

At a regular meeting of the Board of Supervisors of Warren County held in the Warren County Government Center on January 5, 2021 at 9:00 AM.

Present: Cheryl L. Cullers, Chair (South River District); Archie A. Fox, Vice Chairman (Fork District); Tony F. Carter (Happy Creek District); Walter J. Mabe (Shenandoah District); and Delores R. Oates (North River District); also present Edwin C. Daley, Interim County Administrator; Jason J. Ham, Interim County Attorney; Dr. Chris Ballenger, Superintendent of Warren County Public Schools; Mike Berry, Public Works Director; James Bonzano, Chief of Fire and Rescue Services; Michael Coffelt, Sanitary District Manager; Caitlin Jordan, Senior Assistant County Attorney; Taryn Logan, Planning Director; Gerry Maiatico, Fire Marshal; Keith McLiverty, Finance Director; Doug Parsons, Executive Director of the Economic Development Authority; Joe Petty, Zoning Administrator; Brandy Rosser, General Services Director; Jodi Saffelle, Human Resources Director; Emily M. Ciarrocchi, Deputy Clerk of the Board; and Mark Williams, Royal Examiner

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

As Acting Chairman, Dr. Daley opened the meeting and led the Pledge of Allegiance.

Election of Officers

1. Chairman

Dr. Daley opened the floor for nominations for Chairman of the Board of Supervisors for 2021.

Mrs. Oates made a motion, seconded by Mr. Fox, to nominate Cheryl L. Cullers as Chair of the Board for 2021.

There were no further nominations.

On a motion by Mr. Fox, and by the following vote, the Board closed nominations:

Aye: Carter, Cullers, Fox, Mabe, Oates

The motion to elect Cheryl L. Cullers as Chair for 2021 was approved by the following vote:

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

2. Vice Chairman

Dr. Daley opened the floor for nominations for Vice Chairman of the Board of Supervisors for 2021.

Mrs. Oates made a motion to nominate Mr. Fox as Vice Chairman of the Board for 2021.

There were no further nominations.

On a motion by Mrs. Cullers, and by the following vote, the Board closed nominations:

Aye: Carter, Cullers, Fox, Mabe, Oates

The motion to elect Archie A. Fox as Vice Chairman for 2021 was approved by the following vote:

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

Adoption of Agenda – Additions or Deletions

Mr. Ham requested the addition of item K-1 (Approval of a Memorandum of Understanding for the Performance Agreement for Silent Falcon UAS).

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

Aye: Carter, Cullers, Fox, Mabe, Oates

Public Comment Period (60-Minute Time Limit)

James Harper, 3658 Rockland Road, thanked the Board members for their service and stated this would be the last time he appears before the Board as he is moving out of the County. He brought up several topics with which he took issue including, but not limited to: the Board denying the ban on the recreational shooting of firearms he had sponsored in the Clear Back Subdivision, Prospect Cemetery, the salary of Dr. Chris Ballenger being too high as Superintendent of Warren County Public Schools, Doug Parsons being hired as the Executive Director of the Economic Development Authority when he is nothing but a paper pusher, and overpaying Dr. Daley per-hour as Interim County Administrator.

There were no further presentations from the public.

Report – Virginia Department of Transportation – Ed Carter

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

Other:

- 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

Dr. Daley told the Board that Mr. Carter would like to meet in a work session to discuss the Six Year Plans at 4:00 PM on Tuesday, January 12th. The Board agreed to this date and time and instructed Ms. Ciarrocchi to place it on the work session agenda.

Report – Warren County Public Schools – Dr. Chris Ballenger

Dr. Chris Ballenger, Superintendent of Warren County Public Schools (WCPS), reported that school was back in session as of January 4th with the existing model of hybrid in-person and virtual learning. WCPS is currently exploring options for increased in-person days for middle school students, and winter athletics have started but are limited to 25 participants per event. He thanked the Royal Examiner for being gracious enough to live stream the sporting events to allow all individuals who wish to watch the games to be able to. There are nine active student cases and three active staff cases in WCPS but all have been traced to events outside the school system. WCPS continues to be flexible as this pandemic continues and will make adjustments as needed.

