

At a regular meeting of the Board of Supervisors of Warren County held in the Warren County Government Center on March 2, 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 were 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, Fire Chief; Michael Coffelt, Sanitary District Manager; Samantha Edwards, Assistant Director of Social Services; Rick Farrall, Emergency Coordinator; Caitlin Jordan, Senior Assistant County Attorney; Gerry Maiatico, Fire Marshal; Keith McLiverty, Finance Director; and Emily Ciarrocchi, Deputy Clerk of the Board

Adoption of Agenda

Dr. Daley requested to add an item to the closed session for the discussion of a legal claim regarding the Warren County Department of Social Services.

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

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

Presentation – Community Foundation of the Northern Shenandoah Valley – Larry Weiss

Larry Weiss introduced himself as the Executive Director of the Community Foundation of the Northern Shenandoah Valley (CFNSV), a non-profit organization that strives to foster a healthy and vibrant community as a trusted steward of local and charitable assets. The CFNSV operates to the benefit of residents of the City of Winchester and the Counties of Clarke, Frederick, and Warren by connecting philanthropic entities with local charitable organizations. The CFNSV allows donors to establish permanently endowed and non-endowed funds within one foundation, which are then given back to the community annually through grants, scholarships, or other such distributions. As of December 2020, the CFNSV had over \$9 million in assets comprised of 125 funds, and they gave back \$522,901 in 2020 through grants, scholarships, and distributions, approximately 30% of which directly impacted Warren County. Mr. Weiss then provided an overview of the groups within the County that the CFNSV works with including, but not limited to: Beautification of Front Royal Committee, Coats for Kids program, Rotary Club of Front Royal, Humane Society of Warren County, Samuels Public Library, St. Luke Community Clinic, House of Hope, C-CAP, Warren County Educational Endowment, Wells Fargo Scholarship Program, Beth Medved Waller Fund, and Stronger Together Fund.

Public Comment Period (60 Minute Time Limit)

Melissa Chappell-White, 140 Dogwood Farm Road, followed up on the concerns she stated during the public comment period in a September 2020 Board meeting regarding the difficulty she was having figuring out the budget and expenditures of the Shenandoah Farms Sanitary District (SFSD). Depending on which document she reviews, there is a different amount; it is impossible to know how much money the SFSD actually has to spend on projects and programs. There needs to be some kind of audit or accounting for income and expenses for the SFSD, and there is no accountability through the Property Owners of Shenandoah Farms (POSF).

Mrs. Cullers noted she had created an ad-hoc committee to look into the POSF and SFSD budget process, which has met once already. The committee will be meeting again soon, this time including Keith McLiverty, Finance Director, to review the concerns that have been raised by some SFSD residents.

Tim Ratigan, 6079 Stonewall Jackson Highway, said the country is living in a new cancel culture, and he is anticipating the renaming of the highway on which he resides. He mentioned how recently the “Little House on the Prairie” series came under attack due to its representation of minorities, as well as how several books by Dr. Seuss will no longer be published due to certain portrayals of minorities. The individuals who are promoting this cancel culture are basically doing the same thing Nazis did during World War II when they burned books *en masse*, and he does not believe it will be long until the cancel culture and the far-left try to go after the Holy Bible. Citizens of the United States cannot allow cancel culture to continue, and they must stand up and defend the Constitution. He wondered if he was looking at a time when America’s best days are behind it and entering the twilight period of the nation.

There were no further presentations from the public.

Report – Virginia Public School Authority (VPSA) Bond Refunding Update – Ted Cole

Ted Cole with Davenport & Company, the County’s financial advisory consultants, reported to the Board that the County has a refunding opportunity for bonds purchased in 2014 through the VPSA spring bond sale. The County participated in the VPSA fall bond sale in 2020, but some of the 2014 bonds were not producing adequate savings and were left out of the refunding at that time. Now Davenport & Company wants to discuss going back for the VPSA spring 2021 pool to refund the remaining callable bonds. There is approximately \$20 million in bonds outstanding that can be refunded with a call date of July 2024, and based on current market estimates, the County would save approximately \$1.5 million in gross savings, which translates to \$1.25 million in net present value savings. The plan is to have the Board consider the adoption of a resolution at its March 16, 2021 meeting with the Warren County School Board to consider adopting a similar resolution at its March 17, 2021 meeting. This resolution would be considered as the local approval should the Board choose to move forward, establishing the minimum savings thresholds.

Dr. Daley wanted to ensure the Board maintained the right to pull the plug on the bond refunding up until the date of the actual bond sale, and Mr. Cole confirmed the Board would be able to do so. The Board could remove itself from the bond sale if the potential savings are not deemed adequate, and there are parameters in the proposed resolution covering this as well. Dr. Daley followed up and asked what costs would be associated with the cancellation should the County decide to pull out. Mr. Cole replied there were three potential places for costs: Davenport, which would not charge a fee if the Board decided not to move forward; Bond Counsel, which should not charge a fee if the Board decided not to move forward; and VPSA, which he believed would charge a fee of no greater than \$5,000.

