency meetings may be convened by the Chairman with a 24-hour telephone notice attempt to reach all members.

B. Meetings shall be open to the general public and news media within the provisions of the Virginia Freedom of Information Act.

C. The Committee, if voted upon, shall endeavor to hold its meetings in various locations of the Town/County in order to facilitate citizen involvement.

D. A quorum shall consist of a majority of the members.

E. Minutes of all meetings shall be kept and retained by the Secretary.

F. Robert's Rules of Order shall govern the conduct of all meetings.

VIII. GOALS OF THE COMMITTEE

Consistent with its purpose, the Committee shall establish objectives and strategies (Plan of Work) that support the Joint Tourism Plan for achieving the goals set forth below. In doing so, the Committee shall provide recommendations to both the Town Council and the County Board of Supervisors.

1. *Citizen Understanding* – Increase the economic value of tourism and travels to the Town of Front Royal and County of Warren and its citizens and businesses and

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encourages inter-community collaboration on all matters relating to tourism development and promotion.

2. *Tourism* – Broaden awareness of the community's existing attractions, both natural and man-made, its heritage and historic sites, and services provided for travelers. This effort shall include awareness within the tourism industry and among the traveling public, with emphasis on regional initiatives whenever possible.

3. *Hospitality* – Ensure that travelers to and through Front Royal-Warren County are served hospitably and have ready access to information on tourist services and points of interest.

4. *Tourism Development* – Pursue with the two Economic Development Authorities of both the Town and of the County (if such Authorities exist), Town of Front Royal, and County of Warren an overall economic development program to include the development of additional visitor accommodations such as lodging and conference facilities, restaurants, campgrounds, public parks, and other attractions.

5. *Scenic Beauty* – Encourage programs whose purpose(s) are to preserve and enhance the scenic beauty of the Town and County, particularly along its public highways.

IX. AMENDMENTS

This Memorandum of Agreement may be amended or altered in whole or in part upon approval by the Front Royal Town Council and the Warren County Board of Supervisors. This Memorandum of Agreement may be terminated by either party with ninety (90) days written notice given to the other party prior to the end of any given fiscal year.

X. SEAL

The Committee may have a seal or logotype that identifies its purposes for use in any brochures, letterheads, and other official publications issued by the Committee on its behalf. The Committee may authorize the use of such a graphic by others when such use helps further the Committee's goals and objectives.

Approved by the Warren County Board of Supervisors on the ____ day of _____ 2021

Approved by the Front Royal Town Council on the ____ day of _____ 2021

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FOR THE COUNTY OF WARREN, VIRGINIA

_____
_____, Chairman
Warren County Board of Supervisors

Attest:

_____
Dr. Edwin C. Daley, Interim County Administrator

FOR THE TOWN OF FRONT ROYAL, VIRGINIA

_____
Chris W. Holloway, Mayor
Town of Front Royal

Attest:

_____
Tina L. Presley, Clerk of Town Council

Approved as to Form:

_____
Caitlin W. Jordan, Senior Assistant County Attorney
County of Warren, Virginia

_____
Douglas Napier, Town Attorney
Town of Front Royal, Virginia

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Motion to be Made Going into Closed Meeting

I move the Board enter into a closed meeting under the provisions of Sections 2.2-3711(A)(7) and (A)(8) of the Virginia Freedom of Information Act for consultation with legal counsel pertaining to actual or probable litigation and the provision of legal advice regarding the Industrial Development Authority of the Town of Front Royal and the County of Warren, Virginia (the "EDA"), the Town of Front Royal, the *EDA vs. Jennifer McDonald, et al*., the *Town of Front Royal vs. the EDA, et al*., and other potential claims and litigation relating to other possible liabilities of the EDA and the recovery of EDA funds and assets.

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Motion to be Made Coming out of Closed Meeting

I move that the Board certifies to the best of each member's knowledge only public business matters lawfully exempted from open meeting requirements under Sections 2.2-3711(A)(7) and (A)(8) of the Virginia Freedom of Information Act and only such public business matters as were identified in the motion by which the closed meeting was convened were heard, discussed or considered in the meeting by the public body.