Mr. Mabe asked how many more cases it would take for the actions taken by WCPS to be more restrictive, especially with the surge in positive case numbers in the County over the past month. At the end of November, Warren County had 859 cases, and as of January 5th, Warren County stands at 1,478 cases, a 72% increase in a little over one month. Dr. Ballenger said WCPS will continue operations as normal, but he not afraid to shut down the schools should the situation worsen. WCPS is continuing to be vigilant and working with partner agencies for contact tracing for every new case.

Mrs. Oates disagreed with Mr. Mabe and drilled down to look at the facts behind the numbers. Many of the cases are from institutional locations where individuals are living in close proximity to one another (such as congregate care facilities or the RSW Regional Jail). She believes schools need to remain open as long as possible as children need to continue to be engaged.

Mrs. Cullers asked how WCPS is ensuring open communication with parents, and Dr. Ballenger replied there is a letter from the affected school that goes home to parents and staff. If there is a concern with a positive case in the Transportation Department, a letter would go out to all schools. WCPS is reaching out to the specific areas affected. Mrs. Cullers followed up with a question about parents choosing to take extra precautions and self-quarantine their students instead of sending them back to in-person learning. Dr. Ballenger responded that there is a smooth transition in place for parents who want to change from in-person to virtual learning. Every student has a device, and everything is online and going through the learning management system.

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

Mr. Carter had nothing to report.

Mr. Fox reported the following:

- Thanked Dr. Daley for making the SARS-CoV-2 (Coronavirus) vaccine available to the Board members on January 4th

Mr. Mabe reported the following:

- Visited the new Rivermont Fire Station and the Warren County Public Safety Building last month
- Participated in the selection process for the new Fire Chief
- Continued to participate in the emergency management group bi-weekly

Mrs. Oates reported the following:

- Thanked Mr. Mabe for being Chairman last year
- Samuels Public Library has started a program allowing individuals with a library card to rent a Wi-Fi hotspot and laptop; there are ten (10) available

Mrs. Cullers reported the following:

- Thanked the Board members for the opportunity to be Chair for 2021
- Recognized the Public Works and Solid Waste staff for the great job they did keeping everything moving during the winter weather event in December
- The Department of Wildlife Resources (DWR) (formerly the Department of Game and Inland Fisheries) has instituted a policy, effective January 1, 2021, requiring individuals who use public Department-owned boat landings along the Shenandoah River to have a permit; those without a permit could be subject to a fine. She spoke with a representative from DWR to access Shenandoah River, had a lot of questions and did not get a lot of answers, could be subject to fine if they don't have a permit, would like to get a representative in for a work session to discuss this problem
- Received the first round of SARS-CoV-2 (Coronavirus) vaccine on January 4th

Dr. Daley reported the following:

- Gerry Maiatico, Fire Marshal, introduce the new Chief of Fire and Rescue Services, James Bonzano, II. Chief Bonzano said everyone has been kind to him throughout the interview and hiring processes. It has been a positive experience overall, and he is impressed by the current volunteer and career staff as well as the community. He is excited to be here and to build upon the platform that Chief Mabie built during his tenure.
- Lord Fairfax Health District is currently administering Round 1 of the SARS-CoV-2 (Coronavirus) vaccines, which Rick Farrall has done an exemplary job coordinating.
- The Board will begin working on the FY 2021-2022 budget soon, which is broken up into four major categories: partner agencies, Warren County School Board, Constitutional Offices, and County departments/offices.
- County revenues still look good based on numbers from November and the beginning of December.
- The Drug Prevention Committee will meet on January 7th at 8:30 AM, and the Broadband Committee will meet on January 7th at 2:00 PM.