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

Taryn Logan, Deputy County Administrator/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, and related documentation that must be submitted includes, but is not limited to, receipts, credit card statements, check copies, timesheets, pay rates, and contracts. The estimated total through the beginning of March 2021 is \$521,494.36 spent towards the COVID-19 pandemic. The new costs since her last report are for additional personal protective equipment and preparations for the Warren County Courthouse to resume jury trials.

Report – Virginia Department of Transportation – Ed Carter

Ed Carter, Residency Administrator with the Virginia Department of Transportation (VDOT), submitted the following report to the Board of Supervisors.

Maintenance:

- The month of February was consumed with weather event response; mobilizing, plowing and treating roads, replenishing supplies and addressing equipment upkeep. There was little routine maintenance work accomplished.
- This month VDOT is planning to repair shoulders on various routes, grade various non-hard surfaced roads and apply stone where needed and clean out pipes stopped up from storms. They will certainly be inundated with pothole repair requests.

Board Issues:

- Met with Supervisor Cullers and County staff regarding safety concerns on Route 340 south of Front Royal. Traffic engineering will be conducting speed studies and safety audits at several intersections along the route.
- Will be discussing possible extension of road closure on Route 624 (Happy Creek Road) for project construction this summer with School administration.
- Secondary Six-Year Plan budget funding has been determined, and Mr. Carter will be presenting to Board sometime in March for comments before the proposed public hearing in May.

Supervisor Carter wondered if there was an update on VDOT's request to Warren County Public Schools (WCPS) to extend the closure of Happy Creek Road for two additional weeks for the completion of the Phase IV improvements. Dr. Daley stated VDOT and WCPS staff have discussed this request, and VDOT will be presenting the request to the Warren County School Board at a meeting later this month.

Report – Town of Front Royal – Steven Hicks

At a question from Mrs. Cullers, Ms. Ciarrocchi stated Steven Hicks, Town Manager, had indicated he would provide a budget summary and presentation to the Board for the Town report, but he did not send this summary or presentation despite Ms. Ciarrocchi reaching out to him several times.

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

Mr. Carter reported the following:

- Had heard the bus stop at the bottom of Apple Mountain was going to be closed by the property owner and wondered what the alternative arrangements would be
- Filing deadline is March 25th for anyone seeking the Republican Committee nomination for the Supervisor position in either the Happy Creek or Fork Districts, both of which are up for election in November; he was not sure about the deadline for the Democratic Committee

Mr. Fox had nothing to report.

Mr. Mabe reported the following:

- Thanked Tim Ratigan for organizing a wonderful sendoff for Officer Dominic “Nick” Winum from the Town of Stanley, Virginia, who was killed in the line of duty during a routine traffic stop on February 26th; it was the quietest he has ever heard this town

Mrs. Oates reported the following:

- Today, March 2nd, is Read Across America Day, and she encouraged citizens to participate by reading to a child; she also quoted Dr. Seuss, “The more that you read, the more things you will know. The more that you learn, the more places you’ll go” and “You’re never too old, too wacky, too wild, to pick up a book and read to a child”

Mrs. Cullers reported the following:

- Wished a Happy Birthday to Dr. Seuss
- Met with VDOT, Aaron Mitchell with WCPS, and Michael Coffelt on February 24th at Skyline Caverns to discuss her concerns about the stretch of Route 340 South from Route 619 (Rivermont Drive) to KOA Drive; there are multiple left-hand turns for commercial entrances, and she would like to see the speed reduced. VDOT will be doing a speed study, and she also thanked Lieutenant Robbie Seal with the Warren County Sheriff’s Office for doing research on accident statistics in the area
- Transformer fire caused some electrical issues in the Browntown area last night
- Has been speaking with a representative from the Department of Wildlife Resources (DWR) regarding the new permit requirements for using public boat landings; she does not believe people should be charged to enjoy the Shenandoah River. The DWR representative recently informed her that Virginia legislators have asked DWR to perform a feasibility study and hold off on implementing the permit until the study is complete
- Expressed her sorrow at the line of duty death of Officer Winum, which is a sensitive subject because she lost her brother in the line of duty; she encouraged the public to thank an officer for the work they do every day

Dr. Daley reported the following:

- The Economic Development Authority (EDA) Board of Directors has approved the transfer of its portion of the McKay Springs property to the County; now only the County and Town will be working to consolidate the plats. Jordan Bowman with Litten & Sipe is working to coordinate those efforts.
- Mr. McLiverty is working with Robinson, Farmer, Cox Associates (RFC) on the completion of the FY 2019-2020 audit, and a representative from RFC will be available at either the work session on March 9th or the regular meeting on March 16th for the presentation of this audit.
- The Warren County Courthouse is closed today; there was a sewer line backup on Royal Avenue and Main Street yesterday, March 1st that backed up into the Courthouse basement. The Public Works Department took care of the backup yesterday afternoon, and janitorial staff is there for cleanup today. The Courthouse should reopen tomorrow, March 3rd.
- The Public Works Department has completed installation of air purifiers in the Courthouse.