Mr. Ham reported he would like the Board to consider the repeal of Warren County Code Section 56-3 (Address by nonmembers; action on subjects raised by nonmembers) as it is inconsistent with the currently adopted Policy and Procedures for Board meetings and could lead to disruptions of the orderly proceedings of the Board. The Board agreed to place the repeal of Section 56-3 on the agenda for the January 12th work session for further discussion and on the agenda for the January 19th regular meeting for authorization to advertise for a public hearing to be held on February 16th.

Approval of Minutes

On a motion by Mrs. Oates, seconded by Mr. Mabe, and by the following vote, the Board of Supervisors approved the minutes of its regular meetings of October 20, 2020, November 4, 2020, November 17, 2020, December 8, 2020, and its special meeting of December 14, 2020:

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

At this time, Mrs. Oates desired to bring the approval of the Strategic Plan back before the Board for reconsideration, and Mr. Carter called a point of order as the Strategic Plan was not added as an item to the agenda at the beginning of the meeting. Mr. Ham concurred with Mr. Carter's point of order and said the Strategic Plan could be added to the agenda by a unanimous vote of the Board. Mrs. Oates asked if any Board member objected to placing it on this agenda for reconsideration, and Mr. Carter and Mr. Fox both voiced their objections. Mrs. Oates requested the Strategic Plan be placed on the agenda for the January 19th regular meeting for consideration.

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. Removed for further discussion
5. Removed for further discussion
6. Removed for further discussion
7. Removed for further discussion
8. Removed for further discussion
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)

Mrs. Oates requested the removal of items 4, 5, 6, 7, and 8 for further discussion as she would like to review the original contract with these companies and their terms at length before approving the extension of the contracts.

Mr. Ham noted his concern about a potential time limit for renewal of these contracts considering many are about to expire before the end of January. At a question from the Board, Brandy Rosser, General Services Director, stated the penalty for delaying the approval of these contracts would be the County could not utilize the services of these

companies until the contracts are renewed. This is the final contract renewal for Moseley Architects, Frazier Associates, Frederick Andreae Architects, and Land Planning & Design Associates per the term limits in the original contracts, and these services will be placed out to bid through a Request for Proposals (RFP) at the end of 2021. She also noted there is no cost associated with signing the contracts; the contracts simply allow the County to engage these companies for their services without an Invitation for Bids (IFB) needing to be issued.

On a motion by Mr. Mabe, seconded by Mr. Fox, and by the following vote, the Board of Supervisors approved the Consent Agenda as presented with the removal of items 4, 5, 6, 7, and 8 for further discussion:

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

On a motion by Mrs. Oates, seconded by Mr. Mabe, and by the following vote, the Board of Supervisors postponed items 4, 5, 6, 7, and 8 (Amendment to Contracts with Moseley Architects, Frazier Associates, Frederick Andreae Architects, Davenport & Company, and Land Planning & Design Associates) to a work session on January 12th for additional discussion and to the regular meeting on January 19th for further consideration:

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

Request – Meeting Policy and Procedures and Public Hearing Guidelines – Ed Daley/ Jason Ham

Mr. Ham stated he had no other suggestions or recommendations for changes or amendments to the Procedures or Guidelines, as the Board recently amended the Procedures in September 2020.

On a motion by Mr. Mabe, seconded by Mr. Fox, and by the following vote, the Board of Supervisors adopted the Meeting Policy and Procedures and Public Hearing Guidelines documents as proposed for 2021:

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

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

Doug Parsons, Executive Director of the EDA, reported the EDA has successfully landed the company Silent Falcon in Warren County. Silent Falcon is an Unmanned Aerial Systems (UAS) Original Equipment Manufacturer (OEM) drone builder that specializes in aerial data collection and analysis for a variety of applications. At its Warren County location, Silent Falcon will design, fabricate and build their drones using advanced carbon fiber materials. They typically build 1-3 aircraft per month. This new location will also be their maintenance repair and flight training facility. If this Performance Agreement is

approved by the Board, the EDA Board of Directors would approve it in-turn at its meeting on January 6th, after which it would be forwarded to the Virginia Economic Development Partnership (VEDP) for their signature.

Mr. Fox said this seems like a very exciting thing to be happening out at the Front Royal/Warren County Airport, and Mr. Parsons agreed and said it could bring in even more activity to the Airport. Hopefully this company will help to serve as an anchor for the Airport.

Dr. Daley noted through this Performance Agreement, the County will invest up to \$25,000 in improvements to the County-owned hangar at the Airport to be leased by Silent Falcon as part of the local match. The County will rebate a portion of taxes through the EDA 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. At a question from the Board, Mr. Parsons clarified that these incentives are not cash-up-front. Silent Falcon must perform to the terms of the proposed Performance Agreement to receive incentives, and it must pay 100% of its taxes before it can receive a 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 Commonwealth's Development Opportunity Fund (COF) funds, dollar for dollar.

On a motion by Mr. Fox, seconded by Mr. Mabe, and by the following vote, 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:

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

Request – Approval of a Memorandum of Understanding (MOU) for Performance Agreement for Silent Falcon – Doug Parsons

Mr. Parsons reported this Memorandum of Understanding (MOU) is for the Performance Agreement by and between Silent Falcon UAS, the County of Warren, the IDA of Front Royal/Warren County, and the VEDP for state and local performance-based incentives. The MOU requires the signatures of the three local parties and reiterates the parameters the company must meet to qualify for the Commonwealth Opportunity Fund administered by the VEDP. This MOU was requested to be executed by legal counsel for the County.

On a motion by Mr. Mabe, seconded by Mr. Fox, and by the following vote, the Board of Supervisors authorized the County Administrator to execute the Memorandum of Understanding for the Commonwealth's Department 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:

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

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

Ms. Jordan reported Warren 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. She also provided an overview of the main terms of the proposed agreement. The Health Department will not be required to pay any rent to the County for the use of the Gym for the administration of the vaccines, and the County will continue to be solely responsible for the utilities for the Gym.

Mr. Carter asked if the County was requiring anything from the Lord Fairfax Health District for proof of insurance, and Ms. Jordan replied while the District is being asked to indemnify the County, considering the nature of the lease, the County is not requiring the District to provide insurance for use of the facility. Dr. Daley noted this was the best site for the District to use for the rollout of the vaccine, and staff is currently using the space. At a question from the Board, Ms. Jordan stated the agreement had been sent to the District for its review, but the County has not received any feedback.

On a motion by Mr. Mabe, seconded by Mr. Fox, and by the following vote, the Board of Supervisors authorized 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:

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

Request – Amend Advisory Committee’s Name to “Front Royal Warren County Joint Tourism Committee” and Enter into a New Memorandum of Agreement – Caitlin Jordan

Ms. Jordan reported 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 Committee, 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”.

The Town and County now desire to contribute financially to a Joint Tourism Program that will contract with a Destination Marketing 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 issued a Request for Proposals (RFP) and have mutually selected a Destination Marketing Organization (DMO) to serve in this role.

The Town and County wish to amend the Advisory Committee's name to "Front Royal Warren County Joint Tourism Committee," and enter into a new Memorandum of Agreement (MOA) 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.

Ms. Logan noted the Front Royal Town Council had approved the MOA at its meeting on January 4th with slight differences to the MOA currently before the Board for consideration. In Section IV-A, two members of the Committee have changed from the Planning Directors for the Town or County to the Town Manager designee and the County Administrator designee. Additionally, the total allocation amount for calendar year 2021 listed in Section V-C increased from \$200,000 to \$600,000 in consideration of an 18-month contract instead of a 6-month contract.

On a motion by Mrs. Oates, seconded by Mr. Mabe, and by the following vote, the Board of Supervisors authorized the Chairman and the County Administrator to execute an agreement between 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:

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

Closed Session – Sections 2.2-3711(A)(7) and (A)(8) of the 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 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; Cullers, Aye; Fox, Aye; Mabe, Aye

On a motion by Mr. Fox, seconded by Mr. Mabe, 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)(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:

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

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

Adjournment

Mrs. Cullers adjourned the meeting at 11:51 AM.