- The County is continuing to work with Valley Health and the Lord Fairfax Health District on COVID-19 vaccine distributions.
- He thanked the Public Works Department and Parks and Recreation maintenance staff for their response to the recent weather events.

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 joint meeting with the Warren County Planning Commission on February 10, 2021 and its regular meeting on February 16, 2021:

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

Consent Agenda

1. Use of Courthouse Grounds for the Sexual Assault Awareness Teal Ribbon Campaign, The Laurel Center – Tiffany Matthews/Emily Ciarrocchi
2. Road Naming Request – Access Road off Mountain Road as “Charlottes Lane” – Emma Rusnak
3. Road Naming Request – Access Road off Bennys Beach Road as “Madison Farm Road” – Emma Rusnak
4. Revision to the Front Royal-Warren County Liaison Committee Statement and Policies – Steven Hicks/Emily Ciarrocchi
5. Authorization to Advertise for Public Hearing – Marlow and Silek Investments, LLC for the Amendment of Proffers – Taryn Logan

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

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

Authorization to Submit Application to the 2020 Staffing for Adequate Fire and Emergency Response (SAFER) Grant Program – Chief James Bonzano

Chief James Bonzano reported the Department of Fire and Rescue Services is seeking approval from the Board to submit an application to FEMA’s Staffing for Adequate Fire and Emergency Response (SAFER) grant program. SAFER was created to provide funding directly to fire departments and volunteer firefighter interest organizations to help them increase or maintain the number of trained, “front line” firefighters available in their communities. The goal of the program is to enhance the local fire departments’ abilities to comply with staffing, response and operational standards established by the National Fire

Protection Association (NFPA) (NFPA 1710 and/or NFPA 1720). This year's grant round will provide approximately \$355 million for the program, and approximately 300 awards are expected to be made. The projected award/start date for funding is September 30, 2021 and the period of performance is 36 months. This year's grant award has no matching fund requirements for the period of performance.

The Fire Chief's Advisory Committee, which met at a special meeting on February 24, 2021, voted unanimously to recommend the Fire Chief seek approval of the Board to apply for funding for eighteen (18) full-time firefighter positions. Grant funding will cover the salary and benefits for new, additional positions or the changing of status of part-time positions, but is not intended to supplant existing funding. Using the current salary and benefits rates for an entry level firefighter (Grade 6 Step A) an amount of \$80,436.77 will be used for each position requested.

Any new positions that are funded through this grant program will be assigned to fire stations based on the 5-Year Staffing Plan as amended by the Fire Chiefs Advisory Staff, which includes the staffing of Fortsmouth Fire Station #8 and Shenandoah Shores Fire Station #5 (both stations are currently unstaffed and volunteer dependent) and the increase staffing at Front Royal Station #1 (currently staffed with two career staff positions daily), thus increasing their daily staffing to 4 total positions, 24/7/365.

The estimated local funding for these 18 positions for the 36 month period of performance is approximately \$252,000 associated with the hiring of new positions (uniforms, personal protective equipment, physicals, etc.) with 100% of the entry level salary and benefits for this period being covered 100% by the grant funds. Once the 36 month performance period is over, the County will be responsible for 100% of the costs associated with each newly created position, if they choose to retain them.

If the County is successful in being awarded funding to implement these new positions, a grant agreement will be presented to the Board for acceptance so that members are made aware of the exact amount of local funding that will be required before making a commitment. Funding for the County's cost share will be requested through the Warren County Department of Fire and Rescue Services' budget request process.

Mrs. Oates asked if the cost for these positions be offset in some portion by the funds currently spent on Department overtime, and Chief Bonzano stated there would be no direct impact. The grant, if awarded, would specifically be used to staff the stations that currently have no career staffing as well as to up-staff Front Royal station.

On a motion by Mr. Mabe, seconded by Mr. Fox, and by the following vote, the Board of Supervisors authorized the Department of Fire and Rescue Services to submit, on behalf of the County of Warren, an application to FEMA's FY 2020 Staffing for Adequate Fire and Emergency Response (SAFER) Grant program seeking funding for eighteen (18) new full-time firefighter positions:

Carter, Aye; Fox, Aye; Cullers, Aye; Oates, Aye; Mabe, 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 as well as a legal claim regarding the Department of Social Services:

Mabe, Aye; Oates, 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)(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; Fox, Aye; Cullers, Aye; Oates, Aye; Mabe, Aye

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

Adjournment

Mrs. Cullers adjourned the meeting at 12:07 PM.